SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Conditional Use
HEARING DATE: AUGUST 4, 2011
CONSENT CALENDAR

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

Reception:
415.558.6378

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Planning
Information:
415.558.6377

Date:	July 28, 2011
Case No.:	**2011.0325 CV**
Project Address:	**144 KING STREET**
Zoning:	Mixed Use-Office (MUO) Formerly M-2 (Heavy Industrial) 105-F Height and Bulk District
Block/Lot:	3794/024
Project Sponsor:	Lucian Blazej Strategic Solutions 50 Laidly Street San Francisco, CA 94131
Staff Contact:	Ben Fu – (415) 558-6613 ben.fu@sfgov.org
Recommendation:	**Approval with Conditions**

PROJECT DESCRIPTION

The proposal is an amendment to a previously approved Conditional Use authorization under Motion No. 17773 pursuant to Planning Code Sections 303(e) and 216(b)(i) to modify prior conditions of approval to the time period to construct the project for a three-year period to September 8, 2014. The project also required variances pursuant to Planning Code Sections 124, 136(c)(2), and 151. The approved project is an 11-story, approximately 130-room hotel with ground floor retail space. No other changes to the project are proposed with this request.

PROJECT BACKGROUND

The Planning Commission approved Case No. 2004.1326ACV on September 8, 2005 (Motion No. 17094) for the demolition of existing single-story concrete warehouse building and construction of an 11-story, approximately 81,818 gross square feet, 130-room hotel with no off-street parking. At the same hearing, the Zoning Administrator also approved variances from requirements of Planning Code Sections 124, 136(c)(2), and 151.

The approved project is to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking. The ground floor would feature approximately 1,600 square feet of commercial space. The existing concrete building on the site was constructed in 1946 and is listed as non-contributory in the South End Historic District. The primary drop-off/pick-up area for hotel guests would be located on a private alley along the west side of the building.

On December 4, 2008, Planning Commission Motion No. 17773 extended the approval from September 8, 2008 to September 8, 2011.

SITE DESCRIPTION AND PRESENT USE

The Subject Property at 144 King Street, located on the north side of street between 2nd and 3rd Streets, is a 13,338 square-foot lot improved with a single-story concrete warehouse building; the irregularly-shaped lot has approximately 84 feet of frontage on King Street and approximately 12 feet of frontage on Townsend Street with 275 feet of depth. The surrounding buildings also have full lot coverage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is on the north side of King Street, between 2nd and 3rd Streets, in the South of Market District. The A T & T Park baseball stadium is located opposite the building across King Street. The subject site is within an area that contains a wide variety of building types and uses. The adjacent building to the north at 128 King Street is a commercial building constructed in 1913 with the "Ballpark Gallery" on the ground floor and a full-service restaurant in the basement level. The adjacent building to the south at 160 King Street is an office building with ground floor retail that was constructed in 2002. Once an area that had a high concentration of warehouse and light industrial uses, it is becoming an area characterized by a much broader mix of uses, including high density residential and live/work, retail and office uses.

ENVIRONMENTAL REVIEW

A Final Negative Declaration was adopted and issued for a previous office project at the subject property under Case No. 2000.1194E. The FND concluded that the project at 144 King Street would not have a significant adverse effect on the environment and identified five mitigation measures that would need to be implemented to reduce potential adverse environmental impacts during the construction of this project. On August 25, 2005, an addendum for the revised hotel project was issued. The mitigation measures identified in the FND and addendum were included in the original Conditions of Approval (Motion No. 17094) for the Project and would remain active pursuant to Planning Commission approval of the current application.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 15, 2011	July 13, 2011	22 days
Posted Notice	20 days	July 15, 2011	July 14, 2011	21 days
Mailed Notice	20 days	July 15, 2011	July 14, 2011	21 days

PUBLIC COMMENT

- To date, the Department has received no opposition to the proposed extension of time.

VARIANCES

The proposed project requires variances to exceed the allowable floor area ratio per Planning Code Section 124, for bay window projections exceeding allowable obstructions per Planning Code Section 136(c)(2), and for reduction in number of required parking spaces per Planning Code Section 151. These variances were previously approved for Case No. 2008.0713CV. However, the Eastern Neighborhoods rezoning eliminated the parking requirements for this mixed-use district. Therefore, the project will not require a parking variance.

ISSUES AND OTHER CONSIDERATIONS

- According to Project Sponsor's agent, this project has been severely impacted by the economic downturn that began in the early 2007 and has only increased in severity in recent months. Deterioration of financial markets and the credit crisis has impacted the ability of Project Sponsor's to secure a hotel operator and construction financing. Extension of the performance period will allow time for economic conditions to improve and provide the Project Sponsor additional opportunity to build this project, which is strategically located across from A T & T Park, and which has previously been identified by the Department and Planning Commission as a desirable project.

- This is an entitled, approved project with an initial environmental review case submitted in 2004 and previous approval from 2005. Based on the date of initial submittal and date of previous action by the Planning Commission, the project the project complies with the definition of an Entitled Project per Section 175.6.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization pursuant to Planning Code Sections 303(e) and 216(b)(i) to extend the performance period by three additional years. The Zoning Administrator will consider the requested Variances per Planning Code Sections 124 and 136(c)(2).

BASIS FOR RECOMMENDATION

- The project would bring an appropriate use to the neighborhood.
- The project would enhance mixed-use pedestrian character of the area and would support existing neighborhood commercial and retail uses.
- The project would contribute to the character and streetscape of the neighborhood.
- The project would provide and improve a publicly-accessible alleyway adjacent to the project site that provides north-south pedestrian access to major events and ballgames at A T & T Park.
- The project is consistent with the City's Transit First policy.

RECOMMENDATION:	**Approval with Conditions**

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Environmental Determination
- ☒ Parcel Map
- ☒ Zoning District Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Project sponsor submittal

Drawings: Existing Conditions

- ☐ Check for legibility

Drawings: Proposed Project

- ☒ Check for legibility

Exhibits above marked with an "X" are included in this packet BF

Planner's Initials

BF:G:\DOCUMENTS\conditional_use\King_144_20110325C\ExecutiveSummary.doc

Subject to: (Select only if applicable)

☐ Inclusionary Housing (Sec. 315)
× Jobs Housing Linkage Program (Sec. 313)
☐ Downtown Park Fee (Sec. 139)
× First Source Hiring (Admin. Code)
× Child Care Requirement (Sec. 314)
☐ Other

Planning Commission Motion No. XXXXX

HEARING DATE: AUGUST 4, 2011

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Block/Lot:	3794/024
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303(e) AND 216(b)(i) OF THE PLANNING CODE TO MODIFY PRIOR CONDITIONS OF APPROVAL (MOTION NO. 17094) RELATED TO "PERFORMANCE" (ITEM 12) TO EXTEND THE TIME PERIOD TO "CONSTRUCT THE PROJECT" FOR AN ADDITIONAL THREE YEARS TO SEPTEMBER 8, 2014.

PREAMBLE

On April 7, 2011, Lucian Blazej, on behalf of 144 King Street Associates, LLC (hereinafter "Project Sponsor"), filed Application No. 2011.0325CV (hereinafter "Application") with the Planning Department (hereinafter "Department") under Planning Code Sections 303(e) and 216(b)(i) to modify prior conditions of approval related to "Performance" and extend the time to construct the project for a three-year period to September 8, 2014.

PROJECT BACKGROUND

On December 23, 2004, David Levy, on behalf of Chelsea King Street LLC filed an application with the Department for Conditional Use Authorization under Planning Code Section 216(b)(i) of the Planning Code to demolish an existing 5,600 square foot warehouse building and to construct an 11-story,

approximately 130-room hotel with no off-street parking within the M-2 (Heavy Industrial) District and a 105-F Height and Bulk District.

On June 13, 2001, the Planning Department reviewed, adopted and issued the Final Negative Declaration (FND) for a previous office project at the subject property under Case No. 2000.1194E and found that the contents of said report and the procedures through which the FND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (CEQA), (California Public Resources Code Sections 21000 et seq.), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Planning Department found the FND was adequate, accurate and objective reflected the independent analysis and judgment of the Planning Department and approved the FND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. On August 25, 2005, an addendum for the revised hotel project was issued.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2000.1194E at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 8, 2005, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.1326ACV, at which time the Commission reviewed and approved Motion No. 17094 with findings and conditions. Case No. 2004.1326ACV (Motion No. 17094) was approved to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking At the same hearing, the Zoning Administrator approved variances to exceed the allowable floor area ratio per Planning Code Section 124, for bay window projections exceeding allowable obstructions per Planning Code Section 136(c)(2), and for reduction in number of required parking spaces per Planning Code Section 151.

On December 4, 2008, Planning Commission Motion No. 17773 extended the approval from September 8, 2008 to September 8, 2011.

On August 4, 2011, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use authorization Application No. 2011.0325C.

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

FINDINGS

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

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

2. **Site Description and Present Use.** The Subject Property at 144 King Street, located on the north side of street between 2nd and 3rd Streets, is a 13,338 square-foot lot improved with a single-story concrete warehouse building; the irregularly-shaped lot has approximately 84 feet of frontage on King Street and approximately 12 feet of frontage on Townsend Street with 275 feet of depth. The surrounding buildings also have full lot coverage. The existing 5,600 square-foot building is a non-contributory building in the South End Historic District.

3. **Surrounding Properties and Neighborhood.** The property is on the north side of King Street, between 2nd and 3rd Streets, in the South of Market District. The A T & T Park baseball stadium is located opposite the building across King Street. The subject site is within an area that contains a wide variety of building types and uses. The adjacent building to the north at 128 King Street is a commercial building constructed in 1913 with the "Ballpark Gallery" on the ground floor and a full-service restaurant in the basement level. The adjacent building to the south at 160 King Street is an office building with ground floor retail that was constructed in 2002. Once an area that had a high concentration of warehouse and light industrial uses, it is becoming an area characterized by a much broader mix of uses, including high density residential and live/work, retail and office uses.

4. **Project Description.** The proposal is an amendment to a previously approved Conditional Use authorization under Motion No. 17773 pursuant to Planning Code Sections 303(e) and 216(b)(i) to modify prior conditions of approval to the time period to construct the project for a three-year period to September 8, 2014. The project also required variances pursuant to Planning Code Sections 124, 136(c)(2), and 151. The approved project is to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking. The ground floor would feature approximately 1,600 square feet of commercial space. The approved hotel building would be primarily clad in a terracotta tile system that is similar to brick, but has larger dimensions. The front elevation along King Street would feature two oversized bay window projections with paired sets of aluminum-framed windows. The primary drop-off/pick-up area for hotel guests would be located on a private alley along the west side of the building. No other changes to the project are proposed with this request.

   The site is well served by transit, with at least a dozen different Municipal Railway transit lines within two blocks of the Project site. The San Francisco terminus of Caltrain is a couple of blocks to the west on Townsend Street. In addition to these public transit opportunities, motorists can access the Bay Bridge via 2nd Street and Interstate-280 (southbound) at Brannan and 6th Streets.

5. **History and Actions.** On September 8, 2005, Planning Commission approved with Motion No. 17094 an application with the Department for Conditional Use Authorization under Planning Code Section 216(b)(i) and 303 to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking.

   On December 4, 2008, Planning Commission Motion No. 17773 extended the approval from September 8, 2008, to September 8, 2011.

6. **Planning Code Compliance:** The Commission finds that the Project is generally consistent with provisions of the Planning Code and as applicable for an entitled project under Planning Code Section 175.6. The project requires variances from the following Planning Code requirements:

   A. **Floor Area Ratio (FAR).** Planning Code Section 124 establishes an FAR limit for M-2 zoning districts of 5.0 to 1. With a base lot area of 13,338 square feet, the allowable FAR under the Code would be for a building with 66,688 gross square feet. The Project Sponsor is in the process of securing approximately 10,000 square feet of Transferable Development Rights (TDRs) from the adjacent landmark building at 128 King Street. This would then increase the allowable building area to 76,688 gross square feet. The proposed building is approximately 81,818 gross square feet (resulting in an effective FAR of 5.33 to 1 after the TDRs are included), therefore the Sponsor is seeking a variance to allow for the proposed increase of approximately 5,130 gross square feet of building area. Should the Project Sponsor be unable to obtain the proposed TDRs, the Planning Director may consider and approve other means of obtaining the required gross floor area for the Project consistent with this approval. This includes, but is not limited to, the acquisition of additional lot area, the acquisition of TDRs from another qualifying property, and other methods allowed under the Planning Code.

   B. **Bay Projections.** Planning Code Section 136(c)(2)(B) stipulates that bay window projections over sidewalks and required open areas must be limited to three feet, while Code Section 136(c)(2)(D) stipulates that the projection must not exceed 15 feet in width. The hotel's façade features two proposed bay projections which would project approximately 4'-6" over the property line and would be 19 feet wide. An angled corner bay would also project approximately four feet at its deepest point. These building features help to reinforce the verticality of the design, and help to break up the massing and articulate the various components of the front elevation.

7. **Eastern Neighborhoods Community Planning Program Compliance**. The Commission finds that the Project is an entitled project per Section 175.6 of the Eastern Neighborhoods Community Planning Program and that Eastern Neighborhoods Zoning Controls and related impact fees do not apply for the following reasons:

   a. **Entitled Project.** As defined in Section 175.6 of the Eastern Neighborhoods Planning Program adopted by the Planning Commission in August 2008, an "Entitled Project" shall mean any project for which a Project Approval was granted prior to the effective date of the Eastern Neighborhoods Controls that is not, and has not been, in violation of any time limits imposed as a conditional of approval and for which no certificate of occupancy or completion of any type has ever been issued. The proposed project meets the definition of an "Entitled Project" in that no certificate of occupancy or completion has been issued and the previous Project Approval was granted on September 8, 2005, well before the effective date of Eastern Neighborhoods Controls. Furthermore, the Project Sponsor timely submitted the subject Application to extend the performance period and the Zoning Administrator granted an extension of the previous approval per Motion No. 17094 Conditions of Approval until such time as the Planning Commission could act on the Application. Based on date of previous approval, on the current

Application and Zoning Administrator action, it appears that the project complies with the definition of an Entitled Project per Section 175.6.

b. **Effect of Amendments on Approved Projects.** Section 175.6 of the Eastern Neighborhoods Planning Program adopted by the Planning Commission in August 2008 states that a "development application that would modify an entitled project shall be governed by the more recent of: (1) the Planning Code in effect prior to the effective date of the Eastern Neighborhoods Controls; and (2) all current provisions of the Planning Code (including the Zoning Maps) exclusive of the Eastern Neighborhoods Controls. Therefore, as an Entitled Project, the project would be subject to the Planning Code in effect prior to the effective date of the Eastern Neighborhoods Controls. On this basis, the project would neither be subject to Zoning Controls nor to impact fees set forth in the Eastern Neighborhoods Controls.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval.

a) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood and the community.

The proposed project is desirable as it would introduce a hotel use to a rapidly growing and evolving portion of the City where there are currently no hotels. The hotel use is also consistent with the overall evolution of this area, with its proximity to the A T & T Park baseball park, the new Mission Bay North neighborhood, and the new UCSF campus with the associated biotechnology offices and laboratories. The project would bring an appropriate use to the neighborhood, would enhance the desirable mixed-use, pedestrian character of the area, and would support existing neighborhood commercial and retail uses. The project is compatible with the neighborhood because it will reinforce the urban form of the existing blockface and will introduce compatible, yet contemporary, design to the South End Historic District. This project also has the significant support of key community members and neighbors, including the San Francisco Giants.

b) The proposed new building will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, with respect to aspects including but not limited to the following:

i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The project site is much smaller than most other parcels in the vicinity. The vertical orientation of the building's design and overall height help to create a tall, slender building. The building is located in a fairly dense urban area and is consistent with the size, character and uses of other buildings in the vicinity. New development in this area, including the Mission Bay North residential buildings, has been similar in height but more massive given their larger parcels. The new building will help to infill an existing "gap" in the blockface, as the existing single-story warehouse is much smaller than the surrounding buildings. A T & T Park, directly across the street, is much taller than the proposed building.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Final Negative Declaration found that there would be no significant adverse effect to the City's traffic and circulation caused by this project. This project site is well-served by public transit, and the MUNI N-train and T-train light rail have a stop directly in front of the site. The San Francisco Caltrain terminus is located a couple of blocks to the west on Townsend Street, and at least a dozen transit lines are within a two-block radius of the site. In addition to these public transit opportunities, motorists can access the Bay Bridge via 2nd Street and Interstate-280 (southbound) at Brannan and 6th Streets. The Project Sponsor proposes to provide these spaces off-site in nearby commercial parking garages with a valet service.

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed hotel use will not involve noxious or offensive emissions such as noise, glare, dust and odor. These issues were also addressed in the Final Negative Declaration document. All trash disposal and recycling would be contained within the building and will be removed on a regular basis. The building and grounds would be professionally managed and maintained. The applicant will comply with applicable City codes to control these issues.

iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project would include appropriate treatments such as street level landscaping and lighting. The pedestrian character of the district will be enhanced through the use of planters and large expanses of ground floor glazing that increases transparency. All exterior mechanical equipment, including on the rooftop, will be concealed from view by architectural screening.

c) The project meets provisions of the General Plan, including objectives of the South of Market Area Plan, Commerce and Industry Element, Urban Design Element, and Transportation Element.

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

10. Findings contained within Motion Nos. 17094 and 17773 are hereby incorporated into this Motion by reference.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0325C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth**.**

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17773. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 4, 2011.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 4, 2011

Exhibit A
Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

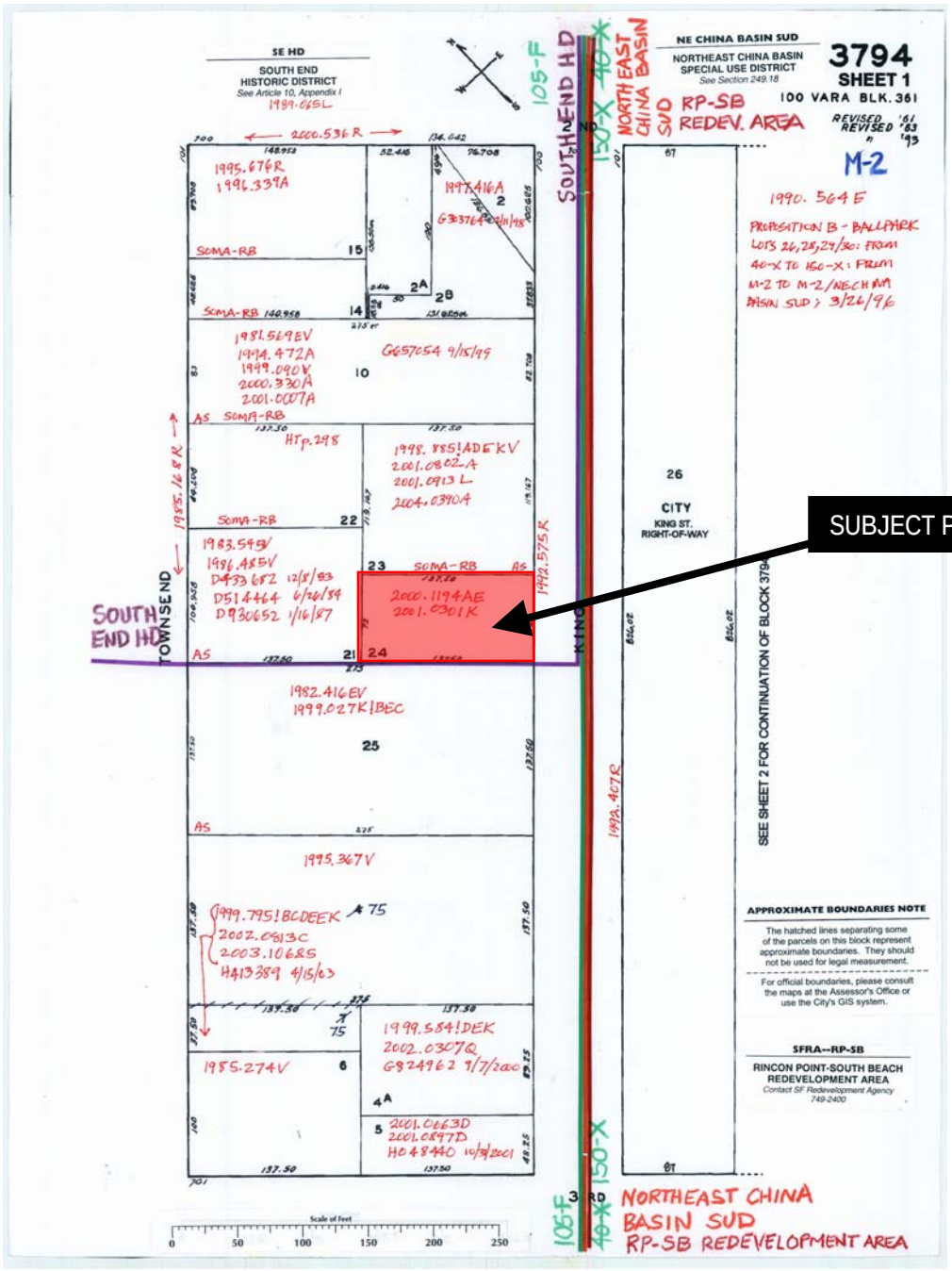
This approval is pursuant to Planning Code Sections 303 and 216(b)(i) to extend the performance period for three-years from September 8, 2011, the expiration date of the previous approval of the Project. The original proposal, which has not been changed, is to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking, and for the granting of a variance for exceed the allowable floor area ratio per Planning Code Section 124, for bay window projections exceeding allowable obstructions per Planning Code Section 136(c)(2), and for reduction in number of required parking spaces per Planning Code Section 151. All previous Conditions of Approval would remain and are attached as Exhibit C. Variances are subject to Zoning Administrator approval.

GENERAL CONDITIONS

1. Performance. This authorization is valid for a period of three-years from the expiration date of the previous approval or until September 8, 2014. Any subsequent request to modify the project or performance period shall be subject to provisions of the Planning Code in force at the time such application is submitted.

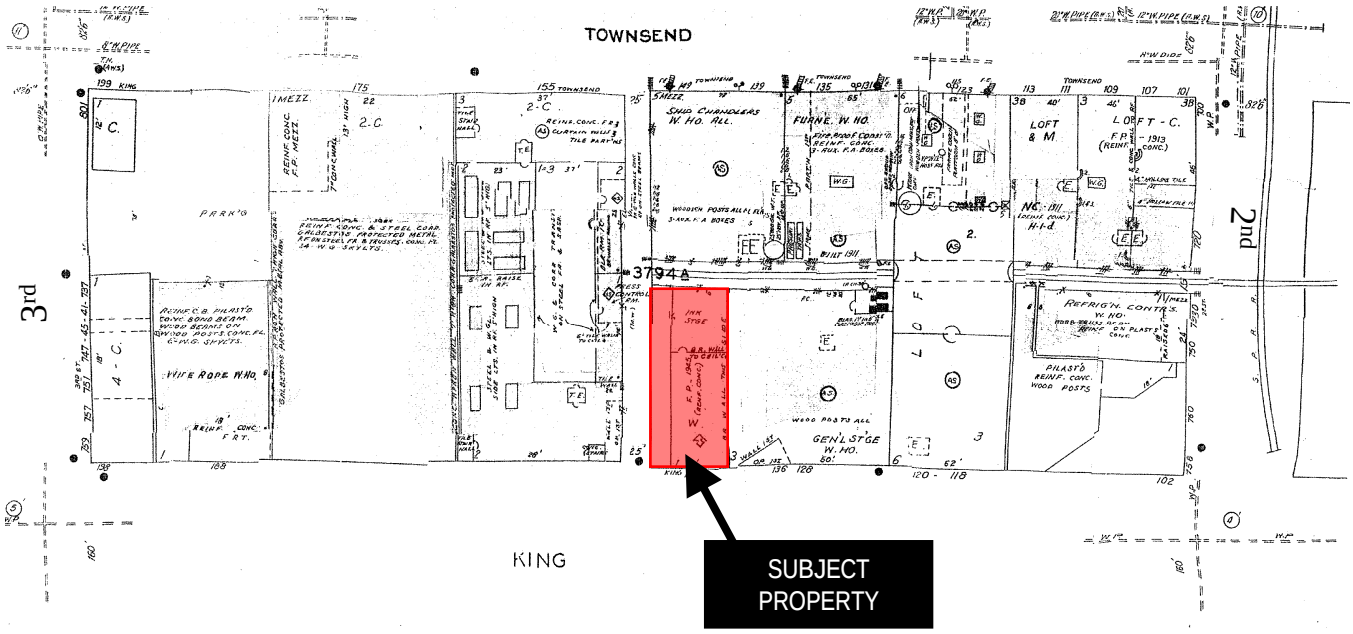
2. Recordation. Prior to the issuance of any building or site permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the city and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion.

Parcel Map



Conditional Use Hearing
Case Number 2011.0325CV
144 King Street

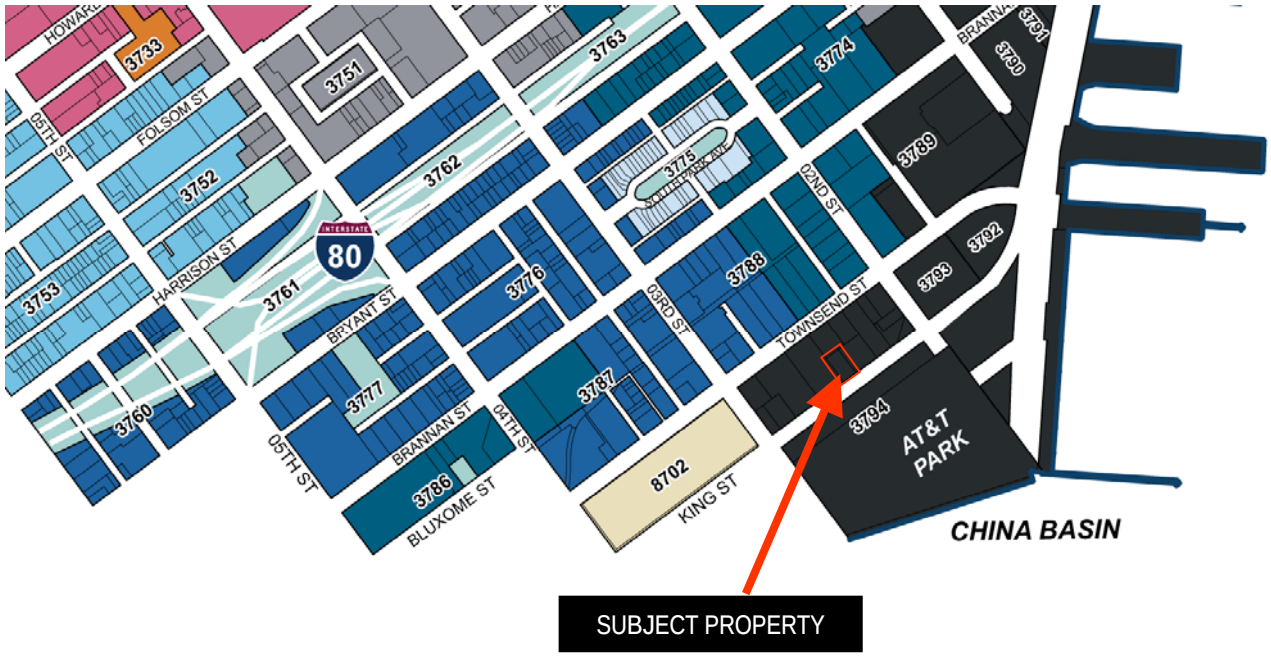
Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Hearing
Case Number 2011.0325CV
144 King Street

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS
RH-1(D) | RH-1 | RH-1(S) | RH-2 | RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS
RM-1 | RM-2 | RM-3 | RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS
NC-1 | NC-2 | NC-3 | NCD | NC-S

SOUTH OF MARKET MIXED USE DISTRICTS
SPD | RED | RSD | SLR | SLI | SSO

COMMERCIAL DISTRICTS
C-2 | C-3-S | C-3-G | C-3-R | C-3-O | C-3-O(SD)

INDUSTRIAL DISTRICTS
C-M | M-1 | M-2

CHINATOWN MIXED USE DISTRICTS
CRNC | CVR | CCB

RESIDENTIAL-COMMERCIAL DISTRICTS
RC-3 | RC-4

REDEVELOPMENT AGENCY DISTRICTS
MB-RA | HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS
RH DTR | TB DTR

MISSION BAY DISTRICTS
MB-OS | MB-O

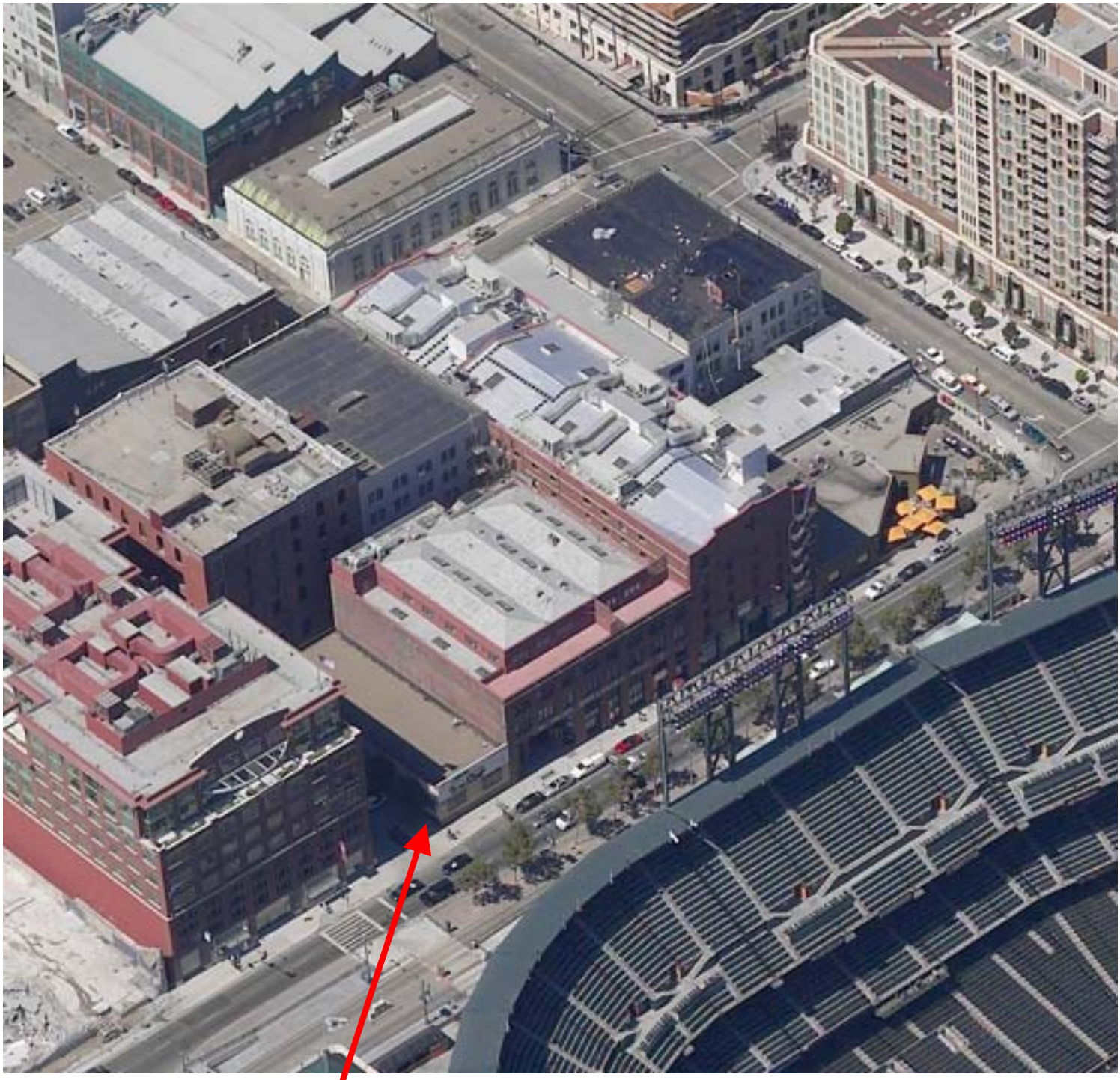
PUBLIC DISTRICT
P

Conditional Use Hearing
Case Number 2011.0325CV
144 King Street

Aerial Photo

Conditional Use Hearing
Case Number 2011.0325CV
144 King Street

Aerial Photo



Conditional Use Hearing
Case Number 2011.0325CV
144 King Street

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July 20, 2011

Honorable Christine R. Olague, President
Members, San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 144 King Street, San Francisco – AB 3794, Lot 024
Case Number: 2004.1326ACV, 2008.0713CV, and 2011.0325CV
Request for Extension of Performance Period

Honorable Members – San Francisco City Planning Commission:

This letter provides background information related to the current Conditional Use request to extend the "Performance Period" for an additional three years for the 144 King Street Hotel Project. Due to a continued weak economy, we hope you will **support** this worthy hotel project that will create both construction jobs, and expand permanent employment opportunities for San Francisco's hotel service workers.

Executive Summary

The primary reason why this project has not proceeded is because of deterioration in financial markets and ongoing constriction of credit which started in summer of 2007. Given that it will still take some time for the economy to recover, it is requested that the Planning Commission extend the "Performance Period" for an additional three years. A major benefit for the city in extending this project's entitlement is that as soon as economic conditions improve, this project will be in a position to proceed, providing both construction jobs and new permanent hotel service jobs.

Background

On September 8, 2005 the City Planning Commission unanimously granted Conditional Use approval for an 11-story, approximately 130-room hotel at 144 King Street (Project). Planning Commission approval Motion No. 17094, condition number 12, states that ...*"This Authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two (2) years where the failure to construct the Project is caused by delay by any other public agency or by legal challenge."*

The original project sponsors were "Chelsea King Street LLC" (Chelsea). Chelsea proceeded to implement this project, but ultimately decided on June 23, 2006 to sell the property along with the hotel project entitlement. The new owners of the Project are "144 King Street Associates, LLC" (Project Sponsor).

Project Sponsors have been diligently trying to secure both an operator for this hotel and secure financing to construct the hotel. Securing financing for a project such as this is closely tied to securing and contracting with a prospective hotel operator.

While headway has been made to secure a hotel operator, the unavailability of construction and project financing has frustrated the implementation of this project. Consequently Project Sponsors continue to be hampered in their ability to finance this project at this time due to weakness in financial markets and a continued weak economy.

Conclusion

Project Sponsors respectfully request that the "Performance Period" be extended for an additional three-year period to allow current financial and economic circumstances to improve. It is Project Sponsor's hope and goal to build this project within the next three years. Project Sponsor has every confidence in the potential success of this hotel project, which is strategically located across from AT&T Park and is part of the greater Mission Bay and South of Market community.

Extending the Conditional Use for this project will allow Project Sponsor to continue to seek a hotel operator and associated project financing, and will allow Project Sponsor to immediately move forward as soon as economic conditions warrant. Construction of this project, which has broad support, will result in both construction jobs and many permanent hotel service employment opportunities.

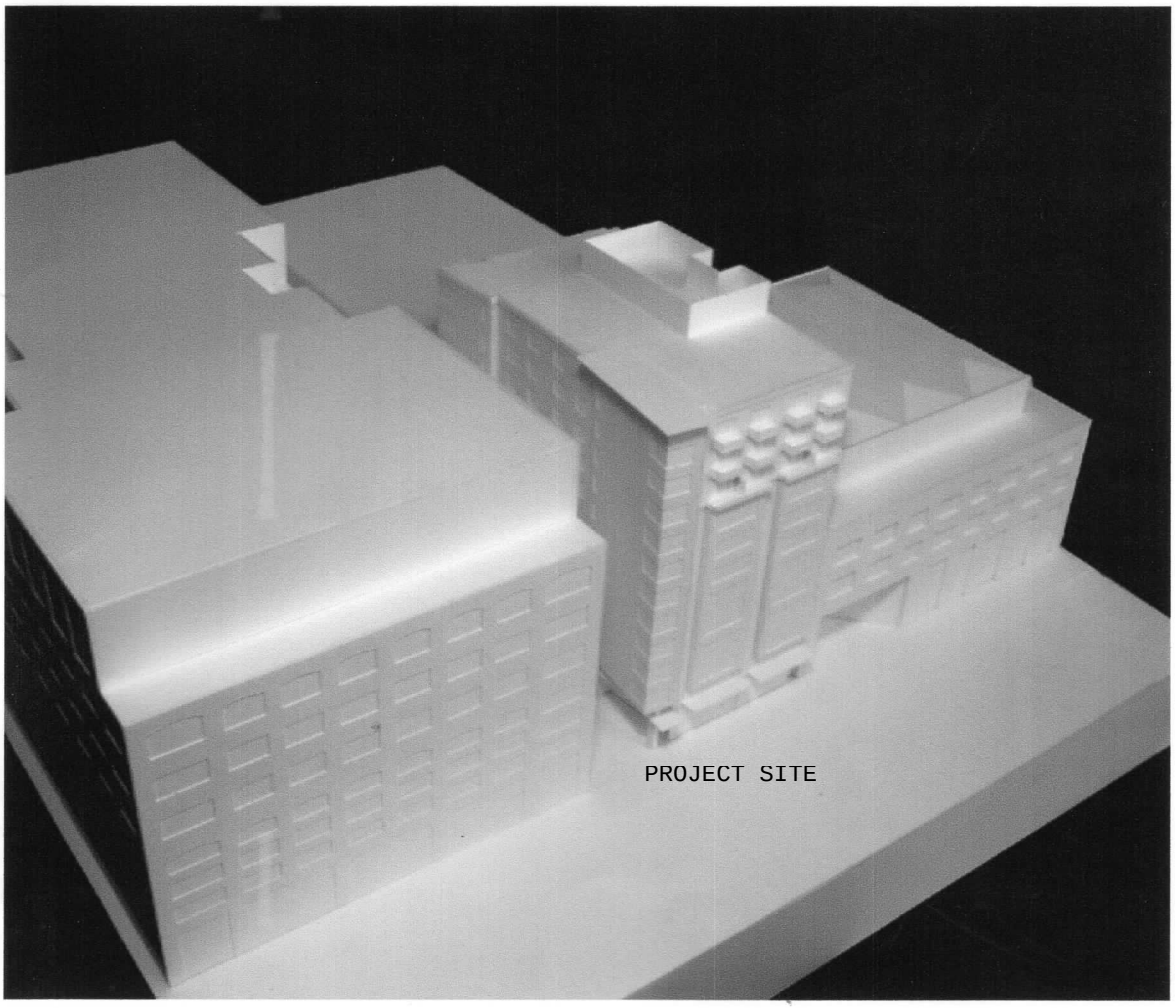
It is respectfully requested that the extension of the performance period be supported by both the Planning Department and Planning Commission.

Thank you for your consideration.

Sincerely,

Lucian Robert Blazej
For 144 King Street Associates LLC

Copy: Scott Sanchez, Zoning Administrator
Ben Fu, City Planner



PROJECT SITE

144 KING STREET HOTEL
SAN FRANCISCO, CALIFORNIA

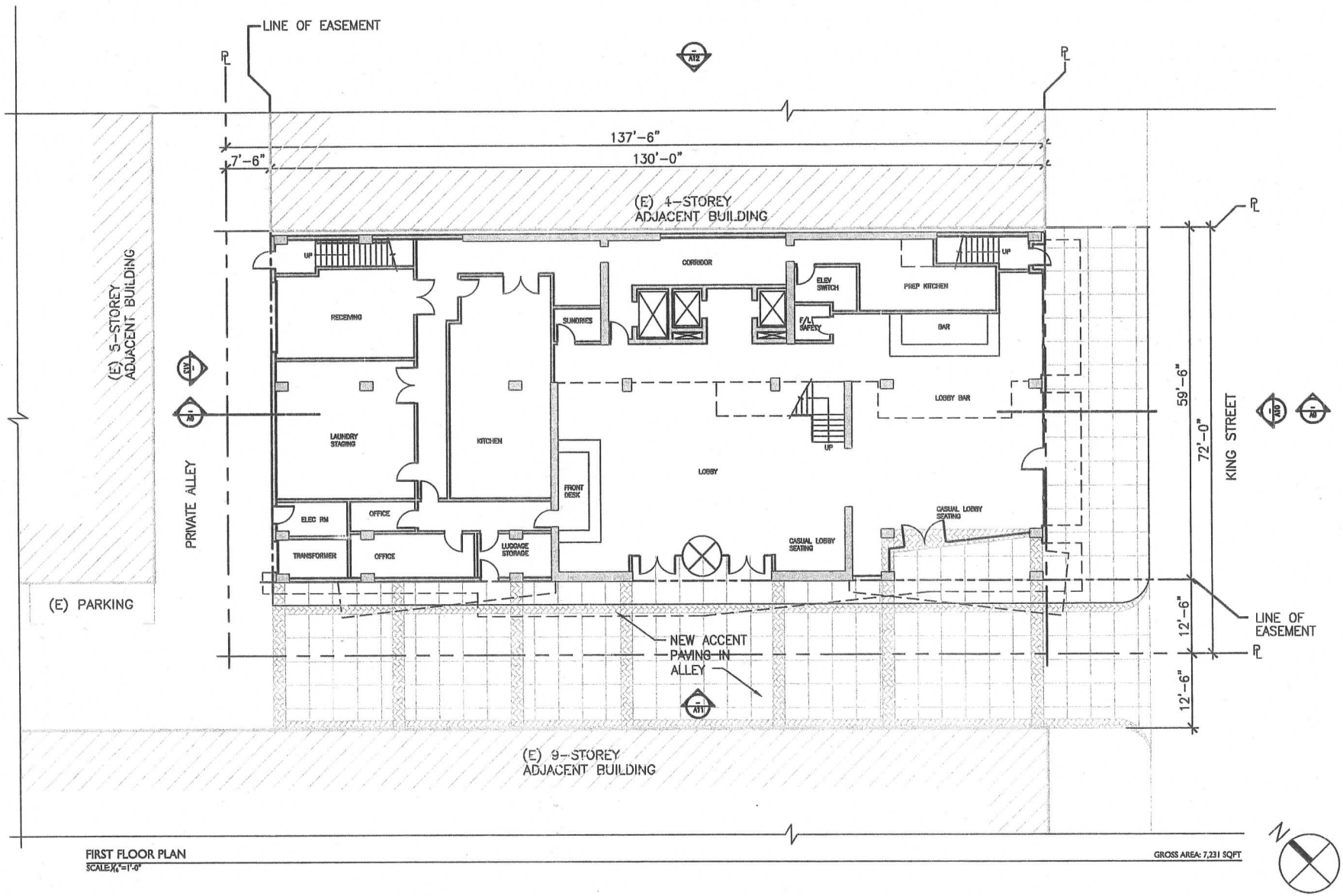
Michael Stanton FAIA | Architecture

444 De Haro Street
Suite 202
San Francisco, CA
94107

t: 415.865.9600

design@msarch.com

8 JULY 2005



FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"

GROSS AREA: 7,231 SQFT

144 KING STREET HOTEL
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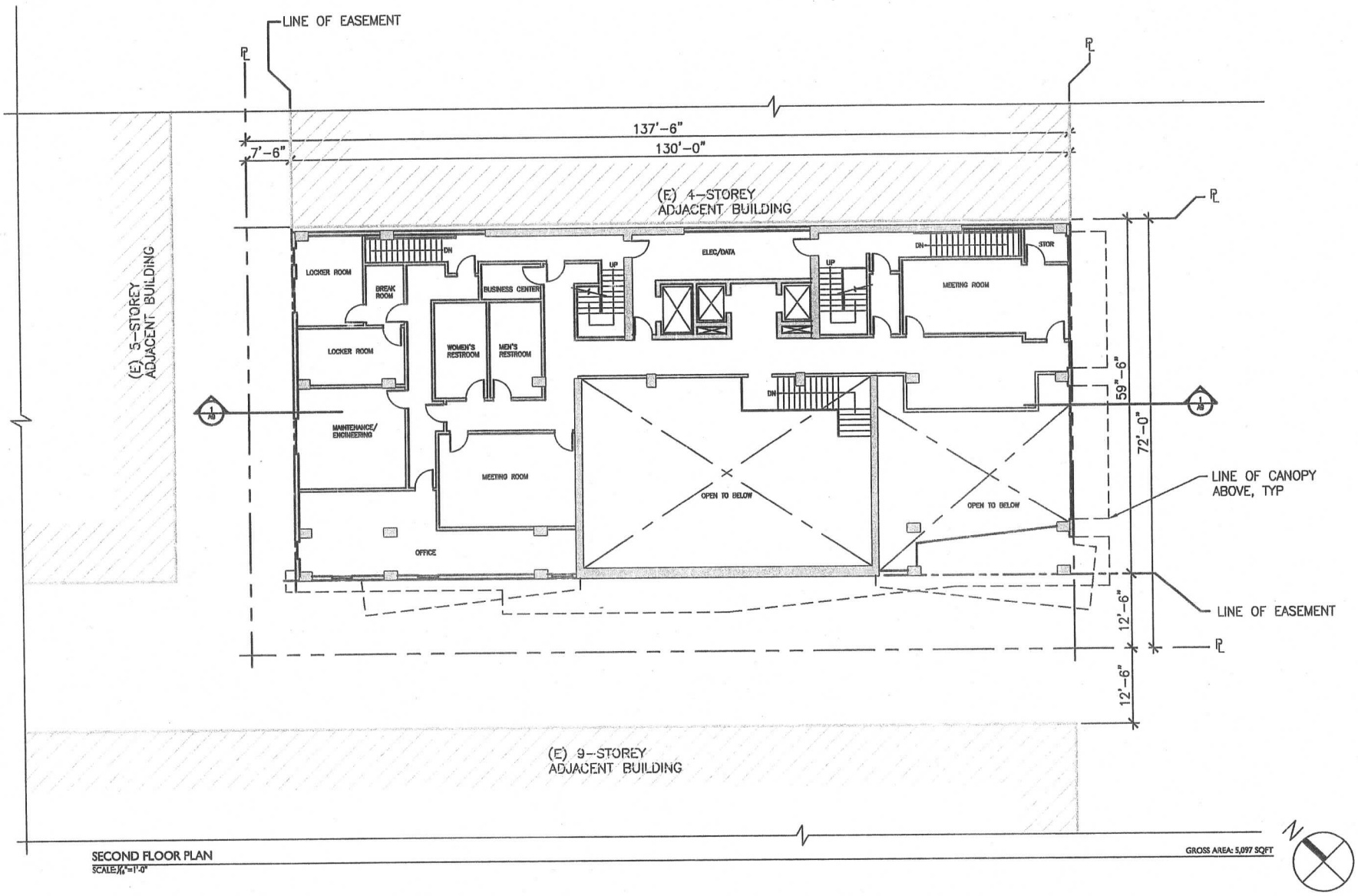

SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

GROSS AREA: 5,097 SQFT

144 KING STREET HOTEL
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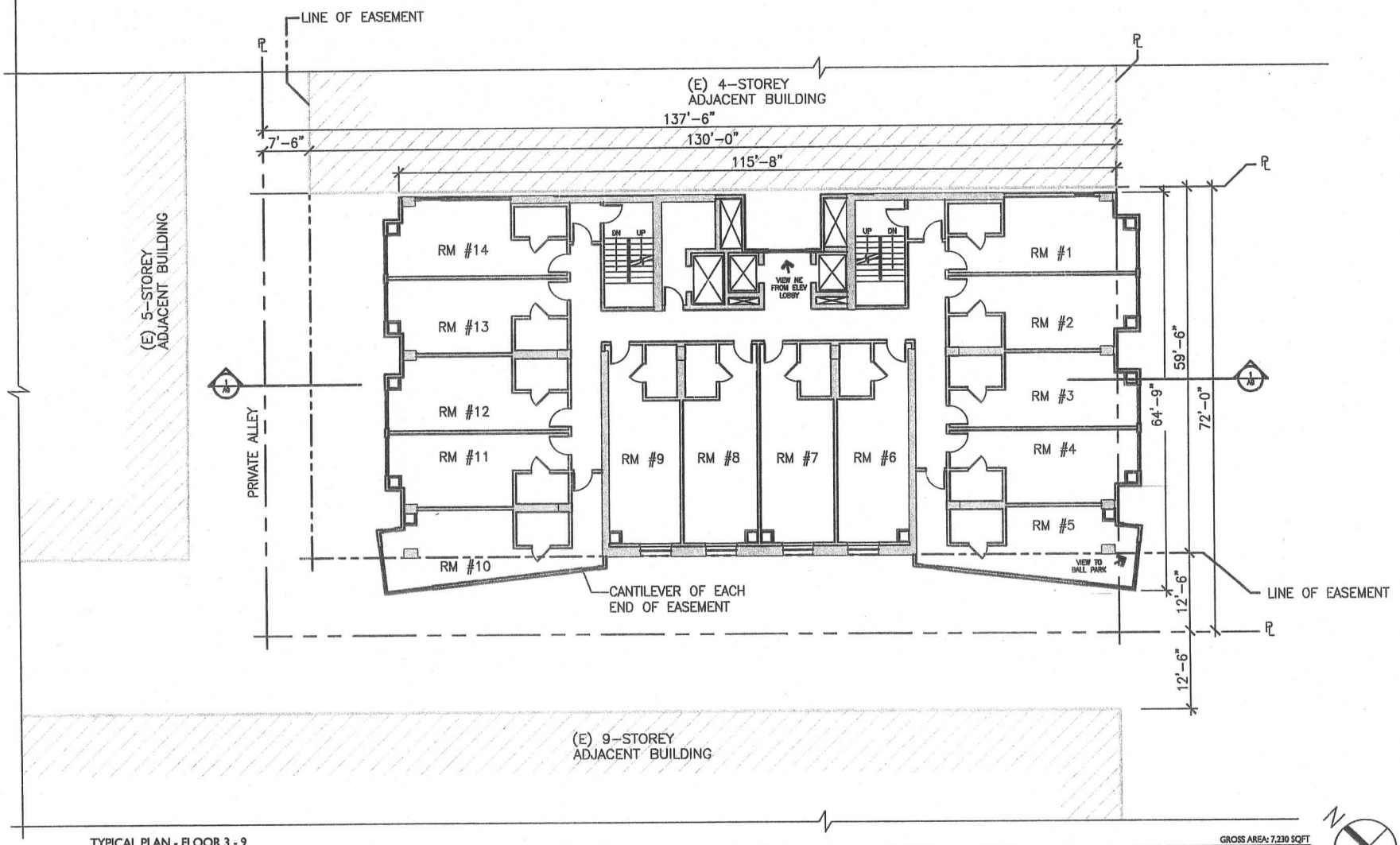

TYPICAL PLAN - FLOOR 3 - 9

SCALE: 1/16"=1'-0"

GROSS AREA: 7,230 SQFT

144 KING STREET HOTEL
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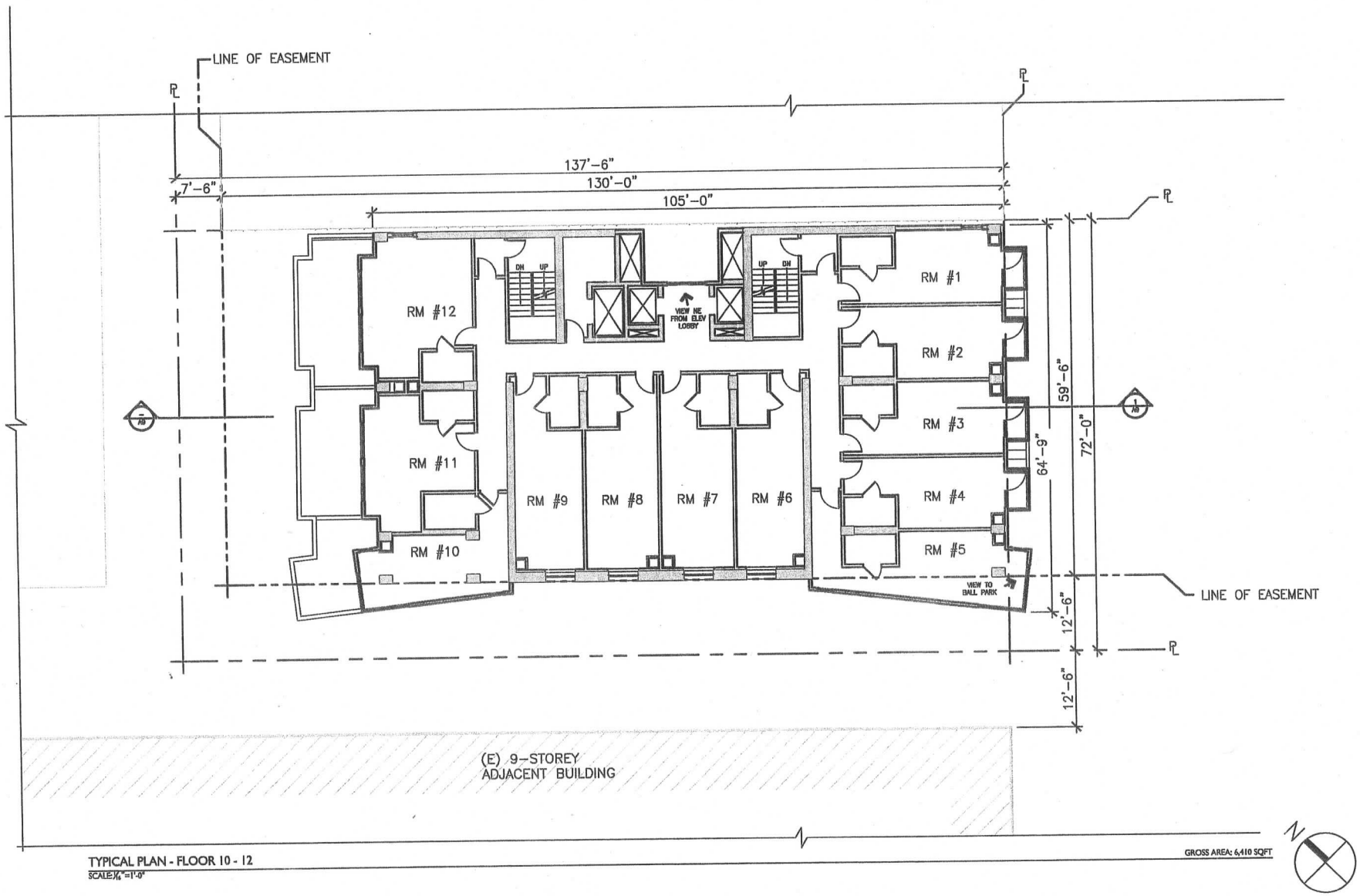

TYPICAL PLAN - FLOOR 10 - 12

SCALE: 1/8"=1'-0"

GROSS AREA: 6,410 SQFT

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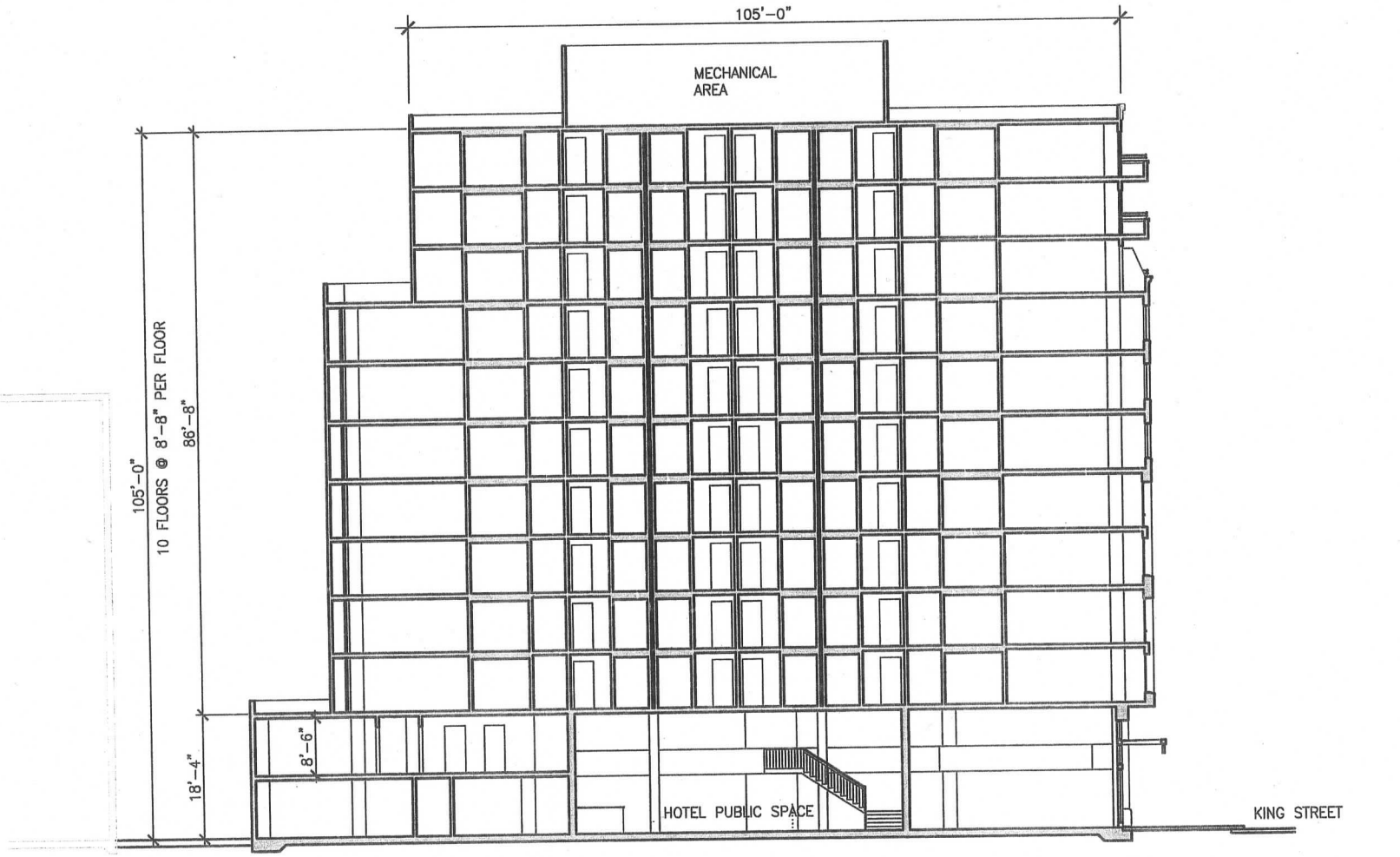

SECTION
SCALE: 1/8"=1'-0"

144 KING STREET HOTEL
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KING STREET ELEVATION
SCALE: 1/8"=1'-0"

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SIDE ELEVATION
SCALE: 1/8"=1'-0"

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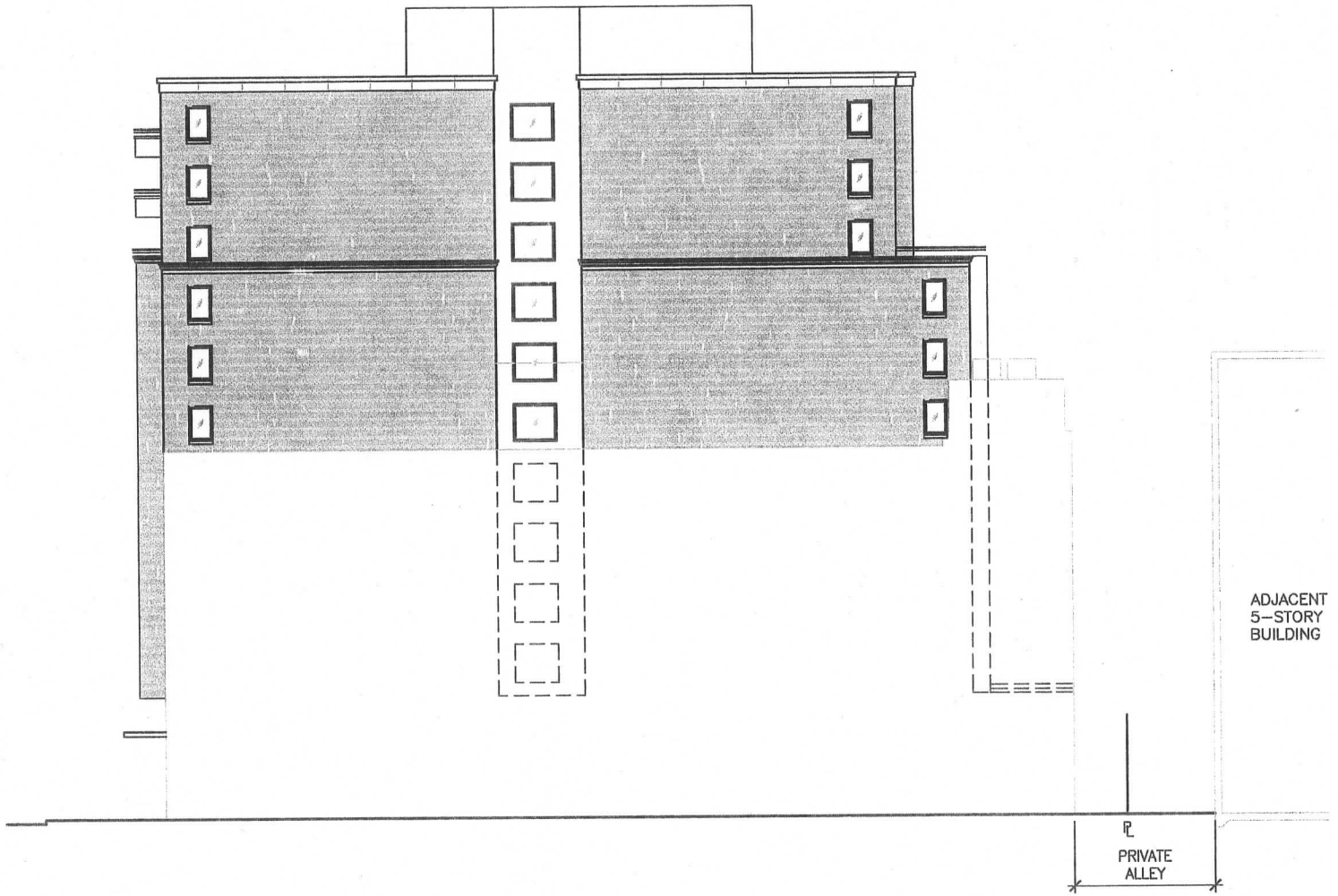

SIDE ELEVATION
SCALE: 1/16"=1'-0"

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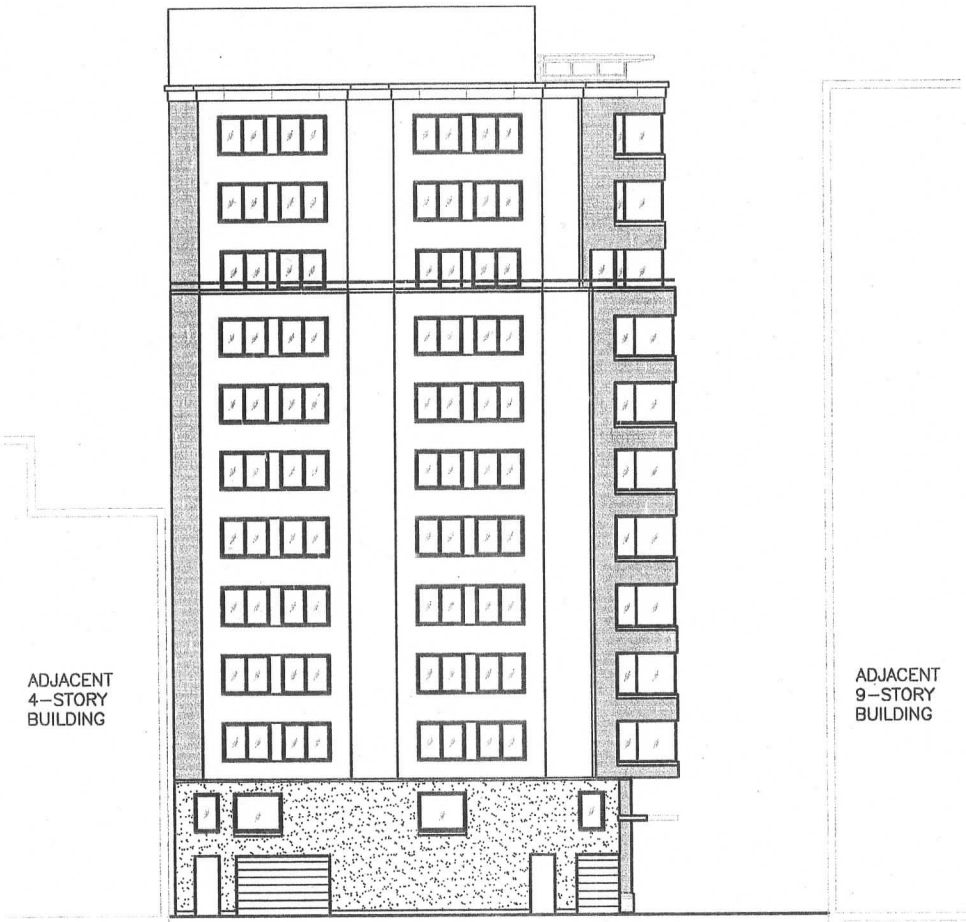

REAR ELEVATION
SCALE: 1/8"=1'-0"

144 KING STREET HOTEL
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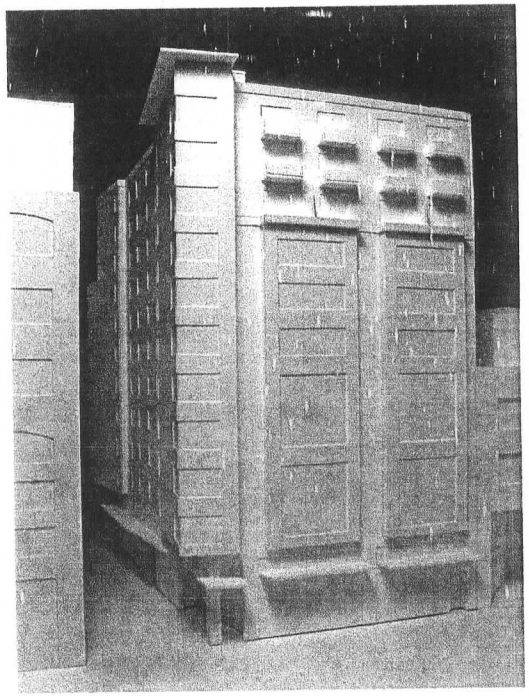

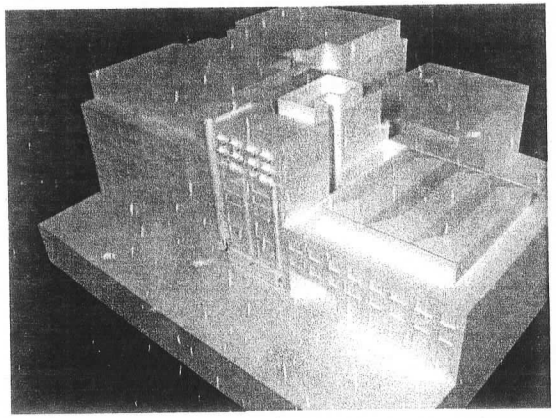

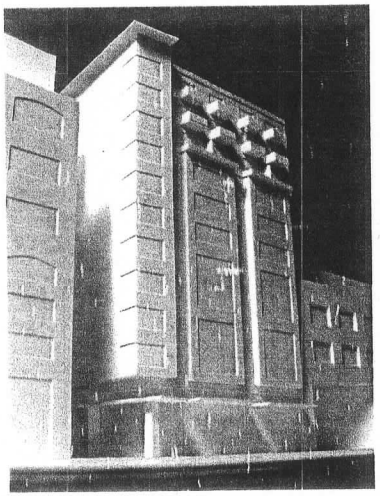

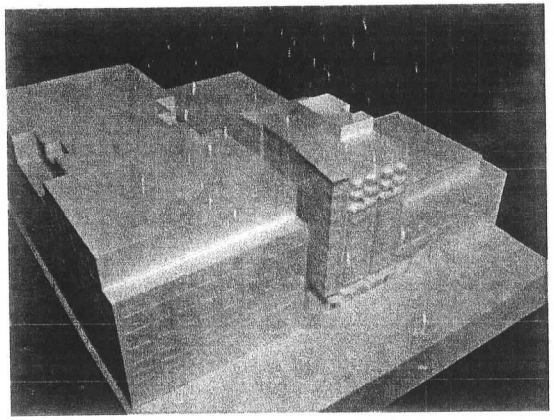

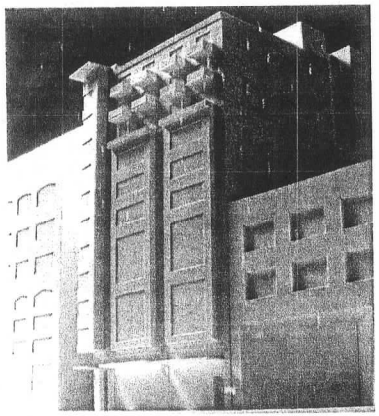

MODEL PHOTOS

144 KING STREET HOTEL
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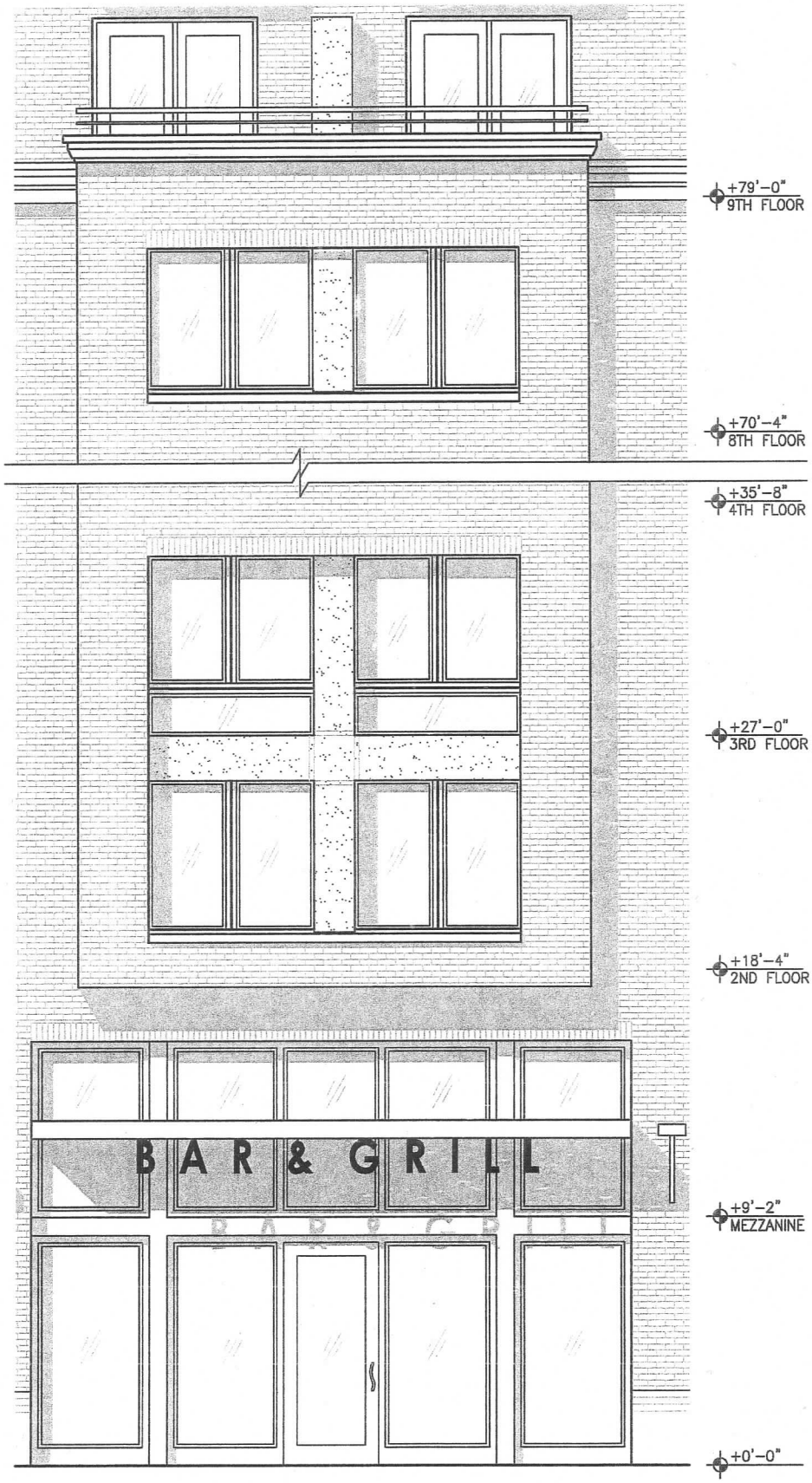

KING STREET ELEVATION DETAIL
SCALE: 1/4"=1'-0"

144 KING STREET HOTEL
SAN FRANCISCO, CALIFORNIA

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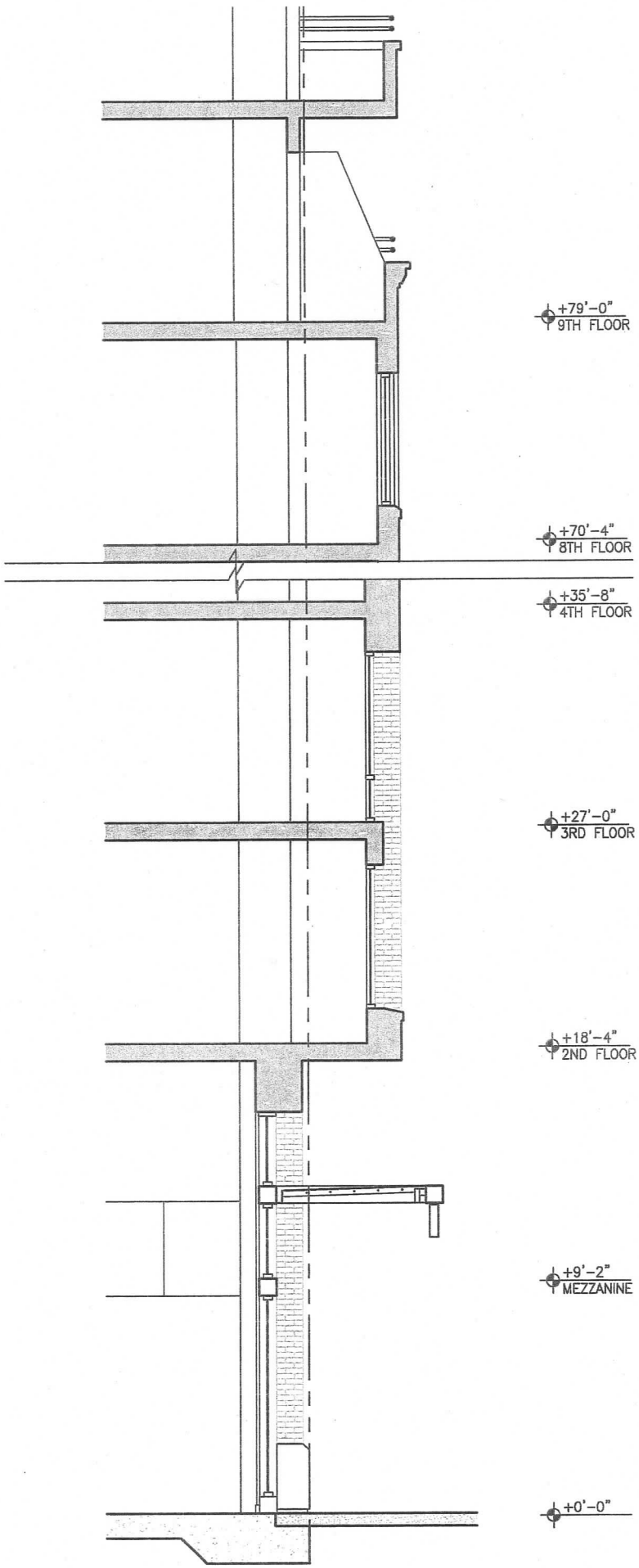

KING STREET ELEVATION DETAIL
SCALE: 1/4"=1'-0"

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8 JULY 2005

Subject to:(Select with check mark only if applicable)
☐ Inclusionary Housing
√ Childcare Requirement
☐ Park Fund
☐ Art Fund
☐ Public Open Space Fund
√ Jobs Housing Linkage Program
☐ Transit Impact Development Fee
√ First Source Hiring
☐ Other:_____

SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. 17094

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 216(b)(i) AND 303, TO ALLOW A HOTEL OF 200 ROOMS OR LESS IN AN M-2 (HEAVY INDUSTRIAL) DISTRICT AND A 105-F HEIGHT AND BULK DISTRICT.

Preamble

On December 23, 2004, David Levy on behalf of Chelsea King Street LLC (hereinafter "Project Sponsor") submitted an application for Conditional Use Authorization (hereinafter "Application") on the property at 144 King Street, located on the north side between 2nd and 3rd Streets, Lot 024 in Assessor's Block 3794 (hereinafter "Subject Property"), to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking. The Project is in general conformity with plans filed with the Application and labeled "Exhibit B" (hereinafter "Subject Project").

On June 13, 2001, a Final Negative Declaration was adopted and issued for a previous office project at the subject property under Case No. 2000.1194E. On August 25, 2005, an addendum for the revised hotel project was issued.

On September 8, 2005, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.1326ACV, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Department. Conditional Use Authorization is required for the establishment of a hotel use within the M-2 (Heavy Industrial) District.

In reviewing the Application, the Commission has had available for its review and consideration reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2004.1326ACV based on the following findings:

Findings

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

1. The Subject Property is a 13,338 square-foot lot improved with a single-story concrete warehouse building; the irregularly-shaped lot has approximately 84 feet of frontage on King Street and approximately 12 feet of frontage on Townsend Street with 275 feet of depth. The Subject Property is actually 9,900 square feet at this time, but the Project Sponsor is in the process of obtaining a lot line adjustment that will result in the 13,338 square foot lot described herein. The surrounding buildings also have full lot coverage. The existing 5,600 square-foot building is a non-contributory building in the South End Historic District.

2. The property is on the north side of King Street, between 2nd and 3rd Streets, in the South of Market District. The SBC Park baseball stadium is located opposite the building across King Street. The subject site is within an area that contains a wide variety of building types and uses. Once an area that had a high concentration of warehouse and light industrial uses, it is becoming an area characterized by a much broader mix of uses, including high density residential and live/work, retail and office uses. However, since the current economic "dot-com" downturn, the area has a significant amount of excess commercial office space, much of which is vacant. Per Planning Commission Resolution No. 16727, the subject property is located within a Housing/Mixed Use overlay. A hotel use is permitted pursuant to this overlay.

3. The site is well served by transit, with at least a dozen different Municipal Railway transit lines within two blocks of the Project site. The San Francisco terminus of Caltrain is a couple of blocks to the west on Townsend Street. In addition to these public transit opportunities, motorists can access the Bay Bridge via 2nd Street and Interstate-280 (southbound) at Brannan and 6th Streets.

4. The proposal is to demolish an existing 5,600 square foot warehouse building and to construct an 11-story, approximately 130-room hotel with no off-street parking. The ground floor would feature approximately 1,600 square feet of commercial space. The existing concrete building on the site was constructed in 1946 and is listed as non-contributory in the South End Historic District. The proposed hotel building would be primarily clad in a terracotta tile system that is similar to brick, but has larger dimensions. The front elevation along King Street would feature two oversized bay window projections with paired sets of aluminum-framed windows. The primary drop-off/pick-up area for hotel guests would be located on a private alley along the west side of the building.

5. The Project would comply with applicable Planning Code provisions, or is subject to variances from those provisions as follows:

   A. **Floor Area Ratio (FAR).** Planning Code Section 124 establishes an FAR limit for M-2 zoning districts of 5.0 to 1. With a base lot area of 13,338 square feet, the allowable FAR under the Code would be for a building with 66,688 gross square feet. The Project

Sponsor is in the process of securing approximately 10,000 square feet of Transferable Development Rights (TDRs) from the adjacent landmark building at 128 King Street. This would then increase the allowable building area to 76,688 gross square feet. The proposed building is approximately 81,818 gross square feet (resulting in an effective FAR of 5.33 to 1 after the TDRs are included), therefore the Sponsor is seeking a variance to allow for the proposed increase of approximately 5,130 gross square feet of building area. Should the Project Sponsor be unable to obtain the proposed TDRs, the Planning Director may consider and approve other means of obtaining the required gross floor area for the Project consistent with this approval. This includes, but is not limited to, the acquisition of additional lot area, the acquisition of TDRs from another qualifying property, and other methods allowed under the Planning Code.

B. **Bay Projections.** Planning Code Section 136(c)(2)(B) stipulates that bay window projections over sidewalks and required open areas must be limited to three feet, while Code Section 136(c)(2)(D) stipulates that the projection must not exceed 15 feet in width. The hotel's façade features two proposed bay projections which would project approximately 4'-6" over the property line and would be 19 feet wide. An angled corner bay would also project approximately four feet at its deepest point. These building features help to reinforce the verticality of the design, and help to break up the massing and articulate the various components of the front elevation.

C. **Parking.** Planning Code Section 151 requires that a hotel use outside of an NC district provide one off-street parking space per 16 guest bedrooms where the number of guest bedrooms exceeds 23. Therefore, the project would need to provide eight off-street parking spaces, and none are being provided. The Project Sponsor is seeking a variance from these parking requirements. The proposed building is constrained by the relatively tight lot area and the existing access easements at the side and rear of the property which makes it difficult to provide off-street parking while also providing a suitable lobby area and activating the frontage along King Street. The Sponsor proposes to provide the eight required spaces off-site in nearby commercial parking garages with a valet service. The project site is very well served by transit.

D. **Height.** The proposed building would be constructed to the maximum height limit allowed by the 105-F Height and Bulk district (Planning Code Section 250). Buildings are measured from sidewalk grade to the rooftop at the building's centerline pursuant to Planning Code Sections 102.12 and 260(a). Elevator penthouses and screening are not to exceed 16 feet above the height limit (Planning Code Sections 260(b)(1)(B) and (F)). The proposed building complies with the height restrictions.

E. **Bulk.** Code Section 270 establishes the standards for building bulk limits. The "F" bulk designation requires that above 80 feet in height, the maximum length of the building is 110 feet and the maximum diagonal dimension is 140 feet. Above the 8th floor the bulk of the building is reduced by a rear setback of approximately 8 feet. The building thereby complies with the bulk restrictions.

F. **Jobs-Housing Linkage Program.** Planning Code Section 313 establishes the requirements and procedures for implementing this program, which applies to hotel

development projects of 25,000 or more square feet. This proposal is therefore subject to this program.

G. **Child Care Requirement.** Planning Code Section 314 establishes the requirements and procedures for implementing the Child Care provision, which applies to hotel development projects of 50,000 square feet or more. This proposal is therefore subject to this requirement.

6. **Conditional Use Findings.** Section 303 sets forth criteria for authorizing a Conditional Use. The Commission may authorize a Conditional Use only after holding a duly noticed public hearing and making findings that the proposed use would provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use would not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use would comply with the applicable provisions of the Code, and would not adversely affect the General Plan.

   a) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood and the community.

      The proposed project is desirable because it would introduce a hotel use to a rapidly growing and evolving portion of the City where there are currently no hotels. The hotel use is also consistent with the Eastern Neighborhoods Interim Policies, which identified this area as a Housing/Mixed-Use overlay zone. The hotel use is also consistent with the overall evolution of this area, with its proximity to the new Mission Bay North neighborhood and the new UCSF campus with the associated biotechnology offices and laboratories. The project would bring a more appropriate use to the neighborhood, would enhance the desirable mixed-use, pedestrian character of the area, and would support existing neighborhood commercial and retail uses. The project is compatible with the neighborhood because it will reinforce the urban design of the existing blockface and will introduce compatible, yet contemporary, design to the South End Historic District. This project also has the significant support of key community members and neighbors, including the San Francisco Giants.

   b) The proposed new building will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, with respect to aspects including but not limited to the following:

      i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

         The project site is much smaller than most other parcels in the vicinity. The vertical orientation of the building's design and overall height help to create a tall, slender building. The building is located in a fairly dense urban area and is consistent with the size, character and uses of other buildings in the vicinity. New development in this area, including the Mission Bay North residential buildings, has been similar in height but more massive given their larger parcels. The new building will help to infill an existing "gap" in the blockface, as the existing single-

story warehouse is much smaller than the surrounding buildings. SBC Ballpark, directly across the street, is much taller than the proposed building.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Final Negative Declaration found that there would be no significant adverse effect to the City's traffic and circulation caused by this project. This project site is well-served by public transit, and the MUNI N-train light rail has a stop directly in front of the site. The San Francisco Caltrain terminus is located a couple of blocks to the west on Townsend Street, and at least a dozen transit lines are within a two-block radius of the site. In addition to these public transit opportunities, motorists can access the Bay Bridge via 2nd Street and Interstate-280 (southbound) at Brannan and 6th Streets. The Project Sponsor is seeking a variance from the eight required off-street parking spaces, and proposes to provide these spaces off-site in nearby commercial parking garages with a valet service.

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed hotel use will not involve noxious or offensive emissions such as noise, glare, dust and odor. These issues were also addressed in the Final Negative Declaration document. All trash disposal and recycling would be contained within the building and will be removed on a regular basis. The building and grounds would be professionally managed and maintained. The applicant will comply with applicable City codes to control these issues.

iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project would include appropriate treatments such as street level landscaping and lighting. The pedestrian character of the district will be enhanced through the use of planters and large expanses of ground floor glazing that increases transparency. All exterior mechanical equipment, including on the rooftop, will be concealed from view by architectural screening.

c) The project meets the following provisions of the General Plan:

SOUTH OF MARKET AREA PLAN

OBJECTIVE 4: DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM OTHER PARTS OF THE CITY AND REGION.

OBJECTIVE 5: MINIMIZE THE IMPACT ON THE LIVABILITY OF THE AREA OF AUTO TRAFFIC THROUGH AND TO/FROM THE SOUTH OF MARKET.

OBJECTIVE 7: PRESERVE EXISTING AMENITIES WHICH MAKE THE SOUTH OF MARKET A PLEASANT PLACE TO LIVE, WORK AND VISIT.

Policy 2: Preserve the architectural character and identity of South of Market residential and commercial/industrial buildings.

Policy 3: Preserve areas which contain groups of buildings of historic, architectural, or aesthetic value and which are linked by important historical or architectural characteristics.

OBJECTIVE 8: IMPROVE AREA LIVABILITY BY PROVIDING ESSENTIAL COMMUNITY SERVICES AND FACILITIES.

Policy 2: Encourage the location of neighborhood-serving retail and community service activities throughout the South of Market.

COMMERCE AND INDUSTRY ELEMENT

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

Policy 1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 2: Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2: MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 4: Encourage the location of neighborhood shopping areas throughout the City so that essential retail goods and personal services are accessible to all residents.

URBAN DESIGN ELEMENT

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

Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

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

Policy 1: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

TRANSPORTATION ELEMENT

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

Policy 6: Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

OBJECTIVE 24: IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

7. Section 101.1 of the Planning Code establishes eight priority planning policies and requires review of permits for consistency with these policies. Overall, the Project complies with these policies as follows:

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

      By adding approximately 130 hotel rooms, the Project would increase the neighborhood retail customer base, while not impacting the employment or ownership of any businesses.

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

Neighborhood character will be preserved since the project involves new construction in the South End Historic District, and requires a Certificate of Appropriateness per Article 10 of the Planning Code. The Project has no impact on existing housing.

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

No affordable units will be displaced by this project as the Project has no negative impact on affordable housing.

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

The subject property is well served by public transit. For these reasons, and the fact that the project area has a relatively low rate of car ownership and high transit ridership, the project should not adversely impact traffic. Traffic and transportation issues were also addressed in the Final Negative Declaration document.

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

The proposal would not cause a displacement of an industrial use as the existing building is currently used for storage and back office uses and the proposal is not an office development.

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

The project sponsor will be required to meet all the current building code standards, including those for seismic safety.

G. That landmark and historic buildings be preserved.

This non-contributory building within the South End Historic District will be demolished and therefore requires a Certificate of Appropriateness. The Landmarks Board has recommended approval of the new building, with minor design changes, and found that the project complies with the Secretary of the Interior's Standards.

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

A shadow study conducted as part of the previous environmental review has determined that this project would have no effect on parks or open space.

The Commission finds that granting Authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Findings set forth above, in accordance with the standards specified in the Planning Code, hereby approves the Project Authorization for the construction of an 11-story,

approximately 130-room hotel at 144 King Street, subject to the conditions of approval attached hereto as Exhibit A, which is incorporated herein by this reference.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on **September 8, 2005**.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Bradford Bell, Hughes, Lee, Lee, Olague

NOES: None

ABSENT: Commissioner Alexander

ADOPTED: September 8, 2005

Wwh:G:\Conditional Use\144 King\CU Motion.DOC

EXHIBIT A

CONDITIONS OF APPROVAL

Land Use

1. This Authorization is for the construction of an 11-story, approximately 130-room hotel in general conformity with the plans labeled Exhibit B, and dated August 8, 2005, and included in the docket for Case No. 2004.1326ACV.

Design

2. The proposed ground floor of the new hotel building would feature approximately 1,600 square feet of commercial space. The building would be primarily clad in a terracotta tile system that is similar to brick, but has larger dimensions. The front elevation along King Street would feature two oversized bay window projections with paired sets of aluminum-framed windows. The primary drop-off/pick-up area for hotel guests would be located on a private alley along the west side of the building.

3. The Project Sponsor shall submit to the Director for review and approval a proposal for improvements to the private alley along the western edge of the subject property. These improvements will serve to create a more pedestrian-friendly streetscape. This condition acknowledges that the Project Sponsor does not have legal control over the entire alley; however, they will make a good faith effort to coordinate with the adjacent property owners to the greatest extent practicable to implement the approved improvements on portions of the alley that it does not own or control. The Project Sponsor will implement the approved improvements on those portions of the alley that it does own or adequately control for that purpose.

Mitigation Measures

4. The Final Negative Declaration identified five mitigation measures that need to be implemented to reduce potential adverse environmental impacts during the construction of this project. These measures, as outlined in the Final Negative Declaration and the attached Mitigation Monitoring Program (Exhibit C), shall be followed.

   - **Noise and Vibration:** The project sponsor would require the construction contractor to use pre-drilled piles where soil conditions permit, and state-of-the-art noise shielding and muffling devices on construction equipment. The project sponsor would also be required to notify adjacent building owners and occupants, prior to pile-driving and other vibration-producing activities, of the dates and expected duration of such work.

   - **Construction Air Quality:** The project sponsor would require the contractor(s) to sprinkle demolition sites with water during demolition, excavation and construction activity twice per day; sprinkle unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material being hauled on trucks; and sweep

surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

- **Geology:** One or more geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors the adjacent building for damage during construction, if recommended by the geotechnical engineer. The project sponsor and contractor(s) would follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event that substantial movements were detected.

- **Contaminated Soil:**
  Step 1: Determination of Presence of Lead-Contaminated Soils
  Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead. The consultant shall analyze the soil borings as discrete, not composite samples.

  The consultant shall prepare a report on the soil testing for lead that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

  The project sponsor shall submit the report on the soil testing for lead and a fee of $425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of $425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of $85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with lead at or above potentially hazardous levels.

  If DPH determines that the soils on the project site are not contaminated with lead at or above a potentially hazardous level (i.e., below 50 ppm total lead), no further mitigation measures with regard to lead-contaminated soils on the site would be necessary.

  Step 2: Preparation of Site Mitigation Plan:
  If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted.

If such a plan is requested by the DPH, the SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 3: Handling, Hauling, and Disposal of Lead-Contaminated Soils
(a) specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.
(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.
(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where lead-contaminated soils have been excavated and removed, up to construction grade.
(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 4: Preparation of Closure/Certification Report
After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

- **Cultural Resources:** Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed

project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effect on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions: The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological 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 archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the AADRP shall include the following elements

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

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage

Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, 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, curation, possession, 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 of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/ monitoring/ data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Implementation

5. The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction Program approved by the First Source Hiring Administrator, and evidenced in writing.

6. The Project Sponsor shall pay the in-lieu child care fee or otherwise satisfy the child care fee for the hotel component of the project pursuant to Planning Code Section 314.

7. The Project Sponsor shall satisfy the requirements for the Jobs-Housing Linkage Program, pursuant to Planning Code Section 313.

Performance

8. Prior to the issuance of any new or amended building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which

notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion.

9. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to $500 a day in accordance with Code Section 176.

10. Should implementation of this Project result in complaints from neighborhood residents or business owners and tenants, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with Prior to the issuance of any new or amended building permit for the construction of the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.

11. Should the monitoring of the conditions of approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(f)(2).

12. This Authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two (2) years where the failure to construct the Project is caused by delay by any other public agency or by legal challenge.

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PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER	DIRECTOR'S OFFICE	ZONING ADMINISTRATOR	PLANNING INFORMATION	COMMISSION CALENDAR
(415) 558-6378	PHONE: 558-6411	PHONE: 558-6350	PHONE: 558-6377	INFO: 558-6422
	4TH FLOOR	5TH FLOOR	MAJOR ENVIRONMENTAL	INTERNET WEB SITE
	FAX: 558-6426	FAX: 558-6409	FAX: 558-5991	WWW.SFGOV.ORG/PLANNING

ADDENDUM TO MITIGATED NEGATIVE DECLARATION

Date of Addendum: August 25, 2005

Date of Final Negative Declaration: June 13, 2001

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street, San Francisco, California 94102

Agency Contact Person: Joy Navarrete **Telephone**: (415) 558-5975

Project Title: 2000.1194E: 144 King Street

Project Sponsor: Chelsea Development Company, LLC

Project Contact Person: Stu During **Telephone**: (415) 986-0884

Project Address: 144 King Street, between Second and Third Streets

Assessor's Block and Lot: Block 3794, Lot 24

City and County: San Francisco

Background

A Final Negative Declaration (Case No. 2000.1194E - 144 King Street) for the subject property was adopted and issued on June 13, 2001. The project analyzed in the Final Negative Declaration would demolish the existing 5,655-square-foot, one-story unreinforced masonry warehouse building that contains three separate units and is currently vacant, and construct a new eight-story, 105-foot-tall (at the roof level, not including mechanical penthouses), 49,500-square-foot office building with 22 off-street parking spaces (the "Original Project"). The structure would consist of office space on the upper floors, and either retail or office space on the ground floor. Total lot area is 9,900 square feet. The project site is covered by the existing building and a paved alley, and the Original Project would cover a slightly larger footprint than the existing

building, although the existing alley would be left intact. The topography of the project site slopes gently upward from south to north. The site is zoned M-2 (Heavy Industrial) with a 105-F Height/Bulk District.

Project Revisions

Subsequent to the issuance of the Final Negative Declaration, the project site was sold to a new owner who is proposing an eleven-story 105-foot-tall, approximately 81,818-square-foot hotel with approximately 130 rooms occupying about 69,500 square feet, and approximately 1,600 square feet of hotel-related retail (the "Revised Project"). No off-street parking would be included on-site, but valet parking service would be provided, utilizing existing nearby garages. The main pedestrian entrances for the hotel and retail space would be on the alley connecting King to Townsend Streets, with a secondary entrance to the bar/lobby on King Street.

Evaluation of Revised Project

Public Resources Code (PRC) section 21166 and CEQA Guideline 15162 state that no subsequent negative declaration for a Revised Project needs to be prepared unless there are: (1) substantial changes proposed in the project, (2) substantial changes to the existing environment; or (3) substantial new information that indicates: (a) new significant environmental effects, (b) more severe significant effects, and (c) new and different mitigation measures. Pursuant to CEQA Guideline 15164, if none of these conditions are met, an addendum to a negative declaration may be prepared explaining that is the case and demonstrating that no new environmental conditions and that only minor technical changes or additions are necessary. CEQA does not require public review of an addendum, and the addendum will be considered by the Planning Commission prior to making a decision on the project.

The Final Negative Declaration adopted and issued on June 13, 2001, included mitigation measures, and concluded that, with the implementation of those mitigation measures, there was no substantial evidence supporting a fair argument that the project could have a significant effect on the environment. Section 31.19(c)(1) of the San Francisco Administrative Code states that a modified project must be reevaluated and that, "[i]f, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of the California

Environmental Quality Act (CEQA), that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter."

Therefore, this section of the Addendum evaluates the potential for the Revised Project to have a significant effect on the environment based on either changes in the proposed project or changes in surrounding circumstances. As described above, the Revised Project would be the same height as the Original Project; but would consist of a hotel with ground floor ancillary hotel-related retail or restaurant space, rather than an office building; would have eleven floors (vs. eight in the Original Project), a total of 81,818 gross square feet (vs. 49,500 in the Original Project), slightly more bulk, and no parking spaces (vs. 22 spaces in the Original Project).

This analysis found that the Revised Project would result in generally similar potential environmental impacts to the Original Project, and that that there would be no new significant or substantially more severe adverse environmental effects. The current Revised Project would have somewhat greater environmental impacts than the Original Project in some cases, but this analysis found that the impacts of the Revised Project would still be less than significant in all areas of environmental analysis: land use, population, transportation, noise, air quality, utilities and public services, biology, geology and topography, water, energy and natural resources, hazards, and cultural resources. All mitigation and improvement measures set out in the Final Negative Declaration for the Original Project remain applicable to and recommended for implementation with the current Revised Project. The Revised Project's comparative effects to the Original Project are discussed briefly below.

Compatibility with Zoning Plans and Policies. The differences between the Revised Project and the Original Project would not substantially change the finding of compatibility with zoning, plans, and policies under the Revised Project. The Revised Project's 105 foot height is permitted in the 105-F Height and Bulk District. In common with the Original Project, the Revised Project complies with the "F" Bulk requirement because the dimensions of the proposed structure do not exceed 110 feet in length or 140 feet measured diagonally above 80 feet in height. In the Revised Project, a hotel would be the predominant use of the site, rather than office space, and

the Revised Project would not include off-street parking. As hotels are a conditionally permitted use in M-2 districts, the Revised Project would require conditional use authorization for hotel use. The Revised Project does not include any off-street parking spaces on-site, thus it would not meet the *Planning Code*'s minimum requirement of nine parking spaces, and, in common with the Original Project, would require a variance from Section 151 of the *Planning Code.* (The Revised Project may provide these spaces at a proximate location, in which case it would meet the requirements of Section 151, but that is not determined at this time.) The Revised Project proposes to comply with the floor area ratio requirements of the *Planning Code* by purchasing transferable development rights from adjacent buildings. If those rights could not be acquired, a variance or exception from these requirements would be necessary.

The remaining changes in the Revised Project do not have the potential to substantially affect dimensions of the environment protected by other plans and polices, such as those of the Bay Area Air Quality Plan. The Revised Project's elimination of office uses and addition of hotel rooms would increase the nighttime user population and may reduce the daytime population associated with the project, but this would not generate new or more severe significant impacts.

The San Francisco *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project

Land Use. The differences between the Revised Project and the Original Project would not lead to new or substantially more severe adverse land use impacts as compared to the Original Project. The substitution of hotel for office uses would not disrupt or divide the physical arrangement of an established community. The existing character of the area, which consists of mixed uses including light industry, live/work units, apartments, restaurants, self-storage, offices, warehouses, surface parking, the ballpark, and retail, would not substantially or adversely be affected by the change of use, either on a project-specific basis or cumulatively.

Visual Quality. The Original Project was found not to create a substantial negative change in the design or aesthetic qualities of the area. Although the Original Project would be visible from surrounding buildings, the Final Negative Declaration found that the project would not obstruct any publicly accessible scenic views or have a substantial adverse impact on a scenic vista, and that the changes would be compatible with the prevailing visual character of the project area. The Revised Project would have the same height as the Original Project, slightly more bulk, and, in common with the Original Project, would have a contemporary design that is compatible with the surrounding historic district. The Revised Project's change of use, larger bulk, and generally similar façade design would not substantially alter the visual quality impacts caused by the Original Project or create new adverse visual impacts.

Population. The Revised Project would eliminate the Original Project's office space with its projected 238 office employees, and add 131 hotel rooms and 1,600 square feet of associated hotel-related retail space, with an estimated 177 guests and 136 employees for a total daily population of 313 persons, based on one retail employee per 350 gross square feet of retail space[1], an average of 1.69 guests per room and an 80 percent room occupancy rate[2], and one hotel employee per room.[3] This would be a net increase 75 daily occupants overall, but a decrease of 102 employees, compared to the Original Project. The Final Negative Declaration found that the Original Project would have a minimal effect on citywide employment growth. The Revised Project's employment effect would be smaller than that of the Original Project and also would not be significant. The Revised Project would have a greater daily population than the Original Project, but the majority of these individuals would be transient hotel guests, who would not affect the permanent population of San Francisco or the region. In any case, the Revised Project's total daily population of 313 persons would not substantially change the existing area-wide population and therefore would not have a significant environmental effect.

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[1] City and County of San Francisco, Department of City Planning, *Guidelines for Environmental Review: Transportation Impacts*, Appendix 1, July 1991.

[2] Dale Hess, Executive Vice President, San Francisco Convention and Visitors Bureau, personal communication, 26 October 2000.

[3] Faith Raider, Research Analyst, Hotel and Restaurant Employees Union Local 12, personal communication, 27 October 2000.

Transportation/Circulation. The Final Negative Declaration found that the office and possible retail uses of the Original Project would generate 912 net new average daily person trips. During the p.m. peak hour the Original Project would generate 87 net new person-trips, and 19 net new vehicle-trips, but would not have significant traffic, circulation, transit, or parking impacts.

Trips. The 131 hotel rooms and 1,600 square feet of retail space in the Revised Project would generate approximately 1,157 daily person trips and 114 p.m. peak hour person-trips, as shown in Table 1.

Table 1
Revised Project Person-Trip Generation

Land Use	Size	Daily Trip Rate	PM Peak Hour as % of Daily	Daily Person-Trips	PM Peak Hour Person-Trips
Hotel	131 rooms	7 / room	10 %	917	92
Retail	1,600 sq ft	150 / 1,000 sq ft	9 %	240	22
Total				**1,157**	**114**

Source: *SF Guidelines*, LCW Consulting, June 2005.

Table 2 summarizes the weekday p.m. peak hour trip generation by mode for the Revised Project. During the p.m. peak hour, about 65 percent of all person-trips would be by auto, 18 percent by transit and 17 percent by other modes, such as walking and bicycling. During the p.m. peak hour, the Revised Project would generate 47 new vehicle-trips. During the p.m. peak hour, the Revised Project would generate 27 more person-trips than the Original Project (114 person-trips vs. 87 person-trips), and 28 more vehicle-trips (47 vehicle-trips vs. 19 vehicle-trips). In common with the Original Project, these trips would not result in a significant impact because they would not constitute a significant traffic increase relative to the existing capacity of the local street system, and would be undetectable to most drivers. Also, in common with the Original Project, the Revised Project would add a small increment to the cumulative long-term

traffic increase on the local roadway network. Thus, neither the Revised Project nor the cumulative traffic impacts of the Revised Project would be significant or substantially more severe than those impacts were for the Original Project.

Table 2
Revised Project Trip Generation by Mode
Weekday PM Peak Hour

Land Use	Person-Trips				Vehicle Trips
	Auto	Transit	Walk/Other[1]	Total	
Hotel	60	18	14	92	40
Retail	14	3	5	22	7
Total	**74**	**21**	**19**	**114**	**47**

Source: *SF Guidelines*, LCW Consulting, June 2005.

Notes:

[1] "Other" mode includes bicycles, motorcycles, and taxis.

Visitors arriving by car would stop on the west side of the hotel in the alley that connects King and Townsend Streets. Cars would be taken from that location by valets. During baseball game events, there could be conflicts between cars turning from King Street into the alleyway or from the alleyway out onto King Street. All such turns would be right turns only due to the King Street light rail line in the middle of that street. This is similar to the potential conflicts that could likely occur with the Original Project. Such potential conflicts would be less-than-significant impacts because they would occur during the hour before and after baseball games, which occur 81 days per year. These potential conflicts could be further reduced if the alleyway were made one-way only from King to Townsend Street.

Transit. The Revised Project would generate approximately 21 transit trips during the p.m. peak hour, or 13 fewer than the 34 transit trips of the Original Project. The Final Negative Declaration found that existing Muni lines serving the vicinity of the project site provide approximately 96 transit vehicles during the p.m. peak hour. As with the Original Project, the 21

transit trips of the Revised Project would be spread among the 96 transit vehicles, with the Revised Project demand being less than one rider per vehicle. As with the Original Project, this increase would not be considered significant since that small scale of an increase would not noticeably affect transit service in the area.

Parking. The Revised Project would not meet the *Planning Code* parking requirement of one space for each 16 rooms plus one for the manager's dwelling unit, if any, because no on-site parking would be provided. The Revised Project could meet the requirement by providing parking within 800 feet of the site, or it could seek a variance from Section 151 of the *Planning Code*. The Revised Project's 1,600 sq. ft. retail use, in common with the Original Project, would not require off-street parking since it is less than 5,000 sq. ft.

The Revised Project would generate a total parking demand for 147 spaces compared to the Original Project's demand for 25 spaces. Unlike the Original Project, the Revised Project would not meet part of the demand with on-site spaces, and would therefore result in an unmet demand for up to 147 spaces (in contrast to the Original Project's deficit of three spaces). The increase in parking demand for the area would be greater than that of the Original Project; unmet parking demand is not considered a potentially significant environmental impact.

It should be noted that parking shortfalls are not considered significant environmental impacts in the urban context of San Francisco. Lack of availability of nearby parking is an inconvenience to drivers, but not a significant physical impact on the environment. In support of the City's "Transit First" policy that emphasizes a shift from personal automobiles to public transit use, priority is given to transit improvements before developing transportation treatments that encourage the continued use of the automobile. Faced with parking shortages or inconvenience, drivers generally seek and find better alternative parking facilities or shift modes of travel (e.g., public transit, taxis, or bicycles). In view of the above discussion, the project would not cause a significant environmental impact.

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."

In any event, given the unmet demand (i.e., up to 147 spaces), existing parking supply in the downtown area, and many transit options, the increased parking demand would not substantially alter the existing character of the area wide parking situation.

Construction. Construction of the Original Project was expected to take approximately 18 months. Construction of the Revised Project is expected to take approximately 22 months. The Revised Project would be expected to have about the same less-than-significant construction traffic circulation impact as the Original Project since the building and construction requirements would be similar. It would be expected to have a slightly greater, but still less-than-significant cumulative construction trip generation impact than the Original Project.

Noise. The Revised Project building is similar in height as the Original Project, although it would have more square footage. The substitution of hotel rooms for office space and more building bulk would not substantially change the noise generation of the building. The Revised Project's traffic generation would be somewhat greater than the Original Project, but would still be far less than the level of traffic that would be necessary to produce a noticeable increase in traffic noise. Thus, the Revised Project's noise impacts would be expected to be about the same as those of the Original Project. The Project Sponsor would also implement Mitigation Measure No. 1 from the Final Negative Declaration to reduce pile-driving noise to a less-than-significant level. As with the Original Project, the Revised Project would comply with San Francisco's existing Noise Ordinance. Thus, as with the Original Project, the Revised Project's noise impacts would be less-than-significant.

Air Quality/Shadow/Wind. Although the Revised Project would generate somewhat more vehicle trips than the Original Project, it would not exceed threshold at which potential ambient air quality impacts would require analysis. Therefore, the Revised Project would not be expected to have significant ambient air quality effects or substantially more severe ambient air quality impacts than the Revised Project. In common with the Original Project, the Revised Project could create significant particulate impacts with wind-blown dust and construction matter. Therefore, the project sponsor would implement Mitigation Measure No. 2 of the Final Negative Declaration to reduce particulate impacts to a less-than-significant level.

The Final Negative Declaration concluded that the Original Project would not have a significant shadow effect on public open space. The Revised Project would have the same height and slightly more bulk than the Original Project, and would also be within the *Planning Code*'s bulk limitations. The small change in building massing between the Original Project and the Revised Project would not result in a significant shadow effect by the Revised Project.

The Final Negative Declaration also concluded that the Original Project would have no adverse impacts on the wind environment. The Revised Project would have the same height and a

similar configuration as the Original Project, and thus also would not have a significant wind effect.

Utilities/Public Services. As with the Original Project's less-than-significant effects, constructing and operating the new hotel and retail project would increase the demand for and use of public services and utilities on the project site, but not in excess of the amounts expected and provided for in the project area by the existing utilities and services.

Biology. The Revised Project would not change the Original Project's absence of any potential to have a significant biological impact on the site. The site is completely covered by the existing building and a paved alley, and does not provide habitat for any rare or endangered plant or animal species or any other biological resources potentially important or otherwise.

Geology/Topography. The potential liquefaction hazard on the project site would be the same under the Revised Project as it would under the Original Project. This hazard would be avoided through the implementation of the California Division of Mines and Geology (CDMG) existing requirement for a geotechnical report, the SF Department of Building Inspection (DBI) review of the building permit applications and plans, and incorporation of seismic safety measures of the *Planning Code* or seismic safety requirements specified by DBI. The Project Sponsor would implement Mitigation Measure No. 3 of the Final Negative Declaration to reduce geologic impacts to a less-than-significant level.

Water. The less-than-significant runoff, wastewater and storm water, and erosion impacts of the Original Project would be the same under the Revised Project, which would have the same lack of change in site coverage.

Energy/Natural Resources. The Revised Project would meet current Title 24 California Code regulations, as would the Original Project. The Revised Project would increase building square footage from 49,500 to 72,000 and would increase the daily population from 238 to 313, and therefore would be expected to use more fuel, water, or energy than the Original Project; however, the Revised Project would not use energy or resources wastefully, and, in common

with the Original Project, would have a less-than-significant impact on energy and natural resources.

Hazards. The Revised Project would have the same potentially significant impacts of lead-contaminated soil and asbestos-containing building materials as the Original Project. The Project Sponsor would implement Mitigation Measure No. 4 of the Final Negative Declaration and the Revised Project would, in common with the Original Project, comply with Article 20 of the San Francisco Public Works Code (the Maher Ordinance), which would reduce the impacts of contaminated soils to a less-than-significant level. As with the Original Project, compliance with existing regulations and procedures would ensure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Cultural.

Archaeological/Paleontological. As with the Original Project, there is some potential to disturb significant archaeological or paleontological resources if they were to exist on the site due to some excavation during site preparation. As such, the Project Sponsor would implement Mitigation No. 5 of the Final Negative Declaration to reduce this potentially significant impact to a less-than-significant level.

Historic. As discussed in the Final Negative Declaration, the existing building on the project site is not rated in the State Office of Historic Preservation database, or listed in the National Register of Historic Places or Article 10. The project site is located within the South End Historic District (District), but the existing building is a noncontributory building that is outside of the District's period of significance or is so significantly altered that it has lost its integrity. As with the Original Project, the Revised Project would require a Certificate of Appropriateness by the San Francisco Landmarks Preservation Advisory Board for demolishing a noncontributory building and constructing a new building in the district. This would not be considered a significant environmental effect for either the Revised Project or the Original Project.

Mitigation Measures. The following measures are necessary to avoid potential significant effects of the project and have been agreed to by the project sponsor.

No. 1: Noise and Vibration: The project sponsor would require the construction contractor to use pre-drilled piles where soil conditions permit, and state-of-the-art noise shielding and muffling devices on construction equipment. The project sponsor would also be required to notify adjacent building owners and occupants, prior to pile-driving and other vibration-producing activities, of the dates and expected duration of such work.

No. 2: Construction and Air Quality. The project sponsor would require the contractor(s) to sprinkle demolition sites with water during demolition, excavation and construction activity twice per day; sprinkle unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material being hauled on trucks; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

No 3: Geology

a. One or more geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project.
b. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors the adjacent building for damage during construction, if recommended by the geotechnical engineer.
c. The project sponsor and contractor(s) would follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event that substantial movements were detected.

Contaminated Soils Should any soil movement be required as part of the project, prior to disturbing soils on site, the project sponsor would conduct the following measures:

Site Mitigation Plan (SMP) and Corrective Action Plan (CAP)
The project sponsor shall verify Department of Public Health approval of a Site Mitigation Plan (SMP) to be implemented during project construction prior to issuance of any building permit. The project sponsor shall also verify submittal to RWQCB of a Corrective Action Plan (CAP) to be implemented during project construction.

Remediation
Prior to conducting project remediation activities a Site Health and Safety Plan would be prepared pursuant to the California Division of Occupational Health and Safety (Cal-OSHA) requirements and National Institute for Occupational Safely and Health guidance to ensure worker safety. Under Cal-OSHA requirements, the Site Health and Safety Plan would need to be prepared prior to initiating any earth moving activities at the site.

The site shall be remediated in accordance with the standards, regulations, and determinations of local, state, and federal regulatory agencies. The project sponsor shall coordinate with the DPH and any other applicable regulatory agencies to adopt contaminant-specific remediation target levels. Hazardous substances shall be removed and disposed of at an approved site, and any other appropriate actions shall be taken, as directed by DPH and the San Francisco Local Oversight Program (SFLOP). Retention or addition of several groundwater monitoring wells may be required to confirm contaminant concentrations and groundwater flow direction as part of the project.

Handling, hauling, and disposal of contaminated soils

1. *Dust suppression*

   Soils exposed during excavation for site preparation and project construction activities shall be kept moist, or as otherwise directed by DHP to minimize particulates, throughout the time they are exposed, both during and after work hours. (See Mitigation Measure 2).

2. *Surface water runoff control*

   Where soils are stockpiled, plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

3. *Soils replacement*

   Clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. If directed by DBI, the recommendations of the geotechnical report will be followed, and the top two feet of site soils will be re-compacted to 95% relative compaction.

4. *Hauling and disposal*

   Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Preparation of certification report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a certification report to DPH for review and approval. The certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Deed recordation

After project construction and if both of the following circumstances are met, the project sponsor shall file a recordation on the deed for the subject property that indicates the need to take special precautions during future disturbance of the soils on the property due to certain on-site soil conditions: 1) based on the results of the soil and groundwater tests, DPH determines that project site soils or groundwater are contaminated at or above potentially hazardous levels, and/or 2) potentially hazardous levels of contaminants remain at the project site.

No. 5: Cultural Resources Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological

consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effect on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological 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 archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the

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

The scope of the AADRP shall include the following elements

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

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, 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, curation, possession, 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 of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

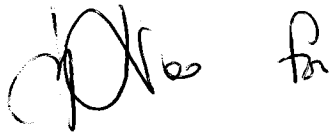
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Conclusion

Based on the foregoing, it is concluded that the analysis conducted and conclusions reached in the Final Negative Declaration adopted on June 13, 2001 remain valid, and that no supplemental environmental review is required pursuant to PRC section 21166 and CEQA Guidelines 15162 through 15164.

The proposed revisions to the project would not cause new or substantially more severe significant impacts not identified in the Final Negative Declaration on the Original Project, and no new mitigation measures would be necessary to reduce or avoid significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that

would cause significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

Date of Determination:	I do hereby certify that the above determination has been made pursuant to State and Local requirements.  PAUL E. MALTZER Environmental Review Officer

cc: Project Sponsor
David Levy, Project Attorney
Winslow Hastie/Planning Dept.
Distribution List
O. Chavez/Bulletin Board
L. Fernandez/Master Decision File

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
NOISE AND VIBRATION The project sponsor would require the construction contractor to use pre-drilled piles where soil conditions permit, and state-of-the-art noise shielding and muffling devices on construction equipment. The project sponsor would also be required to notify adjacent building owners and occupants, prior to pile-driving and other vibration-producing activities, of the dates and expected duration of such work.	The Project Sponsor	During construction	The project sponsor would be required to notify adjacent building owners and occupants, prior to pile-driving and other vibration-producing activities, of the dates and expected duration of such work.	Considered complete upon receipt by the Planning Department of a final monitoring report from the Project Sponsor at the completion of construction
CONSTRUCTION AIR QUALITY The project sponsor would require the contractor(s) to sprinkle demolition sites with water during demolition, excavation and construction activity twice per day; sprinkle unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material being hauled on trucks; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.	The Project Sponsor and the Project contractor	During demolition, excavation and construction	The Project Sponsor shall provide the Planning Department with quarterly reports during the construction period.	Considered complete upon receipt by the Planning Department of a final monitoring report from the Project Sponsor at the completion of construction
GEOLOGY a. One or more geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. b. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors the adjacent building for damage during construction, if recommended by the geotechnical engineer. b. The project sponsor and contractor(s) would follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event that substantial movements were detected.	Project Sponsor and Contractor	Pre-Construction, During Construction	The project sponsor and contractor(s) would retain a geotechnical report for a licensed geotechnical engineer. The project sponsor and contractor would follow the geotechnical engineers' recommendations	Considered complete upon receipt by the Planning Department of a final monitoring report from the Project Sponsor at the completion of construction

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

Mitigation Measures Adopted As Conditions of Approval	MONITORING PROGRAM			
	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
CONTAMINATED SOIL				
Should any soil movement be required as part of the project, prior to disturbing soils on site, the project sponsor would conduct the following measures: *a. Site Mitigation Plan (SMP) and Corrective Action Plan (CAP)* The project sponsor shall verify Department of Public Health approval of a Site Mitigation Plan (SMP) to be implemented during project construction prior to issuance of any building permit. The project sponsor shall also verify submittal to RWQCB of a Corrective Action Plan (CAP) to be implemented during project construction. *b. Remediation* Prior to conducting project remediation activities a Site Health and Safety Plan would be prepared pursuant to the California Division of Occupational Health and Safety (Cal-OSHA) requirements and National Institute for Occupational Safely and Health guidance to ensure worker safety. Under Cal-OSHA requirements, the Site Health and Safety Plan would need to be prepared prior to initiating any earth moving activities at the site. The site shall be remediated in accordance with the standards, regulations, and determinations of local, state, and federal regulatory agencies. The project sponsor shall coordinate with the DPH and any other applicable regulatory agencies to adopt contaminant-specific remediation target levels. Hazardous substances shall be removed and disposed of at an approved site, and any other appropriate actions shall be taken, as directed by DPH and the San Francisco Local Oversight Program (SFLOP). Retention or addition of several groundwater monitoring wells may be required to confirm contaminant concentrations and groundwater flow direction as part of the project. *c. Handling, hauling, and disposal of contaminated soils* *1. Dust suppression*	Project Sponsor, Contractor	Pre-Construction, During Construction	Evidence of compliance with applicable laws and regulations would be provided to the Planning Department, the Department of Building Inspection (DBI), and the Department of Public Health (DPH).	Considered complete upon completion of excavation and receipt and acceptance of evidence of surveys and of compliance by Planning Department, DBI, and DPH

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
Soils exposed during excavation for site preparation and project construction activities shall be kept moist, or as otherwise directed by DHP to minimize particulates, throughout the time they are exposed, both during and after work hours. (See Mitigation Measure 2). *2. Surface water runoff control* Where soils are stockpiled, plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. *3. Soils replacement* Clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. If directed by DBI, the recommendations of the geotechnical report will be followed, and the top two feet of site soils will be re-compacted to 95% relative compaction. *4. Hauling and disposal* Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.				
d. Preparation of certification report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a certification report to DPH for review and approval. The certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.				
e. Deed recordation After project construction and if both of the following circumstances are met, the project sponsor shall file a recordation on the deed for the subject property that indicates the need to take special precautions during future				

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
disturbance of the soils on the property due to certain on-site soil conditions: 1) based on the results of the soil and groundwater tests, DPH determines that project site soils or groundwater are contaminated at or above potentially hazardous levels, and/or 2) potentially hazardous levels of contaminants remain at the project site.				
CULTURAL RESOURCES				
Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effect on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).	The Project Sponsor	Prior to the issuance of the grading or building permits	Project Sponsor shall retain an archaeological consultant to undertake the archaeological monitoring program in consultation with ERO.	Considered complete when the Project Sponsor retains a qualified archaeological consultant.
Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions: ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;	The Project Sponsor and archaeological consultant	Prior to any soils disturbance	Consultation with ERO on scope of AMP	Considered complete after consultation with and approval by ERO of AMP.

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
▪ 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 archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.	The archaeological consultant, the Project Sponsor and the Project contractor.	Monitoring of soils disturbing activities.	Archaeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archaeological resource.	Considered complete upon completion of AMP.
If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either: A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.	ERO, archaeological consultant, and the Project Sponsor.	Applicable only following the discovery of a significant archaeological resource that could be adversely affected by the Project.	Redesign of project to avoid adverse effect or undertaking of archaeological data recovery program.	Considered complete upon avoidance of adverse effect.

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. 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.	Archaeological consultant in consultation with ERO	After determination by ERO that an archaeological data recovery program is required	Archaeological consultant to prepare an ADRP in consultation with ERO	Considered complete upon approval of ADRP by ERO

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**
Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, 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, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.	Archaeological consultant or medical examiner	Discovery of human remains	Notification of County/City Coroner and, as warranted, notification of NAHC.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archaeological consultant for scientific/historical analysis of remains/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 of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.	Archaeological consultant	Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.	Preparation of FARR	FARR is complete on review and approval of ERO
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Archaeological consultant	Following completion and approval of FARR by ERO	Distribution of FARR after consultation with ERO	Complete on certification to ERO that copies of FARR have been distributed

ATTACHMENT 1: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (Continued)

	MONITORING PROGRAM			
Mitigation Measures Adopted As Conditions of Approval	**Responsibility for Implementation**	**Mitigation Schedule**	**Monitoring/Reporting Responsibility**	**Status/Date Completed**

NEGATIVE DECLARATION

Date of Publication of Preliminary Negative Declaration: May 19, 2001

Lead Agency: City and County of San Francisco, Department of City Planning 1660 Mission Street, San Francisco, CA 94103

Agency Contact Person: Joy Navarrete **Telephone:** (415) 558-5975

Project Title: 2000.1194E – 144 King Street, 49,500 sq.ft. Office Use

Project Sponsor/Contact: Lewis & Taylor - c/o Adrian Bradford 415-567-7585

Project Address: 144 King Street
Assessor's Block and Lot: Block 3794, Lot 24
City and County: San Francisco

Project Description: The approximately 9,900-square-foot (sf) site is on the west side of King Street, in the block between 2nd Street and 3rd Street, Assessor's Block 3794, Lot 24, in the South of Market District. The site is occupied with a one-story building, used as a distribution warehouse. The proposed project is the demolition of the existing building and construction of a new eight-story building containing approximately 49,500 gross square feet (gsf) to be used for possible retail space on the ground floor and offices on the upper floors with 22 off-street parking spaces. The proposed building would be about 105 feet in height. The site is within an M-2 (Heavy Industrial) zoning district and a 105-F height and bulk district.

Building Permit Application Number, if Applicable: Pending

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:

-Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects:

See page 25

Final Negative Declaration adopted and issued on June 13, 2001.

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

PAUL E. MALTZER
Environmental Review Officer

cc: Julian Banales
Olivetta Chavez (cover only)
Sponsor
Distribution List
Bulletin Board/MDF

2000.1194E

PROJECT DESCRIPTION

The proposal is to demolish the existing 5,655 square foot building and construct a 49,500 square foot, eight-story building, with 22 parking spaces, to be used as office. The building would be approximately 105 feet in height. Figures 2-4 show the proposed overall site plan and elevations of the proposed building.

PROJECT SETTING

The project site is located mid-block at 144 King Street, bounded by King Street to the south, Third Street to the west, Townsend Street to the north, and Second Street to the east in Assessor's Block 3794, on Lot 24. The site is directly across King Street from Pacific Bell Park, the home of the San Francisco Giants, which opened in April 2000. The site is approximately 9,900 square feet in size and is currently used as an office and warehouse (Figure 1). The project site is located in the South of Market (SoMa) neighborhood of San Francisco, in an M-2 zoning district, within a 105-F height/bulk district, as well as within the Ballpark Vicinity Special Use District (SUD) Mixed Use Area adopted by the Planning Commission as an interim zoning control. An office use is a permitted use in the in the M-2 zoning district, Ballpark Vicinity SUD and in the Mixed Use Area.

The existing structure on the site, 144 King Street, was constructed in 1946. The building is about 18 feet tall and constructed of brick and masonry. Currently, the property is divided into three separate units (A, B and C). Unit A is the location of Sunshine Foods, a caviar distributor company. Unit B is currently vacant. Unit C is used as storage for Redline Inc. for temporary carpet storage. The entrances of the units are located along the alley connecting King Street and Townsend Street. The rear of the building is also rectangular in shape and extends past the building boundary line to the adjacent property parallel to King Street. The building is not listed in Article 10 of the Planning Code (Landmarks), but is within the South End Historic District of Article 10 of the San Francisco Planning Code. The existing building is a noncontributory building, which is outside of the South End Historic District's period of significance or is so significantly altered that it has lost its integrity. A Certificate of Appropriateness by the San Francisco Landmarks Preservation Advisory Board shall not be required for demolition of a noncontributory building. Construction of new buildings on a demolished building site, additions to, and major alterations of noncontributory buildings would be compatible with the character of the Historic District, and would require a Certificate of Appropriateness in order to ensure compatibility with the character of the Historic District. Therefore, since this project would demolish a noncontributory building, and construct a new building in the South End Historic District, a Certificate of Appropriateness would be required.

FIGURE 1 - PROJECT LOCATION

Source: City and County of San Francisco

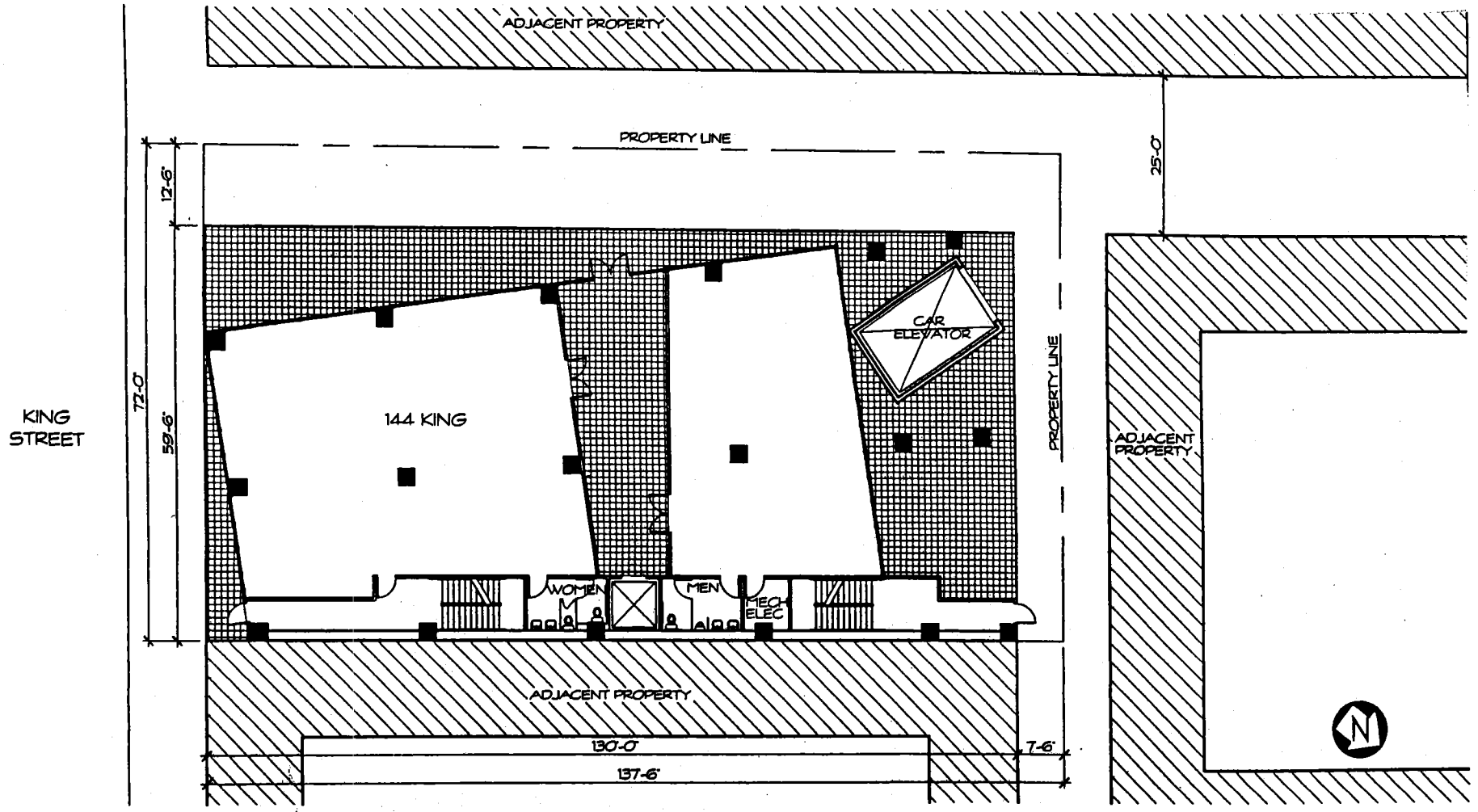


FIGURE 2 - SITE PLAN

Source: Theodore Brown & Partners

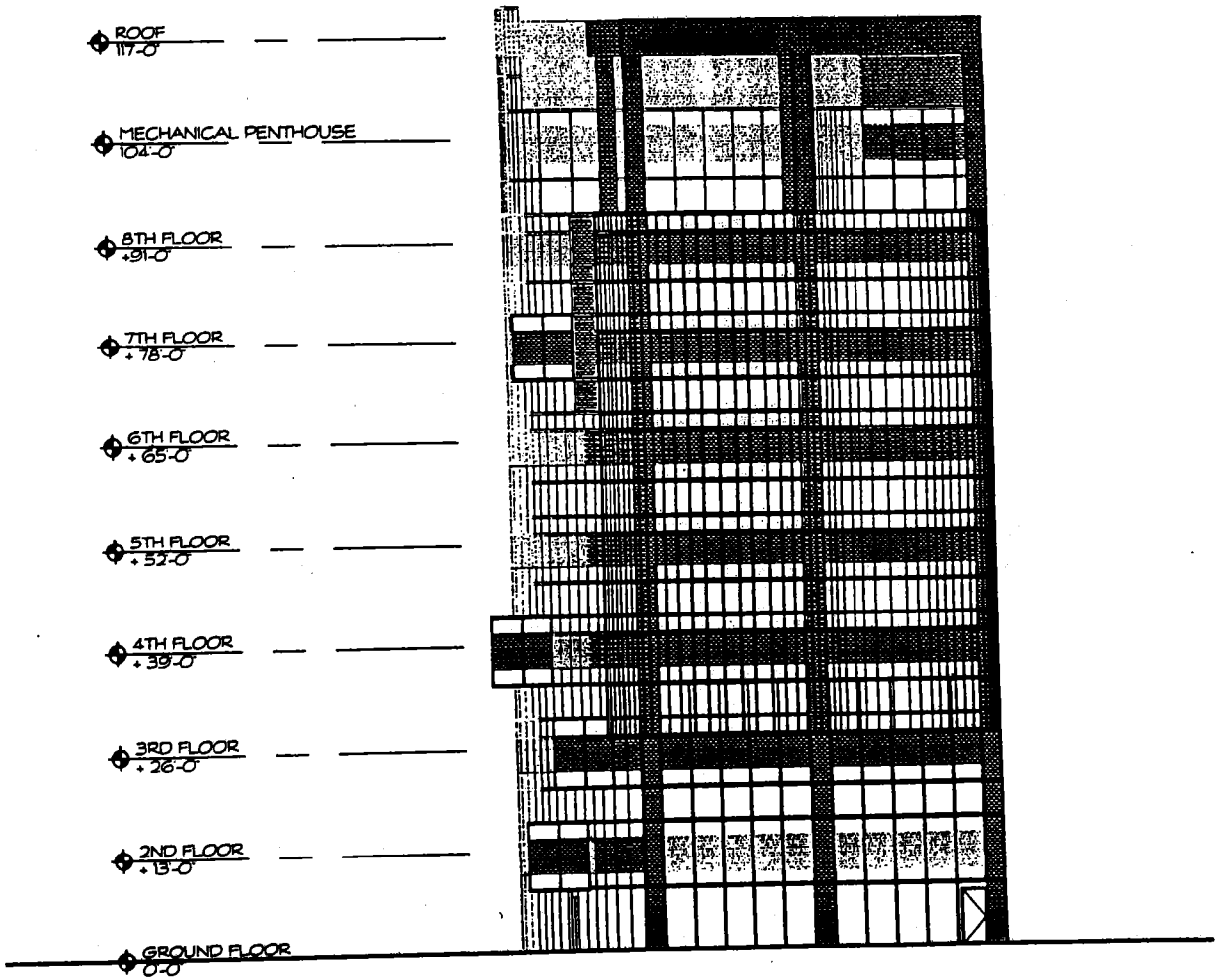


FIGURE 3 - ELEVATIONS

Source: Theodore Brown & Partners

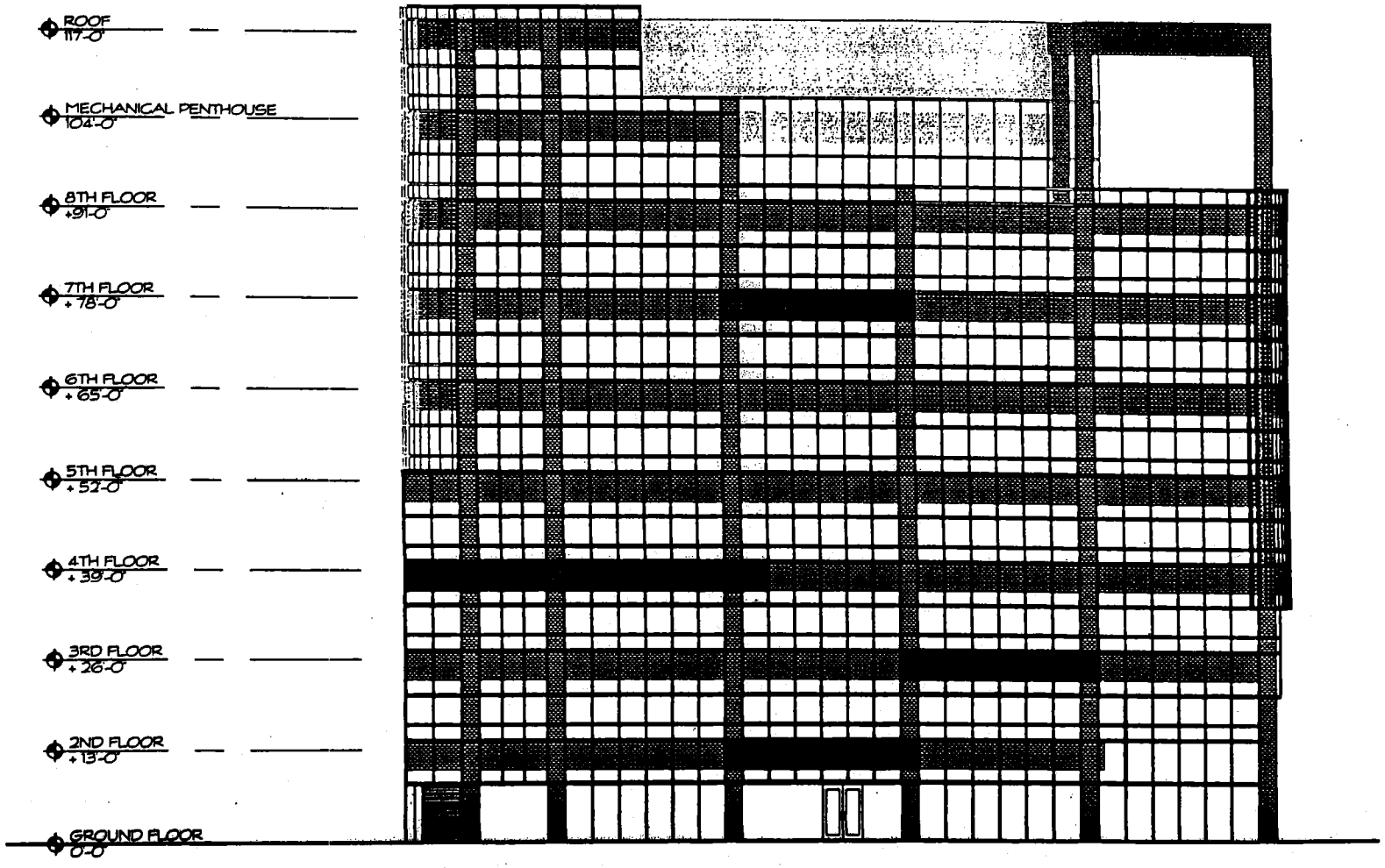


FIGURE 4 - ELEVATIONS

Source: Theodore Brown & Partners

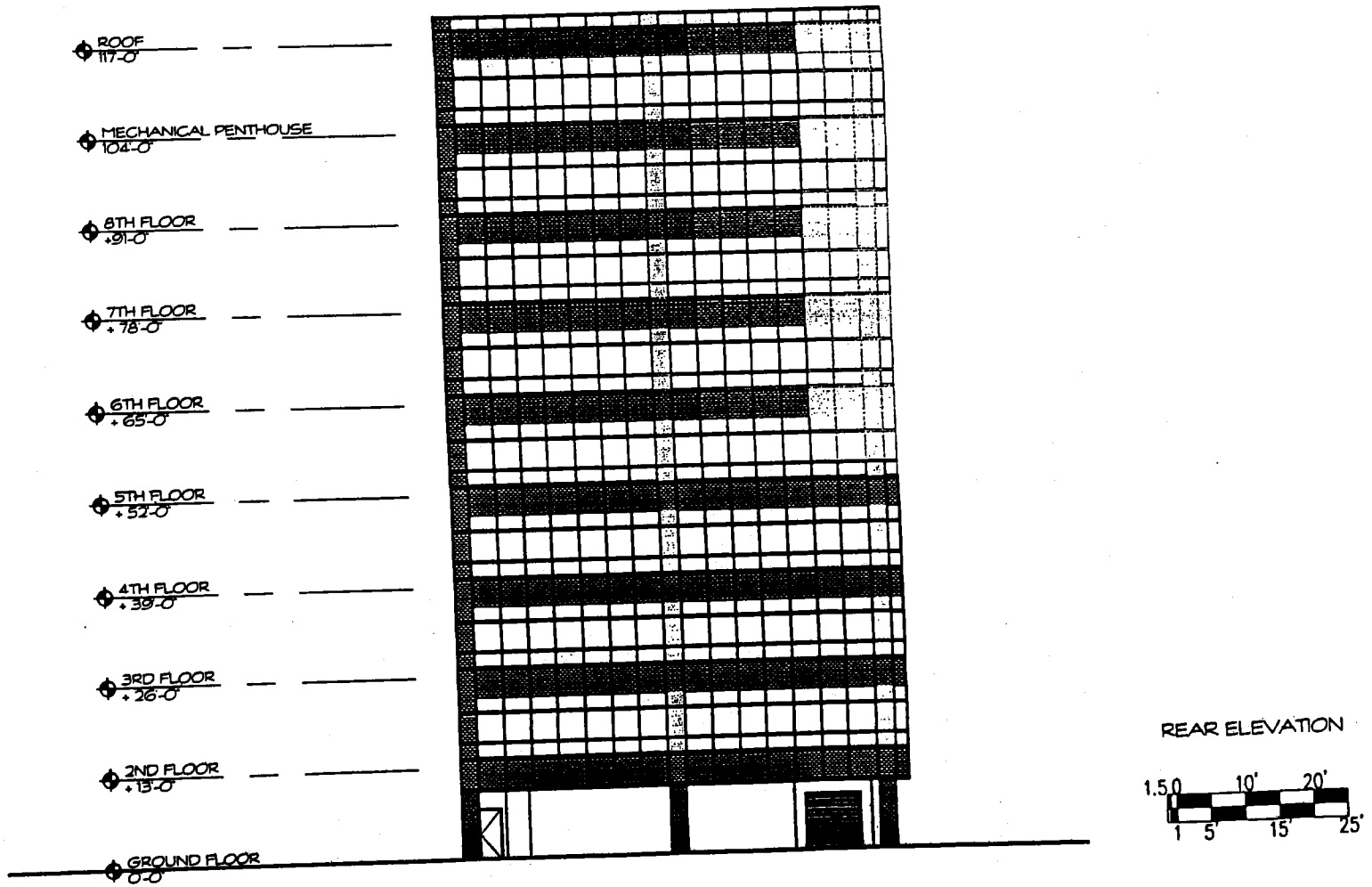


FIGURE 5 - ELEVATIONS

Source: Theodore Brown & Partners

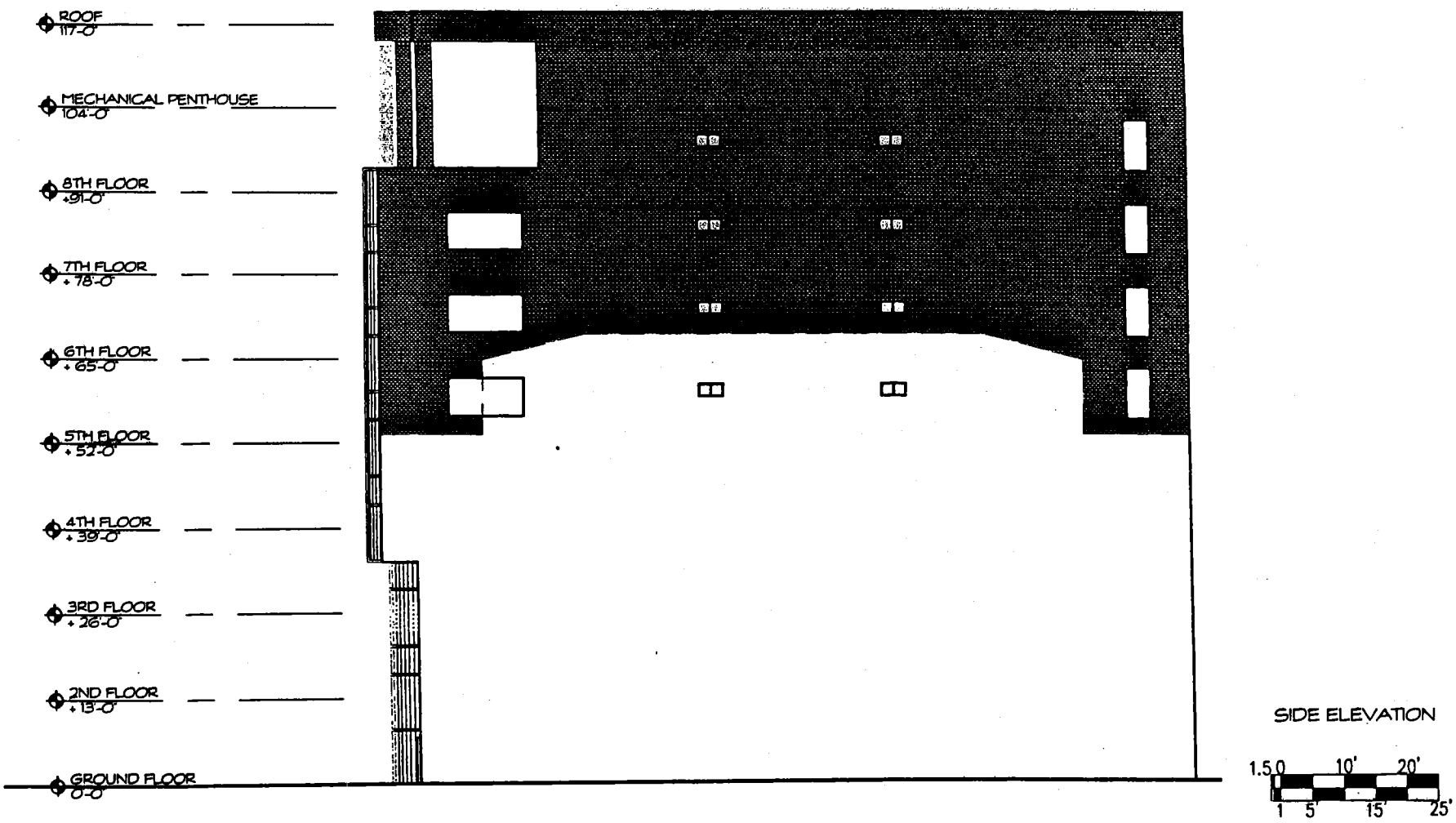


FIGURE 6 - ELEVATIONS

Source: Theodore Brown & Partners

INITIAL STUDY CHECKLIST
AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS	Not Applicable	Discussed
1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.	—	X
2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.	—	X

The San Francisco Planning Code, which incorporates by reference the San Francisco Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. A permit to construct a new building (or to alter or demolish an existing one) may not be issued unless either a proposed project conforms to the Code, or an exception is granted pursuant to provisions of the Code.

The project site is in the M-2 Zoning District, which permits office development; and is in a 105-F Height and Bulk District, which permits construction to a height of 105 with bulk restrictions above 80 feet of 110 feet in length and 140 feet in diagonal dimension. As proposed, the project would comply with the bulk restrictions above 80 feet as established in Planning Code Sec. 270(d) and would be within the height limit of 105-F District. The project would also be subject to the provisions of Planning Code Section 295 regarding the casting of shadow on certain public open spaces. The project would seek a variance from Section 152 of the Planning Code, since it would not provide the required amount of parking.

As an office development, the project would also be subject to certain other Planning Code sections, including the Office Affordable Housing Production Program (Section 313 et. Seq.) and child care provision fees (Section 314 et.seq.). In addition, the project would be subject to the provisions of Planning Code Section 321, which restricts the amount of new office space that can be constructed on an annual basis. The Department of Building Inspection would require building permits for the proposed project because it would involve demolition of one existing building and constructing one new building.

Environmental plans and policies, such as the Bay Area Air Quality Plan, 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 proposed office development at 144 King Street would not obviously or substantially conflict with any such adopted environmental plan or policy.

The City and County of San Francisco General Plan (Master Plan), which provides general objectives and policies to guide land use decisions, contains some policies which relate to physical environmental issues. The proposed office development at 144 King Street would not obviously or substantially conflict with any such policy. In general, potential conflicts of a proposed project with the General Plan are considered by decision makers (normally the City Planning Commission) independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document could be considered in that context, and would not alter the physical environmental effects of the proposed project.

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 are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of

industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under CEQA, or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project is consistent with the Priority Policies.

B. POTENTIAL ENVIRONMENTAL EFFECTS

1) Land Use. Could the project:	Yes	No	Discussed
(a) Disrupt or divide the physical arrangement of an established community?	___	X	X
(b) Have any substantial impact upon the existing character of the vicinity?	___	X	X

The 5,655 square-foot project site is currently occupied by a two-story (converted from one story) building at 144 King Street. Currently, the property is divided into three separate units (A, B and C). Unit A is the location of Sunshine Foods, a caviar distributor company. Unit B is currently vacant. Unit C is used as storage for Redline Inc. for temporary carpet storage. The entrances of the units are located along the alley connecting King Street and Townsend Street. The rear of the building is also rectangular in shape and extends past the building boundary line to the adjacent property parallel to King Street.

Land uses in the project vicinity are varied and include light industry, live/work units, apartments, restaurants, self-storage, offices, warehouses, surface parking, and retail. Across King Street from the project site is Pacific Bell Park, home of the San Francisco Giants baseball team, which opened in April 2000. At Second Street between Townsend and King Streets, is the One Embarcadero South project (a residential San Francisco Redevelopment Agency project). Slightly further away, the Caltrain depot is located two blocks to the southwest and the China Basin Landing office building is located on Berry Street between Third and Fourth Streets. In addition, the Mission Bay North Redevelopment Area has been approved for development, but has yet to begin construction. This development will include a variety of uses, including retail, residential, and open space, and will be located north of China Basin Channel and south of Townsend and/or King Streets between Third and Seventh Streets.

The proposed project, a new office building of approximately 49,500 gross sq. ft. (including possible ground floor retail space), would result in an increase in intensity of existing land uses on the project site, given that the existing building is one story and the new building would be eight stories (plus mechanical penthouse). However, the project would not alter the general land use of the immediate area, which includes several office buildings, some of which include small retail spaces. In addition, the project vicinity is undergoing a transition from primarily warehouse and industrial uses to live/work and other residential uses, office uses, and, most recently, retail/entertainment uses intended to capitalize on the new Pacific Bell Park. The proposed project would be in keeping with the direction of the neighborhood's redevelopment.

The project would also not disrupt or divide the neighborhood, since it would be achieved within the existing block configuration. Land use effects of the proposed project would be less-than-significant.

2) Visual Quality. Could the project:	Yes	No	Discussed
(a) Have a substantial, demonstrable negative aesthetic effect?		X	X
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?	___	X	X
(c) Generate obtrusive light or glare substantially impacting other properties?	___	X	X

The proposed project would result in a visual change since it would demolish an existing one-story building dating from 1946 to construct a substantially larger eight-story (plus mechanical penthouse) building, that would include parking on the basement level.

The existing building is about 18 feet tall (to the parapet on King Street) and is whitewashed concrete on its principal facade. The two visible elevations of the building (southern facade on King Street and the western facade along the private alley) are industrial in appearance with punched square and rectangular groupings of small industrial sash widows. The private alley facade also has a steel rolling door loading entrance and two pedestrian entrances.

The proposed 105-foot-tall project would be of greater height and bulk than most of the other buildings in the immediate vicinity, which is composed of a great variety of two- to three-story older warehouses, and five-to six-story office structures, except for the building under construction adjacent to the west, which would also be 105 feet high with a larger massing than the proposed project at 144 King Street. Pacific Bell Park, which is located directly across King Street from the project is substantially larger in height and bulk than the proposed project. In addition, at Second Street between Townsend and King Streets, the One Embarcadero South project is substantially taller than the proposed project at thirteen stories.

The proposed building would be a steel-frame structure with brick and glass exterior. Although visual quality is subjective, given the proposed exterior materials and the fact that the proposed project would be within a group of nearby buildings of varying height and bulk, it cannot be concluded that the proposed building would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and its surroundings.

There are no major public open spaces in the vicinity, although the site's proximity to Pacific Bell Park would make it a visually prominent structure for people attending games at the stadium. The proposed project would also be visible from Willie Mays Plaza, which is located adjacent the stadium at the corner of Third and King Streets, and from South Beach Park, a small green open space located where King Street transitions into The Embarcadero. It is unlikely, however, that the proposed project would be visible from South Park (located one and a half blocks to the north between Bryant and Brannan Streets and Second and Third Streets) due to this open space's compact dimensions, its distance from the project site, and intervening buildings.

In summary, visual changes on the site would not substantially change or block any scenic vista currently enjoyed from public open spaces in the area. From long-range vantage points, such as Potrero Hill and Twin Peaks, the proposed project would be indistinguishable from the adjacent context of other nearby buildings. The proposed project would be constructed within an increasingly densely built urban area. Although the additional height would be visible from surrounding buildings, the project would not obstruct any publicly accessible scenic views or have a substantial adverse effect on a scenic vista.

The proposed project would increase the amount of light emitted from the site, but would not substantially increase ambient light levels in the project area. Further, light and glare produced from the proposed project would be typical of office structures nearby and throughout the City. The proposed project would not produce obtrusive glare that would substantially affect other properties and would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass.

3) Population. Could the project:	Yes	No	Discussed
(a) Induce substantial growth or concentration of population?	___	X	___
(b) Displace a large number of people (involving either housing or employment)?	___	X	X
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	___	___	X

The project would construct a new office building with approximately 49,500 gross square feet (gsf) of office space. Demolition of the existing structure on the site would displace about 12 employees currently on the site. Many of these employees would be expected to relocate within San Francisco or elsewhere in the Bay Area, as the project would not have any substantial effect on the availability of replacement space of similar quality to that provided in the existing building.[1] At full occupancy, the project would house about 238 office employees. Some of these would likely be new employees, while some would relocate from other San Francisco office buildings. San Francisco's employment is projected to grow from about 535,000 employees in 1995 to about 673,500 employees in 2015, an increase of 26 percent. Therefore, project-related employment growth could constitute less than one percent of citywide employment growth by the year 2015. This potential increase in employment would be minimal in the context of the total employment in greater San Francisco.

San Francisco consistently ranks as one of the most expensive housing markets in the United States and is the central city in an attractive region known for its agreeable climate, open space and recreational opportunities, cultural amenities, strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demand in the City. New housing to relieve the market pressure created by the strong demand is particularly difficult to provide in San Francisco because the amount of land available is limited, and because land and development costs are high.

[1] Based on a standard multiplier of 208 sq. ft. per employee, based on San Francisco Planning Department transportation analysis guidelines.

An estimated 311,340 households resided in San Francisco in 1995. By 2015, San Francisco households are expected to increase by 32,309 households, a 10 percent increase. Based on a nexus study prepared for the proposed update of the Office Affordable Housing Production Program, the project would create a demand for about 80 new dwelling units.[2] The project would be required to comply with Section 313 of the Planning Code and contribute towards the production of affordable housing. Housing demand in and of itself is not a physical environmental effect, but an imbalance between local employment and housing can lead to long commutes with potential traffic, air quality, and other impacts. Traffic and air quality issues are analyzed below. In view of the above, population and housing effects of the proposed project would not be significant.

4) Transportation/Circulation. Could the project:	Yes	No	Discussed
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	_	X	X
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	_	X	X
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	_	X	X
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	_	X	X

Overall, the project would generate an estimated 912 net new average daily person-trips spread among various modes of transportation, including about 87 net new person trips in the p.m. peak hour. Based on 1990 Census data, it is estimated that about 37% of the peak hour person-trips would be made by private automobile, about 39% by public transit, and about 24% walking/other modes. Utilizing an average ridership per private vehicle of 1.7, also based on 1990 Census data, yields an estimated 19 p.m. peak hour automobile trips, 34 p.m. peak hour transit trips, and 21 p.m. peak hour trips walking or other modes.

The estimated project generated increase of 19 automobile trips during the p.m. peak hour would not be a significant traffic increase relative to the existing capacity of the local street system. The project would add a small increment to the cumulative long-term traffic increase on the local roadway network. The change in area traffic as a result of the project would be undetectable to most drivers.

The anticipated 34 peak hour project trips utilizing public transit would be distributed among the MUNI lines including the 10-Townsend, 15-Third Street, 16X-Noriega Express, 30-Stockton, 45-Union-Stockton, 76-Fort Cronkhite, 80X-81X Caltrain Expresses, 82X-Presidio and Wharves Express lines providing service to the vicinity of the project site. Together, these lines provide approximately 96 transit vehicles in the p.m. peak

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[2] This method uses the estimated project-related increase in employment (238 employees) by the fraction of San Francisco employees who live in the City (55%). This result, the approximate number of project-related employees who would live in the City (131), is then divided by the average number of San Francisco workers in households where San Francisco workers reside (1.63). The estimated housing demand using the formula under consideration would be about 80 units (238 x 0.55 / 1.63 equals 80). Planning Code Section 313.3, the Office Affordable Housing Production Program Ordinance (OAHPP), at present applies only to office development, but is proposed to be expanded to include retail and hotel space, and to be renamed the Jobs-Housing Linkage Program. The OAHPP requires construction of housing or payment of an in-lieu fee for less housing demand than is actually anticipated to be created by a project. This OAHPP calculation uses estimated net increase in gross square feet multiplied by 0.000386; therefore, the calculation for the proposed project is 49,500 net new sq. ft. of office x 0.000386 = 19, which is the number of units of housing that the project sponsor would be required to construct. Alternatively, the sponsor may pay a fee of $7.05 per net new square foot, or about $350,000.

hour. The 34 project transit trips spread among the 96 transit vehicles would yield an average increase of less than one rider per vehicle, which would not have a significant impact upon transit service.

The existing site contains 8 off-street parking spaces along the private right-of-way on the southern border of the site. The parking lot is generally fully occupied, with about 8 vehicles, during the day Monday through Friday, with a large percentage of those vehicles leaving the lot during the PM peak period. The proposed project would provide 22 off-street parking spaces on the site. The parking demand for the project, based on the Planning Department's *Guidelines for Environmental Review: Transportation Impacts*, is 25 parking spaces. The proposed project would result in a deficit of approximately 3 parking spaces which would be unmet by the project's supply of parking. This deficit would require project-generated traffic to compete for a decreased supply of parking relative to demand in the area. This increased parking deficit would force some drivers to look for parking outside the immediate area. The long-term effect of the deficit could be to discourage auto use and encourage the use of local transit; it could also encourage construction of additional parking facilities or measures to increase the supply within existing and proposed facilities. The increased demand would not substantially alter the existing nature of the areawide parking situation. In general, policies and objectives contained in the San Francisco General Plan encourage transit use and other alternative modes of transportation over the use of private automobiles.

5) Noise. Could the project:	Yes	No	Discussed
(a) Increase substantially the ambient noise levels for adjoining areas?	___	X	X
(b) Violate Title 24 Noise Insulation Standards, if applicable?	___	X	X
(c) Be substantially impacted by existing noise levels?	___	X	X

Ambient noise levels in the vicinity of the project are typical of noise levels in downtown San Francisco, which are dominated by vehicular traffic, including trucks, cars, MUNI buses, and emergency vehicles. The Giants Ballpark EIR indicated a day-night average noise level of 68.9 Ldn on The Embarcadero south of Townsend Street in 1996.[3]

Traffic Noise

Generally, traffic must double in volume to produce a noticeable increase in noise levels. Traffic volumes would not be expected to double as a result of the project; therefore, substantial increases in traffic noise in the project area would not be anticipated. In addition, the project sponsor would design the new structure such that office operations would not be affected by outside noise.

[3] San Francisco Department of City Planning, *San Francisco Giants Ballpark at China Basin Final EIR*, Case No. 96.176E, certified June 26, 1997, Volume 1, p. IV.246, Table IV.F.1.

Land Use Compatibility

The State of California has prepared guidelines for determining the compatibility of various land uses with different noise environments.[4] For office uses, the guidelines recommend that necessary noise insulation features be included in new construction in areas where the noise levels are greater than about 68 Ldn (day-night background noise level). Standard noise insulation measures would be included as part of the project design. Title 24 of the California Code of Regulations includes the California noise insulation standards, which are applicable to construction of multi-family dwelling units, and thus do not apply to the project. Existing noise levels, therefore, would not significantly affect the proposed project.

Building Equipment Noise

The project would include mechanical equipment, such as air conditioning units and chillers, that could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. Compliance with Article 29, Section 2909, would minimize noise from building operations, which would not be significant.

Construction Noise

Demolition, excavation, and building construction would temporarily increase noise in the site vicinity. For example, the project would require pile driving during construction, which would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. In general, pile driving noise could be about 90 decibels (dBA) during impact at about 100 feet from the site. Pile driving would be expected to last about three weeks. Noise levels at receptors near the project site would depend on their distance from the source and on the presence or absence of noise barriers. The noise of the pile driver would be most noticeable directly in front of the construction site. Vibrations from the pile driving could be felt in adjacent buildings, which include retail business and office uses. To mitigate any impacts associated with noise generated from pile driving, the project would comply with regulations set forth in the San Francisco Noise Ordinance.

To further minimize noise and vibration from pile driving, the project sponsor would require project construction contractors to predrill holes to the maximum depth feasible on the basis of soil conditions. Contractors would be required to use construction equipment with state-of-the-art noise shielding and muffling devices. The project sponsor would also require that contractors schedule pile driving activity for times of the day that would minimize disturbance to neighbors (see Mitigation Measure No. 1, p. 10).

The construction period would last approximately fourteen months. Construction noise levels 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 be temporary and intermittent, and would be limited to the period during which the foundations and exterior structural and facade elements would be built.

Construction noise is also regulated by the San Francisco Noise Ordinance, Article 29 of the City Police Code. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, pile drivers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m. If noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

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[4] Governor's Office of Planning and Research, General Plan Guidelines, November 1998, p. 187.

There are no noise-sensitive receptors, such as schools or hospitals, in the vicinity of the project that would be adversely affected by construction noise.

6) Air Quality/Climate. Could the project:	Yes	No	Discussed
(a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	___	X	X
(b) Expose sensitive receptors to substantial pollutant concentrations?	___	X	X
(c) Permeate its vicinity with objectionable odors?	___	X	___
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	___	X	X

Construction Emissions

Demolition, grading and other ground-disturbing construction activities would temporarily affect local air quality for about two months, causing a temporary increase in particulate dust and other pollutants. Heavy equipment could create fugitive dust and emit nitrogen oxides (NOX), carbon monoxide (CO), sulfur dioxide (SO2), reactive organic gases, or hydrocarbons (ROG, or HC), and particulate matter with a diameter of less than 10 microns (PM10) as a result of diesel fuel combustion.

Dust emission during demolition and excavation would increase particulate concentrations near the site. Dustfall can be expected at times on surfaces within 200 to 800 feet. Under high winds exceeding 12 miles per hour, localized effects including human discomfort might occur downwind from blowing dust. Construction dust is composed primarily of particularly large particles that settle out of the atmosphere more rapidly with increasing distance from the source and are easily filtered by human breathing passages. About one-third of the dust generated by construction activities consists of smaller size particles in the range that can be inhaled by humans (i.e., particles 10 microns or smaller in diameter, known as PM10), although those particles are generally inert. More of a nuisance than a hazard for most people, this dust could affect persons with respiratory diseases immediately downwind of the site, as well as sensitive electronics or communications equipment.

The Bay Area Air Quality Management District (BAAQMD), in its CEQA Guidelines, has identified a set of feasible PM10 control measures for construction activities. The project sponsor would require the contractor to wet down the construction site twice a day during construction, which would be expected to reduce particulates by about 50 percent; .would require covering soil, sand and other material; and would require street sweeping around demolition and construction sites at least once per day (see Mitigation Measure No. 2).

Shadow

Section 295 of the Planning Code was adopted in response to Proposition K (passed in November 1984) in order to protect public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the Planning Commission finds the impact to be insignificant. As determined by a shadow fan analysis conducted by the Planning Department, this proposed project meets the requirements of the Planning Code as it would not add new shadow to any park under Recreation and Park Department jurisdiction.

The project site is due north across King Street from Willie Mays Plaza, a privately-owned publicly accessible open space of Pacific Bell Park located at the corner of King and Third Streets. Almost due east of the project site, at the intersection of King Street and The Embarcadero, is South Beach Park, a San Francisco Redevelopment Agency-owned public open space. Based on the shadow fan analysis, the project would not add new shadow to South Beach Park or Willie Mays Plaza. The project would therefore not cause any significant effects related to shadow.

Wind

City Planning Code Section 148, Reduction of Ground Level Wind Currents, requires buildings to be shaped so as not to cause ground-level wind currents to exceed, more than 10% 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 as averaged for a single full hour of the year.

Although this project is not located within the area subject to Section 148, this Planning Code provision is used as a basis for evaluating the environmental impact of a project. Thus, the project's compliance with this Code provision is used to assess the environmental impact of this project.

For the purpose of determining compliance with the Wind Code, buildings with a height of more than 100 feet above ground would be evaluated by wind tunnel testing, according to a standard wind testing protocol. Normally, projects with a height of 100 feet or less are considered to have no effect on the wind environment. As the proposed building is at the critical height (at 105 feet), it is not unexpected that a wind tunnel test might be conducted. However, in this case, enough is known about wind conditions to make this determination without further wind tunnel testing. Therefore, a qualitative Wind Evaluation on the proposed project was performed by Environmental Science Associates (ESA) on May 14, 2001, conclusions of which are summarized below. A copy of the technical memo is available in the project file at the Planning Department.

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 during all seasons. Of the 16 primary wind directions, four have the greatest frequency of occurrence as well as the make up the majority of the strong winds; these are the northwest, west-northwest, west and west-southwest.

The 160 King Street building, which is the same height as the proposed project, would be upwind of the project for three of the four major wind directions and would shield the project from those winds. The 5 story, 139-149 Townsend Street building, behind the project, would shield much of the project from the remaining major wind, the northwest wind. Thus, the project would have little direct exposure to the four major winds.

The existing site and vicinity wind conditions were characterized as being very windy. There have been several relatively recent wind tunnel tests conducted to investigate wind effects of buildings nearby. Two recent wind tunnel tests applied appropriately. These are the 1999 tests of the 160 King Street and the 188 Kind Street projects. Both test reports were submitted to the Planning Department in the review of those projects.

These prior tests indicated that the winds along parts of King Street are generally strong, but that the winds on the north sidewalks of King Street close to the project meet the 11-mph Pedestrian Comfort Criterion of Section 148. This differs from the south side of King Street, where winds in excess of the Pedestrian Comfort Criterion occur, and winds at the corner of King and Second Street, where 10% exceeded winds of 17 mph occur and the wind Hazard Criterion is exceeded. However, wind testing for the 160 King Street project showed that expected cumulative development of the N1 and N2 Blocks of the Mission Bay North Development would eliminate that existing wind hazard condition and reduce the 10% exceeded winds by 2 mph at that corner. This available wind test data indicate general compliance with the 11-mph criterion in the immediate vicinity of the project site at 144 King Street.

The size and scale of the project, in the context of surrounding buildings of generally similar size, is such that it is not expected that the project would alter materially any of the wind flows, direction and/or velocities in the vicinity, which includes the King Street sidewalks and the alley adjacent to the proposed building. Thus the wind speeds on the adjacent sidewalks should change by much less than one mile per hour.

The resulting wind speeds on the north sidewalk of King Street with the project would be in general compliance with the pedestrian comfort criterion of the Code. Normal landscaping with street trees should be adequate to control any of the increases that might occur. Winds in the alley would continue to exceed the Pedestrian Comfort Criterion, but would not change with the project.

There appear to be no adverse effects on the wind environment that could result from the development of the proposed project. The ability of this project to have an effect on the wind environment is unsubstantial, and there is no reason to conclude that modification of the design of the project or any changes in the height would improve the existing wind conditions in the vicinity. Landscaping using street trees would be adequate to overcome any increase in wind speed that might occur as a result of the project.

7) Utilities/Public Services. Could the project:	Yes	No	Discussed
(a) Breach published national, state or local standards relating to solid waste or litter control?	___	X	X
(b) Extend a sewer trunk line with capacity to serve new development?	___	X	X
(c) Substantially increase demand for schools, recreation or other public facilities?	___	X	X
(d) Require major expansion of power, water, or communications facilities?	___	X	X

The proposed project would increase demand for and use of public services and utilities on the site, but not in excess of amounts expected and provided for in this area. San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are

under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect.

8) Biology. Could the project:	Yes	No	Discussed
(a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	___	X	X
(b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	___	X	___
(c) Require removal of substantial numbers of mature, scenic trees?	___	X	X

The project site is in a densely developed urbanized area, and is covered completely by impervious surfaces. No trees exist on the site. The project would not affect any threatened, rare or endangered plant life or habitat. The project would not interfere with any resident or migratory species. The project would not result in any significant effects related to biological resources.

9) Geology/Topography. Could the project:	Yes	No	Discussed
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)?	___	X	X
(b) Change substantially the topography or any unique geologic or physical features of the site?	___	X	X

The San Francisco General Plan Community Safety Element contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to groundshaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3). The project site is in an area of liquefaction potential (Map 4), a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology. For any development proposal in an area of liquefaction potential, the Department of Building Inspection (DBI) will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report that assesses the nature and severity of the hazard(s) on the site and recommends project design and construction features that would reduce the hazard(s). To ensure compliance with all San Francisco Building Code provisions regarding structural safety,

when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on a project site would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application. See Mitigation Measure No. 3.

The project site is not in an Alquist-Priolo Special Studies Zone, and no known active fault exists on or in the immediate vicinity of the site. The closest active faults are the San Andreas Fault, approximately 8 miles southwest of the project site, and the Hayward Fault, about 16 miles northeast of the project site. Like the entire San Francisco Bay Area, the project site is subject to groundshaking in the event of an earthquake on these faults, although surface rupture at the site is unlikely.

10) Water. Could the project:	Yes	No	Discussed
(a) Substantially degrade water quality, or contaminate a public water supply?	___	X	___
(b) Substantially degrade or deplete groundwater resources, or interfere substantially with groundwater recharge?	___	X	X
(c) Cause substantial flooding, erosion or siltation?	___	X	X

The project site, consisting of an existing building and a paved alley, is entirely covered by impervious surfaces. The project would demolish the existing building and would require further excavation. New construction would cover about the same footprint currently covered by the existing building and would maintain the existing alley, and therefore would not increase the area of impervious surface on the site. The general drainage pattern of the site would not be altered; site runoff would drain into the City's combined sanitary and storm sewer system. Therefore, neither groundwater resources nor runoff and drainage would be adversely affected, nor would the project result in flooding, erosion, or siltation.

Any groundwater encountered during construction would be subject to the requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), which requires that groundwater meet specified standards before it may be discharged into the sewer system. Any groundwater pumped from the site shall be retained in a holding tank to allow suspended particles to settle, if this is found necessary by the Bureau of Environmental Regulation and Management of the Public Utilities Commission, to reduce the amount of sediment entering the storm drain/sewer lines. The Bureau of Environmental Regulation and Management must be notified of projects necessitating dewatering. That office may require analysis before discharge.

The project is within the Eastside Reclaimed Water Use Area designated by Section 1029 of the Reclaimed Water Use Ordinance (approved November 7, 1991), which added Article 22 to Part II, Chapter X of the San Francisco Municipal Code (Public Works Code). Non-residential projects over 40,000 sq. ft. that require a site permit, building permit, or other authorization, and are located within this area, shall provide for the construction and operation of a reclaimed water system for the transmission of the reclaimed water within buildings and structures. That is, the building would need to be designed with separate plumbing to service uses that could employ reclaimed water (e.g., toilets). The ordinance also requires that owners, operators, or

managers of all development projects register their project with the Water Department. The Water Department will issue a certificate of intention to use reclaimed water, and reclaimed water shall be used unless the Water Department issues a certificate exempting compliance because reclaimed water is not available, an alternative water supply is to be used, or the sponsor has shown that the use of reclaimed water is not appropriate. In light of the above, effects on water resources would be less than significant.

11) Energy/Natural Resources. Could the project:	Yes	No	Discussed
(a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	___	X	X
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	___	X	___

The project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations. For this reason, it would not cause a wasteful use of energy, and effects related to energy consumption/natural resources would not be significant.

12) Hazards. Could the project:	Yes	No	Discussed
(a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	___	X	X
(b) Interfere with emergency response plans or emergency evacuation plans?	___	X	X
(c) Create a potentially substantial fire hazard?	___	X	X

A Phase I Site Assessment (ESA) of the project site was conducted by an independent consultant (ARS Inc., April 28, 1997). The Phase I ESA was conducted to identify possible environmental concerns related to on-site or nearby chemical use, storage, handling, spillage, and/or on-site disposal, with particular focus on potential degradation of soil and groundwater quality. A copy of the Phase I ESA is available for review at the Planning Department.

The ESA report indicates that the site was part of Pacific Oil and Lead Works before 1887. In 1913 it was occupied by a lumber warehouse as well as Pacific Oil and Lead Works on the westerly boundary of the project site. In 1949, the project site was used by an ink and paper storage area probably belonging to The American Weekly Publication, which appears to have replaced Pacific Oil and Lead Works. Several leaking underground storage tanks (USTs) were documented within the immediate vicinity of the site. Four were within 1.8 miles, ten were within ¼ to 1/8 mile, and 37 were within ¼ to ½ mile. A record search for sites within 1/8 mile identified several generators of hazardous waste as well as other environmental areas of concern. Accordingly, the site may be located within potential or existing contamination sources.

Based on the findings of the Phase I ESA, ARS Inc. recommended that a preliminary soil investigation be conducted within the site to assess the potential presence of contaminants associated with existing and former activities conducted at the site and adjacent facilities that could have potentially impacted the site.

The City has adopted an ordinance (Ordinance 253-86, signed by the Mayor on June 27, 1986) which requires analyzing soil for hazardous wastes within specified areas and on sites specifically designated by the Director of Public Works when over 50 cubic yards of soil is to be disturbed. The ordinance specifically includes sites, such as the project site, which are bayward of the high tide line (as shown on maps available from the Department of Public Works (DPW)).

Where hazardous wastes are found in excess of state or federal standards, the sponsor would be required to submit a site mitigation plan (SMP) to the appropriate state or federal agency(ies), and to implement an approved SMP prior to issuance of any building permit. Where toxics are found for which no standards are established, the sponsor would request a determination from state and federal agencies as to whether an SMP is needed.

The project site is located in a general area of the City where past industrial land uses and debris fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residues in local soils and groundwater. Potentially hazardous levels of total and/or soluble lead have been found in soils as a result of soil testing at other sites in the project area. The San Francisco Department of Public Health (DPH) considers soils with a total lead concentration of over 50 parts per million (ppm) to be potentially hazardous.
Since (1) lead-contaminated soil was found at other sites in the project area, (2) the previous use of the site involved the use of potentially hazardous material, and (3) the proposed project involves disturbing existing soils on the project site located within the Maher area, the Department has determined that lead-contaminated soil may exist on the site and could be exposed during excavation on the site. Public exposure to lead-contaminated soil would constitute a potential public health hazard.

To reduce or avoid a potential public health hazard from exposure to lead as a result of disturbing lead-contaminated soil during excavation and other construction activities on the project site, the project sponsor would implement Mitigation Measure 4.

Asbestos-containing materials may be found within the existing structure on site which is proposed to be demolished as part of the project. 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 Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of 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 District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation concerning which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must 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 square feet

or more of asbestos containing material. Asbestos removal contractors must be certified as such 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 is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (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 a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Evacuation and Emergency Response

Occupants of the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required. Section 12.201(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies." An evacuation and emergency response plan would be developed by the project sponsor to ensure coordination between San Francisco's emergency planning activities and the project sponsor's plan to provide for building occupants in the event of an emergency. The project sponsor's plan would be reviewed and approved by the Department of Building Inspection and the Fire Department prior to the issuance of occupancy permits. Additionally, project construction would have to conform to the provisions of the Building and Fire Codes that require additional life-safety protections for high-rise buildings.

13) Cultural. Could the project:	Yes	No	Discussed
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific Study?	___	X	X
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	___	X	___
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the Planning Code ?	___	X	X

Archaeological Resources

The project site is along the historic shoreline of San Francisco Bay, and could contain evidence of prehistoric occupation of the area. Although most known prehistoric sites in the project vicinity are in areas that were historically somewhat inland from the shoreline, a site was discovered in 1986 at Stevenson and Ecker Streets, very near the original shoreline of Yerba Buena Cove. Therefore, the possibility cannot be ruled out that excavation at the project site could uncover prehistoric cultural resources.
Regarding historical land uses, based on the Phase I Environmental Site Assessment performed for the

proposed project and on the archaeological survey for Pacific Bell Park, the project site has been the location of a variety of industrial and commercial enterprises since the early days of San Francisco. The project area was home to a thriving shipbuilding industry during the 1850s. By the 1860s, most of the shipyards moved further south, to Potrero Point, and the project site and vicinity were used increasingly for lumber storage and sales to supply the rapidly growing City, along with other warehousing served by ships docking at piers along newly filled land south of King Street and along Mission Creek Channel. The project site itself was part of a concentration of industrial uses north of King Street, and in 1887 was the location of the Pacific Oil and Lead Works, which evidently manufactured linseed and coconut oils for use in the paint industry. Pacific Oil and Lead Works remained at the site in the aftermath of the 1906 earthquake and fire (the project site was at the edge of the area burned), apparently until the current building was constructed in 1946.

In 1977, in connection with a previous archaeological investigation, borings were placed along King Street, between Second and Third Streets, and revealed "a light scatter of cultural materials which, for the most part, . . . dated to the years between 1975 and 1995. It was further determined that there was no evidence or data to indicate that any part of this section contained significant amounts of cultural materials.

The existing building does not contain a basement, and excavation would be required below grade. The site is underlain by fill, gravel, and bedrock at a relatively shallow depth. Because of the subsurface conditions and the relatively limited new excavation proposed, the possibility of encountering prehistoric or historic deposits of cultural significance below the site is limited, but cannot be ruled out, given the site's location near the historic shoreline and the intensive development of the site since the early days of San Francisco. However, the project includes mitigation (see Mitigation Measure No. 5) that is intended to reduce the potential impact to cultural resources to a less-than-significant level. With this mitigation measure, impacts on archaeological resources would not be significant.

Historic Architectural Resources

The California Office of Historic Preservation Directory of Properties in the Historic Property Data File lists 144 King Street as having been constructed in 1946. The building is not rated in the State Office of Historic Preservation database or for National Register of Historic Places listing. The building is not listed in Article 10. The project site is located within the South End Historic District (District). The District includes 73 properties and rights-of-way that extend from (but are not all inclusive of) First to Third Streets to the east and west and Bryant to King Streets to the north and south. The District was created because, unlike most other areas of the San Francisco waterfront, this neighborhood contains an extraordinary concentration of buildings from almost every period of the city's maritime history. In particular, the District is characterized by a diversity and concentration of warehouse architectural forms developed over a 60-year period, but also includes industrial and mixed-used buildings. The District contains at least eleven properties that are either eligible or have been determined to be eligible for the National Register. The Planning Department's 1976 Architectural Quality Study did not rate the building. The existing building is a noncontributory building which is outside of the South End Historic District's period of significance or is so significantly altered that it has lost its integrity. A Certificate of Appropriateness by the San Francisco Landmarks Preservation Advisory Board shall not be required for demolition of a noncontributory building. However, construction of new buildings on a demolished building site, additions to, and major alterations of noncontributory buildings would require a Certificate of Appropriateness in order to ensure compatibility with the character of the Historic District. Therefore, since this project would demolish a noncontributory building, and construct a new building in the South End Historic District, a Certificate of Appropriateness would be required. This would not be considered a significant environmental effect.

C. OTHER

	Yes	No	Discussed
Require approval and/or permits from City Departments other than Planning Department or Department of Building Inspection, or from Regional, State, or Federal Agencies?	___	X	___

D. MITIGATION MEASURES

	Yes	No	N/A	Discussed
1) Could the project have significant effects if mitigation measures are not included in the project?	X	___	___	X
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	___	X	___	X

The following mitigation measures are necessary to avoid potential significant effects of the project:

Mitigation Measure 1: Noise and Vibration

The project sponsor would require the construction contractor to use pre-drilled piles where soil conditions permit, and state-of-the-art noise shielding and muffling devices on construction equipment. The project sponsor would also be required to notify adjacent building owners and occupants, prior to pile-driving and other vibration-producing activities, of the dates and expected duration of such work.

Mitigation Measure 2: Construction Air Quality

The project sponsor would require the contractor(s) to sprinkle demolition sites with water during demolition, excavation and construction activity twice per day; sprinkle unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material being hauled on trucks; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

Mitigation Measure 3: Geology

a. One or more geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project.

b. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors the adjacent building for damage during construction, if recommended by the geotechnical engineer.

c. The project sponsor and contractor(s) would follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event

that substantial movements were detected.

Mitigation Measure 4: Contaminated Soil

Step 1: Determination of Presence of Lead-Contaminated Soils

Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead. The consultant shall analyze the soil borings as discrete, not composite samples.

The consultant shall prepare a report on the soil testing for lead that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for lead and a fee of $425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of $425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of $85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with lead at or above potentially hazardous levels.

If DPH determines that the soils on the project site are not contaminated with lead at or above a potentially hazardous level (i.e., below 50 ppm total lead), no further mitigation measures with regard to lead-contaminated soils on the site would be necessary.

Step 2: Preparation of Site Mitigation Plan:

If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 3: Handling, Hauling, and Disposal of Lead-Contaminated Soils

(a) specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site

soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where lead-contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 4: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure 5: Cultural Resources

Given the location and magnitude of excavation proposed, and the possibility that archaeological resources would be encountered on the project site, the sponsor has agreed to retain the services of an archaeologist. The archaeologist would first determine, in conjunction with the Environmental Review Officer (ERO), whether he/she should instruct all excavation and foundation crews on the project site of the potential for discovery of archaeological resources, and the procedures to be followed if such resources are uncovered.

The archaeologist would then design and carry out a program of on-site monitoring of all ground disturbing activities, during which he/she would record observations in a permanent log. The monitoring program, whether or not there are finds of significance, would result in a written report to be submitted first and directly to the ERO, with a copy to the project sponsor. During the monitoring program, the project sponsor would designate one individual on site as his/her representative. This representative would have the authority to suspend work at the site to give the archaeologist time to investigate and evaluate archaeological resources should they be encountered.

Should evidence of cultural resources of potential significance be found during the monitoring program, the archaeologist would immediately notify the ERO, and the project sponsor would halt any activities which the archaeologist and the ERO jointly determine could damage such cultural resources. Ground disturbing activities which might damage cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the archaeologist would prepare a written report to be submitted first and directly to the ERO, with a copy to the project sponsor, which would contain an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation

measures to be implemented by the project sponsor.

These additional mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural material.

Finally, the archaeologist would prepare a report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archaeologist directly to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center of the California Historical Resources Information System at Sonoma State University. Three copies of the final archaeology report(s) shall be submitted to the Office of Environmental Review, accompanied by copies of the transmittals documenting its distribution to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center.

E. MANDATORY FINDINGS OF SIGNIFICANCE	Yes	No	Discussed
1) Does the project 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 pre-history?	___	X	X
3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)	___	X	X
4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?	___	X	___

F. ON THE BASIS OF THIS INITIAL STUDY

___ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.

_X_ 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 the mitigation measures, numbers 1-5 , in the discussion have been included as part of the proposed project. A 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.

Date MAY 19, 2001

PAUL E. MALTZER
Environmental Review Officer
for
GERALD G. GREEN
Director of Planning
Planning Department