



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Extension of Performance Period

HEARING DATE: OCTOBER 6, 2011

Date: September 22, 2011
Case No.: **2011.0567VX**
Project Address: **300 GRANT AVENUE (aka 272 AND 290 SUTTER STREET)**
Zoning: C-3-R (Downtown Retail) District
80-130-F Height and Bulk District
Block/Lot: 0287/013 and 014
Project Sponsor: Steve Atkinson, Attorney for 290 Sutter, LP
Luce, Forward, Hamilton and Scripps, LLP
121 Spear Street, Suite 200
San Francisco, CA 94105
Staff Contact: Pilar LaValley – (415) 575-9084
pilar.lavalley@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to October 6, 2014). The project was originally approved by the Planning Commission and the Zoning Administrator on June 12, 2008, and would demolish existing buildings to construct a new 10-story building containing approximately 45 dwelling units, 16,000 square feet of ground- and second-floor retail space, and up to 40 off-street parking spaces (Case No. 2004.1245!EKVX, Motion No. 17615). No modifications are proposed to the design or intensity of the project as originally approved.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the northeast corner of Grant Avenue and Sutter Street in Assessor's Block 0287, Lots 013 and 014. The site is also accessible from Harlan Place, an alley that connects to Grant Avenue and Bush Street between Grant and Kearny. The property is located within the C-3-R (Downtown Retail) Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter ("KMMS") Conservation District. The project site contains two existing buildings; a one-story, 3,600-square-foot building at 272 Sutter Street, and a four-story, 32,000-square-foot building at 290 Sutter. The existing buildings on the project site are unrated in the KMMS Conservation District. The existing buildings are occupied by retail and office uses.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located in the Downtown San Francisco area approximately two blocks east of Union Square. To the west across Grant Avenue are a shoe store, a hair salon, an antique business, a hotel with ground-floor restaurant, and a landmark building that houses residential condominiums and ground-floor retail. To the north across Harlan Place is a wine bar and card shop with a hotel on the upper floors. BART and MUNI stations are located nearby to the south. The Project site is well served by transit of all varieties.

The Project site is located in the Downtown Area Plan of the General Plan, which contains objectives concerning provision of adequate space for commerce, retail, and offices. The land uses in the surrounding area include mainly retail stores, restaurants, and bars on the ground floor, with offices, residences, and hotels on the upper floors. The Project is consistent with the surrounding uses in the area and is compatible with the architectural character and height of surrounding buildings within the Kearny-Market-Mason-Sutter Conservation District as set forth in Article 11 of the Code.

ENVIRONMENTAL REVIEW

On January 27, 2007, the Department published a Preliminary Mitigated Negative Declaration ("PMND") on Case No. 2004.1245!EKVX, pursuant to the California Environmental Quality Act. This PMND was the subject of two appeals. The Commission held a public hearing on the appeals on July 12, 2007, and the Commission declined to uphold the PMND pending changes to the document, and potentially, to the project. The Applicant made modifications to the Project including architectural design changes, and an Amended Mitigated Negative Declaration ("AMND") was published on May 29, 2008 that addressed the Project revisions as well as the Commission's comments. The Commission held a subsequent public hearing on June 12, 2008 at which time the Commission rejected the appeals, upheld the Department, and adopted a Final Mitigated Negative Declaration, as amended ("FMND") in Motion No. 17614. The Commission concluded that with the mitigation measures indentified in the amended FMND, potential impacts of the Project would be reduced to a less than significant level. An appeal of the FMND was filed with the Board of Supervisors on July 2, 2008. At a duly noticed public hearing on August 12, 2008, the Board of Supervisors upheld the FMND in Motion No. M08-135. Since the FMND, as amended, was published, there have been no substantial project changes and no substantial changes in project circumstances that would change the conclusions set forth in the FMND.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 16, 2011	September 14, 2011	22 days
Posted Notice	20 days	September 16, 2011	September 15, 2011	21 days
Mailed Notice	20 days	September 16, 2011	September 15, 2011	21 days

PUBLIC COMMENT

- As of the date of publication, staff has received no comments on the requested extension of entitlements.

ISSUES AND OTHER CONSIDERATIONS

- At the hearing on June 12, 2008, the Planning Commission granted exceptions for the Project under Planning Code Section 309, including rear yard, off-street parking, building height, and building bulk. At the same hearing, the Zoning Administrator granted Variances from Planning Code requirements for dwelling unit exposure and projections over streets and alleys.
- The Project has not been constructed following the original 2008 approval due to the continuing weakness in the real estate market and the associated difficulties in securing financing. The sponsor wishes to preserve the opportunity to construct the Project pending future improvements in the national and global economic outlook.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant an amendment to the conditions of approval for the original Section 309 Determination of Compliance (per Planning Code Sections 309 and 309(j)) to extend the performance period for three years (to October 6, 2014). In addition, the Zoning Administrator would need to grant an amendment to the conditions of approval for the original Variances for the project.

BASIS FOR RECOMMENDATION

- The requested extension is appropriate given the present economic downturn, which is beyond the control of the project sponsor.
- The Project would increase supply of dwelling units in the Union Square area.
- The proposed design will be compatible with the architectural character and scale of the Kearny-Market-Mason-Sutter Conservation District.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Draft Motion to extend performance period

Project Sponsor Submittal, including:

- Project Sponsor Submittal letter, dated September 21, 2011
- Motion No. 17614, affirming the Final Mitigated Negative Declaration
- Motion No. 16715, Planning Commission Approval
- Previous Variance Decision Letter
- Final Mitigated Negative Declaration
- Approved Plans
- Photograph of subject property

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____ MPL _____
Planner's Initials

PL: G:\DOCUMENTS\300 Grant VX\ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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CA 94103-2479

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 6, 2011

Date: September 22, 2011
Case No.: **2011.0567VX**
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Zoning: C-3-R (Downtown Retail) District
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Staff Contact: Pilar LaValley – (415) 575-9084
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ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A DETERMINATION OF COMPLIANCE UNDER PLANNING CODE SECTION 309 TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT, TO ALLOW CONSTRUCTION OF A 10-STORY BUILDING CONTAINING APPROXIMATELY 45 DWELLING UNITS, 16,000 SQUARE FEET OF GROUND- AND SECOND-FLOOR RETAIL SPACE, AND UP TO 40 OFF-STREET PARKING SPACES AT 300 GRANT AVENUE, LOTS 013 AND 014 IN ASSESSOR'S BLOCK 0287, WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 1, 2011, Steve Atkinson, acting on behalf of 290 Sutter LP ("Project Sponsor"), submitted a request (Case No. 2011.0567XV) with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission ("Commission") on June 12, 2008 (Case No. 2004.1245!EKVX, Motion No. 17615), and would construct a 10-story building containing approximately 45 dwelling units, 16,000 square feet of ground- and second-floor retail space, and up to 40 off-street parking spaces, located at 300 Grant Avenue (aka 272 and 290 Sutter Street) ("Project Site"), within the C-3-R Zoning District, the 80-130-F

Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District (collectively, "Project").

At the hearing on June 12, 2008, the Commission granted exceptions for the Project under Planning Code Section 309, including rear yard, off-street parking, building height, and building bulk.

At the same hearing on June 12, 2008, the Zoning Administrator granted Variances from Planning Code requirements for dwelling unit exposure and projections over streets and alleys.

On January 27, 2007 a Preliminary Mitigated Negative Declaration ("PMND") for the Project was prepared and published for public review. Two appeals of the MND were filed with the Department. On July 12, 2007, the Commission held a duly noticed public hearing at a regularly scheduled meeting on Determination of Compliance Application No. [Case No. 2004.1245X] and the Appeal of the Preliminary Mitigated Negative Declaration, Case No. 2004.1245E. At this hearing, the Commission declined to uphold the PMND pending changes to the document, and potentially, to the project. The Applicant made modifications to the Project including architectural design changes, and an Amended Mitigated Negative Declaration ("AMND") was published to address the Project revisions as well as the Commission's comments.

On July 12, 2008, the Commission upheld the AMND, as amended, and approved the issuance of the Final Mitigated Negative Declaration ("FMND") as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31. The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2004.1245E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP"), which material was made available to the public and this Commission for this Commission's review, consideration and action. Since the FMND, as amended, was published, there have been no substantial project changes and no substantial changes in project circumstances that would change the conclusions set forth in the FMND.

An appeal of the FMND was filed with the Board of Supervisors on July 2, 2008. At a duly noticed public hearing on August 12, 2008, the Board of Supervisors upheld the FMND in Motion No. M08-135.

On October 6, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.0567VX.

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.

MOVED, that the Commission hereby approves the three-year extension of the performance period requested in Application No. 2011.0567VX, subject to the conditions of Motion No. 17615 and the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the northeast corner of Grant Avenue and Sutter Street in Assessor's Block 0287, Lots 013 and 014. The site is also accessible from Harlan Place, an alley that connects to Grant Avenue and Bush Street between Grant and Kearny. The property is located within the C-3-R (Downtown Retail) Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter ("KMMS") Conservation District. The project site contains two existing buildings; a one-story, 3,600-square-foot building at 272 Sutter Street, and a four-story, 32,000-square-foot building at 290 Sutter. The existing buildings on the project site are unrated in the KMMS Conservation District. The existing buildings are occupied by retail and office uses.
3. **Surrounding Properties and Neighborhood.** The Project site is located in the Downtown San Francisco area approximately two blocks east of Union Square. To the west across Grant Avenue are a shoe store, a hair salon, an antique business, a hotel with ground-floor restaurant, and a landmark building that houses residential condominiums and ground-floor retail. To the north across Harlan Place is a wine bar and card shop with a hotel on the upper floors. BART and MUNI stations are located nearby to the south. The Project site is well served by transit of all varieties.

The Project site is located in the Downtown Area Plan of the General Plan, which contains objectives concerning provision of adequate space for commerce, retail, and offices. The land uses in the surrounding area include mainly retail stores, restaurants, and bars on the ground floor, with offices, residences, and hotels on the upper floors. The Project is consistent with the surrounding uses in the area and is compatible with the architectural character and height of surrounding buildings within the Kearny-Market-Mason-Sutter Conservation District as set forth in Article 11 of the Code.

4. **Project Description.** The project sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to October 6, 2014). The project was originally approved by the Planning Commission and the Zoning Administrator on June 12, 2008, and would construct a new 10-story building containing approximately 45 dwelling units, 16,000 square feet of ground- and second-floor retail space, and up to 40 off-street parking spaces (Case No. 2004.1245!EKVX, Motion No. 17615). No modifications are proposed to the design or intensity of the project as originally approved.
5. **Public Comment.** To date, staff has received no comments on the requested extension of entitlements.

6. This Commission adopts the findings of the previous Planning Commission Motion No. 17615, as though fully set forth herein.
7. 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.
8. The Commission finds that, given the continuing weakness in the real estate market and the associated difficulties in securing financing, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(F)(1) of Planning Commission Motion No. 17615 to extend the performance period of the Project to October 6, 2014.
9. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2(F)(1) of Planning Commission Motion No. 17615 in this case 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 Determination of Compliance Application No. 2011.0567VX** subject to the following conditions attached hereto as "EXHIBIT A," and subject to the Conditions of Approval of Planning Commission Motion No. 17615, as amended by this approval to modify Condition 2(F)(1) to extend the performance period of the project to October 6, 2014.

The Planning Commission further finds that since the Mitigated Negative Declaration ("MND") was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 6, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 6, 2011

EXHIBIT A

AUTHORIZATION

This authorization is to extend the performance period under Motion No. 17615 until October 6, 2014, for a project located at 300 Grant Avenue (aka 272 and 290 Sutter Street), Assessor's Block 0287, Lots 013 and 014, within the C-3-R District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District, to construct a 10-story building containing approximately 45 dwelling units, 16,000 square feet of ground- and second-floor retail uses, and up to 40 off-street parking spaces, and subject to conditions of approval reviewed and approved by the Commission on June 12, 2008 under Motion No. 17615, as amended by the Planning Commission on October 6, 2011 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 12, 2008 under Motion No. 17615, as amended by the Planning Commission on October 6, 2011 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Determination of Compliance and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Determination of Compliance authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion, amending the expiration date of the performance specified the approval granted per Motion No. 17615 (until October 6, 2014). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Determination of Compliance is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

MONITORING

2. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

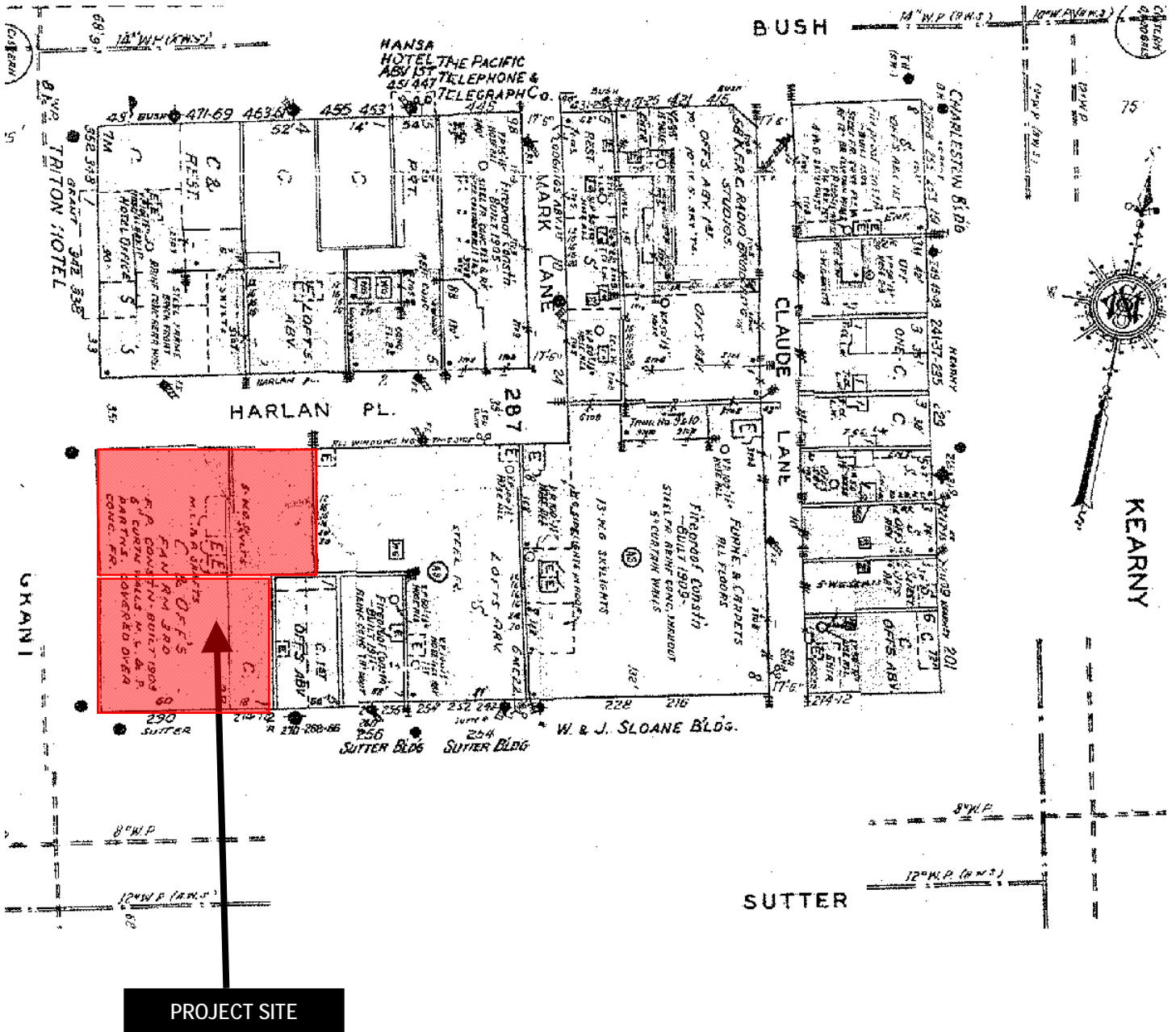
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

Parcel Map



Extension of Entitlements
Case Number 2011.0567VX
300 Grant Avenue

Sanborn Map*

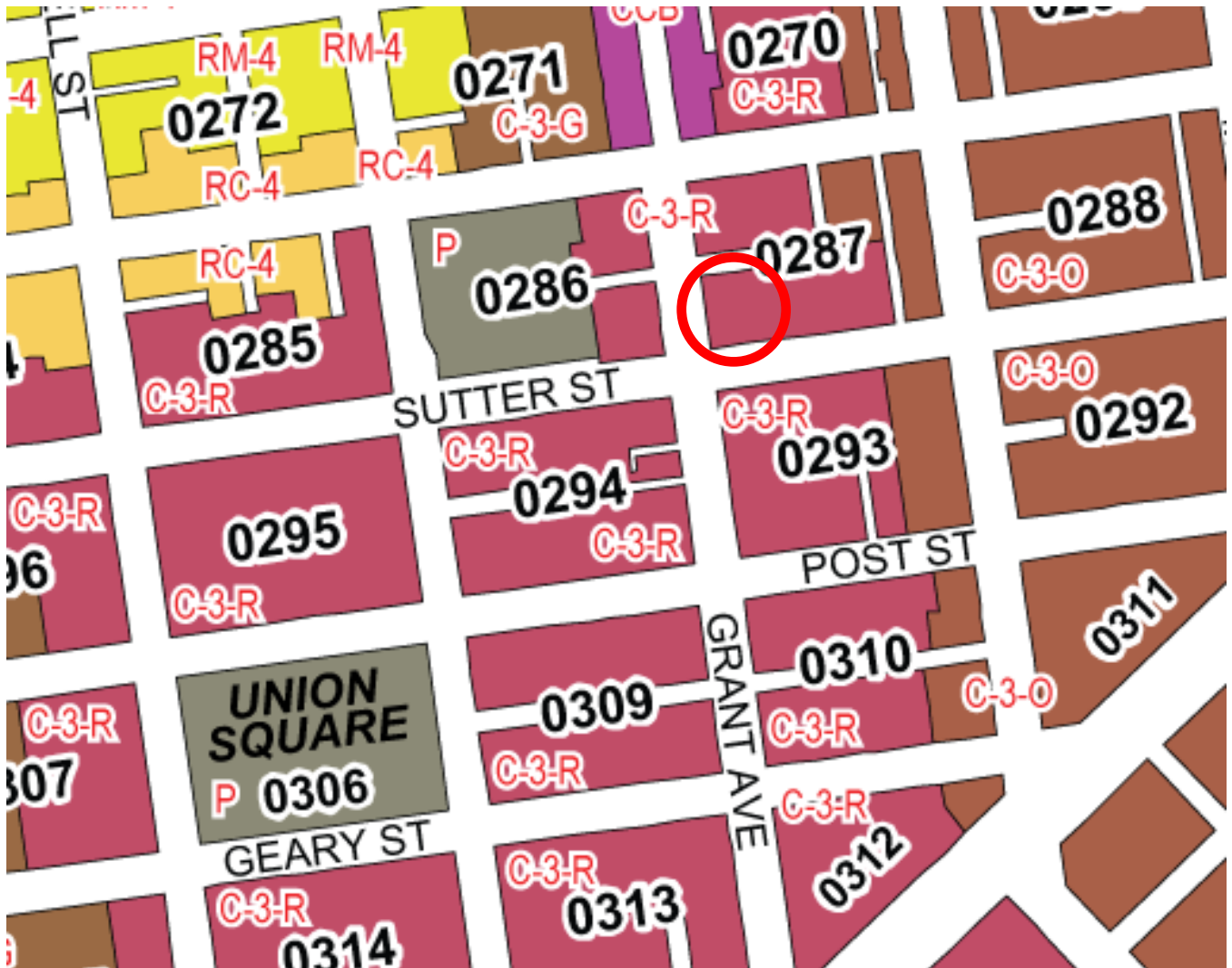


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Extension of Entitlements
 Case Number 2011.0567VX
 300 Grant Avenue

Zoning Map



Extension of Entitlements
Case Number 2011.0567VX
300 Grant Avenue

Aerial Photo



PROJECT SITE



Extension of Entitlements
Case Number 2011.0567VX
300 Grant Avenue

Aerial Photo



PROJECT SITE

Extension of Entitlements
Case Number 2011.0567VX
300 Grant Avenue

Aerial Photo



PROJECT SITE

Extension of Entitlements
Case Number 2011.0567VX
300 Grant Avenue

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September 21, 2011

35797-00001

Christina Olague, President
and Planning Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: 300 Grant Project – Extension of Performance Period

Dear President Olague and Planning Commissioners:

In June, 2008 the Planning Commission approved the 300 Grant Project, a mixed use building at the northeast corner of Grant Avenue and Sutter Street. The 10 story Project would include 45 residential units on the upper floors and approximately 16,000 sf of retail space on the ground and second levels.

As is the case for most of the projects approved during that time period, the 300 Grant Project has been unable to proceed due to economic conditions. Therefore, the Project Sponsor, 290 Sutter LP, is requesting that the performance period for the 300 Grant Project be extended by three years, until October, 2014.¹

Background

The 300 Grant Project would be a ten story building with two retail levels and eight residential levels. The Project would provide 45 residential units, 60% of which would be two bedrooms. Residential parking would be provided in a subsurface garage, accessible from Harlan Place, with open space on the roof level. The Project would replace existing three story and one story commercial buildings at 290 and 272 Sutter, respectively, both of which have been found not to be historic resources. The Project site is within the Kearney Market Mason Sutter (“KMMS”) Conservation District and the C-3-R use district.

¹ The Zoning Administrator has found that due to the appeals following the June, 2008 approval, the current 3 year performance period runs until October, 2011, three years after the Board of Appeals process was completed.

Christina Olague, President
September 20, 2011
Page 2

On June 12, 2008, the Planning Commission approved the Project under the Section 309 review process. Prior to the approval vote, the Commission upheld the Project's Negative Declaration. In addition, the Zoning Administrator granted a variance (issued July 10, 2008) concerning the dimensions of the cornice, and because a small percentage of the units did not meet the § 140 exposure requirements.

Attached are the following documents in connection with our extension request:

- Motion M-17614, affirming the Final Mitigated Negative Declaration
- Motion 17615, Planning Commission Approval
- Variance Decision
- Final Mitigated Negative Declaration
- Plans approved on June 12, 2008

Following the Planning Commission and Zoning Administrator decisions, the Negative Declaration was appealed to the Board of Supervisors, and the Section 309 exceptions were appealed to the Board of Appeals, by the owner of a condominium at 333 Grant, across the street from the proposed Project. Both the Negative Declaration and the Project approvals were upheld.

When it became clear that economic conditions would not allow the Project to be constructed for several years, the owners decided to undertake a renovation of the façade to facilitate interim leasing of the existing buildings on the site. This renovation was completed in 2011. (See attached recent photo of 290 Sutter after renovation.)

The leases provide that they can be cancelled if the owner decides it is able to proceed with construction of the Project. Thus, the exterior renovation and leases will not prevent the Project Sponsor from proceeding with construction of the approved Project if the performance period is extended. In the meantime, the renovation evidences the Sponsor's understanding of the quality of the neighborhood and commitment to maintain the existing buildings in a responsible manner until the Project is able to proceed.

Outreach

In connection with this proposed extension, the Project Sponsor has initiated contact with several adjacent owners/occupants who had raised questions about the Project in 2008. We have met with the owner and operator of the adjacent Triton Hotel at 342 Grant, and have promised to

Christina Olague, President
September 20, 2011
Page 3

work to minimize any construction impacts. We have reached out to the attorney for several condominium owners at 333 Grant, who thus far have not indicated any intent to oppose the extension. The Project Sponsor has also sent a letter to adjacent owners, advising them of the proposed extension and offering to address any questions. At this point, we are not aware of specific questions or concerns about the extension.

Proposed Extension of Performance Period

The Project Sponsor is seeking an extension of the original three year approval, with no changes whatsoever to the Project as approved by the Commission on June 12, 2008. Alan Martinez, who is responsible for the design of the exterior, continues to be an active part of the Project Team, and will be available at the hearing to address any questions the Commission may have about the approved design.

There have been no significant changes in circumstances or policies since the Project was approved in June, 2008. The Planning Department has concluded that there is no need for further analysis under CEQA. The Planning Code provisions and General Plan policies cited in the approval remain applicable; although the Housing Element has been revised since 2008, the Project remains consistent with the new policies. The Project continues to provide all the benefits that were discussed at the time of the June, 2008 approval, including:

- Inclusion of upgraded two level retail space
- Providing 45 new dwelling units in a downtown location, with many two bedroom units that would be suitable for families
- Providing additional customers to nearby businesses
- Payment of a substantial affordable housing fee
- Providing badly needed construction employment
- Replacing architecturally undistinguished buildings with one that will make a positive contribution to the Conservation District
- Activation and beautification of Harlan Place

Christina Olague, President
September 20, 2011
Page 4

Conclusion

300 Grant will provide an attractive addition to the Union Square neighborhood. The size and scale are compatible with both the immediately adjacent area and other buildings in the KMMS District and the Grant and Sutter corridors. The Project has been sensitively designed to incorporate many of the elements of the significant and contributory buildings in the KMMS District. All of the findings that the Commission made in approving the Project in 2008 remain valid and appropriate. 300 Grant will provide many benefits, including constructing new market rate housing and contributing substantially to funding for affordable housing production.

For all these reasons, we respectfully request the Commission's approval of a three year extension of the performance period. Please contact me if you have any questions regarding the extension of the performance period for the 300 Grant Project.

Very truly yours,



Steve Atkinson

of

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Attachments: Motion M-17614
Motion 17615
Variance Decision
Final Mitigated Negative Declaration
Approved Plan (dated June 12, 2008)
Recent photo of Project Site



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2008 JUL -2 AM 11:50

BY _____

Planning Commission Motion No. M-17614

Hearing Date: June 12, 2008
Case No.: 2004.1245E
Project Address: 300 Grant Avenue
Zoning: C-3-R (Downtown Retail District)
80-130-F Height and Bulk District
Block/Lot: 0287/013 and 014
Project Sponsor: 290 Sutter Limited Partnership
Represented by Steve Atkinson, (415) 356-4617
Staff Contact: Nannie Turrell - (415) 575-9047
Nannie.turrell@sfgov.org

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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2004.1245E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 300 GRANT AVENUE.

PREAMBLE

On December 1, 2004, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the San Francisco Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

On December 2, 2006, the Department determined that the Project, as proposed, could not have a significant effect on the environment.

On December 2, 2006, a notice of determination that a Preliminary Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Preliminary Mitigated Negative Declaration posted in the Department offices, and distributed to residents; however a notification error was made and the Preliminary Mitigated Negative Declaration was recirculated and republished in the newspaper on January 27, 2007 all in accordance with law.

On February 15, 2007, an appeal of the decision to issue a Preliminary Mitigated Negative Declaration was timely filed by Pamela S. Duffy on behalf of Waverly Grant Partnership (Triton Hotel).

On February 16, 2007, an appeal of the decision to issue a Preliminary Mitigated Negative Declaration was timely filed by Sue C. Hestor on behalf of certain condominium owners at 333 Grant Avenue.

A staff memorandum, dated May 29, 2008, addresses and responds to all points raised by the appellants in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the San Francisco Planning Commission's ("Commission's") own findings. Copies of that memorandum have been delivered to the Commission, and a copy of that memorandum, as well as a copy of the Preliminary Mitigated Negative Declaration, as amended, and

Motion M-17614
June 12, 2008

CASE NO. 2004.1245E
300 Grant Avenue

other project materials, are on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

On June 12, 2008, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.

All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the June 12, 2008 Commission hearing have been responded to either in the Memorandum or orally at the public hearing.

After consideration of the points raised by appellant, both in writing and at the June 12, 2008 hearing, the Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

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

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. In reviewing the Preliminary Mitigated Negative Declaration, as amended, issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
3. The Planning Commission finds that Planning Department's determination on the Preliminary Mitigated Negative Declaration, as amended, reflects the Department's independent judgment and analysis.

DECISION

Based upon the Record, the submissions by the Applicant, the staff of the Department, other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission HEREBY DOES FIND that the proposed Project could not have a significant effect on the environment, as shown in the analysis of the Preliminary Mitigated Negative Declaration, as amended and HEREBY DOES AFFIRM the decision to issue a Preliminary Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 12, 2008.


Linda Avery
Commission Secretary

AYES: Olague, Miguel, Sugaya, Lee, Antonini
NAYS: Moore
ABSENT:
ADOPTED: June 12, 2008



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Inclusionary Housing (Sec. 315)

First Source Hiring (Admin. Code)

Jobs Housing Linkage Program (Sec. 313)

Child Care Requirement (Sec. 314)

Downtown Park Fee (Sec. 139)

Other

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Planning Commission Motion No. 17615

HEARING DATE: JUNE 12, 2008

Date: May 29, 2008
Case No.: **2004.1245!EKVX**
Project Address: **300 GRANT AVENUE**
Zoning: C-3-R (Downtown Retail) District
80-130-F Height and Bulk District
Block/Lot: 0287/ 013 and 014
Project Sponsor: Steve Atkinson, Attorney for 290 Sutter, LP
Luce, Forward, Hamilton and Scripps, LLP
121 Spear Street, Suite 200
San Francisco, CA 94105
Staff Contact: Jim Miller – (415) 558-6344
jim.miller@sfgov.org

ADOPTING FINDINGS PURSUANT TO SECTION 309 OF THE SAN FRANCISCO PLANNING CODE RELATED TO A DETERMINATION OF COMPLIANCE FOR A BUILDING EXCEEDING 50,000 GROSS SQUARE FEET OF FLOOR AREA AND 75 FEET IN HEIGHT AND THE GRANTING OF EXCEPTIONS TO PLANNING CODE STANDARDS FOR REAR-YARD AREA (SECTION 134), OFF-STREET PARKING (SECTION 151.1(e)), BUILDING HEIGHT (SECTION 263.8) AND BUILDING BULK (SECTION 270) WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW, 10-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 45 DWELLING UNITS, A BELOW-GRADE PARKING GARAGE WITH CAPACITY TO PARK UP TO 40 CARS, AND GROUND-FLOOR AND SECOND FLOOR RETAIL SPACE AT 300 GRANT AVENUE, LOTS 13 AND 14 IN ASSESSOR'S BLOCK 0287, IN A C-3-R (DOWNTOWN RETAIL) DISTRICT, AN 80-130-F HEIGHT AND BULK DISTRICT, AND WITHIN THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT .

RECITALS

1. On May 11, 2005, Steve Atkinson, Attorney, authorized agent of 290 Sutter Limited Partnership, owner (hereinafter "Applicant"), filed an application with the Planning Department (hereinafter "Department") requesting, under Planning Code (hereinafter "Code") Section 309, Determination of Compliance and the granting of exceptions to the Code requirements for rear-

yard area (Code Section 134), off-street parking (Code Section 151.1(e)), building height (Code Section 263.8), and building bulk (Code Section 270) (Case No. 2004.1245!EXV) on a 10,500-square-foot site (Lots 13 and 14 in Assessor's Block 0287) at 300 Grant Avenue, northeast corner at Sutter Street (aka 272 and 290 Sutter Street), with additional frontage on Harlan Place (hereinafter "Subject Property"). Following the July 12, 2007 Planning Commission hearing, the Project design has been revised. The proposed new building would contain approximately 111,000 gross square feet (hereinafter "gsf") of floor area. It would be 10 stories (up to 113 feet high) and would contain approximately 45 dwelling units and a below-grade parking garage with capacity to park up to 40 cars. (Originally, the project was proposed to be 12 stories high, up to 130 feet in height, and to contain up to 56 dwelling units.) It would also include approximately 16,000 gsf of ground-floor and second-floor level retail, as well as a small residential lobby (collectively, hereinafter "Project").

2. The Department published a Mitigated Negative Declaration (hereinafter "MND"), Case No. 2004.1245!EKVX, On January 27, 2007, pursuant to be the California Environmental Quality Act (hereinafter "CEQA"). This MND was the subject of two appeals. The Commission held a public hearing on the appeals on July 12, 2007 and the Commission declined to uphold the MND pending changes to the MND and potentially the project. The Applicant has made modifications to the Project including architectural design changes, and the MND was revised to address the Project revisions as well as the Commission's comments on the MND. The Commission held a new public hearing on the Appeals on June 12, 2008. At that hearing the Commission rejected the appeals, upheld the staff, and adopted an Amended Final Mitigated Negative Declaration for the Project, as amended. As set forth in Sections 32-35 below, the Commission concludes that with the mitigations identified in the amended MND (hereinafter "AMND") and accepted by the Applicant, no significant impacts would be generated by this Project.
3. Also on June 12, 2008, the Commission conducted a duly-noticed public hearing for the Project on the request for approval pursuant to Code Section 309.
4. MOVED, that the Commission does hereby adopt the aforementioned CEQA findings contained in the AMND, the Mitigation Measures contained therein and the Mitigation Monitoring Program for their implementation.
5. FURTHER MOVED, That the Commission hereby makes the Determination of Compliance (pursuant to Code Section 309) and authorizes the exceptions requested in Application No. 2004.1245!EXV subject to the conditions contained in "Exhibit A", attached hereto and incorporated herein by reference thereto, based on the following findings:

FINDINGS

Having reviewed all of the materials submitted by the Applicant and having heard all testimony and arguments, this Commission finds, concludes and determines that:

1. Project Site. The Project site (the Subject Property) consists of Lots 13 and 14 Assessors Block 0287. It contains 10,500 square feet in area. The Project site is located at 300 Grant Avenue, northeast corner at Sutter Street (aka 272 and 290 Sutter Street), with additional frontage on Harlan Place, in the Union Square area.
2. Existing Use. The Subject Property contains two existing buildings, a one-story 3,600- square-foot building at 272 Sutter and a four-story, 32,000 square foot building at 290 Sutter, which collectively contain 35,600 square feet of retail space.
3. Surrounding Development. The Project site is located in the Downtown San Francisco area approximately two blocks east of Union Square. To the west across Grant Avenue are a hair salon, an antique business, a photography business, a hotel with a ground-floor restaurant, and a landmark building that houses residential condominiums and ground-floor retail. To the north across Harlan Place is a wine bar and card shop with a hotel in the upper levels. To the east and south of the Project are ground-floor retail uses with office uses on the upper levels. BART and MUNI stations are located nearby to the south. The Project site is well served by transit of all varieties.

The Project site is within the Downtown Area Plan of the General Plan, which contains objectives concerning provision of adequate space for commerce, retail, and offices. The land uses in the surrounding area include mainly retail stores, restaurants and bars on the ground floor, with offices, residences, and hotels on the upper floors. The Project is consistent with the surrounding uses in the area. Additionally, the Project is within the Kearny-Market-Mason-Sutter (hereinafter "KMMS") Conservation District as set forth in Article 11 of the Code.

4. Project Description. The proposed Project is to demolish two unrated commercial buildings and construct a new building that would contain approximately 111,000 *gsf* of floor area. It would be 10 stories (up to 113 feet) high and would contain approximately 45 dwelling units and a two-level below-grade parking garage accessed off Harlan Place with capacity to park up to 40 cars. It would also include approximately 16,000 *gsf* of ground-floor and second level retail, as well as a small residential lobby.
5. Requirement of Project Compliance with Code Section 309. This Section of the Code requires review of Building or Site Permit applications for new buildings or for substantial alteration of existing buildings in C-3 Districts. It requires a public hearing by the Commission where there are exceptions requested and/or when the building exceeds 75 feet in height and/or 50,000 square feet of gross floor area. The Commission may approve a project, grant exceptions from certain requirements of the Code and/or impose conditions of approval. A project is required to meet all applicable Code requirements or request exceptions as allowed under **Section 309(a) (1)-(12)**. Because the Project is located in a C-3-R District, and the Project proposal involves new construction of a 113-foot-tall building that contains in excess of 50,000 *gsf*, it is subject to Planning Commission review with respect to the Project's compliance with applicable Code

requirements pursuant to **Section 309**. Four of the exceptions listed in **Section 309** are being sought as part of the Project: Rear yard (Code **Section 134**), off-street parking (Code **Section 151.1(e)**), building height (Code **Section 263.8**), and building bulk (Code **Section 270**). [**Section 309(a)(1, 4, 11, and 12)**].

6. Compliance with C-3 District Code Requirements – Code **Section 309**. In determining if the Project would comply with applicable Code Sections, the Commission has reviewed the Project in reference to the Code Sections listed below. The Commission hereby finds as follows:

7. **Section 101.1(b)(1-8) – Priority Policies.** This Section establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. They are included in the preamble to the Master Plan and are the basis upon which inconsistencies in the General Plan are resolved:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The existing retail uses are not neighborhood-serving uses per se, as they serve a broader retail market as is commonly the case in Union Square. The Project would include approximately 16,000 square feet of ground-floor and second floor retail space along Grant Avenue and Sutter Streets and would not negatively impact any existing neighborhood-serving retail uses. The Project would enhance existing neighborhood-serving retail uses by providing new customers and new employment opportunities. The project would add new residents (approximately 45 households), visitors and employees to the neighborhood, which could strengthen nearby neighborhood retail uses by broadening the consumer base and the demand for such retail services

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The Project would not displace any existing housing. It would provide approximately 45 dwelling units and introduce an additional residential element to the mostly commercial character of the Union Square environs in a well-designed building that will be compatible with the architectural character and scale of the KMMS Conservation District.

- (3) That the City's supply of affordable housing be preserved and enhanced;

*The Project does not negatively impact any affordable housing. The Project is required to comply with the inclusionary housing requirements of **Section 315** of the Planning Code.*

- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The Project would not adversely impact public transit or burden the existing supply of parking in the neighborhood. The Project will have a total parking capacity of up to 40 cars. Because of the numerous public transit alternatives within blocks of the Project site, it is anticipated that many residents of and visitors to the Project will use public transit or walk for many of their trips.

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

The Project would not displace any industrial or service sector uses as no such uses currently exist on the site. Rather the Project would enhance opportunities for resident ownership and would place residents closer to the Downtown employment sector. The Project also would generate employment opportunities available to a diverse socio-economic range of city residents in its construction phase and, later, in its retail component.

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

The Project would be constructed according to current local building codes and would comply with all current seismic safety standards in order to insure a high level of seismic safety.

- (7) That landmarks and historic buildings be preserved; and,

The Project site is located in the KMMS Conservation District; however, the buildings proposed for demolition do not qualify for landmark or historic status or otherwise as historic resources or as significant contributory buildings to the conservation district. The proposed building has been designed to be compatible with the historic character of the District.

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

The Project would have no impact on public parks, open space, or vistas. It was analyzed for its potential for shadow impacts on public open spaces protected under Code Section 295 and was found not to create any. The project also would not significantly impact any vistas.

In summary, the proposed 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 provide needed housing and it would contribute to the character and stability of the neighborhood.

8. **Section 124 – Floor Area Ratios.** This Section of the Code establishes basic floor area ratios (hereinafter “FAR”). In the subject district, 6:1 is the base FAR. This figure is inclusive of

residential uses. The base FAR in C-3-R Districts may be increased to 9:1 through acquisition of Transfer of Development Rights (hereinafter "TDR"). The Applicant proposes a building of approximately 8:1 FAR. Therefore, the Applicant will need to apply "TDR" in order to develop the proposed project. (see **Section 128** finding below).

9. **Section 128 -- Transfer of Development Rights.** Subject to **Section 128(h)**, when TDR are necessary for the approval of a Site Permit for a project on a Development Lot, the Zoning Administrator must impose, as a condition of approval of the Site Permit, the requirement that the Department of Building Inspection not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required amount of TDR. In the subject case, the Transfer ("donor") Lot as well as the Development ("receiver") Lot must be within the C-3-R District.

The Applicant states that all of the necessary TDR have been secured. The TDR must be applied to the site before obtaining a site permit or first addendum to site permit.

10. **Section 134--Rear Yard.** This Section establishes rear yard requirements. In a C-3-R District, this requirement applies only to dwelling units and must be equal to 25 percent of the total depth of the lot on which the building is situated. In this district, the rear-yard area must be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. These requirements are intended to assure the protection and continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

The Applicant is seeking a rear yard exception in accordance with Code Section 309. (See Exceptions finding below).

11. **Section 135--Usable Open Space.** This Section establishes standards for usable open space for dwelling units in various zoning districts. In the C-3-R District, it requires 36 square feet of usable open space per dwelling unit if that space is all private. Common usable open space may be substituted for private space at a ratio of 1.33 square feet to one (48 square feet per dwelling unit in the subject case). Accordingly, the Project must provide either 1,620 square feet of private usable open space or 2,160 total square feet of common open space (if all common), or some combination of the two.

The usable open space requirement will be met through use of common usable open space. The Project has 45 dwelling units. Common usable open space is required at a ratio of 48 square feet per unit or 2,160 square feet. The Project meets the Code requirement by providing approximately 2,160 square feet of common open space in the form of a roof deck. Accordingly, the Project would comply with the usable open space standards of this Section. In addition, some of the units would have access to private usable open space.

12. **Section 136 -- Obstructions Over Streets and Alleys and in Required Setbacks, Yards and Usable Open Space.** **Section 136(a)(1)** states that every portion of projections from a building or structure extending over a street or alley as defined by the Code must have a minimum headway of seven feet, six inches above the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code. The permit under which any such projection over a street or alley is erected over public property may not be construed to create any perpetual right but is a revocable license. **Subsection 136(c)(1)** of this

Section permits overhead horizontal projections of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet, six inches, not increasing the volume of space enclosed by the building and not projecting more than: (A), at roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater proportion, (B), at every other level, one foot over streets and alleys and into setbacks, and (C), three feet into yards and usable open space or one-sixth of the required minimum dimensions (when specified) of such open areas, whichever is less.

The Project design includes two architectural "cornice"-type features, at the third and tenth levels, that would each project approximately three feet over all three of the streets that adjoin the Subject Property. In that these two projections do not meet the letter of the Code Section 136(c) standards, the Applicant is seeking a Variance (Case No. 2004.12451EKVX) of projections over streets and alleys as part of the Project proposal.

13. **Section 138 – Open Space.** This Section establishes open space requirements in C-3 Districts. An applicant for a permit to construct a new building must provide open space in accordance with the standards set forth in this section. For purposes of this Section, a "predominantly retail building" is one in which two thirds or more of the occupied floor area is in retail use; therefore, this requirement does not apply to the Project. For residential uses, this requirement is that established in **Section 135** (see above).

14. **Section 138.1 – Pedestrian Streetscape Improvements.** This Section requires project sponsors to make street improvements where the proposed project includes the construction of a new building, substantial alterations to an existing building, or the addition of floor area equal to twenty percent or more of an existing building. The location, type, standards and maintenance of such improvements are to be determined by the Planning Commission.

The Applicant will be required to make the appropriate improvements to the Subject Property and surrounding street areas, in compliance with the Downtown Streetscape Plan, and requirements of the Department of Public Works.

15. **Section 139 – Downtown Park Fund.** New downtown office developments are required to pay a per-square-foot fee to mitigate the increased demand on existing public parks in the Downtown Area.

Residential projects are exempt from this requirement.

16. **Section 140—Dwelling Unit Exposure.** This Section requires that one room of each dwelling unit must look out onto the street, onto a Code-complying rear yard, a side yard at least 25 feet in width or onto a courtyard generally of minimum dimensions of at least 25 feet in each direction, which space must increase in its horizontal dimensions as it rises from its lowest level. The space must be unobstructed, except for certain specified permitted obstructions.

Most of the units will comply with the exposure requirement by facing Grant Avenue or Sutter Street. Seven units, however, will be exposed only to the rear-yard area which area does not meet any of the above-recited types of open space that comply with Code Section 140 exposure standards. Consequently, the

Project sponsor has applied for a Variance, Application No. 2004.12451EVX from the Section 140 exposure requirement for the units that only face the rear-yard area.

17. **Section 143 – Street Trees.** This Section requires, in conjunction with the construction of a new building, the planting of street trees at 20-foot intervals. **Section 143(e)** thereunder states that, in C-3 Districts, the Zoning Administrator may waive such a requirement in areas where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, such as the policy favoring unobstructed pedestrian passage.

The Applicant will provide street trees on Grant Avenue and Sutter Street as required by the Code as interpreted by the Zoning Administrator.

18. **Section 146 – Shadows on Streets.** This Section provides that in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods, new structures must avoid the penetration of a sun access plane as defined in Table 146 of the Planning Code.

Table 146 indicates that lots abutting the east side of Grant Avenue from Market to Bush have a maximum street wall height of 170 feet and a sun access angle of 70 degrees above that height. Accordingly, the Project complies with this Code requirement because the building height measures approximately 113 feet.

19. **Section 147 – Shadows on Publicly Accessible Open Spaces.** This Section sets forth certain requirements and determinations regarding shadows being cast on public or publicly accessible open space. It seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under **Section 295**.

A shadow study has been conducted and concluded that the Project will not create shadows that will impact any public open spaces protected under Section 295, or other, public-accessible open space. The Project also would not shadow the Chinatown Gate area. Therefore, the proposed Project would comply with the standards established in Code Section 147.

20. **Section 148 – Ground Level Wind Currents.** Pursuant to this Section, new buildings in C-3 Districts must be shaped, or other wind-baffling measures must be adopted, so that the developments will not cause ground-level wind currents to exceed coefficients contained in the text of the Section. When pre-existing ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building must be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of **Section 309**, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if, (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception may be granted and no building or addition may be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 *mph* for a single hour of the year.

According to the AMND, wind speeds in the vicinity of the Subject Property are moderate. As a background study for the AMND, a wind analysis was prepared by an independent consultant to address potential wind impacts associated with the proposed development. With the addition of the originally proposed Project's 12-story, 130-foot building, the average wind speed at all 23 test locations would vary only slightly and would continue to meet the Code's pedestrian-comfort criterion value of 11 miles per hour (hereinafter "mph"). The proposed Project would not add any pedestrian-comfort criterion exceedences. The average wind speed for all 23 test points would be 7.5 mph compared to the 7.4 mph under existing conditions. The existing wind speed ranges from five to 11 mph. Wind speeds associated with the proposed Project are expected to range from six to ten mph. At the 23 points tested, wind speeds would increase at six locations, remain unchanged at 14 locations, and decrease at three locations. Because there currently are no projects pending approval that would influence the Project's results, a test of the proposed project in the cumulative development setting is not feasible. However, any future development will be subject to environmental review and, therefore, wind analysis, so that the wind impacts of the amended Project and other area development would be factored into that review. The environmental analysis also concludes that the project will not affect winds in the rooftop open space at 333 Grant Avenue.

21. **Section 149 – Public Art.** In the case of construction of a new building in a C-3 District, this Section requires a project to include works of art costing an amount equal to one percent of the cost of construction of the building and requires the Commission to approve the type and location of the art work, but not the artistic merits of the specific art work proposed. The types of permitted art work include sculptures, bas-reliefs, murals, mosaics, decorative water features, or other work permanently affixed to the building.

In lieu of installing and maintaining works of art, an applicant may elect to contribute a sum of money at least equivalent to the cost of the artwork to finance, in whole or in part, rehabilitation or restoration of the exterior of a publicly-owned building

Based on the Project's estimated construction cost of \$15,000,000, the Project would be required to provide artwork or a sum of money in the amount of \$150,000. The general type and location of the artwork is still being determined and will be presented to the Commission, in the future, for its final review. However, "urns" are shown on the Project plans (above the columns near the corner of Grant Avenue and Sutter Street) as place-holders for future art pieces / sculptures.

22. **Section 151—Off-Street Parking.** This Section was amended in 2006 by the Board of Supervisors and permits the Planning Commission to approve, via a **Section 309** Exception, up to 0.75 spaces for each dwelling unit and up to 1.0 space for each dwelling unit that has at least two bedrooms and at least 1,000 square feet of occupied floor area.

Of the Project's approximately 45 units, roughly 27 units will be two bedroom units that are at least 1,000 square feet of occupied floor area. Accordingly, Section 151.1 permits, with a Section 309 exception, 27 parking spaces for these 27 units. Section 151.1 also permits, with a Section 309 exception, up to 0.75 parking spaces per unit, 13.5 spaces, for the remaining eighteen units in the Project. Therefore, the granting of a Section 309 exception could authorize the Project to provide a total of up to 41 residential spaces (27 spaces plus 13.5 spaces). The Applicant, however, is seeking a Section 309 exception to allow up to 40 residential parking spaces on an independently accessible basis. (See Exceptions finding below).

23. **Section 152.1—Off-Street Loading.** This Section contains the schedule of required off-street freight loading and service vehicle spaces in C-3 Districts. Retail uses with a gross floor area

between 10,001 and 30,000 require one (1) off-street loading space. Residential uses of less than 100,000 *gsf* require no off-street loading spaces.

The Project provides for roughly 16,000 square feet of retail use and, as such, will provide at least one off-street loading space that will meet the City's ten-foot by 25-foot dimensional requirement per Code Section 154(b)(2). The Project contains fewer than 100,000 gsf of residential use therefore no off-street loading spaces are required for the residential portion of the Project.

24. Section 155.5 – Bicycle Parking Required for Residential Uses. For buildings of 50 or more dwelling units in all zoning districts, this Section requires (pursuant to Table 155.5) 25 Class 1 bicycle parking spaces plus one Class 1 space for every four dwelling units over 50.

Even though the Project includes only 45 dwelling units, and thus is not subject to a bicycle parking requirement the Applicant has offered to include 23 Class 1 bicycle parking spaces in the proposed new building.

25. Section 263.8—Exceptions to Height Limits. This Section provides that exceptions to the 80-foot height limit up to 130 feet may be approved in accordance with Section 309. This exception operates to ensure that height above 80 feet in the C-3 District will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. This exception is permitted provided that 1) the height of the building does not exceed 130 feet; and 2) the additional height will not add significant shadows on the public sidewalks and parks; and 3) the structure provides an appropriate transition to adjacent higher or lower buildings; and 4) the additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

26. Section 270 -- Bulk requirements. For the 80-130-F Height and Bulk District in which this site is located, maximum plan dimensions apply for structures over the minimum heights set forth in Table 270 of the Code. For "F" Districts, the bulk restriction applies above the 80 foot height and the as-of-right bulk is limited to a maximum length of 110 feet and a maximum diagonal dimension of 140 feet.

The applicant seeks a bulk exception because above 80 feet of height, the Project diagonal dimension measures 141 feet 3 inches versus an as of right allowable 140 feet and its length along Grant Avenue measures 120 feet versus 110 allowable. For levels nine and ten, the diagonal of 132 feet 10 inches is Code compliant while the 112- foot length requires a two-foot exception. The Project bulk as viewed from Sutter Street is Code-compliant.

27. Section 295 – Shadowing. This Section concerns the review of structures exceeding 40 feet in height insofar as their shadowing of lands under the jurisdiction of the City's Recreation and Parks Department. It requires that such buildings have no significant or adverse shadow effects on such affected lands.

The Project's AMND refers to a shadow analysis on the original 130 feet tall proposed Project performed by Department staff (Case No. 2004.12451EKXV) which analysis concludes that the Project would not cast new shadows on any properties under the Recreation and Park Commission's jurisdiction protected by

Section 295, because the amended Project is approximately 17 feet shorter, the conclusion regarding no new shadows would apply. The new shadows created by the amended Project would not exceed levels commonly expected in urban areas and would have no significant or adverse shadow effects.

28. Section 313 – Housing Requirements for Large-Scale Development Projects (Jobs-Housing Linkage Program). This Section requires that developers provide housing or in-lieu fees in association with large-scale development projects of entertainment, hotel, office, research and development and / or retail nature. For the purposes of this Section, any development that contains 25,000 square feet or more of space devoted to any of these five categories of use is considered to be “large-scale”. Projects involving the net addition(s) of lesser amounts of such space are exempt from the Jobs-Housing Linkage requirements of this Section.

Accordingly, the Project, with approximately 16,000 gsf of retail use and the bulk of the rest of its proposed square-footage devoted to residential use is excused from compliance with the terms of this Section.

29. Section 314, et seq. -- Childcare Requirements for Office and Hotel Development Projects. Section 314.3 provides that childcare requirements apply to “office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.”

In that the Project is primarily residential, Section 314.3 does not apply.

30. Section 315 -- Housing Requirements for Residential Development Projects. Sections 315.1–315.9 set forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program (hereinafter “Program”). The Program requires, in the subject case, that 12 percent of the dwelling units on site must be affordable (given the proposed off-street parking exception). Alternatively, an applicant may elect to provide affordable off-site housing equal to 15 percent of the dwelling units or pay an in lieu fee of 17 percent if a parking exception is granted.

The Project will comply with the Inclusionary Housing Ordinance through the payment of an appropriate in lieu fee, as determined by the Mayor’s Office of Housing. Based on the date of the application (i.e., prior to July 18, 2006, as set forth in Code Section 315.3), the Project is not subject to the increased affordable percentages set forth in the inclusionary housing amendments.

31. Section 309 -- Exceptions. Section 309 provides that certain exceptions to the Code may be granted pursuant to Section 309(a)(1)-(12). As noted above, the Applicant seeks exceptions under 309(a) (1, 4, 11, and 12), rear yard, parking, height, and bulk, respectively. Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission imposes additional modifications on the project as indicated above or included in Exhibit A (Conditions of Approval) appended to this motion. The Commission hereby finds, concludes and determines that the requested exceptions are justified based on the following findings:

- a. **Rear Yard -- Section 134**. As noted above, the rear yard requirement in C-3 Districts seeks to preserve mid-block open space so as to provide light and air to dwelling units in

the Downtown area. Here, the Project requires an exception to this requirement at the third level and above because the rear yard does not occupy the entire depth of the lot and the area of the rear yard is less than 25 percent of the lot area.

The granting of an exception will not adversely impact any of the dwelling units or the usable open space. There is no pattern of mid-block open space on this block. An exception is justified, therefore, because the location of the rear yard in the interior corner is the traditional configuration for a corner lot. The project is configured so that the maximum number of units (38 out of 45) will face Sutter Street, Grant Avenue, or Harlan Place, and therefore, would not be dependent on the rear yard for light or air. The rear yard will provide sufficient light and air to the seven dwelling units proposed to face the yard area. All the units facing the small rear yard will have balconies with views over the rear yard to Harlan Place. Above approximately the fifth or sixth level, the rear yard facing units will also be above the adjacent 60-foot building to the immediate east, therefore, these units would also receive direct and indirect sunlight from and views to the south and east. In addition, in partial substitution for a larger rear yard, the Project would provide approximately 2,160 square feet of common residential open space on top of the roof.

- b. Parking -- **Section 151.1(e)**. Of the Project's approximately 45 units, 27 units will be two-bedroom units that are at least 1,000 square feet of occupied floor area. Accordingly, **Section 151.1** permits, with a **Section 309** exception, up to 27 parking spaces for these units (up to one space for each of the two-bedroom units). **Section 151.1** of the Code also permits, with a **Section 309** exception, up to 0.75 parking spaces per unit, or 13.5 spaces, for the remaining 18 units in the Project. Therefore, the granting of a **Section 309** exception could authorize the Project to provide a total of up to 41 residential spaces (27 spaces plus 14 spaces). The Applicant is seeking a **Section 309** exception to allow up to 40 residential parking spaces on an independently accessible basis. (See discussion below).

In C-3 Districts, requests for accessory parking in excess of what is permitted by right must be reviewed on a case by case basis by the Commission in accordance with **Section 309**. The Commission hereby grants approval for parking accessory to residential uses above that permitted by right based upon the following affirmative findings:

- (1) As with any project with residential accessory parking in excess of 0.375 parking spaces for each dwelling unit, the project must comply with the housing requirements of **Sections 315 through 315.9** of this Code except as follows: the inclusionary housing requirements that apply to projects seeking Conditional Use authorization in **Section 315.3(a)(2)** shall apply to the project.

The Project would comply with Sections 315 through 315.9 of the Code by paying an in lieu fee. Because the Project would provide more than 0.375 spaces per unit (or more than 17 spaces, based on 45 units) it would comply with the 17 percent off-site / in-lieu

inclusionary rate (rather than the 15 percent applicable for a project not receiving a Section 309 exception for additional off-street parking). Thus, depending on the final unit count, the granting of the parking exception would result in at least one additional inclusionary unit (or equivalent in lieu fee).

- (2) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;

Vehicle movement on or around the project site associated with the excess accessory parking would not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The Project would not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district. All parking would be accessible from Harlan Place and therefore there would be no curb cuts along Grant Avenue or Sutter Street. The Project site is also within approximately two blocks of many MUNI lines and BART. This would provide a safe environment and easy access to MUNI and BART for pedestrians and bicyclists.

Further, the traffic analysis prepared for the Project concluded that the Project would not worsen the current conditions on MUNI and therefore would not have a significant impact on MUNI operation. Although the Project reviewed in the transportation study contemplated 25 spaces, the small increase in the number of parking spaces would not affect the study's analysis of traffic generated by the Project, since the transportation analysis is primarily based on the number of dwelling units rather than parking places provided on site.

Finally, the traffic analysis prepared for the Project also concluded that the addition of project-generated traffic would result in relatively small changes in the average delay per vehicle at the study intersections and all study intersections would continue to operate at the same service levels as under existing conditions (LOS B and C) and, therefore, the Project would not result in any significant impacts.

The transportation analysis did not specifically analyze the effect of the excess accessory parking (that is the 15 additional spaces) on pedestrian spaces/movement, transit services, bicycle movement, or overall traffic movement. However, the transportation analysis evaluated the transportation impacts of a project of up to 66 units. Under the City's methodology, vehicle trip generation is based the number of dwelling units and not on the number of parking spaces proposed to be available on site. This is based in part on an assumption that any resident who cannot obtain a space in the building will be able to park his or her vehicles nearby. Thus, the finding of the Transportation study, that the Project would not have significant impacts on overall traffic movement, transit bicycle movement and pedestrians, is applicable to both the amount of accessory parking permitted as of right (0.375 spaces per unit or 17 spaces as well as the proposed 40 spaces). The only location likely to experience any noticeable increase in vehicle trips would be Harlan Place, which provides direct access to the Project's parking garage.

However, the relatively small absolute addition of parking (40 spaces versus 17, an increase of 23 spaces) would have negligible impacts on vehicle trips in and out of Harlan Place. Moreover, as discussed in the AMND and transportation report, there is off-street parking available in the vicinity, including the Sutter/Stockton garage less than one block away and the White House building directly across Sutter Street. Since any parking spaces that are not provided in the building could readily be relocated to other off-street parking spaces very near the building (including for example the Sutter/Stockton garage or the White House building), whether or not the 23 additional parking spaces are provided on-site for the convenience of the residents or are provided in the immediate vicinity would not have a significant impact on overall traffic, transit, pedestrian, or bicycle movement in the vicinity of the Project.

Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal; and

The Project would be of a high quality design and would provide active ground floor uses and a residential lobby on the street frontages with retail uses along most of the Grant and Sutter Streets frontages. All parking would be subterranean and, therefore, would have no impact on the overall urban design quality of the Project. The only evidence that the Project has parking would be the garage entrance on Harlan Place, which because of its location, would not be readily noticeable from Grant Avenue. The proposed parking also would not impact the quality of building materials, the articulation of the façade, or the massing of the Project.

Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

As stated above, the Project would provide active ground floor uses along the street frontages with subterranean parking levels that are only accessible by way of Harlan Place, thereby hiding the parking and creating active street walls at the ground-floor level. The additional parking would not increase the size or visibility of the parking access in Harlan, and would not impact planned streetscape improvements on Sutter Street and Grant Avenue.

- (3) All parking meets the active use and architectural screening requirements in **Sections 155(s)(1)(B)** and **155(s)(1)(C)** and the project sponsor is not requesting any exceptions or Variances of Sections requiring such treatments elsewhere in this Code.

Section 155(s)(1)(B) requires that parking at the ground level to the full height of the ground-level parking shall be lined with active uses to a depth of at least 25 feet along all street frontages, except for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

Section 155(s)(1)(C) requires that parking allowed above ground level in accordance with an exception under Section 309 shall be entirely screened from public rights-of-way in a manner that accentuates ground-floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

The Project would provide two levels of subterranean parking accessible only by way of Harlan Place. No ground-level or above-ground-level parking would be provided, and therefore the criteria for at and above grade parking are not applicable. The Applicant seeks no other exceptions or Variances of Sections requiring such treatments elsewhere in the Code.

- c. Height -- Section 263.8. In 80-130-F Height and Bulk Districts, exceptions to the 80 foot height limit up to 130 feet may be approved in accordance with Section 309. This exception operates to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. The Planning Commission hereby grants the height exception based upon the following affirmative findings:

- (1) The height of the building does not exceed 130 feet.

At approximately 113 feet (as measured per Code at the midpoint of the Grant Avenue frontage), the project would be about 17 feet less than the 130-foot maximum.

- (2) The additional height will not add significant shadows on the public sidewalks and parks.

The additional height would not adversely affect light and air to adjacent properties nor add significant shadows on public sidewalks and parks. The Project's location on the northeast corner of Grant Avenue and Sutter minimizes shadow impacts on nearby sidewalks. (Per the findings, the height of the proposed building is much lower than the maximum street wall height allowed on the east side of Grant Avenue per Section 146 of the Code).

The Proposition K shadow analysis, conducted for the originally proposed 130-foot Project concluded that a 130-foot-high building on the site would not impact any public park, so the proposed approximately 113-foot-high building would not cast any shadow on Proposition K protected parks. The additional shadow analysis in the AMND shows that the Project would cast some additional shadow on the block of Grant Avenue between Sutter and Bush Streets during the morning hours only. Compared to an 80-foot building, the 113-foot high project would cast approximately one-half hour of additional shadow on Grant Avenue's west sidewalk; however, the shadow would generally leave the west sidewalk by between 10:30 A.M. and 10:45 A.M. each day. The proposed 113-foot high Project, would only add about 15 minutes per day to the time when

shadow would entirely leave the pavement of Grant Avenue. Also, the shadow from the proposed 113-foot Project would never reach the Chinatown Gate or the roof-deck atop the building at 333 Grant Avenue. The Commission finds that the small amount of additional shadowing on the Grant Avenue public sidewalk is not significant.

(3) The structure provides an appropriate transition to adjacent higher or lower buildings.

The Project structure would provide an appropriate transition to adjacent buildings that are both higher and lower by responding to the context of the surrounding neighborhood and harmonizing with the varying sizes of buildings in the C-3 District. This Conservation District (KMMS), including the immediately adjoining area, has buildings of various heights and the Project, therefore, would transition appropriately with adjacent buildings (some exceeding the height of the proposed Project) by reinforcing a strong presence on the corner of Grant Avenue and Sutter Street, as there is no consistent pattern of heights in the immediate Project vicinity. Although the building immediately adjacent on the east is only 60 feet tall, two rated building farther east on the block have overall heights of 94 and 130 feet. Across Sutter Street is the massive White House building at about 100 feet tall, with a 120-foot building at 211 Sutter Street/161 Kearny Street. Immediately across Grant Avenue from the Project, three of the four buildings are approximately the same height as the proposed Project or taller (301 Grant Avenue-112 feet; 321 Grant Avenue-126 feet; and 333 Grant Avenue-110 feet). Although the Project would be somewhat higher than the building to the north on Grant Avenue across Harlan Place, the Project's streetwall height of about 92 feet would be visually similar to the roof height of that building. Thus, although the Project would be somewhat higher than some nearby buildings it would be similar to several others. Furthermore, the proposed Project would provide an appropriate transition between the smaller-scaled buildings in Chinatown north of the site and the taller buildings south of the Subject Property.

(4) The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

The building meets the requirement that additional height be set back an appropriate distance from the street frontage in order to maintain streetwall continuity by the use of various architectural devices. This is achieved because the elevations are arranged horizontally in a tripartite manner, with a clearly articulated base, shaft, and stepped back top. The two-story top or "crown" of the building is distinguished by a penthouse with balconies that allow for special emphasis to be placed on the top two floors, which are stepped back four feet from the Sutter Street, Grant Avenue and Harlan Place frontages. There is no consistent streetwall height along Sutter Street to the east of the Project, however, the setback at about the 92-foot level is similar to the overall height of 256 Sutter Street (94 feet) and less than the streetwall height of 222 Sutter Street (130 feet), which has the largest frontage on the block. Moreover, the streetwall height at the top of the middle section is shorter than the streetwall heights of the three taller buildings immediately across Grant Avenue and the Project's streetwall height is similar to the adjacent Triton Hotel to the north and somewhat lower than the "White House" building to the south across Sutter Street. Furthermore, the architectural design creates a sense of three visually distinct masses (base, middle and top) which are stylistically consistent with the block's streetwall.

- d. Bulk – **Section 270**. In 80-130-F Height and Bulk Districts, maximum plan dimensions apply for structures over the minimum heights set forth in Table 270 of the Code. For “F” Districts, the bulk restriction applies above the 80-foot height and the as-of-right bulk is limited to a maximum length of 110 feet and a maximum diagonal dimension of 140 feet. A bulk exception under Code **Section 309** is required for the Project because at 80 feet the diagonal dimension measures 141 feet, one inch while the length dimension measures 120 feet, zero inches. Also, the top two floors the building comply with the applicable diagonal limitation. Exceptions to bulk limits may be approved provided that at least one of the criteria set forth in Code **Section 272(a)** is met. The Commission hereby approves the bulk exception based upon the Project’s satisfaction of the following criteria set forth in **Section 272(a)(1) and (2)** of the Code:

Achievement of a distinctly better design, in both the public and the private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

The Project utilizes a three-part composition with a two-story base, six-story middle section, and is two-story top element, which is set off from the middle with four-foot setbacks from the streetwall along Grant Avenue, Sutter Street and Harlan Place. Strict compliance with the bulk limits would require the building to be set back beginning at the seventh level rather than the ninth level. Assuming that the same overall ten-story height were maintained, a setback at the seventh level would result in an awkward and unbalanced form with a two-story base, four-story middle and a four-story top. The exception also provides a distinctly better design in that it respects the two corners of the building and ties the base of the building together better with the crown to complete the façade. Carving away the corners to comply with the bulk limits diminishes the importance of creating an urban streetwall. Moreover, requiring the setback to begin at the seventh level (plus increasing the setback somewhat to strictly comply with the length and diagonal limits), would result in loss of residential area and, therefore, loss of or reduction in size of units in the top four floors. Further shortening the building in an effort to cure the awkward balance caused by requiring a setback at the seventh level would result in an even more substantial loss of residential units and area, which would also affect the Project’s contribution to inclusionary housing.

Moreover, the amount of the proposed bulk exception is extremely minor and would not justify the above-noted negative impacts on the building’s form and function. At 80 feet, the Project’s diagonal dimension exceeds the Code standard by slightly over a foot and would not be perceptible. For the ninth and tenth levels, the diagonal dimension is Code-compliant and the length exceeds the Code standard by two feet (less than two percent of the 110-foot Code standard). The only even marginally noticeable exceedance would be the 120-foot length along Grant Avenue which exceeds the Code standard by ten feet; however, most of this exceedance only extends for about 15 feet vertically (from the 80-foot height to approximately the 92-foot height). Above a height of approximately 92 feet, the diagonal dimension is approximately seven feet shorter than the Code maximum and the length exceeds the Code limits by only two feet.

The added bulk does not significantly affect light and air to adjacent buildings.

The additional bulk of the building would not significantly affect light and air to adjacent buildings because of the Project's location on the northeast corner of Grant Avenue and Sutter Street (bounded by Harlan Place). The amount of the bulk exceedance is extremely small with most of the exceedance occurring only between the heights of 80 and 92 feet, and with only an insignificant exceedance for the upper two floors. The only side of the building that directly abuts an adjacent building is at the east end of the Sutter Street elevation. This adjacency mitigated by the Project's small rear yard which further minimizes any adverse light or air impacts.

The additional bulk, primarily in the north-south direction parallel to Grant Avenue, and primarily occurring only between the heights of 80 and 92 feet, is so small as to have only a negligible impact to light and air for adjacent structures.

32. **Appendix E to Article 11** of the Code sets forth standards that apply within the KMMS Conservation District. **Section 7** thereunder establishes standards and guidelines for review of new construction and certain alterations within the KMMS District. They are as follows with responses in italics. Generally, new buildings in the KMMS Conservation District must be compatible with the District with respect to the building's massing, scale, materials and colors, and detailing and ornamentation, including those features elaborated elsewhere in Appendix E. Emphasis is to be placed on compatibility with those buildings in the area in which the new or altered building is located. These standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility is to be made in accordance with the provisions of Code **Section 309**.
- **Composition and Massing – Section 7(b)(1)**: New construction should “maintain the essential character (of the District) by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings.” Height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces.

The Project at 300 Grant Avenue would share the predominant form of buildings in the KMMS area, that is, a rectangular boxlike structure. Its proposed street façades are divided into articulated bays about 20 feet wide on the west side and about 17 feet wide on the south and north sides, which is similar to the bay width of 20 to 30 feet mentioned in Section 6(b) of said Appendix E.

Although the proposed Project at 113 feet in height (two commercial and eight residential stories) is somewhat taller than the immediately adjacent buildings, which generally range from 64 to 90 feet in height (five to eight commercial stories), its scale reflects the historic pattern of taller, or otherwise more massive, corner buildings found in the KMMS Conservation District, as well as in other Downtown Conservation Districts. The KMMS District, within a block of the Subject Property, contains two important contributing corner buildings that are taller than the proposed building. The Head Building, located at the southwest corner of Grant Avenue and Post Street (201 Post Street), is approximately 193 feet in height, which is approximately 75 feet taller than the proposed building. The Shreve Building, located at the northwest corner of Grant Avenue and Post Street (201 Grant Avenue) is approximately 170 feet in height, approximately 53 feet taller than the proposed building. In addition, the Rose Building, located at the northwest corner of Sutter Street and Claude Lane (222 Sutter Street), is approximately 130 feet in height; and the Eyre/Sherman Clay & Co. Building, located at the southwest corner of Kearny and Sutter Streets (211 Sutter Street), is approximately 120 feet in height. In addition to containing corner

buildings that are comparable in height to the proposed building, the KMMS District contains the massive White House Department Store Building, a corner building that is monumental in its horizontal dimensions. Located at the southeast corner of Grant Avenue and Sutter Street (255 Sutter Street), the White House has approximately 275 feet of frontage along Sutter Street and 137 feet of frontage along Grant Avenue, which are much longer frontages than typically found on interior lots. With a parapet height of approximately 100 feet, the White House building is approximately 13 feet shorter than the proposed Project. This variety of larger frontages and/or taller heights at street corners exemplifies the pattern of the increased monumentality of corner buildings within the KMMS Conservation District as well as other conservation districts in the historic core of downtown San Francisco.

Stated in a different manner, along Grant Avenue, within one block in each direction of the Project, the buildings range in height from 40 feet to 170 feet. Out of the 16 buildings within a block on both sides of Grant Avenue, there are five existing buildings taller than 100 feet, and two buildings, 201 Grant Avenue at approximately 170 feet and 321 Grant Avenue at approximately 126 feet, which will be taller than the project. Along Sutter Street within one block of the Project on the north side, there are two buildings taller than 100 feet, and one of them, 216-222 Sutter at approximately 130 feet, is taller than the proposed Project. Therefore 300 Grant Avenue would be within the height range of the existing buildings, and would be lower than three buildings within a block, and would be among six (out of 22) other buildings taller than 100 feet.

- *If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of the buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the streetwall."*

While the prevailing height of buildings on a given block should be used as a guide, corner buildings are often more monumental in scale, either in height, width, or both. This is a basic urban design principle, as well as a prevalent pattern found in the KMMS District near the Project site, as well as in many places in other conservation districts within the historic downtown core.

Further, the streetwall height of the subject block varies significantly from end to end, that is, there is not a clear prevailing street wall height along the north side of the 200-block of Sutter Street. The height of the subject building would be 113 feet, two inches, as measured from the midpoint of its Grant Avenue frontage to the finished roof level, with a measurement of 117 feet at the parapet level. The height of the Sutter Street streetwall on the subject block varies widely – there is no consistent or substantially prevailing streetwall height east of the Project site. Heights range from 64 to 110 feet on the subject Sutter Street block face, with the tallest building on the entire subject block (a mid-block building facing Bush Street) measuring approximately 140 feet in height. The most prominent building on the Sutter Street block face that includes the Subject Property, 222 Sutter Street, has a streetwall height somewhat taller than the proposed Project. The subject Grant Avenue block face contains only one other building, the Triton Hotel, which is approximately 83 feet in height and transitions from the taller heights and larger scale of the buildings further south in the KMMS District to the smaller scale of Chinatown to the north. The taller height of the proposed project is more in keeping with two even taller monumentally-scaled corner buildings measuring 140 and 165 feet found along Grant Avenue only a block to the south of the Project site. As discussed above, there are also a number of other taller historic buildings to the south and west of the Project site within the KMMS District, thus the Project transitions appropriately between the

Triton Hotel and Chinatown to the north, and the taller buildings found to the south of the project site along Grant Avenue toward Market Street.

As stated above, the subject building is similar in composition and massing to many other corner buildings within the KMMS District, and in a number of cases is not as tall. Furthermore, the top two floors of the building would be set back from the Sutter Street, Grant Avenue and Harlan Place streetwalls by four feet thereby reducing the mass of the building along all three streetwalls. The guardrail of the roof deck of the proposed building would curve inward which would further reduce the perceived mass as the top of the building. The stair, elevator and mechanical penthouses would protrude from the roof of the building on the east side and at the center of the roof but would be set back from the north, south and west faces of the building. They are proposed to be the minimum heights necessary to fulfill access and mechanical requirements.

- The standard proportions of new buildings should be established by the prevailing streetwall height and width of lots. To ensure that an established set of proportions is maintained, it is necessary to break up the façades of new buildings into smaller sections that relate to those existing proportions. The use of smaller bays and multiple entrances are two ways of relating the rhythm of a new building with those of historic buildings.

The width of the proposed Project's Sutter Street frontage would be 77.5 feet. The block frontages on the remainder of the 200-block of Sutter Street vary widely from 30 to 113 feet on the north side (57.6 feet on average), and 41 to 275 feet on the south side (127.7 feet on average). The Project's proposed lot frontage on Sutter Street, given its corner location and taller height is compatible with, and within the range of, the lot widths found along the subject block of Sutter Street. Further, the proposed building also follows a similar composition to the taller Shreve and Head buildings one block south at the corner of Post Street and Grant Avenue, having its narrower frontage along the east-west street, and its broader frontage along Grant Avenue. The 77.5-foot Sutter Street frontage is wider, but still similar in width to the Post Street frontages of the two taller Shreve and Head buildings, which are respectively 69 and 63.5 feet wide. The Project's lot width along Grant Avenue will not change and is identical to that of the Triton Hotel to the north.

The introduction of applied ornamentation indicating the various different functions of the proposed building reduces the appearance of the proposed façades to smaller sections that relate to the proportions of nearby buildings, and the use of narrowly spaced structural bays and multiple entrances relates to the structural rhythm to nearby historic buildings. There are proposed to be three main entrances, one in each of the two corners along Grant Avenue, and another at the east end of the Sutter Street elevation. There may be more entries to accommodate retail uses as they occur.

- The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. A base element is necessary to define the pedestrian environment. This division of a building allows flexibility in the design of the ground story while encouraging a uniform treatment of the upper stories.

The proposed structure is designed to repeat the prevailing two- and three-part vertical compositions in the area. It will have a base, represented by the rusticated bottom two commercial stories, smooth walled "shaft" section from the third to seventh floors, and a "capital" section composed a two-story colonnade and penthouse above. The transitions between the sections are emphasized by the cornice with a balcony at the third floor, and by a belt course and change in detailing at the eighth floor. The proposed cornice and

balcony between the second and third floors at 300 Grant Avenue approximately align with similar horizontal features at the top of the second floor for the Triton Hotel (342 Grant Avenue), the White House (256 Grant Avenue at the southeast corner of Sutter Street and Grant Avenue), and the top of the second floor treatment at 301 Grant Avenue (at the northwest corner of Sutter Street and Grant Avenue). The belt course at the eighth floor of 300 Grant Avenue would approximate the height of the roof cornice of the Triton Hotel, and the major cornice at the tenth floor would be just above the top cornice of the White House, and just below the top cornice of the building at 301 Grant Avenue. The multiple horizontal lines of the proposed building at 300 Grant Avenue thus establish relationships with the multiple horizontal lines on the adjacent buildings.

- **Scale – Section 7(b)(2):** A major influence on scale is the degree to which the total façade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to human scale. The existing scale of buildings in the vicinity should be maintained. This can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height) to maintain the existing pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation. Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by Significant and Contributory structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible.

There are three compositional scales for the proposed building, ranging from the large-scale to the medium-scale to small-scale compositional elements.

The first level large-scale compositional elements consist of the overall shape of the building divided into a three part arrangement of parts, 'base', 'shaft' and 'capital', as described above. The middle-scale level is the division into bays vertically, and the division into horizontal story levels. The vertical bays are defined by the recessed windows at the base and shaft, and by the columns at the capital section. The floor levels are indicated by the wide fenestration element between the two floor levels at the base, the color transitions at levels of the floor plates at the shaft, and by the belt course and cornice of the upper loggia at the capital.

The small-scale level of detail, which most directly relates to the size of the human body, would consist of the ornamental features and fenestration. The proposed ornament consists of the rustication at the base, the colonnettes dividing the window bays, and the colonnade and window trim and cornice at the capital. The columns and the articulated canopy would define the entries. As proposed, the windows are divided by the colonnettes into wider and narrower sections. The wide sections would be similar in scale to the large windows of many of the commercial buildings in the district, while the narrower windows would be indicative of the building's function as a residential structure above the second floor. The larger windows at the bottom two floors that open into the retail levels would be broken up by mullions forming borders around the sides of the openings. The balcony railings also would provide additional small-scale detail at the third and tenth stories.

- **Materials and Colors – Section 7(b)(3):** The preferred surface materials for this district are brick, stone and concrete (simulated to look like terra cotta or stone). The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done on rustication on historic buildings. Traditional light colors should be use in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

The proposed exterior building materials are cast stone (or glass-fiber reinforced concrete or fiberglass with a cast stone finish for ornamentation elements), cement plaster, anodized aluminum and/or painted metal, and glass. The upper wall surfaces are proposed to be smooth cement plaster. The fenestration, awnings and penthouse walls and windows would be anodized aluminum or other metals treated to have a dark bronze finish.

The predominant color for the cast stone and the cement plaster details of the proposed building is proposed to be a creamy off-white. This would be complemented by a buff color for the balance of the cement plaster in the shaft area of the building. The fenestration, penthouse, balcony railings and awnings, that is, all of the metal features, are proposed to be a dark bronze color.

These colors and materials would be compatible with the materials and colors mentioned in Section 6 (c) of said Appendix E.

The cast stone elements, such as the rustication at the base, “express the mass and weight of the structure”, and the cast stone colonnettes and columns would be used on multidimensional wall surfaces to create texture and depth as also described in said Section 6 (c): “The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color”.

- **Detailing and Ornamentation – Section 7(b)(4):** A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Since the District has one of the largest collections of finely ornamented buildings in the City, these buildings should serve as references for new buildings. Detailing of a similar shape and placement can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt courses and may use a modern vernacular instead of that of the original model.

Ornament has been used at each part of the proposed building; ornament which at a distance would be suggestive of certain historical styles, but which would not directly copy any historical style. The aim has been to achieve an overall texture of the historical buildings, without directly producing a classical or revival style building. As stated in Sec. 6 (d) of said Appendix E, the ornament in the district is of many

styles, so it is appropriate to use forms inspired by, but not directly copying, a variety of styles to reflect the diverse nature of San Francisco's culture.

At the base of the proposed building, the bottom two floors would be rusticated. While this is a typical classical form of ornamentation, here it has been designed with an upwardly inflected faceting which is not found in historic classical buildings, and which would provide a rippling sense of movement upwards.

The top features a proposed colonnade of columns, but they are not classical columns, they are an invented form arranged in a classical manner. They would form a loggia at the capital of the building, the sort of loggia suggested by columns or applied pilasters on some of the buildings in the district, such as at 200 Grant Avenue. The shafts of the columns have been designed to have a plant-like shape that is suggestive of living stalks, and the capital itself would be decorated with a bundle of leaves.

It is a common feature in this district, and in many buildings around San Francisco, to see colonnettes dividing sections of the windows, a motif which is repeated in the design of this building. The colonnettes which would divide the windows at 300 Grant Avenue are based on cone and disc shaped forms which are found in the ornament of many cultures including Classical, Mexican and Victorian architecture.

The belt courses and cornices proposed for the subject building would be fairly simple in design. The belt courses would be rectangular in shape with a slightly angled outside fascia. The cornices and the awnings are designed to angle back to the building in a series of facets that echoes the angles of the proposed rustication.

Ornamental balcony railings designed for use at the third and tenth floors of the subject building are similar to balcony railings or suggested balcony railings at 256 Grant Avenue and 445 Bush Street. These railings are proposed in order to indicate the residential character of the upper part of the building, and to create visual interest. Balconies of various sorts are a feature on many buildings around the district. The balconies would be similar in profile to the rustication.

33. Compliance with the Objectives and Policies of the General Plan The Commission hereby finds that the Project will comply with or affirmatively promote the following Objectives and Policies of the General Plan (*Project specific findings are in italics*):

The **Downtown Area Plan** contains the following relevant objectives and policies:

Space for Housing

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

Policy 1: Promote the inclusion of housing in downtown commercial developments.

The Project would provide approximately 45 dwelling units in an emerging "C-3" downtown mixed-use neighborhood.

Urban Form

OBJECTIVE 14: CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.

Policy 1: Promote building forms that will maximize the sun access to open spaces and other public areas.

The Project would not create any significant new shadows and is consistent with the General Plan. While some new shadows are unavoidable with new building on sites occupied by older buildings that are smaller than the neighborhood patterns, high-density projects are encouraged by the Code in the C-3 Districts. The proposed Project is a 10-story building set in an environment of other buildings, many as large as the project. It would cast only minimal new shadows, primarily on one block of Grant Avenue during very limited morning hours. The Project would not cast any shadows on properties under the jurisdiction of the Recreation and Park Department, and is therefore in conformance with Code Section 295. The new shadows created by the Project would not exceed levels commonly expected in urban areas and would have no significant or adverse shadow effects.

Policy 2: Promote building forms that will minimize the creation of surface winds near the base of buildings.

The Project would not significantly affect wind conditions.

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

Policy 1: Conserve the traditional street-to-building relationship that characterizes downtown San Francisco.

Policy 4: Use designs and materials and include activities at the ground floor to create pedestrian interest.

The Project would be compatible with the downtown San Francisco character. The area is comprised of a variety of building heights and scales, often with taller, more massive buildings occupying corner locations. The Project would provide an appropriate transition to the adjacent buildings by responding to the architectural context of the surrounding neighborhood, which varies in height and scale.

The design of the building incorporates classical proportions and contemporary detailing that is compatible with the variety of styles and periods of this important San Francisco district. The building's retail base is appropriately scaled with generous amounts of glass and quality materials and fixtures to create a rich and varied pedestrian experience.

Moving About -- Moving to and from Downtown

OBJECTIVE 18: ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN.

Policy 2: The Project will further provide incentives for the use of transit, carpools, and vanpools, to reduce the need for new or expanded automobile parking facilities.

The Project site is adjacent to numerous forms of transit including BART, MUNI, bus and streetcar lines. The somewhat limited amount of residential parking on the site also would discourage the use of vehicles for commuting and daily errands. Accordingly, the infill nature of the Project naturally would reduce the need for expanded automobile parking facilities.

Moving Around Downtown

OBJECTIVE 20: PROVIDE FOR THE EFFICIENT, CONVENIENT AND COMFORTABLE MOVEMENT OF PEOPLE AND GOODS, TRANSIT VEHICLES AND AUTOMOBILES WITHIN THE DOWNTOWN.

OBJECTIVE 21: IMPROVE FACILITIES FOR FREIGHT DELIVERIES AND BUSINESS SERVICES.

Policy 2: Discourage access to off-street freight loading and service vehicle facilities from transit preferential streets, or pedestrian oriented streets and alleys.

The off-street loading and parking to be provided as part of the Project would be accessed from Harlan Place, thereby avoiding conflicts with traffic and pedestrians on Grant Avenue and Sutter Street.

OBJECTIVE 22: IMPROVE THE DOWNTOWN PEDESTRIAN CIRCULATION SYSTEM, ESPECIALLY WITHIN THE CORE, TO PROVIDE FOR EFFICIENT, COMFORTABLE, AND SAFE MOVEMENT.

Policy 1: Provide sufficient pedestrian movement space.

Policy 5: Improve the ambience of the pedestrian environment.

The Project Site allows for sufficient pedestrian movement. The Project involves the construction of a new building containing dwelling units, retail, and off-street parking. The vibrancy resulting from the residential and retail uses would improve the ambience of the pedestrian environment by improving both of the street frontages at the corner of Grant Avenue and Sutter Street. The Project design, which provides vehicular access only to and from Harlan Place, would tend to minimize vehicle movements across the sidewalks.

Seismic Safety

OBJECTIVE 23: REDUCE HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE AND ECONOMIC DISLOCATION RESULTING FROM FUTURE EARTHQUAKES.

Policy 2: Initiate orderly abatement of hazards from existing buildings and structures, while preserving the architectural and design character of important buildings.

The Project would reduce hazards to life safety and minimize property damage and economic dislocation resulting from future earthquakes through building design and construction in compliance with current structural and seismic codes.

The Housing Element contains the following relevant objectives and policies:

OBJECTIVE 1: TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED

HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT GROWTH.

Policy 4: Locate infill housing on appropriate sites in established neighborhoods.

The Project site is within the Downtown Area Plan that promotes residential intensification that will complement the mix of downtown uses. This area is appropriate as a location for new infill housing.

OBJECTIVE 4: TO REDUCE THE RISK OF BODILY HARM AND LOSS OF HOUSING IN AN EARTHQUAKE.

The Project would be built to current new-construction standards for seismic safety as contained in the Building Code.

OBJECTIVE 12: TO PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 1: Assure housing is provided with adequate public improvements, services and amenities.

Policy 2: Allow appropriate neighborhood-serving commercial activities in residential areas.

Policy 4: Promote construction of well designed housing that conserves existing neighborhood character.

The Project is well designed and will locate much-needed housing near the Downtown and Union Square neighborhoods. It will add 45 new dwelling units including many two-bedroom units while complementing the existing character of the neighborhood. Public services, improvements and amenities (including all varieties of public transit) abound in the vicinity.

OBJECTIVE 13: TO PROVIDE MAXIMUM HOUSING CHOICE.

Policy 1: Prevent housing discrimination based on age, race, religion, sex, sexual preference, marital status, ancestry, national origin, color, disability, health

(AIDS/ARC), source or amount of income, citizenship or employment status as a family day care provider.

Policy 2: Promote adaptability and maximum accessibility of residential dwellings for disabled occupants.

The Project will be handicapped-accessible per the City's new-construction building standards. The Project also will comply with all applicable City laws in regard to its employment and marketing practices.

The **Urban Design Element** contains the following relevant policies and objectives:

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 2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

The Project would add to the image and mixed-use orientation of the downtown neighborhood. The Project is strongly anchored at the corner of Grant Avenue and Sutter Street. There are no important public views in this area that would be significantly affected by the Project. ("Public views" refers to views from public places such as parks and open spaces, views from private open spaces that are open to the public, and views from streets and sidewalks where topography or other local physical features create a significant view corridor.)

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

The height, massing, generally light, color, and shape of the proposed building would ensure its compatibility with the other buildings in the vicinity by transitioning appropriately with the context of the surrounding neighborhood

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 2: Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.
- Policy 5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.
- Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project would be compatible with the visual relationship and transitions between new and older buildings in the neighborhood. The design and proportions of the building would be compatible with the varying sizes of the buildings in the vicinity. The design of the building incorporates classical proportions and original detailing that responds appropriately to the variety of styles and periods of this C-3 District. Accordingly, the Project would reflect the design elements of nearby existing buildings and would avoid extreme contrasts in color, shape and other characteristics that would make it stand out in excess of its civic importance. (See Finding No. 31 above for a complete description.)

The Project's height and bulk would be consistent with the surrounding streetscape and would be visually compatible with the surrounding buildings.

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 12: Install, promote and maintain landscaping in public and private areas.

Policy 13: Improve pedestrian areas by providing human scale and interest.

The Project features public and private landscaping as well as street improvements designed to enhance the pedestrian experience on Grant Avenue and Sutter Street.

The **Transportation Element** contains the following relevant policies and objectives:

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

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

The Project site is near numerous forms of transit. In conformity with the City's "Transit First" policy, no commuter parking would be provided.

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

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

Recognizing the many transit opportunities available at and near the Project site no commuter parking is to be provided. The Project would not result in any significant traffic impacts or impacts on transit.

OBJECTIVE 24: IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.4: Preserve pedestrian-oriented building frontages.

The Project proposes pedestrian-friendly streetscape improvements. The lower-floor retail would create an active and interesting pedestrian environment.

OBJECTIVE 28: PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide secure bicycle parking in new governmental, commercial, and residential developments.

The Project would include approximately 23 spaces for off-street bicycle parking.

OBJECTIVE 34: RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1: Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The City's amended parking regulations would allow for up to 41 residential parking spaces with a Section 309 exception. The Project seeks to provide up to 40 residential parking spaces on an independently accessible basis. (Up to 15 of the 40 proposed spaces could be used as of right accessory parking to serve the commercial uses.)

34. Potential Impact on Archeological Resources:

The AMND has determined that the excavation for the Project's subsurface levels could have a potentially significant impact on subsurface cultural resources which might be present at the site.

Implementation of mitigation measure 1, the City's standard requirements for sites with potential archeological resources, which requires an architectural testing program and data recovery, would mitigate this potential impact to a less than significant level. The sponsor has agreed to this measure and it is being included as a condition of approval.

35. Potential Construction Air Quality Impacts:

The AMND has determined that the demolition, excavation and other ground-disturbing construction activity could temporarily adversely affect local air quality due to fugitive dust and emissions from construction equipment. Implementation of mitigation measure 2, which includes a set of feasible particulate (PM10 and PM2.5) emissions measures and requires construction equipment be maintained so as to minimize exhaust emissions, would cause the Project to have less than significant construction-related air quality impacts. The sponsor has agreed to this mitigation and it is being imposed as a condition of approval.

36. Potential Impact from Underground Tanks:

The AMND concluded that there would be a potentially significant impact if an underground storage tank (UST) were discovered during excavation. Implementation of mitigation measure 3, which requires proper disposal of any underground tank which is found, and soil and

groundwater remediation if necessary, would mitigate this potential impact to a less than significant level. This measure has been agreed to by the Project Sponsor and is included as a condition of approval.

37. Potential Impacts from Hazardous Materials:

The AMND has identified that potential hazardous building materials such as PCB-containing electrical equipment could pose health threats to construction workers. Implementation of Mitigation Measure 4, requiring surveys for specified hazardous materials, and abatement per federal, state and local law if necessary, would result this potential impact to a less than significant level. The Project Sponsor has agreed to implement this measure and it is being incorporated as a condition of approval.

38. The Commission finds that granting the Project authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

39. Modification Required by the Commission: Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission imposes additional modifications on the project as indicated above or included in Exhibit A (Conditions of Approval) appended to this motion.

DECISION

The Commission, after carefully balancing the competing public and private interests, both environmental and otherwise, hereby **APPROVES** Application No. 2004.1245!EKVX, and determines that the Project complies with the requirements of the relevant Sections of the Code, and grants the requested exceptions as set forth above from the standards for rear-yard area, off-street parking, building height, and building bulk in C-3 Districts, pursuant to Code Sections 134, 151, 263 and 270, subject to the conditions contained in "Exhibit A" appended hereto and incorporated herein by reference thereto as though fully set forth, and in general conformance with the plan drawings stamped as "Exhibit B".

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal the granting of an exception, pursuant to Code Section 309(e)(3) and (4) to the Board of Appeals within fifteen (15) days after the date of this Motion No. _____. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission Street, Room 3036, San Francisco, CA 94103.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on June 12, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Olague, Antonini, W. Lee and Miguel

NOES: Commissioners Moore and Sugaya

ABSENT: None

ADOPTED: June 12, 2008

CONDITIONS OF APPROVAL

Wherever "Project Sponsor" or "Applicant" 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 **Section 309** Determinations of Compliance and granting of exceptions to otherwise-applicable Code standards for rear yard, building height, building bulk and off-street parking in C-3 Districts, for the construction of a new 10-story mixed-use building at 300 Grant Avenue, Lots 13 and 14 in Assessor's Block 287, with approximately 45 dwelling units, ground- and second-level retail space and a two-level underground garage with a capacity to park up a maximum of 40 cars, generally as described in the application, in the text of the accompanying Motion, and in plans stamped "Exhibit B" and dated "June 12, 2008".

1. COMPLIANCE WITH OTHER REQUIREMENTS

- (A) This decision conveys no right to construct. The Project Sponsor must first obtain a Variance for dwelling-unit exposure (Code **Section 140**) and projections over streets and alleys (Code **Section 136**) standards of the Code. The project sponsor must obtain a building permit and satisfy all the conditions thereof, including mitigation measures addressing environmental impacts. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

2. GENERAL CONDITIONS

- (A) Mitigation Measures – The following Mitigation and Improvement Measures, all of which are necessary to reduce the potential impacts of the Project, have been agreed to by the project sponsor. They are hereby imposed by the Commission as Conditions of approval and shall be binding on the Applicant and his successors in interest.

Mitigation Measure 1

Archeological Resources (Testing)

Based on a reasonable presumption that archeological resources may be present within the Project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The

Project Sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project ARDTP (*Archeological Research Design and Treatment Plan for the 300 Grant/272-290 Sutter Project*, Archeo-Tec, October 2006) at the direction of the Environmental Review Officer (hereinafter "ERO"). In instances of inconsistency between the requirement of the project ARDTP and of this archeological mitigation measure, the requirement of this archeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

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

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed Project, at the discretion of the Project Sponsor either:

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

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program (hereinafter "AMP") shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the Project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils -disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (hereinafter "NAHC") who shall appoint a Most Likely Descendant (hereinafter "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, Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (hereinafter "FARR") to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (hereinafter "NWIC") shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of

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

Mitigation Measure 2

Construction Air Quality

The project sponsor shall require the contractor(s) to spray the Project site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand, or other such material; and sweep surrounding streets during demolition, excavation, 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 Sponsors shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsors shall require the Project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 3

Underground Storage Tank (hereinafter "UST")

Should a UST be found during construction, work shall be stopped and permits from the Hazardous Material Unified Program Agency (hereinafter "HMUPA"), Fire Department, and Department of Public Works (hereinafter "DPW") (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (maybe DPW) will make inspections prior to removal and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is required due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be referred to the Local Oversight Program for further action.

Mitigation Measure 4

Hazards (PCBs and Mercury)

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

Improvement Measure 1

Transit (MUNI Eyebolt)

Construction of the proposed Project would require installation of a temporary pole to support MUNI's overhead wire lines that are currently attached to the 290 Sutter Street building via an eyebolt. When construction is completed, the eyebolt would be replaced, or a decorative permanent pole on the sidewalk could be installed. As an improvement measure, the project sponsor could be required to contribute to the full cost of the replacement poles, if the eyebolt option is not chosen. If the eyebolt option were chosen, MUNI would prefer to enter into a 25-year agreement with the Project Sponsor.

Improvement Measure 2

Encourage Alternate Modes of Travel

As improvement measures to reduce the proposed project's parking demand and parking shortfall and to encourage use of alternative modes, the Project Sponsor could provide a transportation insert for the move-in packet that would provide information on transit service (MUNI and BART lines, schedules and fares), information on where FastPasses could be purchased, and information on the 511 Regional Rideshare Program.

Under the recently-approved C-3 legislation the proposed project would be required to provide one car-sharing space either on-site, or within 800 feet of the project site. Participation by residents in a car-sharing program would serve to reduce the proposed Project's on-site parking demand and shortfall.

Improvement Measure 3

Timing of Construction Truck Traffic

The following measure would minimize disruption of the general traffic flow on adjacent streets:

- To the extent possible, truck movements should be limited to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the Department of Parking and Traffic [hereinafter "DPT"]).
 - The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of DPT, the Fire Department, MUNI, the Planning Department, and other City agencies to determine feasible traffic mitigation measures to reduce traffic congestion during construction of the project.
- (B) Community Liaison: The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. **Prior to the commencement of construction activities**, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison.

- (C) Recordation. Prior to the issuance of any building permit application 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. From time to time after recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- (D) Reporting. The Project Sponsor shall submit two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
- (E) Construction:
- (1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
 - (2) Truck movements shall be limited to the hours between 9:30 a.m. and 3:30 p.m. to minimize disruption of the general traffic flow on adjacent streets.
 - (3) The contractor shall arrange for off-street parking for construction workers until workers can park at the proposed project's parking garage.
 - (4) The Applicant and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.
- (F) Performance:
- (1) A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void.
 - (2) This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required

site or building permits within three (3) years of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.

- (G) First Source Hiring Program: 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, including having an Occupancy Program approved by the First Source Hiring Administrator prior to the issuance of the first Certificate of Occupancy.
- (H) Severability: If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
- (I) Two years after initial occupancy, the Project Sponsor shall report to the Planning Department the number of dwelling units sold and the following data in summary form: (1) the number of children per household at the Project Site; (2) Zip Codes of places of employment of residents; (3) means of transportation to place of employment; (4) number automobiles owned per household at the Project site. The Project Sponsor shall thereafter update this information every six months until the Project Sponsor has sold all dwelling units in the building.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT OR FINAL ADDENDUM TO A BUILDING (OR SITE) PERMIT

- (A) Design:
 - (1) Highly reflective spandral glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
 - (2) The Project Sponsor and the Project architect shall continue to work on design development with the Department. Should there be major design changes occasioned by this review, the Project shall be brought back to the Commission for new review and entitlements commensurate with such changes.
 - (3) Space shall be included for antennae in the building's design to avoid unattractive appendages.
 - (4) The building design shall provide adequate space designated for trash compactors, trash loading, and recycling. These areas shall be indicated on the building plans.
 - (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. In that a high quality of finish materials is proposed and sought by the Commission, and the design details of the proposed Project are a part of the approval, special efforts shall be made by the Department staff and the Applicant to deliver a final product commensurate with that shown to the Commission at public hearing and on file with the

Application. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.

- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with plans dated June 12, 2008, labeled "Exhibit B," and reviewed by the Commission on June 12, 2008.
- (B) Signage: The Project Sponsor shall develop a signage program for the Project, which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the project.
- (C) Lighting: The Project Sponsor shall develop a lighting program for the Project, which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the project.
- (D) Transferable Development Rights (TDR): The Project shall comply with Code Section 128(h), which states that when TDR is necessary for the approval of a Site Permit for a project on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the site permit the requirement that the Superintendent of the Bureau of Building Inspection shall not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required amount of TDR. Alternately, the Project Sponsor may attempt to procure the necessary additional FAR through the method established in Code Section 124(f).
- (E) Pedestrian Streetscape Improvements: The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Planning Code Section 138.1, and the Downtown Streetscape Plan.
- (F) Inclusionary Affordable Housing Program: Sections 315.1–315.9 set forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program (hereinafter "Program"). The Program requires, in the subject case (because of the off-street parking exception), that 12 percent of the dwelling units on site must be affordable. Alternatively, if additional accessory parking is approved an applicant may elect to provide affordable off-site housing equal to 17 percent of the dwelling units or pay an in lieu fee for an equivalent number of units.

The Project shall comply with the Inclusionary Housing Ordinance through the payment of an appropriate in lieu fee, as determined by the Mayor's Office of Housing. Based on the date of the application (i.e., prior to July 18, 2006, as set forth in Code Section 315.3), the Project is not subject to the increased affordable percentages set forth in the inclusionary housing amendments.

- (G) Public Artwork: The Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The project sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

The project sponsor and the Project artist shall consult with the Department during design development regarding the height, size, type and location of the art. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Planning Director in consultation with the Commission. The project sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than six months after the date of this approval.

- (H) Garbage and Recycling: The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the project. Enclosed trash areas with provisions for separating recyclable and non-recyclable materials shall be provided for Project residents on each floor of the residential tower. These areas shall be indicated on the building plans.
- (I) Parking: Off-street parking provided in conjunction with the Project shall not exceed the parking for more than a total of 40 vehicles whether independently-accessible, stacked or "valet" parked, or the Applicant shall seek and be authorized a new exception pursuant to Code Section 309.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY

- (A) Public Artwork:
- (1) The Project Sponsor shall install the public art generally as described in Code Section 149 and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.
 - (2) The Project Sponsor shall comply with Code Section 149(b) by providing a plaque or cornerstone identifying the Project architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project site. The design and content of the plaque shall be approved by Department staff prior to its installation.

- (B) Pedestrian Streetscape Improvements. The project sponsor shall complete the required pedestrian streetscape improvements. The project sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.
- (C) Garbage and Recycling: The Project shall provide containers to collect and store recyclable solid waste and the project sponsor shall contract for recycling pickup. Trash compactors shall not occupy or impede the use of required freight loading spaces.
- (D) Street Trees. Pursuant to the standards set forth in **Code Section 143**, the Applicant shall plant and maintain a minimum of one tree of 15-gallon size for each 20 feet of frontage along the Grant Avenue and Sutter Street frontages of the Subject Property (with any remainder of ten feet or more of frontage requiring an additional tree) or shall seek a Zoning Administrator exemption from same as provided for in **Code Section 143(e)**.
- (E) Emergency Preparedness Plan: An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

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MITIGATION MEASURES:

I. ARCHEOLOGICAL RESOURCES

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.

Project sponsor	In case of accidental discovery	Suspend any soils disturbing activity.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
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The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project ARDTP and of this archeological mitigation measure, the requirement of this archeological mitigation measure shall prevail. All plans and reports prepared by the ERO as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered

Project sponsor	In case of accidental discovery	If evidence of archeological resources of potential significance found, services of a qualified archeological consultant to be retained.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to excavation and construction
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Project sponsor/
 archeological consultant

In case of accidental discovery

Identify and evaluate archeological resources.

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<p>draft reports subject to revision until final approval by the ERO.</p> <p>Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).</p> <p style="text-align: center;"><i>Archeological Research Design/ Testing Program</i></p> <p>The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO.</p>	<p>Project sponsor</p>	<p>At the direction of the ERO, the suspension of construction can be extended beyond four weeks.</p>	<p>Suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects to a less-than-significant level</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Prior to excavation and construction</p>
<p>The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO.</p>	<p>Project sponsor</p>	<p>In case of accidental discovery</p>	<p>Preparation and submission to the ERO of an archeological testing plan (ATP) for review and approval. The ATP shall identify the expected archeological property types, testing method to be used, and locations recommended to be tested</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Prior to excavation and construction</p>
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO.</p>	<p>Archeological consultant</p>	<p>In case of accidental discovery, upon</p>	<p>Written report of findings of archeological testing program</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Prior to excavation and construction</p>

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<p>If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program.</p>	<p>Archeological consultant and ERO</p>	<p>Completion of archeological testing program</p>	<p>Determine whether additional measures are warranted</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Prior to excavation and construction</p>
<p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p>	<p>ERO</p>	<p>Finding that significant resources may be present</p>	<p>The archeological consultant shall submit a written report of the findings to the ERO. Additional measures may be warranted.</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Prior to excavation and construction</p>
<p>A.) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p>	<p>Project sponsor</p>	<p>Finding that a significant resource is present</p>	<p>Re-design project design to avoid adverse effect</p>	<p>-or-</p>	
<p>B.) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>Project sponsor</p>		<p>Implement data recovery program if artifact of greater research significance than interpretive use or interpretive use unfeasible</p>		

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If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

ERO and archeological consultant	Finding that significant resources may be present	Determine whether an archeological monitoring program shall be implemented	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to excavation and construction
Archeological consultant, project sponsor and ERO	Determination that an AMP shall be implemented	Determine which activities should be monitored	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to excavation and construction

Project sponsor and archeological consultant	Determination that an AMP shall be implemented	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	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction
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<ul style="list-style-type: none"> The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; 	Project sponsor and archeological consultant	Determination that an AMP shall be implemented	Archeological monitor shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction
<ul style="list-style-type: none"> The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; 	Archeological monitor	Determination that an AMP shall be implemented	Record and collect soil samples and artifactual/ecofactual material	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction
<ul style="list-style-type: none"> If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/ pile driving/ construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. 	Construction foreman and project sponsor Archeological monitor Archeological consultant	Discovery of archeological deposit	Cease all soils-disturbing activities in the vicinity of the deposit Redirect activities and equipment Notify ERO of encountered archeological deposit	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction

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

Archeological Data Recovery Program (ADRP):

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of

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Upon completion of the AMP / end of demolition/ excavation/ construction	Archeological consultant	Written report	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction
During excavation and foundation construction	Archeological consultant, project sponsor, and ERO	Determine scope of the ADRP prior to drafting it	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction

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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 interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects:

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of	Archeological consultant, project sponsor and MLD	Discovery of human remains or funerary objects	Immediate notification of the Coroner	Project sponsor, archaeologist and Environmental Review Officer (ERO)	During excavation and construction
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<p>the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>Archeological consultant</p>	<p>Following completion of any required archeological field program</p>	<p>Notification of the California State Native American Heritage Commission</p> <p>Development of agreement for treatment of human remains or funerary objects</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>During excavation and construction</p>
<p><i>Final Archeological Resources Report:</i></p> <p>The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of</p>	<p>Project sponsor</p>	<p>Following completion of any required archeological field program</p>	<p>Distribution of Final FARR</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>Considered complete upon Planning Department receipt of report</p>

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<p>the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project sponsor	During demolition, excavation and construction	Spray site where necessary, cover materials, and sweep area	Contractor shall prepare daily field reports on non-potable water spraying and compliance of other activities for construction manager. Provide the Departments of Public Works, Building Inspection and Planning with monthly reports during construction period.	During demolition, excavation and construction. Considered complete upon receipt of final monitoring report at completion of construction.
<p>2. CONSTRUCTION AIR QUALITY The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during these periods at least once per day to reduce particulate emissions.</p>	Project sponsor	During demolition, excavation and	Use reclaimed water where necessary	Project sponsor and Department of Building Inspection	During demolition, excavation and construction
<p>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 shall</p>					

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require the construction contractor(s) to obtain reclaimed water from the Clean Water Program for this purpose.

The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

3. UNDERGROUND STORAGE TANKS (USTs)

Should a UST be found during construction, work shall be stopped and permits from the Hazardous Material Unified Program Agency (HMUPA), Fire Department, and DPW (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (maybe DPW) will make inspections prior to removal and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is required due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be

construction

During demolition, excavation and construction

Project sponsor

Minimize exhaust emissions

Contractor and Project sponsor's construction manager

Throughout the construction period. Considered complete upon receipt of final monitoring report at completion of construction.

In case of accidental discovery

Immediate cessation of all grounds-disturbing activities

HMUPA, SFFD, and DPW

Considered complete if no UST is found or upon issuance of a Certificate of Completion

Construction foreman and project sponsor
HMUPA, SFFD, and DPW

Inspect site make appropriate plans for transportation and disposal

EXHIBIT B

MITIGATION MEASURES AND

MITIGATION MONITORING PROGRAM

File No. Project Title: 2004.1245E -- 300 Grant
Avenue, Residential and Retail Project

Motion No.:
Page 11

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
MONITORING PROGRAM					
referred to the Local Oversight Program for further action.					

4. HAZARDS (PCBS AND MERCURY)

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

Project sponsor	Prior to issuance of building permit	Completion of building surveys for hazardous materials	Department of Public Health	Considered complete upon issuance of building permit
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SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: July 10, 2008
Case No.: 2004.12451EKVX
Project Address: 300 GRANT AVENUE (aka 272 and 290 Sutter Street)
Zoning: C-3-R (Downtown Retail) District, the Kearny-Market-Mason-Sutter (hereinafter "KMMS") Conservation District
80-130-F Height and Bulk District
Block/Lot: 0287/013 and 014
Applicant: Mr. Steve Atkinson, Attorney
Luce, Forward, Hamilton and Scrips, LLP
authorized agent of 290 Sutter Limited Partnership
121 Spear Street, Suite 200
San Francisco, CA 94105
for : Shelby Campbell, Senior Vice President , Development
Madison Marquette Property Investments
909 Montgomery Street, Suite 200
San Francisco, CA 94133

Staff Contact: Jim Miller (415) 558-6344
Jim.miller@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCE SOUGHT - DWELLING-UNIT EXPOSURE AND PROJECTIONS OVER STREETS AND ALLEYS VARIANCES SOUGHT:

The proposal is to demolish two unrated commercial buildings and construct a new building that would contain approximately 111,000 gross square feet of floor area (hereinafter "gsf"). It would be ten stories (up to 113 feet) high and would contain approximately 45 dwelling units and a two-level below-grade parking garage accessed off Harlan Place with capacity to park up to 40 cars. It would also include approximately 16,000 gsf of ground-floor and second level retail, as well as a small residential lobby. In conjunction with this new construction, seven of the proposed new dwelling units would face a rear yard that is insufficient to meet the Code requirements for same. Also, the building design features decorative three-foot "belt course" projections at the third- and tenth-floor levels (when the Planning Code [hereinafter "Code"] would permit such a projection only at the roof level).

PROCEDURAL BACKGROUND:

1. The Department published a Mitigated Negative Declaration (hereinafter "MND"), Case No. 2004.12451EKVX, On January 27, 2007, pursuant to be the California Environmental Quality Act (hereinafter "CEQA"). This MND was the subject of two appeals. The Commission held a public hearing on the appeals on July 12, 2007 and the Commission declined to uphold the MND pending changes to the MND and potentially the project. The Applicant has made modifications to the Project including architectural design changes, and the MND was revised

to address the Project revisions as well as the Commission's comments on the MND. The Commission held a new public hearing on the Appeals on June 12, 2008. At that hearing the Commission rejected the appeals, upheld the staff, and adopted an Amended Final Mitigated Negative Declaration for the Project. The Commission concluded that with the mitigations identified in the amended MND (hereinafter "AMND") and accepted by the Applicant, no significant impacts would be generated by this Project.

2. Notices were mailed to all property owners within 300 feet of the project site in accordance with Section 306.3 of the Code.
3. The Zoning Administrator held a duly noticed public hearing on Variance Application No. 2007.1245!EKVX on June 12, 2008.
4. In conjunction with the Zoning Administrator's hearing on the Variance application, the Planning Commission (hereinafter "Commission") held a public hearing on the companion case requesting review pursuant to Code Section 309 (Case No. 2004.1245!EKVX) and seeking four exceptions from the otherwise-applicable Code standards for rear yard, off-street parking, building bulk and building height above 80 feet. The Commission adopted Motion No. 17615 approving said application and granting the requested four exceptions.

DECISION:

GRANTED, to construct a new mixed-use building, as proposed, with seven of the proposed 45 dwelling units facing on a rear-yard that is insufficient in size to meet the letter of the Planning Code (hereinafter "Code") standard for same, and with three-foot projections ("belt course" features) over the public sidewalk on all three street frontages of the subject property (Grant Avenue, Sutter Street and Harlan Place) at the third-floor and tenth-floor levels when the Code would permit such a three-foot projection at the roof level only (with a one-foot projection at every other floor level).

Section 140 of the Code sets forth standards for dwelling-unit exposure. Pursuant thereto, each dwelling unit, in all zoning districts, must face onto either a complying rear yard, a public street, or a private space 25 feet square which space, generally, must increase in size by five feet in each horizontal dimension for each floor level that it rises. In the subject case, seven of the proposed 45 dwelling units would face onto a rear-yard area which in turn adjoins a public street that, while meeting the intent of the Code's rear-yard requirement, would not meet the letter of the rule.

Code Section 136 sets forth regulations governing obstructions over streets and alleys, and in required setbacks, yards and usable open space. Subsection (1) thereunder permits overhead horizontal projections of a purely architectural or decorative nature such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building and not projecting over streets and alleys more than three feet at the roof level and, at every other level, not more than one foot.

1. Final plans in general conformity with plans labeled "Exhibit A" on file with the Application shall be reviewed and approved by the staff of the Planning Department prior to the issuance of any Building Permit.
2. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions contained in this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. Minor modifications as determined by the Zoning Administrator may be permitted if it is demonstrated that such modifications are necessary in order to comply with Department of Building Inspection requirements.
4. No further vertical or horizontal expansion of the subject building shall be allowed unless such expansion is specifically authorized by the Zoning Administrator, after the property owner or authorized agent has sought and justified a new Variance pursuant to a public hearing and all other applicable procedures of the Code. However, the Zoning Administrator, after finding that such expansion complies with applicable codes, is compatible with existing neighborhood character and scale, and does not cause significant loss of light and air, view or privacy to adjacent buildings, may determine that a new Variance is not required.

Section 305(c) of the Code states that in order to grant a Variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

The subject property is within the "KMMS" Conservation District. There are specific guidelines and criteria established in the Code for the construction of new buildings in this District. In its Motion No. 17615, authorizing four exceptions under the Code and reviewing the proposed new construction under Code Section 309, the Commission set forth a very specific and detailed analysis of the reasons that the design of this new building would be compatible with this Conservation District. This design specificity, including discussion of the two subject "cornice" features, in itself, constitutes exceptional and extraordinary circumstance applicable exclusively to the subject property. In addition, the two buildings presently on the subject lots are among the few buildings in the Conservation District to be unrated (and thereby removable and replaceable by new construction).

Considering the irregular shape of the subject property as well as the primarily-commercial function of the surrounding area and the historical nature of the area's character, the only logical

place to put the rear yard on the subject building is where it has been proposed. In so doing, the project design is sensitive to the design character of the Conservation District as well as the Code's intent that there be, where possible and appropriate, a mid-block open area providing spacing between buildings and light and air to rear windows. This intent is met by the location and placement of the rear-yard area on the subject lot, however, the letter of the regulation governing dwelling-unit exposure is not met by this arrangement. Nevertheless, in the subject case, adequate dwelling-unit exposure would be accomplished by the design and placement of the seven dwelling units in question, in that they would face onto the rear yard as modified by the Commission

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

REQUIREMENT MET.

The Commission authorized an exception for the rear-yard area of the subject building. In so doing, the Commission found that the rear-yard area, as proposed, would be adequate to serve the needs of the proposed building and proposed uses. Although the letter of the law would not be met by the rear yard as proposed to be provided or by the exposure of dwelling units onto the rear yard as so-modified, the intent of the regulations (i.e., that each dwelling unit be adequately exposed to light and air) would be met in the proposed situation for several reasons including the fact that the rear yard, as proposed, would adjoin a public alley and that the immediately adjacent building to the east is shorter and thus allows more light into this proposed rear yards. Literal enforcement of the Code provisions governing dwelling-unit exposure (by requiring elimination of the proposed rear-yard-facing dwelling units – and, therefore, the feasibility of the entire project) would likely result in the loss of a substantial number of dwelling units or a substantial relocation and expansion of the rear yard. Dwelling-unit exposure onto the rear-yard area (as modified by the Commission in its granting of a rear-yard exception for the subject building) would, in this case, not result in inadequate light, air or spacing between buildings. Dwelling-unit exposure, as proposed would be appropriate in the subject situation.

In the KMMS Conservation District, most buildings are approximately 60 to 100 years old and feature design elements not typical of modern buildings. In order for the proposed mixed-use building to fit in to the predominantly-commercial character of this District, the adoption of certain design elements, namely the proposed "belt course" elements projecting a modest three feet over the sidewalk at the point of separation of the building's retail base and its residential upper floors as well as the tenth-floor level (thereby allowing the tenth floor itself to be somewhat set back and to recede from pedestrian view), would be necessary and desirable. Such design elements represent relief from the otherwise-applicable standards of Code Section 136 (standards that were meant to be applied to a different kind of structure). In this case, the requested modifications of these Code standards are altogether appropriate for the subject building.

FINDING 3.

That such Variance is necessary for prevention and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

The area including the subject Property has many retail / commercial establishments, however, few of the buildings contain dwelling units. Across Grant Avenue, the historic building at 333 Grant Avenue was converted to residential use on the strength of a rear-yard exception and a dwelling-unit exposure Variance as are contained in the subject proposal. The seven units in question consist of six studio units and one one-bedroom unit and feature outdoor balconies to provide usable open area for the future occupants thereof. The proposed project would also feature a large outdoor deck area on its roof providing adequate open space for the occupants of the proposed building. In that the Commission authorized a rear-yard exception for the proposed building, it reasonably follows to grant relief from the dwelling-unit exposure provision of the Code.

In that the standards contained in Article 11, Appendix E of the Code regarding the construction of new buildings in the KMMS Conservation District seek to have compatible new buildings which relate to the styles and designs of the existing structures therein, it is appropriate that "belt course" elements as those proposed for the subject building be included. The lower of these two building features demarcates the change between the retail base of the proposed structure and the residential use of its upper floors. Similarly, the placement of such an element one floor below the roof allows the top floor to be designed differently from the floor below it and to make the top floor recede from pedestrian view as is considered desirable at this location. A number of other buildings in the Conservation District already have belt courses and cornices that project beyond what the Code would allow today.

Literal enforcement of these standards would deny the development of the subject property in a manner that is broadly and generally available to owners of property in the subject vicinity with no offsetting public benefit. The granting of the requested Variances would maintain the existing pattern of development and the present neighborhood character.

FINDING 4.

That the granting of such Variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

The proposed projections would be well above the public street and would render the proposed building compatible with its surroundings. Indeed, they would mirror the projections found on a number of nearby older buildings which also would not meet the current Code standards for such projections. The exposure of the dwelling units in question would be adequate for residential occupancy of these units while in no way impacting the use of any adjoining buildings. Therefore, the granting of the subject Variances would not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity. On the contrary, the granting of the Variances is the best way to achieve the project sponsor's goals while retaining and enhancing the amenity of the adjoining buildings and, at the same time, producing an architecturally appropriate development that fits into the urban design pattern of the area.

FINDING 5.

Granting the requested Variance will be in harmony with the general purpose and intent of the Code. The proposal is consistent with the Housing Element of the General Plan that encourages residential development when it preserves or improves the quality of life for residents of the City.

REQUIREMENT MET.

The proposal is consistent with the generally stated intent and purpose of the Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City. The proposed projections would help make the proposed building more compatible with buildings in the surrounding Conservation District. The project would provide new residential units in a transit-friendly location. Additionally, even the dwelling units requiring the subject exposure Variance would have substantial access to light and air plus access to a sunny rooftop open space.

Section 101.1 of the Code requires that the General Plan must be an integrated, internally consistent and compatible statement of policies for San Francisco. Code Section 101.1(b) establishes eight Priority Policies which are intended to be the basis upon which inconsistencies in the General Plan are resolved. This Section requires consistency with these eight policies for projects requiring permits or official discretion. On balance, the project proposal is consistent with the eight Priority Policies of Code Section 101.1(b) in that:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed project would create new retail uses in the area, however, these uses as well as the existing commercial uses are not neighborhood-serving in nature. The new residents at the Project site would contribute to demand for retail services.

(2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed project would introduce 45 new dwelling units into a predominantly commercial area thereby increasing the housing supply and mixed-use character of the area. In addition, the project would feature continuous retail frontage along all three street frontages of the subject property thereby continuing the existing commercial character of the district consistent with neighborhood character. The proposed architectural design of the project would be compatible with the surrounding uses in the KMMS Conservation District.

(3) That the City's supply of affordable housing be preserved and enhanced;

No residential uses would be displaced by the project. Although no affordable housing would be constructed on site, the project would pay an "in-lieu" fee to the City's Housing Development Fund in place of on-site "BMR" (Below Market Rate) dwelling units, per the provisions of Section 315 of the Code

(4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

Traffic generated by the 45 new units and new commercial/retail space would not overburden local streets or neighborhood parking. The addition of up to 40 off-street parking spaces would be more than adequate to serve the needs of the proposed new building.

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

The Project is not an office project. It would not remove any industrial or service uses, as no such uses are currently operating on the site. Although it would displace a limited amount of retail use, it would create new employment possibilities in the proposed commercial retail uses and during the construction phase of the building.

(6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The project would be constructed according to current seismic-safety standards as required by the Building Code.

(7) That landmarks and historic buildings be preserved;

The subject property contains no significant historic buildings. As outlined in Commission Motion No. 17615, the proposed building would be a compatible new structure within the KMMS Conservation District. As such, it would not have an adverse effect on any historic or architectural resources in the vicinity.

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

The project would have no impact on public parks, open space, or vistas.

In summary, the proposed project is consistent with and would promote the general and specific purposes of the General Plan and the Code provided under Section 101.1(b) in that, as designed, the project would add new housing and commercial/retail uses that would contribute to the character, diversity, and stability of the neighborhood.

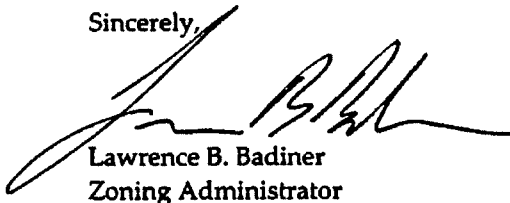
The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Permit Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the Variance authorization become immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, the Zoning Administrator may extend this authorization when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Third Floor, San Francisco, CA 94103, or call 575-6880.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

G:\WP51\VARIANCE\Grant 300-- 2004.1245V -- Decision Letter4.doc





SAN FRANCISCO PLANNING DEPARTMENT

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

AMENDED MITIGATED NEGATIVE DECLARATION

Date of Publication:	January 27, 2007, amended May 29, 2008	
Lead Agency:	Planning Department, City and County of San Francisco 1650 Mission Street, Suite 400, San Francisco, CA 94103	
Agency Contact Person:	Nannie Turrell	Telephone: (415) 575-9047
Project Title:	2004.1245E – 300 Grant Avenue, Residential and Retail Project	
Project Sponsor:	290 Sutter Limited Partnership	
Project Contact Person:	Steve Atkinson	Telephone: (415) 356-4617
Project Address:	300 Grant Avenue (aka 272-290 Sutter Street)	
Assessor's Block(s) and lot(s):	0287-013, 014	
City and County:	San Francisco	

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Description: The proposed revised project would demolish two existing buildings (35,600 square feet [sq.ft.] of retail space) and construct a 113-foot, 2-inch, 10-story over two-level basement building of approximately 111,000 sq.ft. that would contain up to 45 residential units (approximately 56,000 sq.ft.), about 16,000 sq.ft. of retail space, and approximately 18,900 sq.ft. of parking space in a two-level underground garage consisting of up to 40 independently accessible parking spaces, of which up to 15 could be accessory commercial spaces. The remaining square footage would be comprised of mechanical and circulatory uses. There would be approximately six studios, 12 one-bedroom units, and 27 two-bedroom units. The retail entrances to the proposed project would be at the corner of Grant Avenue and Sutter Street, or on Sutter or Grant frontages, while the residential lobby entrance would be on Sutter Street east of the retail entry. Access to the parking garage would be from Harlan Place off Grant Avenue.

The 10,500-square-foot site is located in downtown San Francisco on the northeast corner of Grant Avenue and Sutter Street, on the western edge of the Financial District. The site is zoned C-3-R (Downtown Retail) within an 80-130-F height and bulk district, and the Downtown Area Plan of the *General Plan*, and in the Kearny-Market-Mason-Sutter Conservation District. The proposed project would require approval by the Planning Commission under *Planning Code* Section 309 for exceptions for height above 80 feet, bulk, rear yard, and parking (above 0.25 space per unit); approval of variances for obstructions over streets and alleys (Section 136) and for exposure (Section 140); approval by the Department of Building Inspection for demolition and site permits; and approval of a condominium map and related permits by Department of Public Works.

Building Permit Application Number(s), if Applicable: 2006.12220490

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures, if any, included in this project to avoid potentially significant effects: Pages 100 to 105.

cc: 290 Sutter Limited Partnership, Project Sponsor; Jim Miller, Neighborhood Planner Northeast Quadrant; Distribution List; Supervisor Aaron Peskin, District 3; Bulletin Board; Master Decision File

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LIST OF ABBREVIATIONS AND ACRONYMS

ABAG	Association of Bay Area Governments
ACM	asbestos-containing materials
ADRP	archeological data recovery plan
aka	also known as
AMP	archeological monitoring program
ARDTP	archeological research design and treatment plan
ATP	archeological testing plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practices
<i>Building Code</i>	<i>San Francisco Building Code</i>
c.	circa
CCR	California Code of Regulations
CDMG	California Division of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CMP	Congestion Management Plan
CO	carbon monoxide
CRHR	California Register of Historic Resources
dBa	decibels, A-weighted scale
DBI	Department of Building Inspection
DPT	Department of Parking and Traffic
DPW	Department of Public Works
ERO	Environmental Review Officer
ESA	Environmental Site Assessment
FAR	floor area ratio
FARR	Final Archeological Resources Report
<i>Fire Code</i>	<i>San Francisco Fire Code</i>
fl.	flourished
<i>General Plan</i>	<i>San Francisco General Plan</i>
HC	hydrocarbons
HMUPA	Hazardous Material Unified Program Agency
HRE	Historical Resource Evaluation (HRE) Response
HRER	Historic Resources Evaluation Report
ISCOTT	Interdepartmental Staff Committee on Traffic and Transportation
LOS	Level of Service
LUST	Leaking Underground Storage Tank
MLD	Most Likely Descendant
mph	miles per hour
MRZ	Mineral Resource Zone
MTS	Metropolitan Transportation System
MUNI	San Francisco Municipal Railway
Mw	moment magnitude
NAHC	California State Native American Heritage Commission
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NWIC	California Archeological Site Survey Northwest Information Center

LIST OF ABBREVIATIONS AND ACRONYMS

OSHA	Occupational Safety and Health Administration
PIC	San Francisco Planning Information Center
<i>Planning Code</i>	<i>San Francisco Planning Code</i>
Police Code	San Francisco Police Code
PM	particulate matter
PM _{2.5}	particulate matter 2.5 microns across
PM ₁₀	particulate matter 10 microns across
RHND	Regional Housing Needs Determination
ROG	reactive organic gases
SF Heritage	Foundation for San Francisco's Architectural Heritage
SFDPH	City and County of San Francisco Department of Public Health
SFFD	San Francisco Fire Department
SFPD	San Francisco Police Department
SFUSD	San Francisco Unified School District
SO ₂	sulphur dioxide
SoMa	South of Market
sq.ft.	square feet
TDR	transferable development rights
TPHd	Total Petroleum Hydrocarbons as diesel
UST	underground storage tank

INITIAL STUDY

2004.1245E – Revised 300 Grant Avenue Residential and Retail Project

PROJECT DESCRIPTION

The L-shaped 10,500-square-foot project site is located in downtown San Francisco on the northeast corner of Grant Avenue and Sutter Street (Assessor's Block 0287 Lots 013 and 014) within San Francisco's Financial District (see Figure 1, page 3). The project block is bounded by Bush Street on the north, Kearny Street on the east, Sutter Street on the south, and Grant Avenue on the west. The one-block-long Harlan Place bounds the project site mid-block to the north. The project site slopes downwards to the southeast from Harlan Place toward Sutter and Kearny Streets.

The proposed revised project would include the demolition of the two existing buildings—a one-story, 3,600-square-foot building at 272 Sutter and a four-story, 32,000-square-foot building at 290 Sutter Street/300 Grant Avenue—that contain a total of 35,600 square feet (sq.ft.) of retail space. The commercial building at 272 Sutter Street is vacant. The four-story corner building at 290 Sutter Street/300 Grant Avenue houses an antique business on the ground level. There are retail uses on the upper floors, a discount eyewear establishment in the basement, and a clothing store in a small ground floor space.

The proposed project also would include construction of a 111,000-square-foot, approximately 113-foot-tall, 10-story-over-two-level basement building. (See Figures 2 through 13, pages 4 to 15). The building would contain up to 45 residential units (approximately 56,000 sq.ft.) with about 16,000 sq.ft. of ground floor and second floor retail space. The third through the tenth floors would contain approximately six studios, 12 one-bedroom residential units, and 27 two-bedroom residential units, which would be accessed via elevators from the lobby.

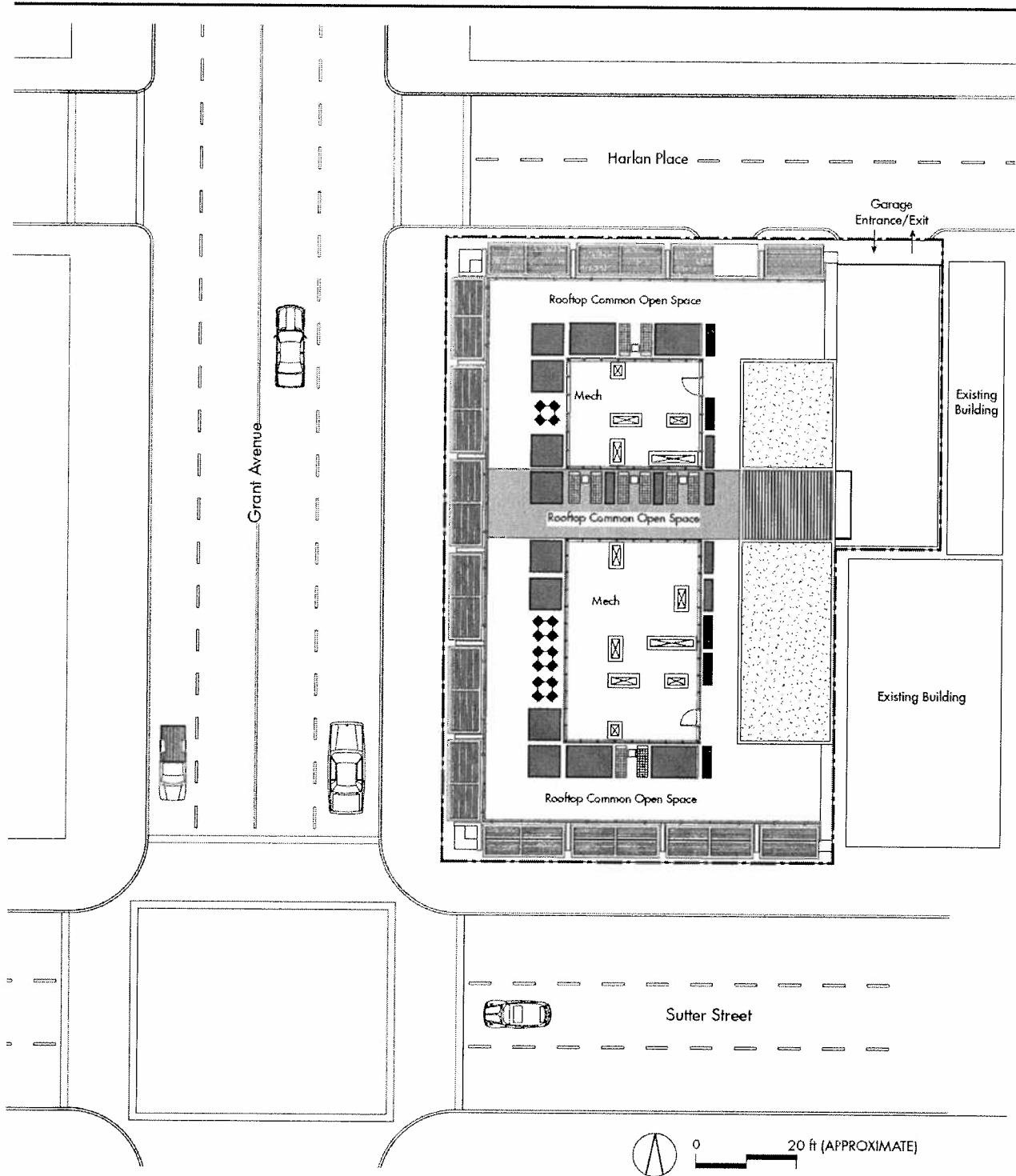
Open space for the residential units would be provided through common open space on the roof. In addition, some units would have private balconies. The rooftop open space would equal approximately 2,200 sq.ft.



Source: During Associates

7-21-06

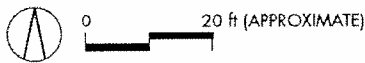
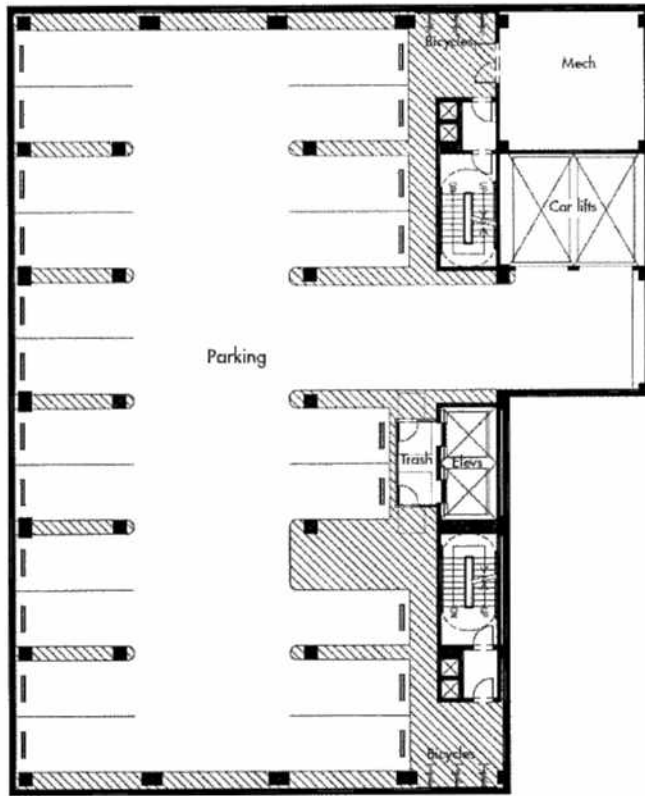
Proposed Project Location Figure 1



Source: MBH Architects

5-27-08

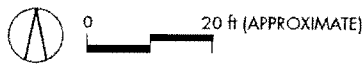
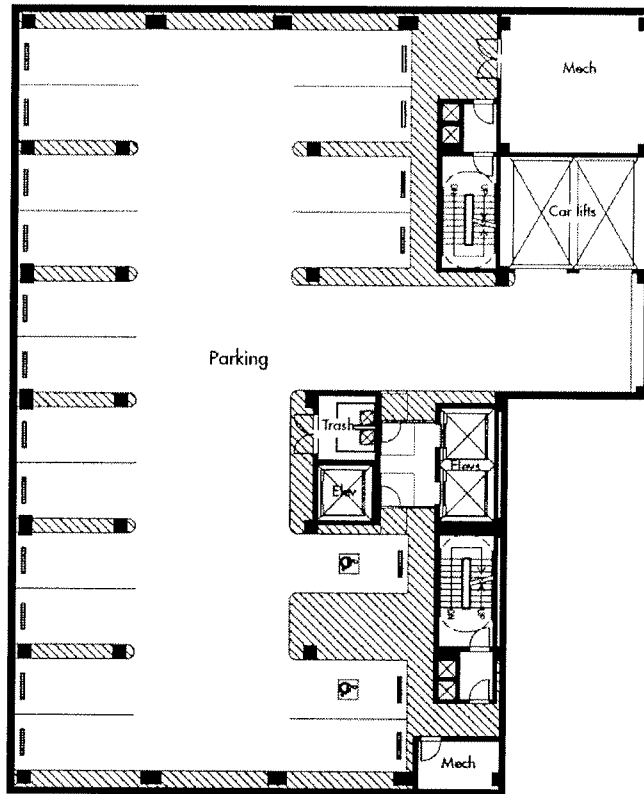
Proposed Site Plan Revised Figure 2



Source: MBH Architects

5-22-08

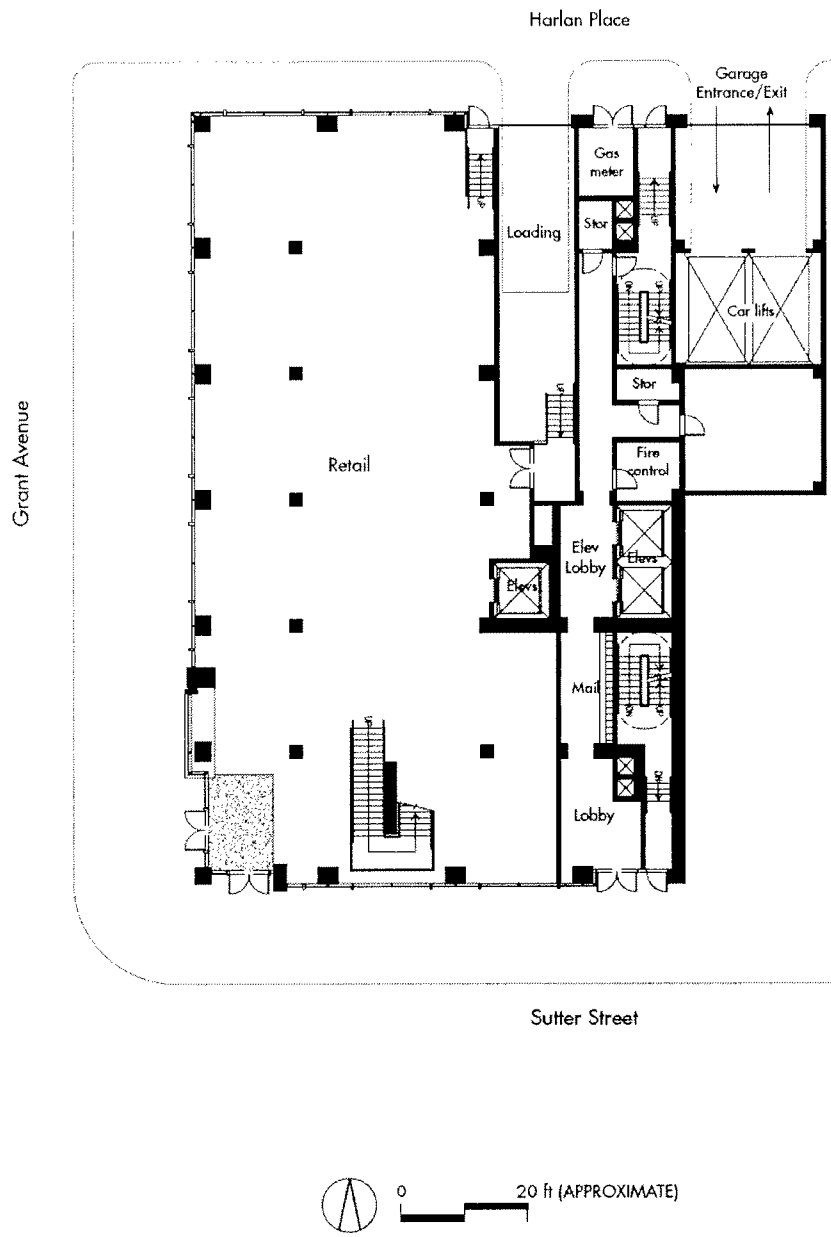
Proposed Parking Level B2 Parking Plan Revised Figure 3



Source: MBH Architects

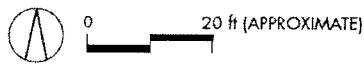
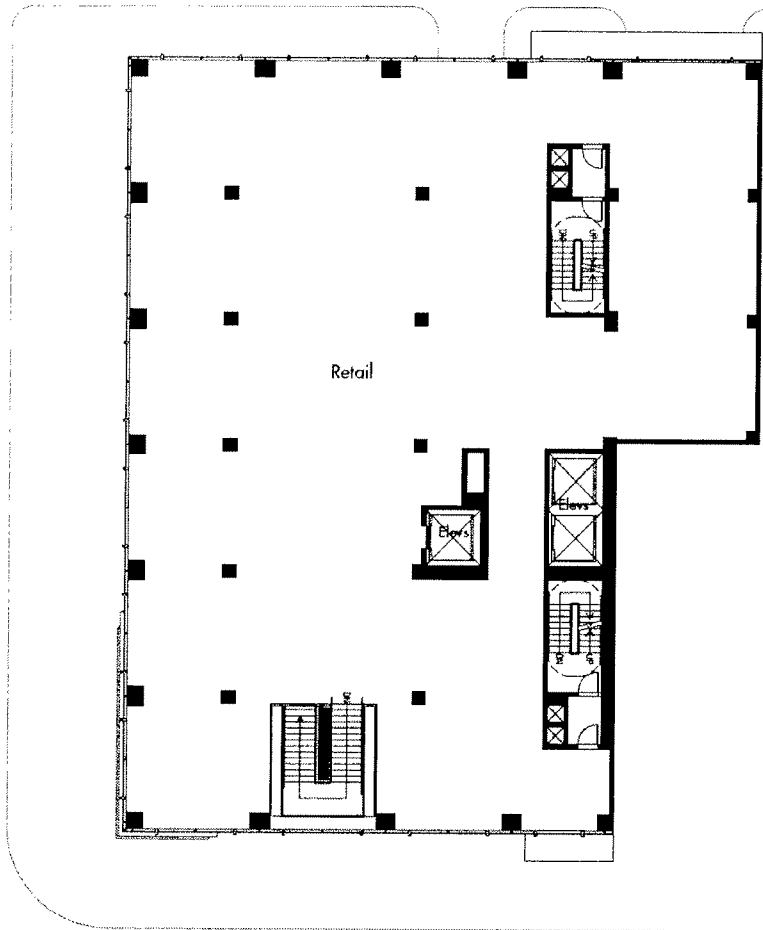
5-22-08

Proposed Parking Level B1 Parking Plan Revised Figure 4



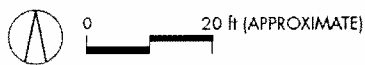
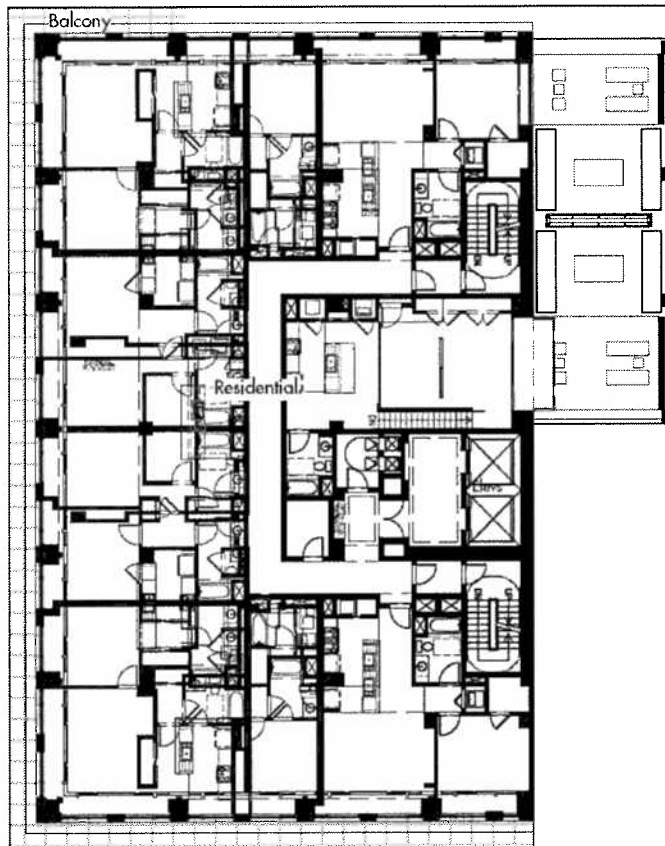
Source: MBH Architects
 5/22/08

Proposed First Floor Plan Revised Figure 5



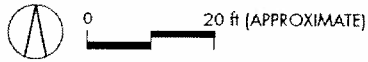
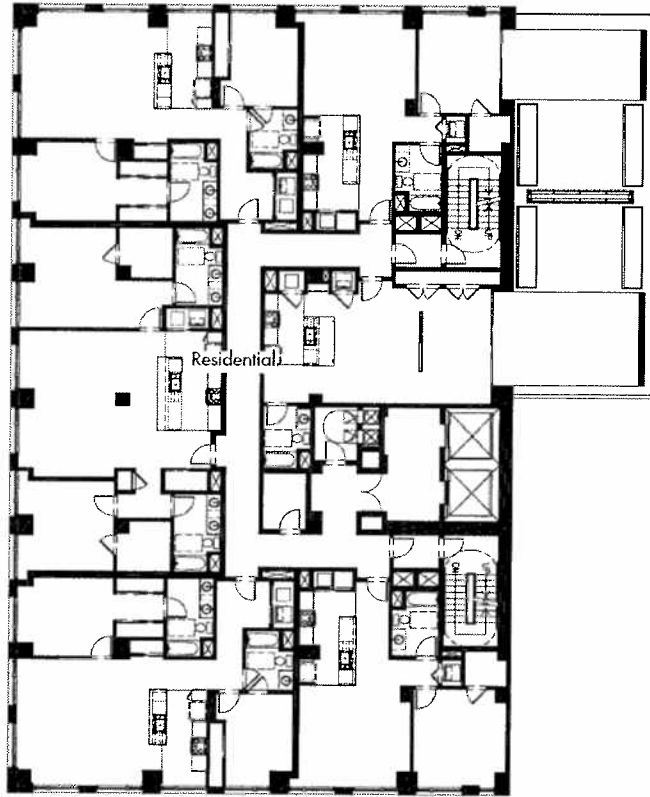
Source: MBH Architects
5-22-08

Proposed Second Floor Plan Revised Figure 6



Source: MBH Architects
5-23-08

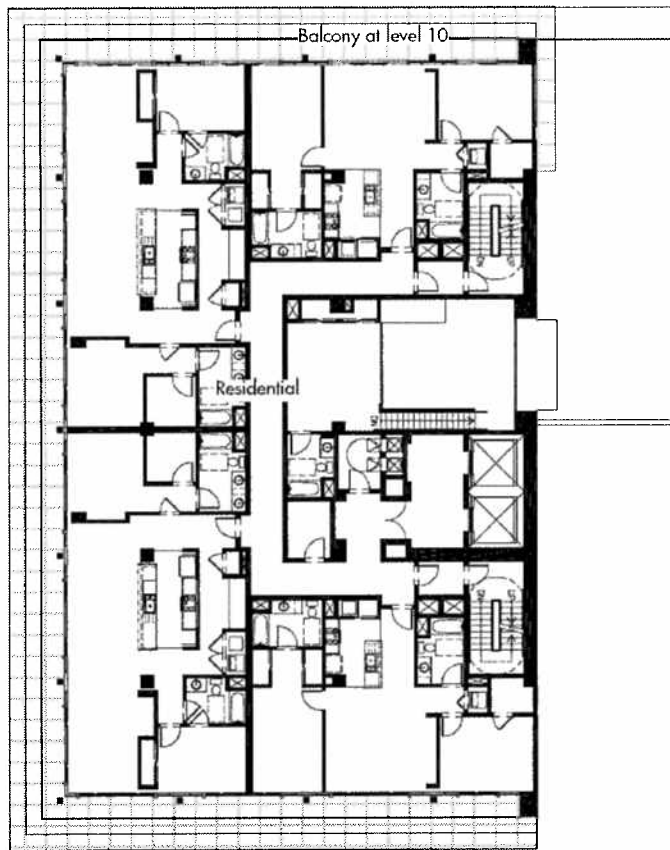
Proposed Third Floor Plan Revised Figure 7



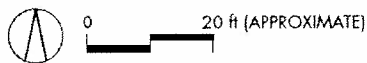
Source: MBH Architects

5-27-08

Proposed Floor Plans—Levels Four to Ten Eight Revised Figure 8



Note: Levels nine and ten have four units each plus a central townhouse unit that spans both levels.



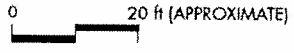
Source: MBH Architects

5/27/08

Proposed Eleventh Ninth & Tenth Floor Plan Revised Figure 9



Grant Avenue



Source: MBH Architects
5-23-08

Proposed Grant Avenue Elevation Revised Figure 10



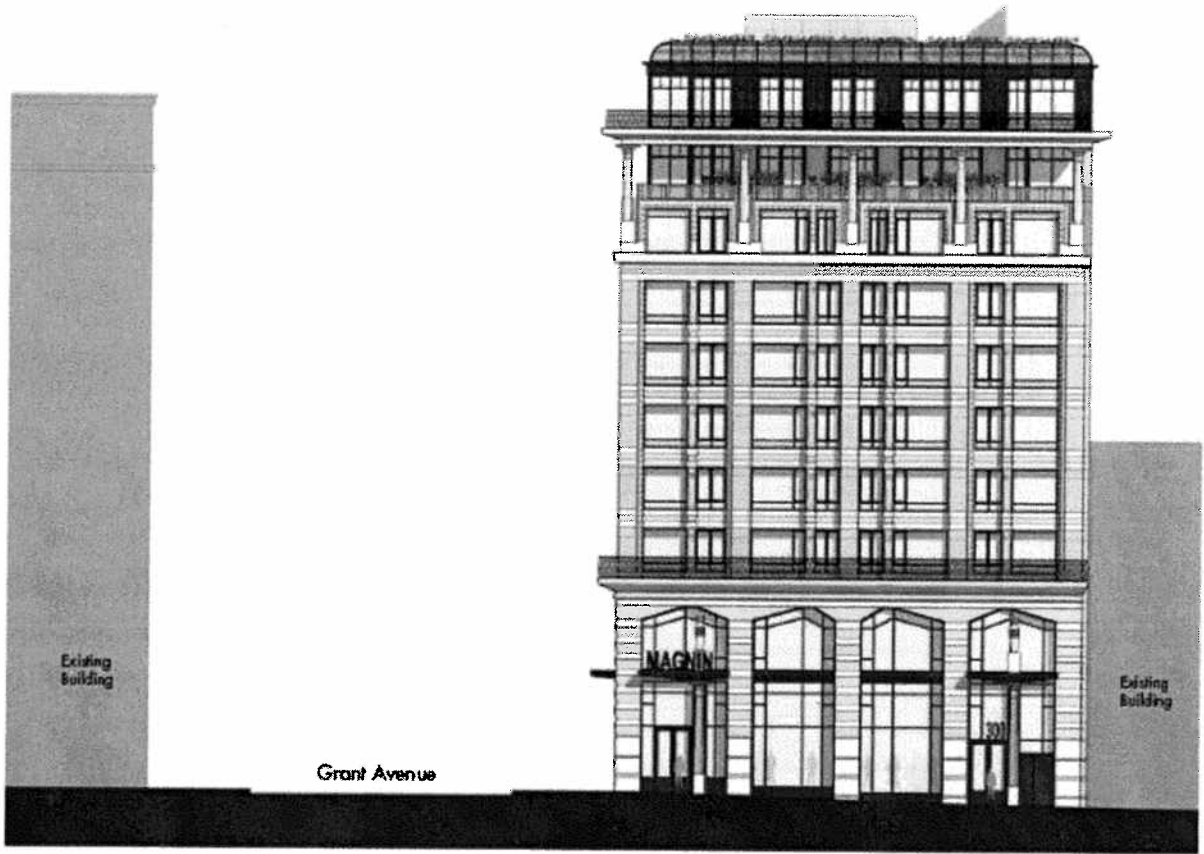
Harlan Place

0 20 ft (APPROXIMATE)

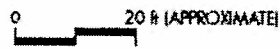
Source: MBH Architects

5.22.08

Proposed Harlan Place Elevation **New Figure 11**



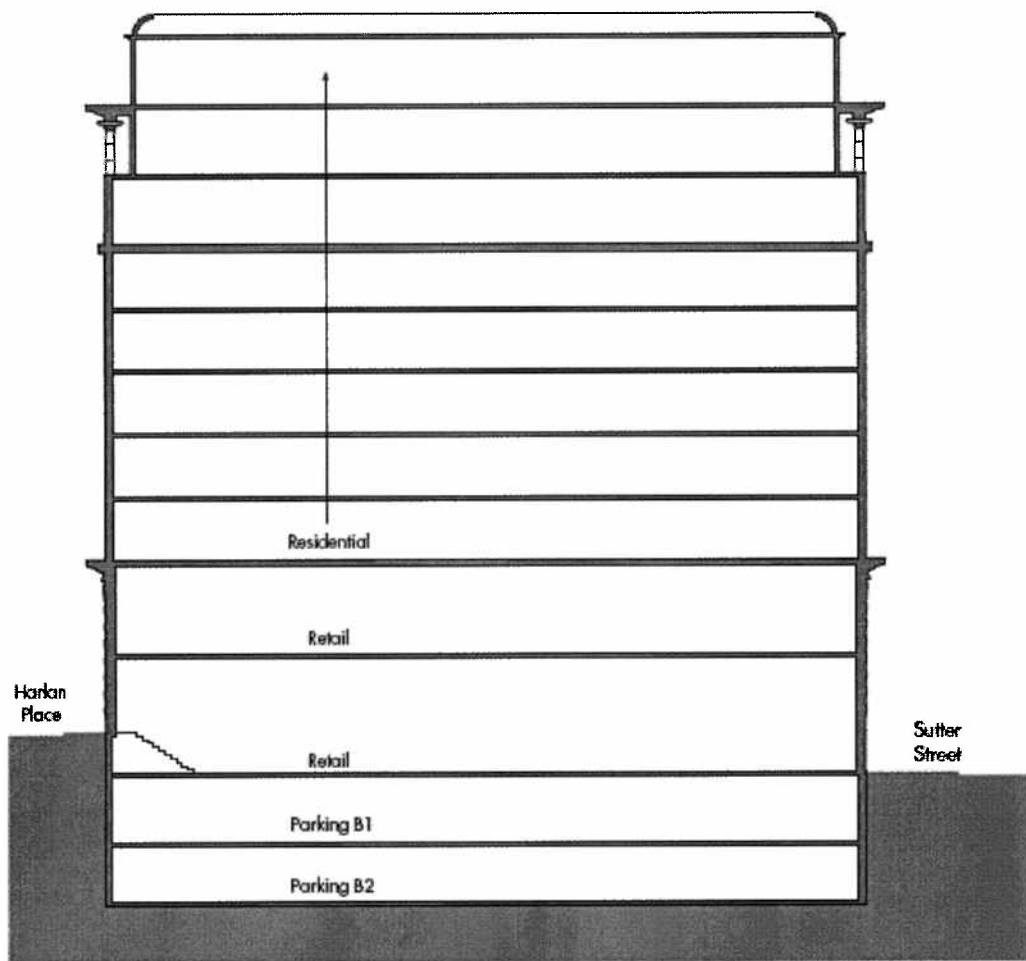
Sutter Street



Source: MBH Architects

5.22.08

Proposed Sutter Street Elevation Revised Figure 12



Source: MBH Architects
 3-22-08

Proposed Project Section Revised Figure 13

The residential lobby entrance would be located on Sutter Street at the east side of the site and the retail entrances would be located at the corner of Grant Avenue and Sutter Street, or along the Grant Avenue and Sutter Street frontages. The residential lobby would include two elevators, a concierge desk, and package storage area, mailboxes, a utility control room, and stairs. Two elevators and a staircase would provide access from the residential lobby to the upper levels and underground parking. An interior loading area, a storage room, an electrical room, and a gas meter room would also be provided. The retail/service level entrance or entrances would be accessible on Sutter Street and Grant Avenue, and stairs would provide access to the retail second level from the main retail/service level.

There would be a two-level underground parking garage, approximately 18,900 sq.ft. in area, containing up to 40 independently accessible parking spaces, which would be accessed from Harlan Place. Two car elevators would move the cars between the street level and parking levels. The garage would include at least one handicapped parking space, at least two compact spaces, and the remainder would be full-size spaces. At most 15 spaces would be dedicated to the accessory retail uses of the project; the remainder would be for the residential units. One car-share space would be located in the parking garage or nearby off-site. the second parking level (Level B2) would contain a residential bicycle-storage area.

The revised project would provide a rusticated base which would include two retail levels. Above the base there would be a smooth-walled section or shaft from the third to the seventh floor. The top or capital section is composed of a two-story colonnade and penthouse level above. The transition between the base and middle section would be emphasized by a cornice with a balcony at the third floor, and the transition from the middle section and top is emphasized by a belt course and change in detailing at the eighth floor.

The project site does not include any existing trees; however, street trees are proposed to be planted along the Sutter and Grant perimeters of the site. Construction of the proposed project would involve excavation to a depth of approximately 10 to 15 feet below the existing basement levels, approximately 24 feet below ground level on Sutter Street. Construction of the underground parking garage would require excavation of approximately 4,000 to 6,000 cubic yards of soil and its removal from the project site. Construction of the proposed project would continue for approximately 18 months. Assuming that construction would begin in early 2009, the proposed project would be ready for occupancy by early 2010.

The project sponsor is 290 Sutter Limited Partnership and the project architects are MBH Architects and Alan Martinez, Architect.

PROJECT SETTING

The area surrounding the project site slopes two to three percent downhill in the southeasterly direction. There are a variety of building types, sizes, and ages, with building heights varying on the project block and vicinity. Within the project block, beginning on Sutter Street, building heights vary from five to eight stories (60 feet to 130 feet) on Sutter Street. On Grant Avenue north of Harlan Place, adjacent to the project site, is a single seven-story, approximately 80-foot-tall structure. On Bush Street, with the exception of a one-story, 20-foot-tall building, heights vary from four to nine stories (generally 50 feet to 150 feet in height). On the Kearny Street block face, buildings vary from three to nine stories (40 to 100 feet in height).

On the south side of Sutter Street facing the project block, buildings range from five to nine stories (75 feet to 120 feet in height). On the west side of Grant Avenue facing the project block, buildings range from four to ten stories (50 to 126 feet in height). Two of the buildings across from the project site on Sutter Street exceed 100 feet in height. Three of the five buildings immediately across from the project site on Grant Avenue exceed 100 feet in height.

The project site is located in the C-3-R (Downtown Retail) zoning district, which is a regional shopping and consumer services center. It is a compact, pedestrian-oriented, urban area well served by City and regional transit. Surrounding zoning districts include C-3-G (Downtown General Commercial) to the west, C-3-O (Downtown Office) to the east, and RC-4 (Residential-Commercial, High Density) and RM-4 (Residential-Mixed, High Density) to the west and north. The site is located in the Kearny-Market-Mason-Sutter Conservation District. A detailed discussion of this District is contained in the Cultural Resources section of this PMND.

The project site is located in an 80-130-F height and bulk district. Height and bulk districts within a three-block radius vary from 50-N to 450-S. Districts with greater height limits are generally located to the east in the downtown office C-3-O district and to the south in the South of Market (SoMa) neighborhood across Market Street. Districts with lower height limits are located north and west in the Nob Hill and Chinatown neighborhoods.

The project site is located within the Downtown Area Plan of the *General Plan*, which contains objectives to provide adequate spaces for commerce, retail, offices, and other professional activity. Land uses on the project block reflect this pattern and include mainly retail stores, restaurants, and bars on the ground floor, with offices, residences, and hotels on the upper floors. Ground floor uses also consist of a limited number of salons, art and jewelry stores, and clothing retail.

Union Square is located two blocks southwest of the project site, while St. Mary's Square, a newly renovated park on top of an underground parking garage in the Chinatown neighborhood, is located two blocks to the north.

COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

San Francisco Planning Code

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

The project site is zoned C-3-R (Downtown Retail). The C-3-R zoning district is designed as a compact, pedestrian oriented, regional center for comparison shopper retailing and direct consumer services. It is well served by city and regional transit. Anticipated future development includes buildings that combine retailing with other functions. The Downtown Commercial districts permit a wide range of uses beyond retail, including residential, institutional, office, entertainment, home, and business services, parking garages, some wholesaling and light manufacturing, non laboratory research, and arts activities.

The project site is located within the Kearny-Market-Mason-Sutter Conservation District (KMMS District). *Planning Code* Article 11, Appendix E, Section 6 outlines the exterior features of the KMMS District. Section 6 states that the compositions of building facades reflect different architectural functions of the buildings, predominately three-part vertical compositions; that buildings are typically clad in masonry materials over a supporting structure; and that buildings are ornate and detailed with ornament drawn from a variety of historical sources, and relate to their neighbors by repeating and varying the ornament used in surrounding structures. *Planning Code* Article 11, Appendix E, Section 7 outlines the Standards and Guidelines for new buildings within the KMMS District. Section 7 and the KMMS District are discussed in further detail in the Cultural Resources section.

Required Approvals

The proposed project would require review and approval by the Planning Commission, pursuant to *Planning Code* Section 309, as a new building in a C-3 zoning district in excess of 50,000 square feet of gross floor area and more than 75 feet in height. Included in this review would be a request for exceptions to certain provisions of the *Planning Code*, including those for height above 80 feet, building bulk, rear yard, and off-street parking (above 0.25 space per unit). Also sought, as part of the project, are variances for projections over street and alleys (Section 136), and for dwelling-unit exposure (Section 140). In addition, the project would require approval by the Department of Building Inspection (DBI) of demolition and site permits; and approval by the Department of Public Works (DPW) for a condominium map and related permits.

The total gross floor area of the proposed project (i.e., usable floor area) would be approximately 85,000 gross square feet excluding parking, and the Floor Area Ratio (FAR) would be about 8:1. In the C-3-R zoning district, a 6:1 FAR is allowed by right, with a maximum allowable FAR of 9:1 through the use of transferable development rights (TDRs) under Section 128 of the *Planning Code*. TDRs are transferred from unused FAR from a site containing a Significant or Contributory building under Article 11. According to Section 128c(1)(i) of the *Planning Code* for development lots in the C-3-R zoning districts, the credits must originate from a transfer lot in the C-3-R zoning district as well. The project sponsor has purchased the needed TDR.

Plans and Policies

The *San Francisco General Plan* provides general policies and objectives to guide land use decisions. Any conflict between the proposed project and policies that relate to physical environmental issues are

discussed in Section E. Evaluation of Environmental Effects. The compatibility of the proposed 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. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

The Downtown Area Plan contains objectives and policies to guide land use decisions that must mediate the often-conflicting civic objectives between fostering a vital economy on the one hand and retaining the physical urban patterns and structures that collectively shape San Francisco's unique identity, functioning, and place on the other hand. The Area Plan's physical land use objectives and policies support a compact mix of activities, historical values, and distinctive architecture and urban forms that allow downtown San Francisco to continue to be a stimulating center of ideas, services, trade, and urban experience.¹

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics

¹ City and County of San Francisco, *General Plan*, introduction to the Downtown Area Plan. This plan is available online at: http://www.sfgov.org/site/planning_index.asp?id=41405 and at the Planning Information Center (PIC) at 1660 Mission Street, San Francisco.

associated with the Priority Policies is discussed in the Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

A "Notification of Project Receiving Environmental Review" was sent out on November 18, 2005, to the owners and occupants of properties adjacent to the project site and interested parties. A few individuals responded to the Neighborhood Notification and either requested to receive further environmental review documents and/or expressed concerns regarding the proposed project. Members of the public raised the following concerns regarding the proposed project: (1) the construction noise may disturb nearby hotel guests; and (2) current retail tenants of the 290 Sutter Street building were interested in knowing when their leases would terminate.

Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated into the Initial Study as appropriate for CEQA analysis. Comments regarding the merits of the project and those that expressed support for or opposition to the project are not relevant to CEQA analysis but may be taken into account by the Planning Commission and other decision-makers as part of the project approval process. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, no significant, unmitigable impacts have been identified.

SUMMARY OF ENVIRONMENTAL EFFECTS

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

The proposed project could potentially affect ("Less than Significant Impact with Mitigation Incorporated") the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

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

The following pages present a more detailed checklist and discussion of each environmental factor.

EVALUATION OF ENVIRONMENTAL EFFECTS

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

The 10,500-square-foot project site is located in downtown San Francisco, on the northeast corner of Grant Avenue and Sutter Street. The project site is currently occupied by two buildings: a four-story building (290 Sutter/300 Grant) containing an antique business on the ground floor, with retail uses on the upper floors, a discount eyewear establishment in the basement, and a clothing store in a small ground-floor space, and a vacant one-story building (272 Sutter Street) which previously held retail. The proposed project would demolish the two buildings containing a total of 35,600 sq.ft. of retail or vacant space and

construct a building with approximately 16,000 sq.ft. of retail space and approximately 56,000 sq.ft. of residential space.

Land uses in the vicinity vary and include the following uses: residential, office, retail, café, restaurant, bar, hotel, and parking uses. There are various building types, sizes, and ages, with building heights varying from one to 26 stories within a two-block vicinity. Building type is mixed, varying from older to more modern buildings with office, retail, and residential uses.

While the proposed project would add residential uses to the area and result in a substantially larger development at the site than what currently exists, it would not cause a significant adverse land use impact. Because the in-fill project would be constructed within the existing lot configuration, it would not physically divide the arrangement of existing uses and activities that surround it. Immediately north of the project site across Harlan Place is a wine bar and card shop with a hotel in the upper levels. Ground-floor retail with office uses on the upper levels characterize the building adjacent to the project site to the east on Sutter Street, as well as the buildings immediately south of the project site across Sutter Street. Immediately west of the project site across Grant Avenue are a hair salon, an antique business, a photography business, a hotel with a ground-floor restaurant, and a landmark building that houses condominiums and ground-floor retail. Those surrounding uses and activities would be expected to continue in operation and to be able to interrelate with each other as they do presently, without disruption from the proposed project.

Land use plans and policies are those which directly address physical environmental issues and/or contain targets or standards and which must be met in order to preserve or improve characteristics of San Francisco's physical environment. As described in Section C. Compatibility with Existing Zoning and Plans, the proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The proposed project would be compatible with the dense, urban, regional retail, mixed-use character of the project vicinity. It would replace the existing retail uses on the project site with a primarily residential building that would contain ground-floor and second-level retail space and below-grade parking. The proposed project would not introduce new land uses to the project vicinity, since high-density multi-family residential, retail, and parking uses are already present and permitted as of right. Although the project would intensify use of the project site, it would be compatible with the existing character of the project vicinity and

the size, character, and uses of existing structures in the area. Therefore, the proposed project would not have a substantial adverse impact on the land use character of the vicinity.

The proposed project's impacts relating to land use are considered less than significant under CEQA, for the reasons discussed above.

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

Scenic Vistas

There are no scenic vistas in the project vicinity. Views of the project site are limited to occupants of nearby buildings, drivers, pedestrians, bicyclists, and MUNI riders along Sutter Street. The project site is visible from portions of Grant Avenue, Sutter Street, and Harlan Place, and partially from the Sutter Street intersections with Stockton to the west and Kearny to the east, and from the Grant Avenue intersections with Bush Street to the north, and Post and Geary Streets to the south. Views of the project site from more distant street-level or higher-level vantage points are screened by intervening buildings. Views from Union Square and St. Mary's Square would also be screened by intervening buildings. The proposed project would not obstruct public views along public streets and sidewalks, because it would be built within the existing street pattern. In summary, the proposed project would not substantially degrade or obstruct any scenic view or vista now observed from public areas. Additionally, the proposed project would not damage any scenic resources or other features that contribute to a scenic public setting

because there are no such resources in the vicinity of the project site. The view of Chinatown Gate at the intersection of Grant Avenue and Bush Street from drivers and pedestrians along the project site would not be obstructed by the proposed project.

Private Views

The proposed building would be visible from portions of retail, office, hotel, and a few residential buildings in the immediate area from Grant Avenue and Bush, Kearny and Sutter Streets. The proposed building could block views of a portion of the sky or views from the upper levels of nearby buildings that exist across the project site. Views of Chinatown Gate from the fifth floor of the White House Building, which is currently being used as a parking garage, may be partially or wholly blocked by the proposed structure. Views to the east from the buildings on the west side of Grant, including the upper floors of 333 Grant, may be partially or wholly blocked by the proposed structure.

The reduced private views would be an undesirable change for those individuals whose views would be blocked by the proposed building. However, the reductions or alterations of private views due to this project are a consequence of living in an urban environment where the permitted building height is 130 feet (with Planning Commission approval) and new development is a common occurrence. The change in private views would be considered a less-than-significant impact.

Aesthetic Effect

Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such a change.

The vicinity of the project site is characterized by a variety of building heights and massing, ranging in style from traditional to modern and from early twentieth century to contemporary. The area includes many rated and contributory buildings within the Kearny-Market-Mason-Sutter Conservation District (KMMS District). The project block (bounded by Bush Street to the north, Kearny Street to the east, Sutter Street to the south, and Grant Avenue to the west) contains buildings ranging in general from four to nine-stories (40 to 150 feet in height).² One building at 453 Bush Street is 20 feet high. Fronting Sutter Street in the project block are five multi-story buildings: a five-story, 60-foot-tall building (266 Sutter Street); a seven-story, 94-foot-tall building

² All building heights given in these two paragraphs are measured to the parapet.

(256 Sutter); a six-story, 84-foot-tall building with mezzanine (246 Sutter); an eight-story, 130-foot-tall building (222 Sutter); and a six-story, 72-foot-tall building (201 Kearny) east of Claude Lane on Sutter Street (see Figure 14, page 26). The corner building at Grant Avenue and Bush Street (342 Grant) north of the project site across Harlan Place is seven stories tall, and approximately 83 feet tall. The tallest building on the project block is the nine-story, 152-foot-tall building at 445 Bush Street.

As noted in the Project Setting, the residential neighborhoods of Nob Hill to the west and Chinatown to the north generally have lower building heights. One block to the north of the project block, across Bush Street, is the main gated entrance to Chinatown on Grant Avenue (Figure 14, page 26). Buildings along the north side of Bush Street range from two to ten stories. The most prominent building in the block directly north of the project block (bounded by Pine Street to the north, Kearny Street to the east, Bush Street to the south and Grant Avenue to the West is the 18-story building at 555 Pine Street, directly across from Chinatown. On the block west of the project block along Grant Avenue are an eight-story building (112 feet high) on the Sutter Street corner (301 Grant Avenue), a ten-story building (126 feet) (321 Grant) and a seven-story building (333 Grant (110 feet) (see Figure 15, page 27).

Across Sutter Street to the south at the southeast corner of Grant Avenue and Sutter Street is the five-story, 100-foot-tall historic White House Building (Figure 15, page 27). Other buildings fronting Sutter across from the project site are a six-story, 75-foot-tall building (217 Sutter) and the nine-story, 120-foot-tall 211 Sutter Street Building (at the corner of Kearny Street). One block to the south of the project site on Grant Avenue is an 11-story, 170-foot-tall building (201 Grant Avenue) on the northwest corner and a 12-story, 193-foot-tall building (201 Post) is on the southwest corner.

The proposed project's 113-foot, 2-inch-tall, 10-story building would be approximately 35 feet shorter than the building at 445 Bush Street; 13 feet shorter than the 216-222 Sutter Street building (the Category 1 Rose building; nine feet shorter than the building at 321 Grant Avenue; and about the same height as 301 Grant Avenue (the Category 1 Myers building, and 333 Grant Avenue (a Category 1 Landmark building. Within two blocks of the project site, both to the west and to the east, building heights increase dramatically within the Downtown Commercial zoning districts. The 35-story Grand Hyatt Hotel is at the southwest corner of Stockton and Sutter Streets, and the 12-story Stockton-Sutter parking garage is on the northeast corner of Sutter and Stockton, one block west of the project site. Two blocks west of the project site is the 26-story medical office building at 450 Sutter Street and the 30-story 480 Sutter Street building. Two blocks southeast of the project site on the northeast corner of the intersection of Post and Kearny



A. Looking east on Sutter Street

Source: Square One Productions

5/23/08



B. Looking north on Grant Avenue

Existing Views Photos of Project Site Figure 14



A. Looking south on Grant Avenue

Source: Square One Productions
1-26-17



B. Looking west on Sutter Street

Existing Views of Project Site Figure 15

Streets is the 40-story Post-Montgomery Center building, and the 21-story Citibank building is on the southeast corner. Two blocks north of the project site is the 63-story Bank of America Building that occupies a majority of the block bounded by Pine, Kearny, Montgomery and California Streets (555 California Street).

Beyond a two-block radius from the project block and within the KMMS District is the 20-story Medico-Dental Building at 490 Post Street three blocks southwest from the project site on the corner of Post and Mason Streets. The Westin St. Francis Hotel at 335 Powell Street is 12 stories tall at the street with the interior towers up to 30 stories. The revised project would change the visual character of the project site, by replacing the site's one- and four-story buildings used for retail space with one ten-story residential building with ground and second floor retail. The visual character and massing of the proposed project would be similar to other modern and historical structures in the vicinity. It would be aesthetically consistent with the mixed-use, high intensity urban form of the neighborhood and C-3-R district (retail, office, hotel, residential).

For all of the above reasons, the proposed project would not be expected to cause a substantial and demonstrable negative visual change, or disrupt the existing visual character of the project vicinity.

Light and Glare

The proposed project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. The proposed project would include outdoor lighting typical of other multi-unit residential uses in the project vicinity. The building would give off more light than the existing buildings on the project site due to the proposed project's larger size and area of glazing. The nighttime lighting generated by the proposed project would be typical of other such structures in the area. Because the proposed project would comply with Planning Commission Resolution 9212, light and glare impacts would not be expected to have a substantial, demonstrable negative aesthetic impact.

Based on the above analysis, the project would not have a significant impact on aesthetics.

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

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented. The proposed project, an infill development consisting of retail space on the ground floor and second floor with dwelling units above, would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the Financial District or in San Francisco as a whole. Table 1 indicates that the proposed project would add up to 45 housing units and 16,000 sq.ft. of retail space to San Francisco's building stock. However, the proposed project would also demolish 35,600 sq.ft. of retail space, resulting in a net decrease of approximately 19,600 sq.ft. of retail space.

Using the average household occupancy rate of 1.71 persons per household for Census Tract 117, the proposed 45-unit development would accommodate approximately 77 new residents.³ The retail space on site would be reduced by approximately 56 percent. The proposed retail space would accommodate approximately 46 new employees (at 350 square feet per retail employee).⁴ Currently, there are eight employees in the approximately 35,600 sq.ft. of the existing buildings (some of which is vacant). In total, the proposed project would have a combined resident-employee population of 123 new persons (77 new

³ Table QT-H3 Household Population and Household Type by Tenure Census 2000 Summary File. Census Tract 117, San Francisco County, California. This table is available for public review online at: http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=14000US06075011700&-qr_name=DEC_2000_SF1_U_QTH3&-ds_name=D&-lang=en&-redoLog=false, viewed on November 29, 2005.

⁴ City and County of San Francisco, Department of City Planning, Table C-1, Transportation Guidelines, October 2002.

residents and 46 new employees) for a net increase of 115 new persons (77 new residents and 38 net new employees).

Table 1			
Existing and Proposed Project Population			
	Existing	Proposed	Net Change
Retail Use	35,600 sq.ft.	15,000 <u>16,000</u> sq.ft.	-20,000 <u>19,600</u> sq.ft.
Employees	8	43 <u>46</u>	+38
Residential Use	0	60,000 <u>56,000</u> sq.ft.	+60,000 <u>56,000</u> sq.ft.
Dwelling Units	0	56 <u>45</u>	+56 <u>+45</u>
Residents	0	96 <u>77</u>	+96 <u>+77</u>

Source: San Francisco Planning Department, November ~~2006~~ 2007.

The project site's C-3-R zoning district is zoned for a residential density of one unit for every 125 sq.ft. of lot area, or for a maximum of 84 units on the project site. At up to 45 housing units, the proposed project is within the density controls of the *Planning Code*. The growth associated with the proposed project is anticipated in the *General Plan*, and the proposed project would not induce substantial growth or an unsupported concentration of people in Downtown San Francisco or in the Grant Avenue/Sutter Street area. Therefore, the proposed project is within the *Planning Code* and zoning parameters controlling development and associated population and employment growth on the project site.

The U.S. Census estimated the year 2000 population of San Francisco at 776,733.⁵ The Association of Bay Area Governments (ABAG) projects San Francisco's population to increase to 809,200 in 2010 and to 811,100 in 2020. While potentially noticeable to adjacent neighbors, this increase of 115 total new residents and employees to the project site would not substantially change the existing area-wide population, and the resulting density would not exceed levels that are permitted, common, and accepted in urban areas such as San Francisco.

⁵ City and County of San Francisco Planning Department, *General Plan*, "Housing Element," Part I, May 2004, page 6.

There has been a continuous demand for housing in San Francisco for over a decade. In March 2001, ABAG projected regional needs in the Regional Housing Needs Determination (RHND) 1999-2006 allocation. The jurisdictional need of San Francisco for 2006 is 20,370 dwelling units or an average yearly need of 2,716 net new dwelling units.⁶ The proposed 45 residential units in the proposed project would help to accommodate part of this need.

The proposed project's net increase of 45 housing units would be four percent of the average annual housing production in San Francisco from 1990-2003 (1,277 units), and two percent of San Francisco's annual production need estimated by ABAG. Existing development at the proposed project site is not residential; therefore, the proposed project would not displace residential units or residents or necessitate the construction of housing units elsewhere.

Assuming the existing retail uses do not relocate into the rebuilt space, it is anticipated that they would find other locations from which to continue their businesses. If the existing businesses terminated operations, those employees would be displaced. This loss would be partially offset by the creation of space for approximately 38 new jobs on the project site. If the existing businesses relocate elsewhere in San Francisco or the Bay Area, the new retail jobs on the project site would generate an increased demand for housing of up to approximately 25 dwelling units (at a ratio of 1.5 employees per household). This demand for housing would be small relative to the existing San Francisco housing stock and vacancy rate, and would be less than the new housing units that would be provided by the proposed project.

As noted above, the City's shortage of affordable housing is an existing condition. The development of up to 45 market-rate residential units—together with compliance with the Inclusionary Housing Program—would not create an adverse cumulative impact related to a citywide shortfall in affordable housing.

Although the proposed project would increase the population of the site compared to existing conditions, this increase would not be considered "substantial," for the reasons discussed above. Therefore, the impact on population would not be considered a significant effect, nor would the project contribute to any potential cumulative effects related to population, as the project would not result in displacement or create unmet housing demand.

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

⁶ City and County of San Francisco Planning Department, *General Plan, "Housing Element,"* May 2004, page 80.

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

Archeological Resources

An archeological research design and treatment plan (ARDTP) has been prepared for the proposed project. The *Archeological Research Design and Treatment Plan for the 300 Grant/272-290 Sutter Project* (Archeo-Tec, October 2006) addresses the prehistoric, historic, and natural formation contexts of the project site; the potential for archeological resources to be present; the relationship of the expected resources to be significant historical/scientific research themes; the eligibility of the expected resources for listing to the California Register of Historic Resources (CRHR). The project site is situated roughly two and a half blocks west of the original shoreline of Yerba Buena Cove, a small, enclosed anchorage connected to San Francisco Bay.

Due to the project site's relative proximity to the original bay shoreline, prehistoric use, or settlement of the project site is possible. Previous research has shown that fresh water sources passed near the project site and may have created a favorable environment for a Native American settlement. In addition, a temescal or sweat house used by Native American laborers of William Richardson is known to have existed at the southwest corner of Sacramento and Montgomery Streets until 1842, approximately four blocks north of the project site. The temescal was often an integral component of a village site. While no archeological sites within the project site have been recorded, several deeply buried, previously

unrecorded prehistoric sites have been discovered in recent years within a one-mile radius of the project site. Thus, the potential exists for prehistoric archeological deposits to be buried within or adjacent to the proposed project site.

The first known settlement within the project vicinity was the establishment of Yerba Buena, which following the construction of William Richardson's initial house in 1836, became a small community of adobe and wood-frame houses, saloons, hotels, and general merchandise stores centered around a central plaza, Portsmouth Square.

Following the annexation of California to the U.S. in 1846, the settlement of Yerba Buena began to grow quickly. By April 1, 1847, Yerba Buena contained a total of 79 buildings. In 1848, on the eve of the California Gold Rush, San Francisco's population had grown to more than eight hundred individuals and occupied approximately two hundred structures. Documentary evidence indicates that no improvement of the project site occurred during this period.

With the discovery of gold in the Sierra Nevada foothills in 1848, San Francisco experienced an explosive growth in population and building that quickly transformed the small settlement of Yerba Buena into a city. The present project site was situated on the outskirts of the center of this burgeoning community during the early stages of the Gold Rush. An 1851 drawing by Henry Bainbridge shows the project vicinity as a scattering of small structures nestled among trees on the outskirts of town. The earliest map showing human activity on the project site is the 1852 U.S. Coast Survey map, which shows delineated streets surrounding the project block, and three buildings—along Sutter Street and Dupont Street (now Grant Avenue)—within the project site. The surrounding blocks show a similar scattering of development. In addition, a map showing the 1853 locations of houses of prostitution indicates a prostitution house within the project site. Prostitution had a quasi-legal status in San Francisco from the Gold Rush into the 20th century. There was a hierarchy of types of prostitution houses representing broad differences in clientele, building layout, furnishings, and ethnicity of prostitutes. The documentary record provides a partial and not completely clear story of the type of prostitution house present on the project site during the 19th century.

Two steep ridges once flanked the project site; they were graded down. The 40-foot valley that once existed on the project block was filled to a depth of slightly more than 20 feet. The majority of fill was from topographic modifications in the 1850s and the remainder from the 1906 earthquake. Consequently,

if prehistoric and/or historical period archeological resources are within the project site, these resources probably have good integrity.

Toward the end of the Gold Rush period, the present project site and the surrounding neighborhood were considerably more developed. Infill on the block lined by Dupont (now Grant), Bush, Kearny, and Sutter Streets was complete by the time the 1859 U.S. Coast Survey map was printed. Six structures appear on the main thoroughfares and a row of smaller buildings appears along the back of the lot lines. The project site was at the heart of this growth during the 1860s.

The San Francisco *Argonaut*, the muckraking weekly newspaper, was a notable occupant of the project site and this activity provides a glimpse into the site's past and its contribution to San Francisco. The paper's publishers, but not their main offices, were located on the project site. The *Argonaut* was founded in 1877 by Frank M. Pixley. He hired writer Ambrose Bierce to be his associate editor and write a column called "The Prattler."

During the late 19th century period, all of the blocks surrounding the 300 Grant/272-290 Sutter project site were entirely built up. The project site itself was densely lined with one-, two-, and three-story structures. On the 1887 Sanborn map, a majority of these buildings were businesses, including stores, saloons, restaurants, a shooting gallery, a Chinese laundry, and houses of prostitution. By 1900, some of the stores had been razed to allow for the construction of the larger California Building on the corner of Grant Avenue and Sutter Street. This building housed the *Argonaut* and a drug store. Saloons, tailors, and residential structures made up the rest of the project site.

The project site burned in the Great Fire of 1906, but the area rebuilt quickly. A 1909 photograph shows the project site completely built up with the Davis-Schonwasser Co. dry goods store. The 1913 Sanborn Map depicts buildings covering nearly all of the project block, and also shows within the project site the three-story reinforced concrete structure housing Davis-Schonwasser Co., which fronted Sutter Street.

In summary, the available historical and archeological records suggest that there is a potential for encountering prehistoric/protohistoric archeological resources at the project site.

The proposed project will result in disturbance of existing soils to a depth in excess of 30 feet below existing grade for construction of a subgrade parking garage and foundation support. The analysis of the ARDTP has demonstrated that prehistoric and historical archeological resources may be present within soils affected by the proposed project and that these expected resources may have sufficient

scientific/historical research potential to qualify for listing in the California Register of Historical Resources under criterion D. Archeological property types identified in the ARDTP that could be adversely affected by the project include: associated refuse deposits and/or features of houses of prostitution (1850s–c. 1906), Gold Rush period domestic/commercial uses (1849–1860s), various domestic occupants (1850s–1906), Chinese laundry (fl. 1880s), San Francisco Argonaut Publishing Co. (1890s–1906), saloon (fl. 1880s), shooting gallery (fl. 1880s), tailor shop (fl. 1890s), and cigar shop (fl. 1890s). No prior soils-disturbing activities have been identified that would have significantly impaired the integrity of archeological resources within the project site.

With implementation of Mitigation Measure 1, pages 100 to 104 in this report, the proposed project's potential impact on subsurface cultural resources would be reduced to a less-than-significant level.

Historic Architectural Resources

A draft Historic Resources Evaluation Report (HRER) was prepared for the proposed project by an independent consultant.⁷ The study examines the historic resource potential of each building, including their relationship to the Kearny-Market-Mason-Sutter Conservation District (KMMS District). Planning Department staff concurs with the HRER, which determined that the two buildings are not historic resources and the original proposed project is compatible with the development guidelines for the KMMS District.⁸ Planning Department staff has also concluded that the proposed revised project would also be compatible with the development guidelines for the KMMS District.

Pursuant to CEQA Guidelines Section 15064.5, a proposed project would have a significant effect if it would cause a substantial adverse change in the significance of an historical resource. A "substantial adverse change" is defined by CEQA Guidelines Section 15064.5 as "demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." A property is considered an historical resource under CEQA if it is listed in a local, state, or national register or if it meets the evaluative criteria for listing used by the California Register; that is, an association with significant historical events, persons, design/construction methods, or information and retention of sufficient integrity in characteristics of location, design, setting,

⁷ Patrick McGrew, Architect, *Historic Resource Potential and Conservation District Guidelines Compliance for 300 Grant Avenue*, June 2006, Draft. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

⁸ April Hesik, San Francisco Planning Department Technical Specialist, 272 Sutter Street, *Memorandum: Historic Resource Evaluation Response*, September 7, 2006. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

materials, workmanship, feeling and association.^{9,10} An essential component in assessing eligibility is an evaluation of the building's integrity; i.e., its ability to convey its significance. To be listed in the National or California Registries, a property must not only be shown to be significant under at least one of the criteria, but it also must retain its integrity.

Neither building at 300 Grant Avenue/290 Sutter Street or 272 Sutter Street is listed in Article 10 of the *Planning Code* (Preservation of Historical Architectural and Aesthetic Landmarks) or Article 11 of the *Planning Code* (Preservation of Buildings and Districts of Architectural, Historical, Aesthetic Importance in the C-3 Districts). The Foundation for San Francisco's Architectural Heritage (SF Heritage), gave both buildings a 'D' rating indicating they are of minor or no importance by virtue of insensitive remodeling. The 272 Sutter Street building is an unreinforced masonry building and an unrated, non-significant, non-contributing element of the District. Information located in the Planning Department's database indicates that the District in which both buildings are located has been rated '6Y2,' indicating that the district has been determined ineligible for listing on the National Register through the Section 106 process.

SF Heritage is the City's oldest not-for-profit organization dedicated to increasing awareness and preservation of San Francisco's unique architectural heritage. SF Heritage has completed several large-scale, intensive surveys throughout the City, the most important of which was the 1978 Downtown Survey. This survey, published in book form as *Splendid Survivors* in 1978, forms the basis of San Francisco's Downtown Plan. SF Heritage ratings, which range from D (minor or no importance) to A (highest importance), were converted into Categories V through I and incorporated into Article 11 of the *Planning Code*. During the 1980s, the Downtown Survey was expanded to include peripheral areas.

The four-story building on the project site at 300 Grant Avenue/290 Sutter Street was constructed in 1908 and designed by the architect MacDonal & Applegarth. Its historic name was the David-Schonwasser Company building and it was used as a store specializing in dry goods. The original architectural style was Renaissance Revival. The one-story building located at 272 Sutter Street was constructed in 1919 by architect/builder Bliss & Faville. The building's historic name was the Baird Building and it was used as a restaurant named Nathan's Restaurant. Its original architectural style was also Renaissance Revival.

According to Planning Department staff and the HRER, the existing properties do not meet any of the qualifying criteria for eligibility in the California Register. They do not have any direct links to important

⁹ California Code of Regulations, Title 14, Chapter 11.5.

¹⁰ *National Register Bulletin 15 – How to Apply the National Register Criteria for Evaluation.*

historic activities, events, or associations with prominent persons, nor are they important examples of design or construction or are they important sources of historical and archeological information. Although both buildings are in their original locations, various renovations over the years have destroyed all of the qualities of workmanship, design, materials, feeling, and association needed to retain their historical integrity and thus, their capacity to convey their significance. A photograph of each building is shown on Figure 16 on page 38.

Compatibility with the Kearny-Market-Mason-Sutter Conservation District

Conservation Districts in San Francisco are located exclusively in the City's Downtown Core area. Unlike traditional historic districts, which recognize historic and cultural significance, conservation districts seek to designate and protect buildings based on architectural quality and contribution to the environment. These Downtown districts contain concentrations of buildings that together create geographic areas of unique architectural quality, which the districts were created to conserve.

The compatibility of the proposed structure within the Kearny-Market-Mason-Sutter District was evaluated by staff by addressing the proposed composition and massing; scale; materials and colors; and detailing, and ornamentation, as outlined in Section 7 of Appendix E to Article 11 of the *Planning Code* (Section 7). Planning Department staff concurs with the report that the proposed project is not likely to have an adverse effect on the District, and has determined that the revised project would not have an adverse effect on the District. According to staff the proposed project is not likely to have an adverse effect on the Kearny-Market-Mason-Sutter Conservation District or on nearby Significant and Contributory buildings and City Landmarks. It complies with the Standards and Guidelines for the Review of New Construction and Certain Alterations within the District, as set forth in Section 7, and is discussed below.

Proposed Project Conformance with Article 11

According to Appendix E to Article 11, the Kearny-Market-Mason-Sutter Conservation District, Article 7, Standards and Guidelines for Review of New Construction and Certain Alterations, any new building must be compatible with the District:

"in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this Appendix".



300 Grant Avenue



270 Sutter Street

Source: During Associates

1/26/07

Existing Buildings Figure 16

COMPOSITION AND MASSING – SECTION 7(B)(1)

New construction should:

"maintain the essential character (of the District) by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings." "The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces."

Tables 2 and 3 on the pages that follow indicate heights of neighboring buildings in the project site vicinity.

"If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of the buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the streetwall."

The revised project is similar in composition and massing to other corner buildings within the KMMS District and is not as tall as some corner buildings. The height of 300 Grant Avenue as measured from the midpoint on Grant Avenue will be 113 feet, 2 inches tall. At the parapet height the building would be 117 feet tall. Along Grant Avenue within one block in each direction of the revised proposed project the buildings range in height from 40 ft. to 170 ft. Out of the 16 buildings within a block on both sides of Grant, there are five existing buildings taller than 100 ft., and two buildings, 201 Grant at 170 ft. and 321 Grant at 126 ft. which would be taller. Along Sutter Street within one block of the project on the north side, there are two buildings taller than 100 ft., and one, 216-222 Sutter Street, is 130 ft. tall. Therefore the revised project would be within the height range of the existing buildings, and will be lower than three buildings within one block of the project site.

The top two floors of the proposed revised structure would be set back four feet from the Sutter Street, Grant Avenue and Harlan Place streetwalls thereby reducing the mass of the building along all three streetwalls. The inwardly curved guardrail of the roof deck would further reduce the perceived mass at the top of the building. The stair, elevator and mechanical penthouses would protrude from the roof of the building on the east side and at the center of the roof, but would be set back from the north, south and west faces of the buildings. They are proposed to be the minimum heights necessary to fulfill access and mechanical requirements.

**Table 2
Grant Avenue Building Heights**

Grant Avenue 1 Block in each direction of Project	No. of Stories	Height ¹	Article 11 Rating
Even Side			
210-214 Grant	4	60	
220 Grant (Phoenix)	6	74	I
256 Grant (White House)	5	101	I
300 Grant (Project)	10	117*	
334-352 Grant (Washington Hotel)	7	83	I
Odd Side			
201 Grant (Shreve Bldg)	11	170	I
231-233 Grant	5	71	I
239 Grant	6	79	
251-253 Grant	4	50	IV
255-257 Grant	3	40	IV
301 Sutter/Grant (Hammersmith)	4	46	I
301 Grant (Myers)	8	112	I
311 Grant (Abramson)	4	60	I
321 Grant (Hotel Baldwin)	10	126	IV
333 Grant (Home Telephone)	7	110	I
359 Grant	4	50	

Notes:

¹ 117' is the height to the parapet of 300 Grant, the roof height is 113'2" as measured from the midpoint of the Grant Avenue frontage, all the other building heights in these tables are to top of parapet.

Source: Madison Marquette, April 2008, verified by Planning Department staff.

**Table 3
Sutter Street Building Heights**

Sutter Street Project Block	No. of Stories	Height ¹	Article 11 Rating
Even Side			
210 Sutter (201 Kearny)	7	72	I
216-222 Sutter (Rose)	7+Mezz	130	I
246-250 Sutter (Goldberg Bowen)	6+Mezz	84	II
256 Sutter (Sather)	6+Mezz	94	I
266 Sutter (Bemiss)	5	60	I
300 Grant (Project)	10	117*	
Odd Side			
211 Sutter (Eyre-161 Kearny)	9	120	I
217 Sutter (Bartlott-Doe-153 Kearny)	6	75	I
223-255 Sutter (White House)	5	101	I

Notes:

¹ 117' is the height to the parapet of 300 Grant, the roof height is 113'2", all the other building heights in these tables are to top of parapet.

Source: Madison Marquette, April 2008, verified by Planning Department Staff.

"The standard proportions of new buildings should be established by the prevailing streetwall height and width of lots. To ensure that an established set of proportions is maintained, it is necessary to break up the facades of new buildings into smaller sections that relate to those existing proportions. The use of smaller bays and multiple entrances are two ways of relating the rhythm of a new building with those of historic buildings."

The introduction of applied ornamentation indicating the various different functions of the proposed revised building reduces the appearance of the proposed facades to smaller sections that relate to the proportions of nearby buildings, and the use of narrowly spaced structural bays and multiple entrances relates to the structural rhythm of nearby historic buildings. Three main entrances are proposed, one in each of the two corners along Grant Avenue, and another at the east end of the Sutter Street elevation. There may be more entries to accommodate retail uses as they occur.

"The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. A base element is necessary to define the pedestrian environment. This division of a building allows flexibility in the design of the ground story while encouraging a uniform treatment of the upper stories."

The proposed revised structure would repeat the prevailing two- and three-part vertical compositions. It would have a base, represented by the rusticated bottom two commercial stories, a smooth walled 'shaft' section from the third to seventh floor, and a 'capital' section composed a two story colonnade and penthouse above. The transitions between the sections are emphasized by the cornice with a balcony at the third floor, and by a belt course and change in detailing at the eighth floor. The proposed cornice and balcony between the second and third floors align approximately with similar horizontal features at the top of the second floor of the Triton Hotel (342 Grant Avenue), the White House (256 Grant Avenue at the southeast corner of Sutter Street and Grant Avenue), and the top of the second floor treatment at 301 Grant Avenue (at the northwest corner of Sutter Street and Grant Avenue). The belt course at the eighth floor of the proposed project would approximate the height of the roof cornice of the Triton Hotel, and the major cornice at the tenth floor would be just above the top cornice of the White House, and just below the top cornice of the building at 301 Grant Avenue. Therefore, the multiple horizontal lines of the proposed building establish relationships with the multiple horizontal lines on adjacent buildings.



Walking up the Grant Avenue corridor from Post Street, one experiences building heights ranging from 40 to 170 feet.

Walking up Sutter Street from Kearny to Grant Avenue (north side of Sutter shown), one experiences building heights ranging from 72 to 130 ft.



While varying heights in the district may be on average four to nine stories, the floor-to-floor heights often exceed today's standards. As demonstrated by building heights and stories on the block, it is not unusual for 8-story buildings to exceed 100 feet. Some of the 5- and 6-story buildings exceed 100 feet in height.

SCALE – SECTION 7(B)(2)

"A major influence on scale is the degree to which the total façade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to the human scale. The existing scale of buildings in the vicinity should be maintained. This can be

accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height) to maintain the existing pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation. Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures.

"The spacing and size of window openings should follow the sequence set by Significant and Contributory structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible."

The proposed building has been designed to have three compositional scales, ranging from the large-scale to the medium-scale to small-scale compositional elements. The first level large-scale compositional elements would consist of the overall shape of the building divided into a three part arrangement of parts, 'base', 'shaft' and 'capital', as described above. The middle-scale level would consist of the division into bays vertically, and the division into horizontal story levels. The vertical bays are defined by the recessed windows at the base and shaft, and by the columns at the capital section. The floor levels are indicated by the wide fenestration element between the two floor levels at the base, the color transitions at levels of the floor plates at the shaft, and by the belt course and cornice of the upper loggia at the capital.

The small-scale level of detail, which most directly relates to the size of the human body, consists of the ornamental features and fenestration. The ornament consists of the rustication at the base, the colonnettes dividing the window bays, and the colonnade and window trim and cornice at the capital. The columns and the articulated canopy define the entries. The residential windows are divided by the colonnettes into wider and narrower sections. The wide sections are similar in scale to the large windows of many of the commercial buildings in the district, while the narrower windows are indicative of the building's function as a residential structure above the second floor. The larger windows at the bottom two floors that open into the retail levels are broken up by mullions that form borders around the sides of the openings. The balcony railings also provide additional small-scale detail at the third and tenth stories.

MATERIALS AND COLORS – SECTION 7(B)(3)

“The preferred surface materials for this district are brick, stone and concrete. Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.”

The proposed exterior building materials would be cast stone (or glass-fiber reinforced concrete or fiberglass with a cast stone finish for ornamentation elements), cement plaster, anodized aluminum and/or painted metal, and glass. The upper wall surfaces would be smooth cement plaster. The fenestration, awnings and penthouse walls and windows would be anodized aluminum or other metals treated to have a dark bronze finish.

The predominant color for the cast stone and the cement plaster details would be a creamy off-white. This would be complemented by a buff color for the balance of the cement plaster in the shaft area of the building. The fenestration, penthouse, balcony railings and awnings, that is, all of the metal features, would be a dark bronze color. These colors and materials are compatible with the materials and colors mentioned in Section 6(c) of *Planning Code* Article 11.

The cast stone elements, such as the rustication at the base:

“express the mass and weight of the structure...”

The cast stone colonettes and columns would be used on multidimensional wall surfaces to create texture and depth as also described in Section 6 (c):

“The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color”.

DETAILING AND ORNAMENTATION – SECTION 7(B)(4)

“A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Since the District has one of the largest collections of finely ornamented buildings in the City, these buildings should serve as references for new buildings. Detailing of a similar shape and placement can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt courses and may use a modern vernacular instead of that of the original model.”

Ornament has been used at each part of the building; ornament which at a distance will be suggestive of certain historical styles, but which would not directly copy any historical style. The aim has been to achieve an overall texture of the historical buildings, without directly producing a classical or revival style building. As stated in Sec. 6(d) of Article 11, the ornament in the district is of many styles, so it is appropriate to use forms inspired by, but not directly copying, a variety of styles to reflect the diverse nature of San Francisco's culture.

At the base, the bottom two floors would be rusticated. While this is a typical classical form of ornamentation, it has been done with an upwardly inflected faceting which is not found in historic classical buildings, and which provides a rippling sense of movement upwards.

The top features a proposed colonnade of columns, but they are not classical columns, they are an invented form arranged in a classical manner. They would form a loggia at the capital of the building, the sort of loggia suggested by columns or applied pilasters at some of the buildings in the district, such as 200 Grant. The shafts of the columns have been designed to have a plant-like shape that is suggestive of living stalks, and the capital itself would be decorated with a bundle of leaves.

It is a common feature in this district and in many buildings around San Francisco to see colonnettes dividing sections of the windows, a motif which is repeated in this building. The colonnettes which would divide the windows are based on cone and disc shaped forms which are found in the ornament of many cultures including the Classical, Mexican and Victorian architecture.

The belt courses and cornices would be fairly simple in design. The belt courses would be rectangular in shape with a slightly angled outside fascia. The cornices and the awnings are designed to angle back to the building in a series of facets that echoes the angles of the proposed rustication.

Ornamental balcony railings are used at the third and tenth floors, similar to balcony railings or suggested balcony railings at 256 Grant and 445 Bush. These railings have been proposed in order to indicate the residential character of the upper part of the building, and to create visual interest. Balconies of various sorts are a feature on many buildings around the district. The balconies would be similar in profile to the rustication.

Conclusion

The staff has concluded that the composition, massing, scale, materials, colors, details, and ornamentation of the original proposed building would be compatible with the conservation district. Staff has reviewed

the revised project and determined that this conclusion still applies to the building as revised for the reasons stated above. The revised project would not cause a substantial adverse change on nearby individual historic resources or on the Kearny-Market-Mason-Sutter Conservation District such that the significance of the historic resource(s) would be materially impaired.

For the reasons discussed above, there are no historical resources present on the project site and the proposed project's demolition of the existing buildings and construction of the proposed revised project would not constitute a significant historic resources impact under CEQA.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. TRANSPORTATION AND CIRCULATION – Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project is not located within an airport land use plan area or in the vicinity of a private airstrip. Significance criterion 5c would not apply; therefore, this issue is not addressed below.

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

A Transportation Study was prepared by an outside consultant for the proposed 300 Grant Avenue project.¹¹ The study addressed roadway network, traffic, transit, parking, pedestrian, bicycle, loading, and construction impacts. The Transportation Study analyzed a project with 66 dwelling units, 16,000 sq.ft. of retail space, and 25 independently accessible parking spaces. The current project has about 45 units but the parking is proposed as up to 40 spaces. Because the traffic generation of a project is determined based on the number of units and retail area and not the number of parking spaces, the increase in the proposed number of parking spaces does not increase the estimated vehicle trip generation, and the reduction of proposed units means that the project would generate somewhat fewer vehicle trips and person trips than analyzed in the Transportation Study.

The information and conclusions from that study are summarized in this section. Staff has determined that the impacts of the revised project would be the same or less.

Project Area

The project site is located within San Francisco's Financial District, on the northeast corner of the intersection of Grant Avenue/Sutter Street, on the block bounded by Bush Street to the north, Kearny Street to the east, Sutter Street to the south, and Grant Avenue to the west. Highways and major roadways provide regional and local access to and from the project area. Interstate 80 (I-80) provides east-west regional access to the project area; U.S. 101 provides north-south interstate access; and I-280 provides north-south regional access. Major streets within the vicinity include Geary, Post, Sutter, and Bush Streets in the east-west directions, and Stockton and Kearny Streets and Grant Avenue in the north-south directions. Adjacent to the project site are Sutter Street, Grant Avenue, and Harlan Place.

¹¹ LCW Consulting, *300 Grant Avenue Transportation Study*, Case Number 2004.1245E, June 21, 2006. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

Geary Street is an east-west direction major thoroughfare, linking downtown with the Richmond district. East of Gough Street, Geary Street is one-way westbound with two travel lanes. The *General Plan* identifies Geary Street as a Major Arterial in the Congestion Management Plan (CMP) Network, a Metropolitan Transportation System (MTS) Street, a Transit Preferential Street and a Neighborhood Commercial Street.

Post Street is an east-west direction roadway that is one-way between Franklin and Market Streets with three travel lanes in the eastbound direction. The curb lane is a diamond lane that is designated for right-turns and buses only. The *General Plan* identifies Post Street as a Transit Preferential Street, and a Neighborhood Commercial Street. The #16 bicycle route runs eastbound on Post Street.

Bush Street is an east-west direction roadway with two to three travel lanes in the eastbound direction and metered parking spaces on both sides of the street except during the morning and evening peak periods. The *General Plan* identifies Bush Street as a major arterial, as well as part of the Neighborhood Pedestrian Street network between Market and Kearny Streets, and between Scott and Divisadero Streets. It is also a Transit Preferential Street between Market and Kearny Streets.

Stockton Street is a north-south direction roadway north of Sutter Street. The street is one-way southbound south of Sutter Street with three travel lanes. The *General Plan* identifies Stockton Street as a Transit Preferential Street between Market Street and Columbus Avenue, and a Neighborhood Pedestrian Street from Market to California Streets. Between Broadway and Post Street, Stockton Street is part of the #17 bicycle route.

Kearny Street is a north-south direction roadway and one-way northbound from Market Street to California Street with three travel lanes and restricted parking on both sides of the street near the project site. The *General Plan* identifies Kearny Street, south of Columbus Avenue, as a Major Arterial and a Transit Preferential Street.

Sutter Street is an east-west direction roadway and is one-way westbound east of Gough Street with three travel lanes in the westbound direction. The third lane is a diamond lane that is designated for right turns and buses only. Between Montgomery and Gough Streets there is a 4:00 to 6:00 p.m. tow-away zone. The *General Plan* identifies Sutter Street as a Transit Conflict Street in the CMP Network, a Transit Preferential Street, and a Neighborhood Commercial Street. The #16 bicycle route runs westbound on Sutter Street.

Grant Avenue is a north-south direction roadway between Market and North Point Streets. It is generally a one-way northbound roadway with one to two travel lanes, and parking on both sides of the street. Between Sutter and Bush Street in front of the project site, Grant Avenue is two way, with one travel lane in each direction, and parking on both sides of the street. At the intersection of Grant/Sutter, all vehicles on southbound Grant Avenue are required to turn right onto Sutter Street westbound. The *General Plan* identifies Grant Avenue as a part of the Citywide Pedestrian Network between Market and Filbert Streets.

Harlan Place is an east-west alleyway located off of Grant Avenue, about 150 feet north of Sutter Street, and extends west and east of Grant Avenue. West of Grant Avenue, Harlan Place dead ends about mid-block, while east of Grant Avenue Harlan Place connects with Mark Place (a north-south alley). Harlan Place provides access to loading facilities and trash containers for adjacent buildings. The roadway width of Harlan Place is about 20 feet, and parking is prohibited on both sides of the street. Six-foot sidewalks are provided on both sides of the street.

Traffic

Based on the trip rate for residential use in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project would generate an estimated 2,980 average daily person-trips, including about 316 p.m. peak-hour daily person-trips.¹² These 316 p.m. peak-hour person-trips would be distributed among various modes of transportation, including 92 automobile person-trips, 49 public transit trips, and 175 walking/other trips, including bicycling and motorcycles. Mode split data for residential use were obtained from the 2000 Census "Journey to Work" figures. Using vehicle occupancy rates from the 2000 Census applicable to the residential and retail-related trips, the proposed residential and retail uses would generate approximately 64 vehicle-trips during the p.m. peak-hour, of which 58 vehicle trips would be net new trips determined by subtracting the existing trips from the proposed project's trips.

Six intersections (Bush/Grant, Bush/Kearny, Sutter/Stockton, Sutter/Grant, Sutter/Kearny, and Post/Grant) were analyzed to determine whether project-generated vehicular traffic would result in adverse changes

¹² The transportation report analyzed a building with 66 residential units and 16,000 square feet of retail. Because the project sponsor is currently proposing 45 residential units and 16,000 square feet of retail, the proposed project's transportation effects would be similar to or less than what is reported in this section.

in the level of service (LOS).¹³ All intersections currently operate at an acceptable LOS (LOS D or better). The addition of project-generated traffic would result in minimal changes (no more than 1.1 seconds) in average vehicle delay at the study intersections, and all study intersections would continue to operate at an acceptable LOS (see Table 5). As noted in Table 5, there would be no change in LOS at any of the six study intersections. In summary, the addition of the approximately 70 project-generated vehicle trips would result in negligible changes in the average delay per vehicle at the intersections studied and all intersections analyzed would continue to operate at the same service level as under existing conditions. This impact would, therefore, not be significant.

Table 5				
Intersection Level of Service				
Existing plus Project Conditions – Weekday P.M. Peak Hour				
Intersection	Existing		Existing plus Project	
	Delay ¹	LOS	Delay	LOS
1. Bush / Grant	10.9	B	11.5	B
2. Bush / Kearny	15.3	B	15.3	B
3. Sutter / Stockton	30.1	C	31.2	C
4. Sutter / Grant	24.6	C	24.7	C
5. Sutter / Kearny	20.1	C	20.8	C
6. Post / Grant	11.5	B	11.6	B

Notes:

¹Delay presented in seconds per vehicle.

Source: LCW Consulting, page 30, June 2006.

Transit

The project site is well served by public transit, with both local and regional services provided nearby. Eighteen of the San Francisco Municipal Railway's (MUNI) transit lines pass within a half-block of the project site: 2-Clement, 3-Jackson, 4-Sutter, 5-Fulton, 6-Parnassus, 7-Haight, 9-San Bruno, 9X-San Bruno Express, 15-Third, 21-Hayes, 30-Stockton, 31-Balboa, 38-Geary, 38-Geary Limited, 45-Union-Stockton, 71-Haight-Noriega, 76-Marin Headlands, 81X-Caltrain Express. In addition all six of MUNI's streetcar lines

¹³ Level of service is a qualitative description of the operational performance of an intersection, based on the average delay per vehicle, ranging from LOS A (free flow or excellent conditions with short delays per vehicle) to LOS F (congested or overloaded conditions with extremely long delays per vehicle). Typically, LOS A through D are considered excellent to satisfactory service levels, LOS E is undesirable, and LOS F conditions are unacceptable.

stop at the Montgomery Station, three blocks from the project site: F-Market & Wharves, J-Church, K-Ingleside, L-Taraval, M-Ocean View, and the N-Judah. In addition, many Golden Gate Transit buses and AC Transit buses operate routes to San Francisco from the North Bay area and the East Bay, respectively. Ferry services connect San Francisco to the East Bay and North Bay. The nearest Bay Area Rapid Transit (BART) stop, providing access to the East Bay and San Mateo County, is three blocks from the project site.

The 49 (43 net new) estimated p.m. peak-hour project trips utilizing public transit would be distributed among the public transit lines providing service to the vicinity of the project site. Overall, the addition of the project-generated riders to the transit routes would not substantially increase peak-hour capacity utilization and the transit systems would continue to operate below capacity. Similarly, the addition of project related passengers to regional transit routes during the weekday p.m. peak hour would not substantially change existing capacity utilization which is below utilization standards for all regional transit providers. The increase in transit demand associated with the proposed project would not have a significant or noticeable impact upon transit services or operations in the project area.

The existing building at 290 Sutter currently has an eyebolt, which helps to support MUNI's overhead wire lines. Improvement Measure 1 has been incorporated to ensure minimal disruption to transit service during the demolition and construction of the proposed project, and following the completion of the project.

Pedestrian

Pedestrian trip volumes in the vicinity of the proposed project are LOS B. During the midday peak hour, there were about 780 pedestrians on Grant Avenue and 710 pedestrians on Sutter Street, while the p.m. peak hour volumes on both Grant Avenue and Sutter Street were slightly higher at about 1,080 and 1,070 pedestrians on Grant Avenue and Sutter Street, respectively.¹⁴ The proposed project would add approximately 156 net-new pedestrian trips (87 inbound and 69 outbound) to the surrounding streets during the weekday p.m. peak hour. These trips would include walk trips to and from the residential uses, walk trips to and from the local and regional transit operators, and some walk trips to and from nearby parking facilities. It is anticipated that a majority of the new pedestrian trips during the weekday p.m. peak hour would be to and from Market Street, and to Union Square via Sutter Street and Grant Avenue. The addition of the 156 net-new pedestrian trips would not substantially affect the operating

¹⁴ Analysis of operating characteristics of the pedestrian walkway locations was conducted using the HCM 2000 methodology.

conditions. During both the midday and p.m. peak period hours, the level of service would remain at LOS B along both Grant Avenue and Sutter Street.

Bicycle

Four San Francisco Bicycle Routes have been designated in the vicinity of the proposed project. Route #11 runs northbound on Sansome Street and southbound on Battery Street, Route #16 runs westbound on Sutter Street and eastbound on Post Street, Route #50 runs in both directions on Market Street, and Route #17 runs on Stockton Street between Post Street and Broadway. These are signed (Class III) bicycle routes, with no designated bicycle lanes. During field surveys conducted in October and November 2005, very few bicyclists were observed riding in the immediate vicinity of the project site. Bicyclists were observed on Kearny and Sutter Streets during the p.m. peak period. The majority of the bicyclists were messengers and commuters.

The *Planning Code*, as amended by the new C-3 parking ordinance, would require 25 bicycle parking spaces for a project of at least 50 units, but not shower and locker facilities since the primary use of the proposed building would be residential. The revised proposed project would have fewer than 50 units and therefore is not required to provide bicycle parking. However, the project sponsor is proposing to provide at least 23 bicycle spaces. Since the project site is within convenient bicycling distance of office and retail buildings in downtown San Francisco and the Financial District and major transit hubs (Ferry Building, Transbay Terminal and Caltrain), it is anticipated that a portion of the 175 "walk/other" trips generated by the proposed project would be bicycle trips. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to affect bicycle travel in the area.

Parking

Existing parking conditions were determined for the weekday midday period (12:00 to 2:00 p.m.) and the weekday evening period (6:30 to 8:00 p.m.).¹⁵ There are seven off-street public parking facilities in the study area providing about 4,000 spaces. Overall, the off-street parking facilities are at about 70 percent of capacity during the weekday midday, and at about 46 percent of capacity during the weekday evening period (of facilities that are open during the evening). In general, the on-street parking spaces are well-

¹⁵ The parking study area is generally bounded by Pine Street to the north, Montgomery Street to the east, Geary Street to the south, and Powell Street to the west.

utilized throughout the day. During the evening, following the tow away period, which ends at 6:00 p.m., the occupancy is substantially lower due to the few night-time uses in the area.

On-street parking within the vicinity of the project site is comprised generally of metered spaces, with 30-minute limits for commercial vehicle loading and non-commercial spaces. Along many of the major arterials (such as Kearny, Post, Sutter and Bush Streets), peak period (generally 7:00 to 9:00 a.m., and/or 3:00 to 6:00 p.m., or 4:00 to 6:00 p.m.) tow away regulations are in effect. On Grant Avenue, between Sutter Street and Harlan Place, there are four parking spaces, one of which is a metered truck loading space. Of the four parking spaces, one is not metered; two are metered with a 30-minute limit (7:00 a.m. to 6:00 p.m., Monday through Saturday); and the truck loading space has a 30-minute limit Monday through Saturday (7:00 a.m. to 6:00 p.m.) and is a regularly metered space (7:00 a.m. to 6:00 p.m.) on Saturdays. On Sutter Street the curb lane adjacent to the project site is a dedicated bus lane (tow away at all times). Parking is not permitted at any time on Harlan Place.

Since the proposed project site is located within the C-3 district of San Francisco, the *Planning Code* does not require the provision of off-street parking for any land use. Thus, the proposed project would not be required to provide any parking spaces. However, the proposed project would supply approximately 40 independently accessible parking spaces,¹⁶ including at least one handicapped-accessible parking space, for the 45 residential units, with ingress and egress solely from Harlan Place (via Grant Avenue). The *Planning Code* would also permit some accessory parking for the retail use, and up to 15 spaces of the proposed up to 40 spaces may be used as accessory spaces. The project would provide one car-share space in the parking garage or nearby offsite.

Under C-3 *Planning Code* legislation recently adopted by the Board of Supervisors, the proposed project would be permitted to provide a maximum of 40 or 41 parking spaces (0.75 space per unit with up to one space per two-plus bedroom units over 1,000 sq.ft.) with authorization under Section 309 of the *Planning Code*. Up to 0.25 space per unit would be permitted without a 309 exception. If all spaces are used for residential purposes, the project's proposed up to 40 parking spaces would be the maximum amount approvable, and the project would require a parking exception pursuant to Section 309. It should be noted that for projects with 50 units or more, that have more than 0.5 space per unit, the new legislation

¹⁶ The *Transportation Study* (June 21, 2006 op cit) analyzed a project with 25 independently accessible parking spaces, rather than the currently proposed 35 to 40 parking spaces. The parking deficit associated with 35-40 spaces would necessarily be less than the deficit associated with 25 spaces, and the impacts relating to parking deficits for the 35-40 spaces would be expected to be the same or less than impacts relating to the 25 spaces proposed earlier.

generally requires parking to be non-independently accessible. However, this provision does not apply to a project that has less than 50 units. All the project parking is proposed to be independently accessible.

The proposed residential and retail uses would create a parking demand of about 131 daily spaces (86 residential long term, and 45 retail). The proposed project's parking demand of 131 spaces¹⁷ would not be accommodated within the proposed parking supply of up to 40 parking spaces. The residential shortfall could be accommodated in nearby off-street parking facilities, such as White House Garage across the street from the project site, which operates at 31 percent of capacity during weekday evenings. The mid-day parking occupancy of on-street parking during the day-time retail hours is expected to increase from 70 to 72 percent. Parking supply, however, is not considered to be a part of the permanent physical environment in San Francisco.¹⁸ Parking conditions are not static, as parking supply and demand varies day to night, day to day, 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 Section 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and

¹⁷ As noted previously, the project sponsor is currently proposing a smaller project than that analyzed in the transportation report; therefore, the proposed project's parking demand would be similar to or less than what is reported here.

¹⁸ Under California Public Resources Code, Section 21060.5, "environment" can be defined as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance."

alternative transportation." As noted above, the project area is well served by public transit as well as City-wide bicycle routes. Improvement Measure 2 has been added to encourage the new residents to use alternative modes of travel, including public transportation and a car-share service, to lessen the project's potential impact on increased traffic and parking demand.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any potential secondary environmental impacts that may result from a shortfall in parking near the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as the associated air quality, noise, and pedestrian safety analysis, reasonably address the potential secondary effects.

Loading

The *Planning Code* would require one off-street loading space for the retail uses and none for the residential uses. The revised proposed project would meet this requirement by providing one full-sized loading space measuring approximately 25 feet long by 10 feet wide, with a minimal vertical clearance of 14 feet with access from Harlan Place. In total, the proposed project would generate six truck trips on a daily basis, which would result in a demand for less than one loading space during both the average and the peak hour of loading activities.

The full-sized loading space would accommodate most trucks serving the proposed project. Larger trucks that could not be accommodated in the loading area could be accommodated on-street (there is a metered truck loading/unloading space adjacent to the project site on Sutter Street). It is anticipated that most deliveries and service calls to the retail and residential uses would use the loading area. Residential move-in and move-out activities are anticipated to occur from the curb on Sutter Street. Curb parking on Sutter Street could be reserved through the local station of the San Francisco Police Department.

Construction Impacts

Construction of the proposed project might temporarily affect traffic and parking conditions in the vicinity of the project site. During the estimated 17-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site.

Truck movements during periods of peak traffic flow would have greater potential to create conflicts with traffic and transit operations than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. Construction-period traffic impacts resulting from the proposed project are considered short-term and would be less than significant.

The anticipated sidewalk closure on Grant Avenue and Sutter Street for material staging would require construction of a temporary pedestrian walkway and overhead protection in the adjacent curb lanes (a transit only lane on Sutter Street). Temporary closures of any traffic lane, parking lane or sidewalk would require review and approval by DPW and the City's Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). Construction workers that drive would park in the nearby garages, such as the White House Garage, Sutter-Stockton Garage, and the Union Square Garage. These garages currently have availability during the day, and it is anticipated that construction workers that drive to the site would be accommodated without substantially affecting area-wide parking conditions.

Improvement Measure 3, page 106, is proposed to minimize the disruption of traffic flow by limiting truck movement to the hours between 9:00 a.m. and 3:30 p.m., and would further reduce the less-than-significant construction noise impacts.

Cumulative Impacts

Cumulative traffic and transit conditions were evaluated for year 2020 conditions based on growth expected in the South of Market area, the remainder of San Francisco and the nine-county Bay Area.¹⁹ Table 6 indicates the six study intersections would operate at LOS D or better under the 2020 cumulative conditions during the weekday p.m. peak hour. All intersections would continue to operate at the same level of service as under Existing conditions, with the exception of the intersection of Sutter/Stockton, which would operate at LOS D (as compared to LOS C under Existing conditions). As a result, cumulative development would not result in significant traffic intersection impacts.

¹⁹ The cumulative analysis incorporates growth projections for projects in the South of Market area using the 300 Spear Street/201 Folsom Street Transportation Study and the 690 Market Street Transportation Study. The San Francisco County Transportation Authority countywide travel demand forecasting model was used to develop the traffic and transit forecasts for cumulative development and growth through the year 2020 in the region, as well as to determine travel demand to and from the South of Market area.

Table 6
Intersection Level of Service
2020 Cumulative Conditions – Weekday P.M. Peak Hour

Intersection	Existing		2020 Cumulative	
	Delay ¹	LOS	Delay ¹	LOS
1. Bush / Grant	10.9	B	12.0	B
2. Bush / Kearny	15.3	B	16.8	B
3. Sutter / Stockton	30.1	C	36.6	D
4. Sutter / Grant	24.6	C	28.6	C
5. Sutter / Kearny	20.1	C	34.5	C
6. Post / Grant	11.5	B	11.9	B

Notes:

¹Delay presented in seconds per vehicle.

Source: LCW Consulting, June 2006.

To assess the effect of the vehicle-trips generated by the proposed project on 2020 conditions, two different percent contributions were calculated: the project-generated traffic as a percent of total 2020 volumes, and the project-generated traffic as a percent of only the increase in traffic volumes between existing and 2020 conditions. As Table 7 on the following page indicates, the proposed project would contribute minimally to the total 2020 traffic volumes at the study intersections—between 0.6 and 2.2 percent. The contribution to the growth in traffic volumes between existing and 2020 conditions would be greater, between 5.3 and 30.1 percent. However, because the study intersections would continue to operate acceptably under 2020 cumulative conditions, the proposed project's contribution is considered less than significant.

Table 7					
Proposed Project's Contribution to 2020 Cumulative Traffic Volumes P.M. Peak Hour Conditions					
Intersection	Existing Volume	Project Volume	2020 Cumulative Volume	Contribution to Total 2020 Cumulative Total	Contribution to Growth in Volumes
1. Bush / Grant	1,273	19	1,366	1.4%	20.5%
2. Bush / Kearny	2,135	17	2,297	0.7%	10.5%
3. Sutter / Stockton	1,814	13	1,949	0.7%	9.6%
4. Sutter / Grant	1,643	39	1,803	2.2%	24.4%
5. Sutter / Kearny	2,110	14	2,376	0.6%	5.3%
6. Post / Grant	813	17	869	2.0%	30.1%

Source: LCW Consulting, June 2006.

In conclusion, the proposed project would not cause any significant transportation- and circulation-related impacts.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
6. NOISE – Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; noise impacts related to air traffic are, therefore, not addressed below.

Ambient Noise Levels

Ambient noise levels in the project vicinity are typical of noise levels in greater San Francisco, which are dominated by vehicular traffic, including trucks, cars, MUNI buses, and emergency vehicles. Geary, Post, Bush, Stockton, Kearny, and Sutter Streets and Grant Avenue are all heavily trafficked, and generate moderate to high levels of traffic noise. Observation indicates that surrounding land uses, particularly Chinatown and Union Square, attract shoppers and tourists and associated noticeably increased noise levels, primarily during the daylight hours.

Vehicular traffic makes the greatest contribution to ambient noise levels throughout most of San Francisco. Traffic volumes in an area would have to approximately double before the attendant increase in ambient noise levels would be noticeable to most people. The proposed project would add up to 558 vehicle trips per day to adjacent streets,²⁰ a fraction of the existing traffic in the project vicinity. Therefore, the proposed project would not cause traffic volumes to double at any study location, and it would not have a noticeable effect on ambient noise levels in the project vicinity.

²⁰ As noted in the transportation section, trip generation numbers were calculated for the earlier, larger project, and therefore, the project as currently proposed would generate similar or a reduced number of vehicle trips. Moreover, vehicle trips generated by the existing uses on the site have not been subtracted from the gross vehicle trips, and therefore the actual number of vehicle trips that would be generated by the currently proposed project would be further reduced. Therefore, the traffic noise impact of the proposed project would be less than the less-than-significant impact that is reported here.

Operational Noise Impacts

The proposed project may include mechanical equipment, such as forced air mechanical ventilation, which could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance (Article 29, Section 2909 of the *San Francisco Police Code*), which limits noise from building operations. Substantial increases in the ambient noise level due to building equipment noise would not be anticipated. At the project location, operational noise would not be expected to be noticeable, given background noise levels along Grant Avenue and Sutter Street.

Construction Noise Impacts

Construction noise is also regulated by the San Francisco Noise Ordinance. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA²¹ at a distance of 100 feet from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Foundation construction would not involve pile driving, therefore no pile-driving noise impacts would be generated by the proposed project. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. The project demolition and construction operations would comply with the Noise Ordinance requirements and neither demolition nor construction would be expected to occur after 8:00 p.m. or before 7:00 a.m. Improvement Measure 3, page 106, proposed to minimize the disruption of traffic flow by limiting truck movement to the hours between 9:00 a.m. and 3:30 p.m., would also have the secondary effect of reducing the construction noise impacts.

Interior Noise

Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential structures. Title 24 requires that residential structures (other than detached single-family dwellings) be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. This standard is consistent with the City of San Francisco's Noise Element Policies for indoor residential use. To ensure that occupants of the proposed residential units would not be adversely affected by proximity to traffic noise, noise insulation measures would be included as part of the design for the project, as required by

²¹ The acronym "dBA" stands for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

Title 24. The DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet Title 24 standards regarding sound transmission. No building permit would be issued by DBI unless the project design is found to conform to these standards. If determined necessary by DBI to assure that the design would meet the interior noise level goal, a detailed acoustical analysis of the exterior wall architecture/structure could be required. Compliance with Title 24 of the California Code of Regulations would ensure that existing noise levels would not substantially impact project residents.

In summary, project-related noise, including traffic, construction, operational, and interior noise, would result in less-than-significant environmental impacts.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
7. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction Emissions

Demolition, excavation, grading, foundation construction, and other ground-disturbing construction activity would temporarily affect localized air quality for about three months during excavation and shoring, and for about three months during construction of the foundation, retaining walls, garage floor and the podium platform, causing temporary and intermittent increases in particulate dust and other pollutants. Excavation and movement of heavy equipment could create fugitive dust and emit nitrogen

oxides (NO_x), carbon monoxide (CO), sulphur 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. Fugitive dust is made up of particulate matter including PM₁₀ and PM_{2.5}. Soil movement for foundation excavation and site grading would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed.

While construction emissions would occur in short-term, temporary phases, they could cause adverse effects on local air quality. The Bay Area Air Quality Management District (BAAQMD), in its CEQA Guidelines, has developed an analytical approach that obviates the need to estimate these emissions quantitatively. The BAAQMD has also identified a set of feasible PM₁₀ and PM_{2.5} control measures for construction activities. Soil movement for foundation excavation and site grading would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed. The proposed project would include Mitigation Measure 2 (page 105) that would implement the appropriate BAAQMD measures by requiring the project sponsor to water the site (with reclaimed water), cover soil and other materials, cover trucks, and sweep the streets to minimize dust generation during demolition, excavation, and construction activities. With implementation of Mitigation Measure 2, the proposed project would cause less-than-significant construction-related air quality impacts.

Traffic Emissions

The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.²² These thresholds are based on minimum size projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD generally does not recommend a detailed air quality analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or projects that would generate fewer than 2,000 vehicle trips per day. The proposed project would construct up to 45 residential units and approximately 16,000 square feet of retail space, and would generate substantially fewer than 2,000 daily vehicle trips. Therefore, no detailed air quality analysis is needed, and no significant air quality impacts due to vehicular emissions would be generated by the proposed project.

For the aforementioned reasons, the proposed project's air quality impacts would be less than significant.

²² See BAAQMD CEQA Guidelines, April 1996, Revised December 1999, page 25.

Greenhouse Gas Emissions

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

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane, and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.²³ Secondary effects are likely to include global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.²⁴ The CEC found

²³ California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>) accessed December 4, 2007.

²⁴ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.²⁵ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.²⁶

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.²⁷

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

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is recommending a total of 44 discrete early action measures.²⁸

²⁵ California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm>.

²⁶ BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002*, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

²⁷ There are 12 exceptions to this requirement (e.g., emergency situations, military, adverse weather conditions, etc.), including: when a vehicle's power takeoff is being used to run pumps, blowers, or other equipment; when a vehicle is stuck in traffic, stopped at a light, or under direction of a police officer; when a vehicle is queuing beyond 100 feet from any restricted area; or when an engine is being tested, serviced, or repaired.

²⁸ California Air Resources Board, *Draft Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration*, September 2007.

Measures that could become effective during implementation of the proposed project could pertain to construction-related equipment operations. Some proposed early action measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Applicable early action measures that are ultimately adopted will become effective during implementation of proposed project and could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

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

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

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

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.²⁹ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions are now in progress.

²⁹ San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco*, Local Actions to Reduce Greenhouse Emissions, September 2004.

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

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

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

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

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

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

Impacts

The proposed project would increase the activity onsite by replacing 35,600 square feet of retail space with 45 residential units and approximately 16,000 square feet of retail space. Therefore, the proposed project would contribute to long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and commercial operations associated with heating, energy use and solid waste disposal (area sources). Direct project emissions of carbon dioxide equivalents (CO₂-eq) (including CO₂, NO_x, and CH₄ emissions) include 794 tons of CO₂-eq/year from transportation and 163 tons of CO₂-eq /year from

heating, for a total of 957 tons of CO₂-eq/ year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 169 tons of CO₂-eq/year) and from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 61 tons of CO₂-eq/ year), for a GHG emissions total of approximately 1,187 tons of CO₂-eq/year.³⁰ This represents approximately 0.0014 percent of total Bay Area GHGs emitted in 2002.³¹

The project's incremental increases in GHG emissions associated with traffic increases and residential/commercial heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects. Neither the BAAQMD nor any other agency has adopted significance criteria or methodologies for estimating a project's contribution of GHGs or evaluating its significance. However, the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

In recognition of the importance of climate change and its impacts on the environment, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.³² The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco.³³ (2) As new

³⁰ Vehicle trips would account for the majority of greenhouse gas emissions for the proposed project. As noted in the transportation section, trip generation numbers were calculated for the earlier, larger project, and therefore, the project as currently proposed would generate a similar or reduced number of vehicle trips. Moreover, vehicle trips generated by the existing uses on the site have not been subtracted from the gross vehicle trips, and therefore the actual number of vehicle trips that would be generated by the currently proposed project would be further reduced. Therefore, the greenhouse gas impact of the proposed project would be less than the less-than-significant impact that is reported here.

³¹ The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO₂-eq tons.

³² State of California, Department of Justice, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." Updated 3/11/08. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed 04/11/2008.

³³ The California Air Pollution Control Officer's, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30%). This paper is available online at: <http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf>. Accessed April 15, 2008.

construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project's contribution to cumulative regional GHG emissions; (3) the proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65% of all construction and demolition material to be diverted from landfills; and (4) the proposed project would plant nine street trees, regulating outdoor temperatures and aiding in carbon sequestration.³⁴

In light of the above and state and local efforts to reduce greenhouse gas emissions, the proposed project would not emit a substantial amount of greenhouse gases nor contribute significantly to global climate change.

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

Wind

A wind tunnel analysis was prepared by an independent consultant to address potential wind impacts associated with the proposed development.³⁵ The analysis was performed on the 130-foot-tall original proposed project. Since the revised project is approximately 17 feet shorter and with the same overall shape, the wind effects of the revised project would be similar or less than the original project analyzed. The results of the study are summarized below.

³⁴ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

³⁵ Charles Bennett, Environmental Science Associates, *Technical Memorandum: Potential Wind Conditions, Proposed 300 Grant [Avenue] Project*, San Francisco, California, March 13, 2006. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

Wind conditions partly determine pedestrian comfort on sidewalks and in other public and publicly accessible areas. Large buildings can redirect wind flows around buildings and divert winds downward to the street, resulting in increased wind speed and turbulence at ground level. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed. The more complex the building's geometry, the lesser the probable wind impact at ground level.

The comfort of pedestrians varies under different conditions of sun exposure, temperature, clothing, and wind speed. Winds up to four miles per hour have no noticeable effect on pedestrians at ground level. Winds from four to eight miles per hour are felt lightly on the face. Winds from 8 to 18 miles per hour disturb hair, cause clothing to flap, and extend a light flag mounted on a pole. Winds from 19 to 26 miles per hour are felt on the body. With winds from 26 to 34 miles per hour, umbrellas are used with difficulty, hair is blown straight, walking steadily is difficult, and wind noise is unpleasant. Winds more than 34 miles per hour make it difficult to maintain one's balance, and gusts can blow a person over.

Section 148 of the *Planning Code* establishes wind criteria for C-3 districts. Section 148 sets comfort levels of seven mph equivalent wind speed in public seating areas and 11 mph equivalent wind speed in areas of substantial pedestrian use. New buildings and additions to buildings may not cause ground-level winds to exceed these levels more than 10 percent of the time. In addition to comfort criteria, the *Planning Code* establishes a wind hazard criterion. The hazard criterion is set at a 26 mph equivalent wind speed for a single full hour, or approximately 0.0114 percent of the time, not to be exceeded more than once during the year.

Predictions of wind speed are based upon historic wind records from the U.S. Weather Bureau weather station atop the old Federal Building at 50 United Nations Plaza during the years 1945-1950. Measurements taken hourly and averaged over one-minute periods have been tabulated for each month (averaged over the six years) in three-hour periods using seven classes of wind speed and 16 compass directions.

Average wind speeds are highest during summer and lowest in winter. The highest average wind speeds occur in mid-afternoon and the lowest in the early morning. Westerly to northwesterly winds are the most frequent and strongest winds during all seasons. Of the 16 primary wind directions, four have the greatest frequency of occurrence and subsequently make up the majority of the strong winds that occur. These winds include the northwest, west-northwest, west, and west-southwest winds.

Methodology

Using a wind tunnel and a scale model of the project site and surrounding area, wind speed measurements were taken at 23 test locations adjacent to the project site and on each of the four corners of the following intersections: Bush/Grant, Sutter/Grant, Post/Grant, Kearny/Sutter, Kearny/Post, and Maiden Lane/Grant (see Figure 17 Wind Test Point Locations, page 72). In accordance with the San Francisco wind ordinance methodology, the model was tested for four wind directions: northwest, west-northwest, west, and west-southwest.

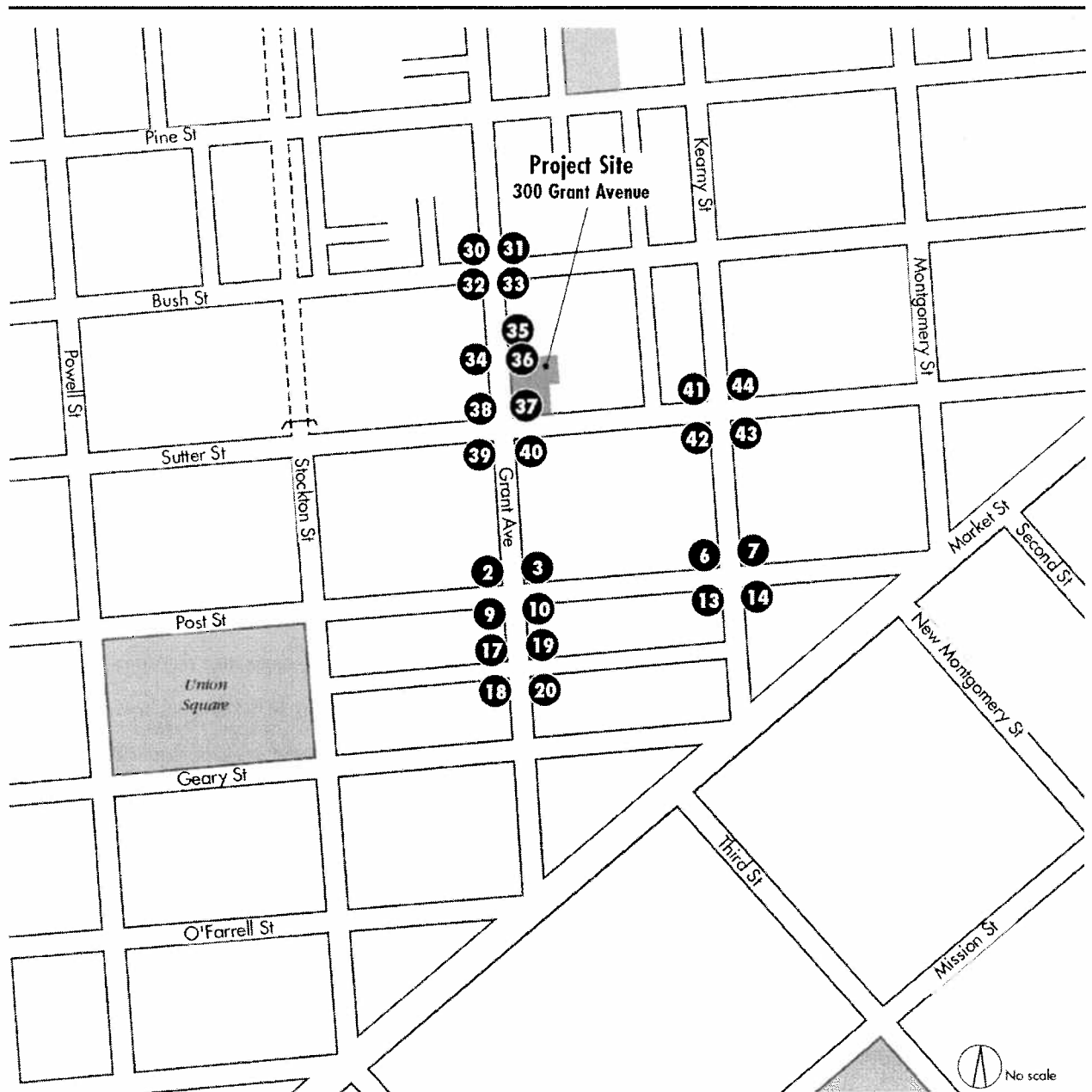
Comfort Criterion

Winds in the vicinity of the project site are moderate. With the addition of the original proposed project's 12-story, 130-foot-tall building, the average wind speed at all 23 test locations would vary only slightly and continue to meet the *Planning Code's* pedestrian-comfort criterion value of 11 mph. The proposed project would not add any pedestrian-comfort criterion exceedences. The average wind speed for all 23 test points would be 7.5 mph compared to the 7.4 mph under existing conditions. The existing wind speed ranges from five to 11 mph and the proposed project wind speeds are expected to range from six to ten mph. Wind speeds would increase at six locations, remain unchanged at 14 locations, and decrease at three locations. Wind impacts of the proposed revised project, which is the same basic shape but about 17 feet shorter, would be similar.

Hazard Criterion

All 23 sidewalk test locations currently meet the wind hazard criterion of wind speeds less than 36 mph. Prior wind testing has shown an existing hazardous wind condition at the corner of Post and Kearny Streets.³⁶ While the original proposed project would slightly increase wind speeds from a range of eight to 24 mph to a range of 11 to 24 mph, no exceedences of the wind hazard criteria are predicted. Wind impacts of the proposed revised project would be similar.

³⁶ Environmental Science Associates, *Technical Memorandum, Potential Wind Conditions, Proposed 185 Post Street Project*, August 15, 2000. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.



1 Measurement locations

Source: Chuck Bennett

5-23-08

Wind Test Points Figure 15-17

Conclusion: Wind

A project that would cause equivalent wind speeds to reach or exceed 36 mph for a single full hour of the year would be considered to have a significant impact. The proposed revised project would have a less-than-significant wind impact because it would not result in wind hazard exceedences at any of the 23 test locations. There are currently no projects pending approval that would influence the results of testing the proposed project, so a test of the proposed project in the cumulative development setting is not feasible. However, any potential future development would itself be subject to environmental review and wind tunnel analysis, and the impact of the proposed revised project and other development in the area would factor into that wind tunnel analysis. Based on a question raised by a representative of 333 Grant Avenue, the wind consultant reviewed the wind tunnel study and the heights of the originally proposed 11-story project, the structure at 333 Grant Avenue, and other nearby buildings and rendered his professional opinion that the rooftop open space of 333 Grant Avenue would not be impacted by winds resulting from the proposed project.³⁷ Since the revised project is slightly shorter and of the same general shape, this conclusion also would apply to the revised project.

Shadow

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. *Planning Code* Section 295 restricts net new shadows on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. To determine whether this proposed project would conform to Section 295, a preliminary shadow fan was prepared by Planning Department staff.³⁸ The shadow fan indicates that project shadows would not cast new shadows on St. Mary's Square, Union Square or any other properties under the Recreation and Park Commission's jurisdiction protected by Section 295. The project would not shade private open space on the roof of 333 Grant at any time, due to the relative heights of the buildings and shadows from existing buildings which

³⁷ Environmental Science Associates, Letter to Planning Commission President Dwight Alexander, *Impacts of the Proposed 300 Grant Street Project on Wind Conditions at 333 Grant Street*, July 12, 2007. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

³⁸ San Francisco Planning Department, letter dated May 16, 2005 (Case No. 2004.1245K), 272 and 290 Sutter Street (aka 300 Grant Avenue), Shadow Analysis. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

would already shadow the roof of 333 Grant during the first hour after sunrise.³⁹ Morning shadows could shade the sidewalk along Grant Avenue and Harlan Place and the facades of buildings across Grant Avenue and Harlan Place. Afternoon shadows may shade some of the rear walls of buildings across Harlan Place. The new shadows created by the proposed project would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

Additional shadow analysis was prepared to assess existing shadows on sidewalks and the buildings across Grant Avenue to determine how the revised proposed project would affect the sidewalk and buildings.⁴⁰

Buildings on the west side of Grant Avenue. Most buildings on Grant Avenue across from the project site start the day in shadow due to the high rise buildings located to the east and southeast. The existing buildings on the project site begin to cast new shadow on the building across from Grant Avenue between 8:45 a.m. Pacific Standard Time (PST) and 8:15 a.m. Pacific Daylight Time (PDT) depending on the time of year. The 113-foot-tall proposed project would add new shadow to buildings across Grant Avenue approximately 15 to 30 minutes earlier (7:15 to 8:30 a.m. PST). *Sidewalks.* Because the project site is located on the northeast corner of Grant Avenue and Sutter Street, it would generally not cast shadows on Sutter Street, and would only cast shadow on Grant Avenue between Sutter and Bush Streets in the morning hours. Morning shadows from existing buildings to the east and southeast of the project site and the existing 40-foot-high building on the project site shade some portions of the west sidewalk on Grant Avenue north of Sutter Street until 9:45 a.m. on December 21st, which is the day of longest shadow. An 80-foot-tall building would shade some of the west sidewalk until 10:00 a.m. on December 21st, and the proposed revised project, at 113 feet in height, would shade some parts of the west sidewalk on Grant Avenue until 10:30 a.m. on December 21st. The proposed revised project would generally add about an hour to an hour and 15 minutes of additional shadow compared to the existing buildings on portions of the west sidewalk of Grant Avenue throughout the year prior to 11:00 a.m.. An 80-foot-tall building would add approximately 15 to 45 minutes during the same time period, compared to existing conditions.

³⁹ Charles Bennett, Environmental Science Associates, *Technical Memorandum: Shadow from 300 Grant Avenue Project*, San Francisco, California May 14, 2008. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

⁴⁰ Charles Bennett, Environmental Science Associates, *Shadow from Grant Avenue Project*, October 31, 2007. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2004.1245E.

On June 21st, under existing conditions, shadow entirely leaves the west sidewalk of Grant Avenue at 9:30 a.m., and with the proposed revised project would leave the west sidewalk entirely by 10:45 a.m.

The existing building on the project site casts shadow on some areas of the Grant Avenue street pavement until about 11:00 a.m. (approximately one hour later during Pacific Daylight Time). An 80-foot-tall building would cast shadow on Grant Avenue until approximately the same time. The proposed revised project, at 113-feet-tall, would cast shadow on Grant Avenue until approximately 11:00 a.m. to 11:30 a.m. during PST, and from 12:15 a.m. to 12:30 p.m. during PDT. From about 15 minutes later, the proposed revised project would no longer shade any of the east sidewalk or cast any further shadow on Grant Avenue. Afternoon shadows from existing buildings to the west and southwest would shadow Grant Avenue and some of the rear walls of buildings across Harlan Place.

The proposed revised project would not cast shadows on the Chinatown Gate at any time of the year.

The new shadows created by the proposed revised project would not exceed levels commonly expected in urban areas, and would be considered a less than significant impact.

Planning Code Section 146, Sunlight Access Sidewalks in C-3 Districts, was added to the *Planning Code* (at the same time as the Kearny-Market-Mason-Sutter Conservation District was designated) to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use. On the east side of Grant Avenue between Market and Bush Streets, which would include the project site, the maximum streetwall height permitted under this *Planning Code* section is 170 feet. At 113 feet, the project would be consistent with that standard.

For the aforementioned reasons, the proposed revised project's wind and shadow impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
9. RECREATION – Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project does not include recreational facilities and would not require the construction or expansion of recreational facilities. Therefore, criterion 9b would not be applicable to the project.

Recreation and Park Department properties in the project vicinity include Union Square, a city square anchoring one of the city's main retail destinations about two blocks southwest of the project site; and St. Mary's Square, a newly renovated park on top of an underground parking garage in the Chinatown neighborhood, located two blocks to the north. Within walking distance, about four blocks south, is Yerba Buena Gardens, bounded by Mission, Third, Howard, and Fourth Streets. The project would be located within walking distance of the above-noted parks. The proposed project would provide on-site open space for passive recreational use for project residents, through a combination of a roof terrace and private balconies. Thus, project residents would have convenient access to private and public open space. With a population of approximately 77 new residents and 38 net new employees, the project would not substantially increase demand for or use of Union or St. Mary's Square, Yerba Buena Gardens, or citywide facilities such as Golden Gate Park, such that substantial physical deterioration would be expected. The incremental residential growth that would result from the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities.

The additional use of local recreational facilities would be relatively minor compared with the current use. For the above-mentioned reasons, the impact on recreational activities and facilities would be less than significant.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS – Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is well served by utilities and service systems, including sewer treatment plants, water supply facilities, and solid waste disposal. The proposed project would increase demand for and use of these services, but not in excess of amounts expected and provided for in this area.

Sewer and Wastewater Treatment Plant Capacity

The project site is served by San Francisco's combined sewer system, which handles both sewage and storm water runoff. No new sewer construction would be needed to serve the proposed project. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. The proposed project would meet wastewater pre-treatment requirements of the San

Francisco Public Utilities Commission, as required by the San Francisco Industrial Waste Ordinance.⁴¹ Storm water runoff contributes more wastewater to the combined sewer system than sewage; because the amount of impervious surfaces on the site would remain unchanged, the proposed project would have little effect on the total wastewater volume discharged. The proposed project would not result in a substantial increase in demand for wastewater or stormwater treatment, and thus it would not result in an associated significant impact.

Water Supply Facilities

The proposed project would incrementally increase the demand for water in San Francisco on-site. The proposed revised project's 45 new residential units and 77 new residents would generate a net increase in water demand on site of about 5,900 gallons per day while the 16,000 sq. ft of retail space would use 1,520 gallons per day for a total of approximately 7,420 gallons per day.⁴² There is currently limited consumption of water on the site associated with the existing retail uses. The new construction would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the California State Building Code Section 402.0(c). The projected water consumption for the proposed project is an increment of the total increase anticipated between 2005 and 2030 in the San Francisco Public Utilities Commission's 2005 Urban Water Management Plan, and an adequate water supply would be available for the proposed project.⁴³

Because project water demand could be accommodated by the existing and planned supply, as anticipated under the San Francisco Public Utility Commission's 2005 Urban Water Management Plan, and would use best-practices water conservation devices, it would not result in a substantial or adverse increase in water use. Therefore, it would not result in a significant environmental impact related to water supply.

⁴¹ City and County of San Francisco, Ordinance No. 19-92, *San Francisco Municipal Code* (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

⁴² The current gross per capita consumption rate for San Francisco is 62 gallons per day per capita (San Francisco Public Utilities Commission, 2005 Urban Water Management Plan for the City and County of San Francisco, December 2005, page 40). The non-residential water use is estimated at 95 gallons per day per 1,000 sq.ft. of retail land use (San Francisco Planning Department, Mission Bay Final EIR, Table L.3: Mission Bay Project Total Daily Water Demand, page L.9).

⁴³ The San Francisco Public Utility Commission's 2005 *Urban Water Management Plan* is based on the SF Planning Department's current long-range growth projections—*Land Use Allocation 2002*—an estimate of total growth expected in the City and County of San Francisco from 2000–2025. These projections have similar employment growth and approximately 15,000 higher household growth than ABAG Projections 2002.

Solid Waste

San Francisco's solid waste is disposed of at the Altamont Landfill. A substantial expansion of the landfill was approved in 1997 that will be able to accommodate San Francisco's solid waste stream well into the future. The solid waste associated with the project construction and operation would not substantially affect the projected life of the Altamont Landfill. The size and types of uses proposed with the project would not be expected to result in the breach of published national, state, or local standards relating to solid waste or litter control. In light of the above, the proposed project would result in less-than-significant project-specific and cumulative solid waste impacts.

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

Police and Fire Protection

The project site presently receives police and fire protection services, and the proposed project would create additional demand for police and fire suppression services in the area. The proposed project would result in a new population of approximately 123 combined residents and employees on site (net new population of 115 persons). Police service to the project site is provided by the Central Station located at 766 Vallejo Street. The nearest fire stations are Station 13 at 530 Sansome Street nine blocks from the project site and Station 41 at 1325 Leavenworth Street 12 blocks away. The police and fire departments monitor changing conditions, such as new development, in their service areas, and they address associated staffing, equipment, and facility needs each year through the City's annual operating and capital budget process. Although the proposed project could increase the number of service calls received from the area as a result of the increased activity on site, the increase would not be substantial in light of the existing demand for police and fire protection services in the project area. As such, the proposed

project would not require new or physically altered SFFD and SFPD facilities. Therefore, the proposed project would result in less-than-significant fire and police services impacts.

Schools and Recreation Facilities

Some of the new residents of the proposed 45-unit residential development may be families with school age children. The 45 units would generate approximately 10 students.⁴⁴ It is anticipated that the existing schools could accommodate these students. The nearest elementary schools are Chinese Education Center at 657 Merchant Street and Gordon J. Lau at 950 Clay Street, both of which are six blocks from the project site. The nearest middle school is Francisco Middle School at 2190 Powell Street, 19 blocks from the project site. The closest public high school is Galileo High School at 1150 Francisco Street about 24 blocks to the north.

The San Francisco Unified School District (SFUSD) is currently not a growth district, and facilities throughout the City and County are generally underutilized. The SFUSD currently has more classrooms district-wide than it needs, and the surplus is predicted to increase over the next ten years as enrollment shrinks.⁴⁵ The SFUSD has responded to these trends with its decisions in January 2005 over school closures and mergers.⁴⁶ No construction of schools is planned near the project site. An increase in students associated with the proposed project would not substantially change the demand for schools, and the school district would be able to serve the students generated by the proposed project. As is standard for all new development projects, the proposed project would be assessed at \$2.24 (new rate adopted 2007) per gross square foot of residential space under the SFUSD's development impact fee. These funds could be used to rehabilitate underutilized schools to accommodate the additional students generated by the proposed project.⁴⁷ Thus, the proposed project would not create a substantial adverse

⁴⁴ The California State Department of Education uses the statewide student generation rates they developed from statewide sampling across the full spectrum of types of dwelling units of 0.5 elementary or middle school students and 0.2 high school students per dwelling unit. These rates are used for facility planning purposes by Districts that have not developed their own rates. Since the state rates do not reflect the concentrated urban conditions, the San Francisco Unified School District (SFUSD) uses a student generation rate of 0.203 students per new housing unit. See discussion in the Eastern Neighborhoods Rezoning and Community Plan Initial Study (Case No. 2004.0160E), Preliminary Draft 9-19-05) and the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004; page 4-19; prepared for the U.S. Department of Transportation Federal Transit Administration, City and County of San Francisco, Peninsula Corridor of Joint Powers Board, and San Francisco Redevelopment Agency. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.048E, and also online at www.transbayproject.org.

⁴⁵ San Francisco Unified School District, *Facilities Master Plan*, 2003.

⁴⁶ *San Francisco Chronicle*, "School Closure Decision," January 19, 2006, available online at: http://portal.sfusd.edu/data/home/School_Closure_Decisions.pdf.

⁴⁷ Ms. Lorna Ho, Special Assistant to the Superintendent, San Francisco Unified School District, telephone conversation, Scott T. Edmondson, AICP, February 1, 2006.

fiscal or service impact to San Francisco's schools. For the reasons above, the proposed project's impact on school facilities would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES –					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within or near any riparian habitat, sensitive natural community, federally protected wetlands, or adopted conservation plan. Therefore, significance criteria 12b, 12c, and 12f are not applicable to the proposed project.

The project site is in a developed urban area and does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, nor would it interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

The San Francisco Board of Supervisors recently adopted legislation that amended the City's Urban Forestry Ordinance, *Public Works Code* Sections 801 et. seq., to require a permit from the DPW to remove any protected trees.⁴⁸ Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. There are no trees located on the subject property and, therefore, the proposed project would result in no impacts to trees.

The proposed project would include the addition of approximately nine street trees, six along Grant Avenue, and three along Sutter Street. The roof deck would also be landscaped. Since the proposed project would not conflict with any local policies or ordinance protecting biological resources; not affect rare, threatened, or endangered species; not diminish habitat; and not remove mature and scenic trees, it would result in no impact to biological resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
13. GEOLOGY AND SOILS – Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁴⁸ Board of Supervisors, Ordinance no. 17-06, amending *Public Works Code* Sections 801 et. seq.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would be connected to the existing sewer system and would not require use of septic systems. The proposed project is not located in an area subject to landslides (Map 5 in the *General Plan* Community Safety Element). Therefore, significance criteria 13a(iv) and 13e would not be applicable to the proposed project.

A geotechnical review was prepared by a California-licensed geotechnical engineer for the proposed project.⁴⁹ The geotechnical report included a review of available information from projects in the vicinity and a discussion of new engineering studies to develop preliminary conclusions and recommendations related to the feasibility of constructing the 12-story residential-retail building. The study examined the following geotechnical issues: soil and groundwater conditions, foundation and design criteria accounting for settlement potential, underpinnings for adjacent structures if necessary, basement floor preparation, site seismicity hazards, *San Francisco Building Code (Building Code)* issues and other construction considerations. The study's conclusions are included in the discussion below.

⁴⁹ Treadwell & Rollo, *Geotechnical Due Diligence Study, 300 Grant Avenue*, San Francisco, California, prepared for Thompson Dorfman Partners, October 21, 2004. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

Site Conditions

The site vicinity and surrounding sidewalks slope moderately uphill to the north along Grant Avenue (from Elevation 51 feet to 56.5 feet). The project site is underlain by loose to medium dense Dune sand, a thin layer up to several feet thick of clayey marsh deposit ranging from soft to stiff. The Dune sand and the clayey marsh extend to about 20 feet below street level. Beneath the marsh deposit is the medium dense to dense sand and stiff clay of the Colma formation; it generally has low compressibility and high strength and likely extends to depths greater than 40 feet below the existing basement slab (about 15 feet below street level). Groundwater is typically encountered at depths of 35 to 45 feet below street grade in the vicinity of the proposed project site. The project foundation is not expected to extend below the groundwater level. Therefore, dewatering would not be necessary.

Seismically-Induced Hazards

It is likely that the project site would experience periodic minor earthquakes, and possibly a major earthquake (moment magnitude⁵⁰ [Mw] greater than 7.1) on one or more of the nearby faults during the life of the proposed development. The project site is located approximately 13 miles from the San Andreas Fault, the closest mapped active fault in the project vicinity. The Hayward Fault is located approximately 16 miles northeast of the project site. The Working Group for California Earthquake Probabilities estimated a 62 percent probability of an earthquake of Mw 6.7 or greater occurring on one of the major faults in the Bay Area within the next 30 years.

The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known fault or potentially active fault exists on the project site.⁵¹ In a seismically active area, such as the San Francisco Bay area, the remote possibility exists for future faulting in areas where no known faults previously existed. The geotechnical study found no evidence of active faulting on the project site and concludes that the risk of surface faulting at the project site is low. However, during an earthquake at any of the major area faults mentioned above, the proposed development site

⁵⁰ Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and fault rupture area.

⁵¹ California Geologic Survey. List of earthquake fault zones affecting California Counties. San Francisco is not on the list. http://www.consrv.ca.gov/CGS/rghm/ap/Map_index/county.htm#N-S.

would experience very strong ground shaking. Strong ground shaking during an earthquake can result in ground failure associated with soil liquefaction,⁵² lateral spreading,⁵³ and cyclic densification.⁵⁴

The project site is near the border of a Special Geologic Study Area, as shown in the Community Safety Element of the *General Plan* (Map 4) designated as potentially liquefiable on a map titled "Zones of Liquefaction Potential, City and County of San Francisco," published by the California Department of Conservation, Division of Mines and Geology. However, it is most likely that the risk of liquefaction and subsequent lateral spreading is low because the groundwater is well below the first fifteen feet of loose to medium dense fill and Dune sand. Strong ground shaking can cause loose to medium dense unsaturated sand above the groundwater table to densify and settle. With the proposed two basement levels that would penetrate this less compact layer and allow the foundation to rest on the firmer Colma formation, the proposed project would not be prone to the settlement effects of ground shaking. Nonetheless, areas around the proposed building, such as sidewalks and adjacent streets that rest on loose sands may settle during a major earthquake, causing differential settlement between the building and surrounding grade. The project site is not in an area subject to landslides (Map 5 in the Community Safety Element).⁵⁵

Geotechnical Recommendations

Based on the geotechnical due diligence study's preliminary conclusions and recommendations, the proposed project would be feasible from a geotechnical standpoint and construction would face the following geotechnical issues: (1) the potential for strong ground shaking during an earthquake; (2) foundation support and settlement; and (3) shoring of the sides of the excavation.

The preliminary conclusions of the geotechnical review to address these issues are summarized below. Subsequent design and development of the building plans and more detailed geotechnical analysis would refine the proposed preliminary methods. The summary preliminary recommendations of the geotechnical review follow below:

⁵² Liquefaction is a phenomenon in which saturated, cohesionless soil experiences a temporary loss of strength due to the buildup of excess pore water pressure, especially during cyclic loading such as that induced by earthquakes. Soil most susceptible to liquefaction is loose, clean, saturated, uniformly graded, fine-grained sand and silt of low plasticity that is relatively free of clay.

⁵³ Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surficial blocks are transported downslope or in the direction of a free face by earthquake and gravitational forces.

⁵⁴ Soil compaction, or cyclic densification, is a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing settlement.

⁵⁵ City and County of San Francisco, Community Safety Element, *General Plan*, April 1997.

1. Perform a detailed geotechnical investigation of the project site once the building has been purchased and the building configuration and design loads are known.
2. Confirm the low risk of liquefaction during the final geotechnical investigation through the use of test borings and/or dynamic cone penetration tests.
3. Site the foundation at least 20 feet below street grade so that it fully penetrates the underlying initial layers of loose to medium dense Dune sand and the soft to medium stiff marsh deposit that are not capable of adequately supporting the expected buildings loads and rest the building on the firmer Colma formation sands and clays.
4. Use a mat or stiffened grid type foundation, which would be best suited for soil conditions.
5. Use the 2001 *Building Code* for seismic design.
6. Use a soldier-pile and lagging system with tiebacks for temporary lateral support during foundation and wall installation stages and underpin the adjacent buildings.

Excavation

In keeping with the third recommendation above, construction of the two-level below-grade parking garage would require extending the depth of the existing basement levels another 10 to 15 feet and excavating approximately 4,000 to 6,000 cubic yards of soil. Soil removed from the project site would be trucked to an appropriate landfill following testing pursuant to City and State requirements.

Plan Review

The final building plans would be reviewed by DBI. In reviewing building plans DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspector's working knowledge of areas of special geologic concern. The above-referenced preliminary geotechnical investigation would be available for use by the DBI during its review of building permits for the project site. In addition, the DBI would require the preparation of a final geotechnical investigation and perhaps additional site-specific soils report(s) in conjunction with permit applications, as needed.

As noted in the fifth geotechnical recommendation, the project will ensure compliance with all *Building Code* provisions regarding structural safety. When DBI reviews the geotechnical report and building plans for a proposed project, it would determine necessary engineering and design features for the proposed project to reduce potential damage to structures from groundshaking and other seismic hazards. Therefore, potential damage to structures from geologic hazards on a project site would be

mitigated through the DBI review of the building permit application pursuant to its implementation of the *Building Code*.

Although the project's proposed height has been reduced to ten stories and 113 feet, overall construction plans and soil conditions have not changed, therefore the geotechnical recommendations listed above continue to be relevant to the revised project and would be implemented by the project sponsor as part of DBI review. For all of the above reasons, the proposed project would not result in a significant impact related to geology, seismicity, soils, or dewatering.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
14. HYDROLOGY AND WATER QUALITY –					
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is not located within a 100-year flood hazard area. The project site is not in an area subject to tsunami run up or reservoir inundation hazards (Maps 6 and 7 in the *General Plan* Community Safety Element). Therefore, significant criteria 14g, 14h, 14i, and 14j would not be applicable to the proposed project.

Water Quality

Project-related wastewater and storm water runoff would flow into the City's combined sewer system, to be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitations set by the plant's National Pollutant Discharge Elimination System (NPDES) permit. In accordance with the permit, discharges to the Bay are in conformance with requirements of the Clean Water Act, Combined Sewer Overflow Control Policy, and the associated state requirements in the Water Quality and Control Plan for the San Francisco Bay Basin. During operations and construction, the proposed project would comply with all local wastewater discharge requirements, and therefore the proposed project would not substantially degrade water quality.

Surface and Groundwater

There is no current recharge of groundwater at the project site as it is completely covered by impervious surfaces, and would remain so if the proposed project were constructed. The depth of groundwater is between 35 to 45 feet below street grade in the vicinity of the proposed project site. Excavation would

extend as deep as approximately 20 feet below grade (10 to 15 feet below the existing basement level). Thus, encountering groundwater during excavation would not be expected and dewatering would not be necessary.

Construction of the proposed project would involve demolition, excavation, soil stockpiling, grading, and construction of a new mixed-use building and an underground parking garage. These activities could cause erosion and transportation of soil particles that, once in surface water runoff, could cause sediment and other pollutants to leave the site and ultimately affect the water quality of San Francisco Bay. However, as mentioned, storm water runoff from project construction and project operation would be required to drain to the combined sewer and storm water system and would be treated and discharged to the Bay in compliance with the City's NPDES permit. The project would also be implemented pursuant to *Building Code Chapter 33, Excavation and Grading*, to ensure that no siltation of the sewer system would occur.

Based on the information presented above, there would be no significant water quality, groundwater, flooding, or erosion impacts from the proposed project.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS					
– Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section addresses the potential hazards on the project site including asbestos and lead-based paint in the existing buildings, contaminants in the soil, emergency response plans, and fire hazards. The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; therefore, significance criteria 15e and 15f would not apply to the proposed project.

A Phase I Environmental Site Assessment (ESA) was conducted for 290 Sutter Street in January 2000.⁵⁶ The ESA report included historical research to identify activities at the project site and adjacent facilities that may have released hazardous materials into the subsurface. The existing building at 290 Sutter Street was constructed in 1908 in one phase and renovated in 1986. Uses prior to 1908 include restaurant, stores, and a boarding house. More recent uses include the Hibernia Bank from the early 1970s to the late 1980s followed by smaller multiple retail business. Records do not indicate past manufacturing, military, or industrial usage.

An ESA was conducted for 272 Sutter Street in February 2005.⁵⁷ The site was formerly used as a laundry facility beginning in 1887 and as a pleating shop in the 1920s through 1930. Records indicate that the

⁵⁶ EMG, *Phase I Environmental Site Assessment, 290 Sutter Street*, San Francisco, CA, January 27, 2000. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

⁵⁷ Environ, *Phase I Environmental Site Assessment, 272 Sutter Street*, San Francisco, CA, February 2005. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.1245E.

existing building was constructed sometime around 1912. Former uses of the building after 1930 include restaurants and a catering company; most recently, the building has been used as a furniture and home decorations showroom.

Hazardous Materials Use

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

Soil and Groundwater

Construction of the proposed project would require excavation of between 10 to 15 feet below the existing buildings' basements. The project site is located west of the original shore of the San Francisco Bay. Therefore, it is not within the defined limits of Article 20 of the *Public Works Code* (the Maher Ordinance), which requires soil analysis 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 review of historical records revealed many sites surrounding the proposed project site that are listed in one of the public databases as having had releases that were corrected or are undergoing corrective action. However, none of these sites is expected to represent a significant environmental concern at the proposed project site due to remediation already underway or completed, relative distance from the project site, direction of groundwater flow, and/or regulatory status.

Environ obtained three soil samples from 290 Sutter Street, which had previously been collected by Treadwell & Rollo, to test for the presence of lead. The results from soil tests at 290 Sutter Street were presumed to be indicative of soil at the adjacent 272 Sutter Street site. Results indicated that metal concentrations were low, within natural background levels for California, and well below concentrations that would require classification for waste soil as a hazardous waste. The ESA for 272 Sutter Street recommended that soil samples be taken of soil that is to be excavated for off-site reuse/disposal to confirm that the metal concentrations are below hazardous waste concentrations. This ESA also mentioned that while site personnel indicated that there are no current or former underground storage

tanks (USTs) on-site and government records do not indicate that former USTs were present on-site, because this site and surrounding properties were developed before the 20th century, it is likely that underground storage tanks for heating oil existed at the site at one time. Mitigation Measure 3, page 104, is required to ensure proper disposal of an underground tank, if one is found, and related soil and groundwater remediation, if necessary.

EMG's search of regulatory databases showed the property at 290 Sutter Street on the Leaking Underground Storage Tank (LUST) list. The one 1,500-gallon UST formerly enclosed inside a concrete vault in the basement of 290 Sutter Street was removed in 1996. Groundwater was not encountered during removal of the UST. The City and County of San Francisco Department of Public Health (SFDPH) representatives did not require soil samples under the UST because the vault was intact and there was no risk of contamination outside the vault. One composite sample was taken from the stockpile and analyzed for disposal purposes. The results indicated that the sample contained less than the state action level of Total Petroleum Hydrocarbons as diesel (TPHd). The SFDPH closed the UST case on December 2, 1996, stating that further investigation and site cleanup was not required. The SFDPH requires that the site use Best Management Practices (BMP) while excavating soil and performing construction activities to reduce the amount of dust generated from the site.

A reconnaissance of the project site and adjacent properties did not reveal any visual evidence of hazardous materials issues. In conclusion, the ESAs found no evidence of groundwater or soil contamination hazards and recommended no further action or investigation for the less-than-significant groundwater and soil contamination impacts.

Hazardous Building Materials

Asbestos

The existing buildings on the project site were constructed at a period of time when asbestos was used in building materials. The ESA did find evidence of asbestos-containing materials (ACM) in the exterior wall material, 2-foot x 4-foot ceiling tiles, and fireproofing material. Investigators also suspect ACM in the roofing materials. The study recommends sampling prior to repair, renovation, or demolition activities. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The 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 requires the following information: (1) names and addresses of operations and persons responsible; (2) description and location of the structure to be demolished/altered, including size, age and prior use, and the approximate amount of friable asbestos; (3) scheduled starting and completion dates of demolition or abatement; (4) nature of planned work and methods to be employed; (5) procedures to be employed to meet BAAQMD requirements; and (6) the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD would inspect any removal operation concerning for which a complaint had 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 are required to file a Hazardous Waste Manifest that details the hauling of the material from the project site and the disposal of it. Pursuant to California law, the 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 ensure that potential impacts of demolition due to asbestos would be reduced to a level of insignificance.

Lead-based Paint

Because of the age of the existing buildings, which are proposed for demolition as part of the project, they may contain lead-based paint. Demolition of the existing buildings must comply with Chapter 34, Section 3407 of the *San Francisco Building Code*, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead-based paint on any building built on or before December 31, 1978, or any steel structures to which lead-based paint disturbance or removal would occur, and exterior work would disturb more than 100 sq.ft. or 100 linear feet of lead-based paint, Chapter 34 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 34 contains performance standards, including establishment of containment barriers at least as effective at protecting human health and the environment as the Department of Housing and Urban Development Guidelines (the most recent being *Guidelines for Evaluation and Control of Lead-Based Paint Hazards*) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to Chapter 34, Section 3407 shall make all reasonable efforts during the course of the work to prevent migration of lead-based paint contaminants beyond containment barriers, and any person performing regulated work shall make all reasonable efforts to remove visible lead-based paint contaminants from regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports that verify the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the DBI, of the location of the proposed project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by the DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures established by the *Building Code* would ensure that potential impacts of demolition, due to lead-based paint, would be reduced to a level of insignificance.

Other Potential Hazardous Building Materials

Other potential hazardous building materials such as PCB-containing electrical equipment could pose health threats for construction workers but would be mitigated by conducting standard building surveys

for PCB-containing equipment, hydraulic oils, and fluorescent lights by abating any hazardous material discovered (see Mitigation Measure 4, page 105).

Hazardous Emissions

As mentioned in Topic 11. Public Services, the site is located within 0.25 mile of two elementary schools and there are no plans for additional school construction in the area. However, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes. As noted in Topic 7. Air Quality, Mitigation Measure 2 is in place to reduce the amount of airborne particulates from the site during construction; therefore, the project would have a less-than-significant effect related to hazardous emissions.

Fire Hazards and Emergency Response and Evacuation Plans

San Francisco ensures that new and existing buildings meet fire safety primarily through the provisions of the *Building Code* and the *Fire Code*. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department as well as the DBI in order to ensure conformance with the Codes. The proposed project would conform to these standards, which (depending on the building type) may also include development of an emergency procedure manual and an exit drill plan. Any potential fire hazards and emergency response impacts would be mitigated during the permit review process.

Occupants of the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required. Section 12.202(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. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the *Building Code* and *Fire Code*, which require additional life-safety protections for high-rise buildings.

In conclusion, potential public health and safety hazards discussed above, including the possible presence of total lead on the project site, a potential UST at 272 Sutter Street, other hazards, and potential fire hazards for the proposed project, would be reduced to a less-than-significant level as a result of existing regulations and procedures that are already part of the review process for building permits and with implementation of Mitigation Measures 3 and 4. Therefore, potential impacts related to hazards would be less than significant.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
16. MINERAL AND ENERGY RESOURCES –					
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mineral Resources Impacts

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

Energy Impacts

The proposed project would consist of residential and retail uses. Development of these uses would not result in consumption of large amounts of fuel, water, or energy. The proposed project would meet or exceed current state and local standards regarding energy consumption, including Title 24 of the California Code of Regulations enforced by the DBI. For this reason, the proposed project would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and natural resources. No substantial environmental effects are expected from the proposed project.

Electric generation to serve the proposed project would consume natural gas and coal fuel. The proposed project would not use substantial quantities of other non-renewable natural resources. It would not use fuel or water in an atypical or wasteful manner. Therefore, the proposed project would not have a significant effect on the use, extraction, or depletion of a natural resource nor contribute to a cumulative impact.

Power and Communications Facilities

The proposed project would require typical utility connections and would tap into existing power and communications grids. Any utility relocation would be completed without interruption of service to adjacent properties.

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 is thought to 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 will eventually increase the supply of energy. These efforts, together with conservation, will be part of the statewide effort to achieve sufficiency of energy supply relative to demand. However, the project-generated demand for electricity would be small in the context of the overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. No new power or communications facilities would be necessary as a result of project implementation, and thus the proposed project would not result in a significant physical environmental effect with respect to power and communications facilities.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located within an urban area in the City and County of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as *Urban and Built-Up Land*, which is defined as "... land [that] is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes." Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland. Accordingly, significance criteria 17a, 17b, and 17c are not applicable to the proposed project.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE – Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Available historical and archeological records indicate that there is a probability of encountering prehistoric/protohistoric archeological resources at the project site. Mitigation Measure 1, described in Section F, involves testing, monitoring, and data recovery programs and report preparation details if archeological resources are discovered during excavation. With implementation of the archeological mitigation measures, impacts would be reduced to a less-than-significant level. While construction activities associated with the project have the potential to degrade air quality, with the incorporation of Mitigation Measure 2, discussed below, this will be mitigated to a less-than-significant impact. Mitigation Measure 3 is required to ensure proper disposal of any discovered underground tanks, and related soil and groundwater remediation, if necessary, and reduces risks associated with disturbance of a UST to a less-than-significant level. The project sponsor will also ensure that the appropriate building surveys are performed to mitigate the effects of potential hazards in the existing building materials as described in Mitigation Measure 4 to a less-than-significant level.

Cumulative analysis depends on a prediction of possible future environmental changes well beyond construction of the proposed project. Future cumulative traffic impact analyses were conducted for the year 2020 with and without the project. See Topic 5. Transportation/Circulation above, in which the

results of the *300 Grant Avenue Transportation Study* are summarized. Project contributions to cumulative traffic at intersections in the vicinity would not be substantial. The proposed project would not be considered to contribute incrementally to cumulative regional air quality conditions, or to contribute to significant cumulative noise impacts. Similarly, the proposed project would be consistent with the land use and height controls for the site and would not contribute to a cumulatively considerable land use or visual impact. In summary, the proposed project would not have unavoidable environmental effects that are cumulatively considerable.

MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following measures are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor:

Mitigation Measure 1

Archeological Resources (Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project ARDTP (*Archeological Research Design and Treatment Plan for the 300 Grant/272-290 Sutter Project*, Archeo-Tec, October 2006) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project ARDTP and of this archeological mitigation measure, the requirement of this archeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction

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

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

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles

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

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/con-struction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains, and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a

copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure 2

Construction Air Quality

The project sponsor shall require the contractor(s) to spray the project site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand, or other such material; and sweep surrounding streets during demolition, excavation, 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 sponsors shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsors shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 3

Underground Storage Tank

Should a UST be found during construction, work shall be stopped and permits from the Hazardous Material Unified Program Agency (HMUPA), Fire Department, and DPW (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (maybe DPW) will make inspections prior to removal and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is required

due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be referred to the Local Oversight Program for further action.

Mitigation Measure 4

Hazards (PCBs and Mercury)

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

Improvement Measure 1

Transit (MUNI Eyebolt)

Construction of the proposed project would require installation of a temporary pole to support MUNI's overhead wire lines that are currently attached to the 290 Sutter Street building via an eyebolt. When construction is completed, the eyebolt would be replaced, or a decorative permanent pole on the sidewalk could be installed. As an improvement measure, the project sponsor could be required to contribute to the full cost of the replacement poles, if the eyebolt option is not chosen. If the eyebolt option were chosen, MUNI would prefer to enter into a 25-year agreement with the project sponsor.

Improvement Measure 2

Encourage Alternate Modes of Travel

As improvement measures to reduce the proposed project's parking demand and parking shortfall and to encourage use of alternative modes, the project sponsor could provide a transportation insert for the move-in packet that would provide information on transit service (MUNI and BART lines, schedules and fares), information on where FastPasses could be purchased, and information on the 511 Regional Rideshare Program.

Under the recently-approved C-3 legislation the proposed project would be required to provide one car-sharing space either on-site, or within 800 feet of the project site. Participation by residents in a car-sharing program would serve to reduce the proposed project's on-site parking demand and shortfall.

Improvement Measure 3

Timing of Construction Truck Traffic

The following measure would minimize disruption of the general traffic flow on adjacent streets:

- To the extent possible, truck movements should be limited to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the Department of Parking and Traffic [DPT]).
- The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of DPT, the Fire Department, MUNI, the Planning Department, and other City agencies to determine feasible traffic mitigation measures to reduce traffic congestion during construction of the project.

DETERMINATION

On the basis of this initial study:

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

DATE _____

Bill Wycko
Acting Environmental Review Officer
for
John Rahaim
Director of Planning



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290 Sutter LP

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- M.3 MAP_3
- M.4 MAP_4
- M.5 AERIAL VIEW_EXISTING CONDITIONS
- M.6 AERIAL
- M.7 BUILDING HEIGHT STUDY
- M.8 SURROUNDING AREA STUDY - MAJOR BUILDINGS
- M.9 SURROUNDING AREA STUDY - MAJOR BUILDINGS
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- A.15 STREET ELEVATIONS
- A.16 DETAIL BUILDING ELEVATION / SECTION
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- A.19 RENDERINGS
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- A.21 RENDERINGS
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DRAWING INDEX

A.0

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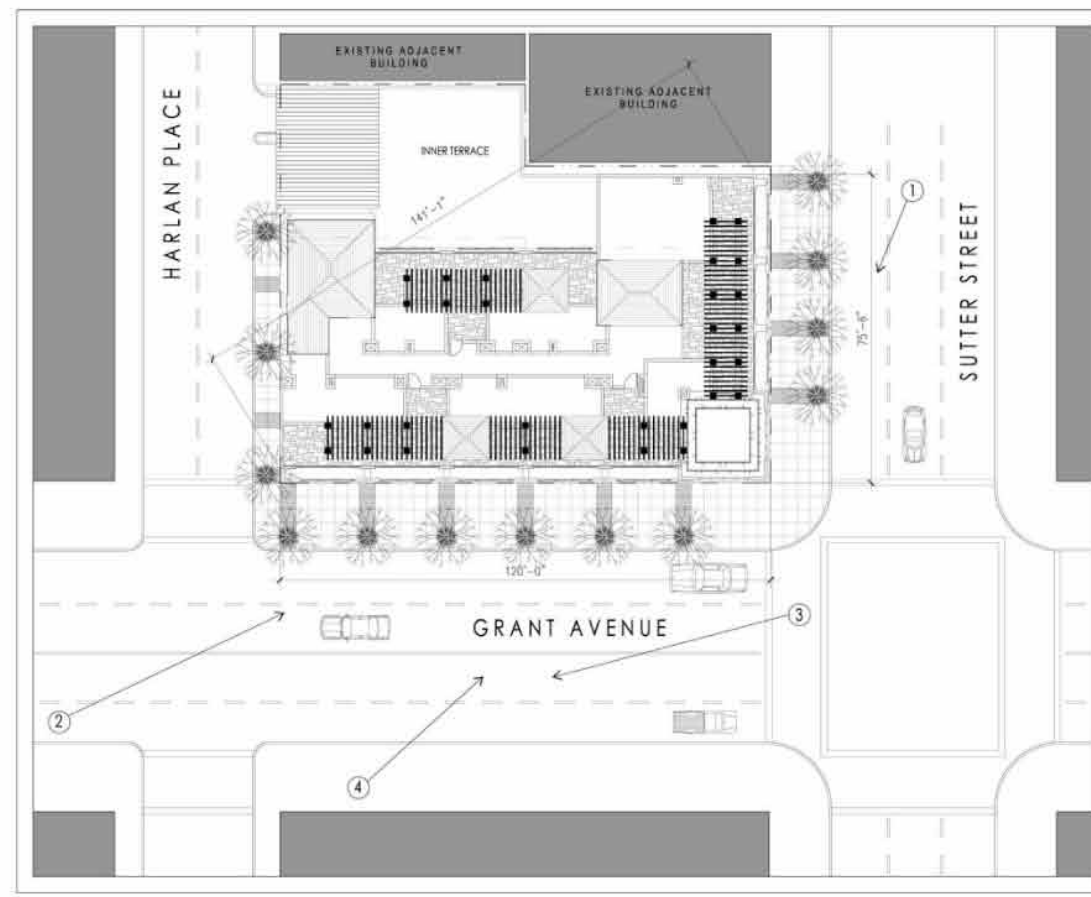
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ZONING MAP



SITE PLAN



CONTEXT PHOTOGRAPHS

PLANNING ANALYSIS

ZONING INFO:

ZONE : C-3-R
HEIGHT AND BULK : 80-130-F

BULK ANALYSIS:

HEIGHT ABOVE WHICH MAXIMUM BULK DIMENSIONS APPLY : 80
BULK LENGTH BULK DIAGONAL
MAXIMUM ALLOWABLE BULK : 110' 120' 140' -0"
OVERALL BULK PROVIDED : 120' 141' -1"

DENSITY: HIGH

NUMBER OF SQUARE FEET OF LOT AREA FOR EACH DWELLING UNIT = 125
DWELLINGS ALLOWED (LOT AREA / 125) : 84
DWELLINGS PROVIDED : 45

SETBACKS:

FRONT SETBACK REQUIRED : NONE
REAR YARD : REQUIRED = 25% OF LOT DEPTH = 18'-10 1/2"
PROVIDED = NON-STANDARD

SITE AREA : 10,500 S.F.

BASIC F.A.R. : BASE F.A.R. 6.0:1 &, WITH TDR, UP TP 9.0:1 94,500 S.F. ACTUAL: 84,166

	GROSS S.F.				F.A.R.	
	PARKING	RETAIL	RESIDENTIAL	SERVICE TOTAL		
B 2	8,963	0	0	1,376	10,339	0
B 1	8,594	0	0	1,745	10,339	0
LEVEL 1	839	6,640	0	2,397	9,876	7,723
LEVEL 2	0	9,375	0	675	10,050	9,656
LEVEL 3 (RES.)	0	0	7,255	1,612	8,867	8,422
LEVELS 4-8 (RES.)	0	0	36,275	8,175	44,450	42,110
LEVELS 9 (RES.)	0	0	6,328	1,622	7,950	7,639
LEVELS 10 (RES.)	0	0	6,328	1,629	7,957	7,639
ROOF	0	0	0	1,249	1,249	977
TOTALS:	18,396	16,015	56,186	20,480	111,077	84,166

DWELLING UNITS:	MIX	COUNT	NET S.F.	GROSS S.F.				
A	1 BEDROOM	27%	12	820	950			
B	2 BEDROOM	27%	12	1,265	1,390			
C	2 BEDROOM	13%	6	1,540	1,685			
D	STUDIO	13%	6	724	835			
E	2 BEDROOM	9%	4	1,453	1,575			
F	2 BEDROOM	9%	4	1,060	1,182			
G	2 BEDROOM	2%	1	1,062	1,633			
TOTAL:		100%	45					
STUDIO:	6	13%	1 BEDROOM:	12	27%	2 BEDROOM:	27	60%

PARKING: 40 SPACES PROVIDED

BICYCLE STALLS: 23 STALLS PROVIDED

USABLE OPEN SPACE CALCULATIONS:

REQUIRED OPEN SPACE		
45 UNITS COMMON	X 36 S.F. X 1.33	2154.6 S.F.
TOTAL:		2154.6 S.F.
OPEN SPACE PROVIDED:		
COMMON USABLE OPEN SPACE CALCULATIONS ON ROOF: (45 UNITS X 48 S.F.)		2,160 S.F.

PLANNING EXCEPTIONS REQUIRED:

SECTION 309(a)(1) - EXCEPTIONS TO REAR-YARD REQUIREMENTS AS PERMITTED IN SECTION 134(d)
SECTION 309(a)(4) - EXCEPTIONS TO THE REQUIREMENT RESIDENTIAL ACCESSORY PARKING SPACES AS PERMITTED IN SECTION 155 (c)

SECTION 309(a) (11) - EXCEPTIONS TO THE HEIGHT LIMITS IN THE 80-130-F HEIGHT AND BULK DISTRICT AS PERMITTED IN SECTION 263.6

SECTION 309 (a)(12) - EXCEPTIONS TO THE BULK REQUIREMENTS AS PERMITTED IN SECTION 270 AND 272

VARIANCES SOUGHT:

SECTION 140 - DWELLING UNIT EXPOSURE
SECTION 136 - PROJECTIONS OVER STREET AND ALLEYS

INFORMATION SHEET

A.1

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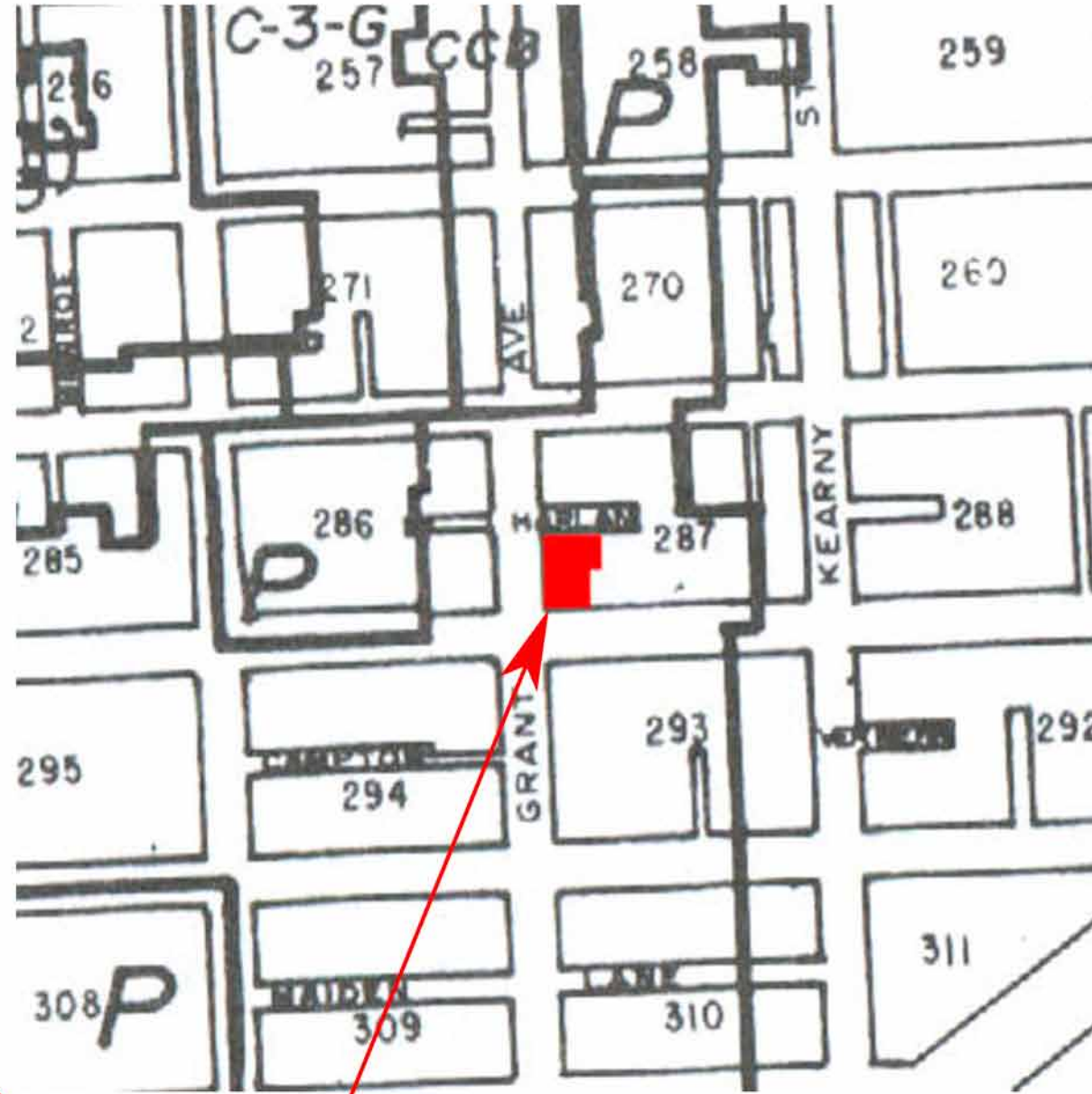
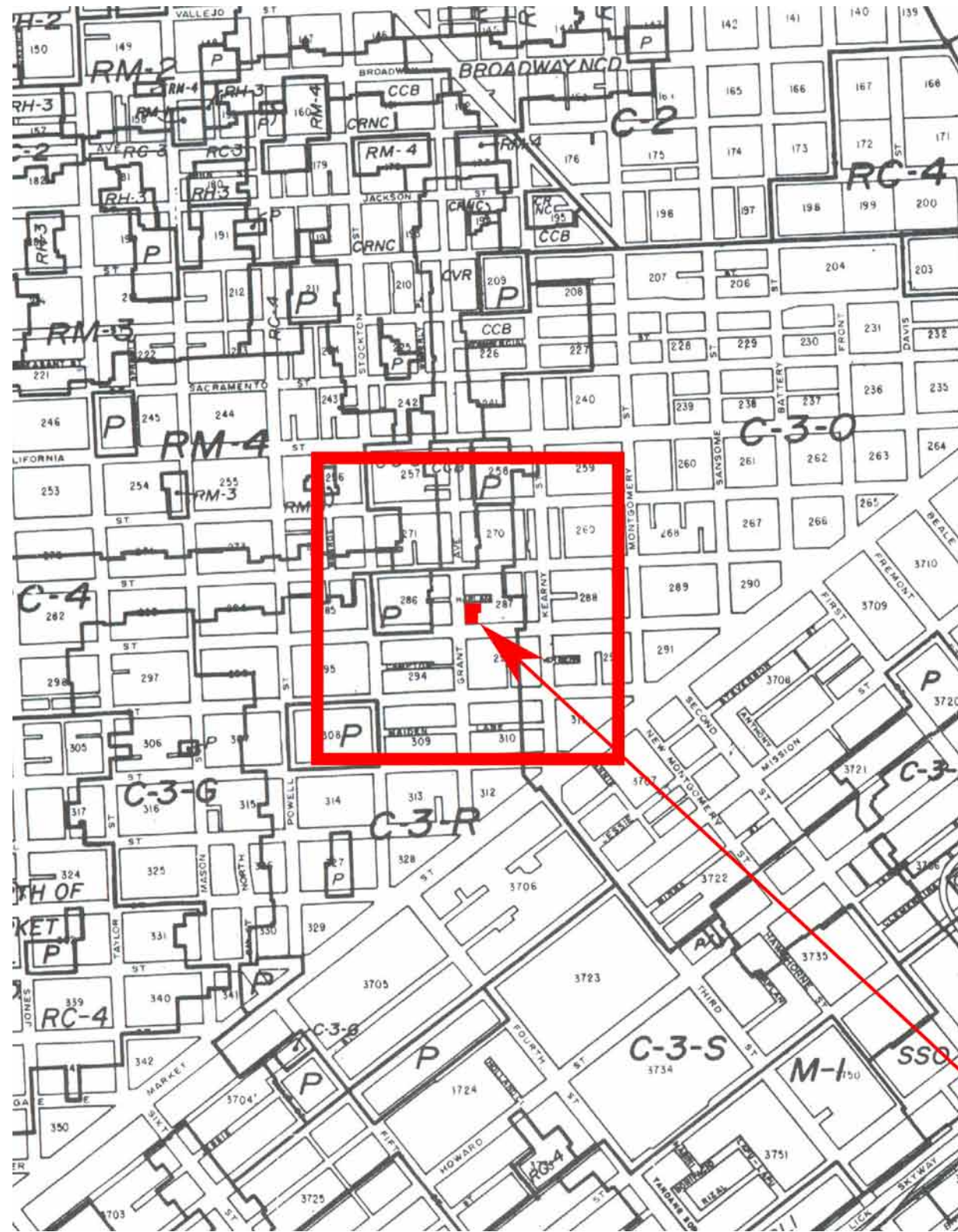
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PROJECT SITE

SHEET 1

HOUSE CHARACTER DISTRICTS [RH-100] [RH-1] [RH-1S] [RH-2] [RH-3]	INDUSTRIAL DISTRICTS [M-1] [M-2]	SOUTH OF MARKET USE DISTRICTS [RED] RESIDENTIAL ENCLAVE DIST.
MIXED HOUSE & APARTMENT CHARACTER DISTRICTS [RM-1] [RM-2] [RM-3] [RM-4]	PUBLIC DISTRICT [P]	[RSD] RESIDENTIAL/SERVICE DIST.
RESIDENTIAL-COMMERCIAL COMBINED DISTRICTS [RC-3] [RC-4]	MISSION BAY [MB-O] OFFICE	[SPD] SOUTH PARK DISTRICT
COMMERCIAL DISTRICTS [C-2] [C-3-O] [C-3-R] [C-3-G] [C-3-S] [C-M]	NEIGHBORHOOD COMMERCIAL DISTRICTS [NC-1] [NC-2] [NC-3] [NC-S] [NCD]	[SLR] SERVICE/LIGHT INDUSTR./RES.
	CHINATOWN MIXED USE DISTRICTS [CCB] [CVR] [CRVC]	[SLI] SERVICE/LIGHT INDUSTRY
		[SSO] SERVICE/SECONDARY OFFICE

ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO



MAP_1

M.1

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MAP_2

M.2

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SHEET

TPD

SAN FRANCISCO MUNICIPAL CODE
PART II, CHAPTER II, ARTICLE 8, 10, 11
AUGUST 1995

0 100 200
FEET

NORTH

TELEGRAPH HILL HISTORIC DISTRICT
NORTHEAST WATERFRONT HISTORIC DISTRICT
JACKSON SQUARE HISTORIC DISTRICT
SOUTH END HISTORIC DISTRICT
S.O.M. EXTENDED PRESERVATION DISTRICT

G H I J K

PRESERVATION DISTRICTS

A COMMERCIAL/LEIDSDORFF CONSERVATION DISTRICT
B FRONT/CALIFORNIA CONSERVATION DISTRICT
C PINE/SANSOME CONSERVATION DISTRICT
D KEARNY/BELDEN CONSERVATION DISTRICT
E KEARNY/MARKET/MASON/SUTTER CONSERVATION DISTRICT
F NEW MONTGOMERY/SECOND CONSERVATION DISTRICT

ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO

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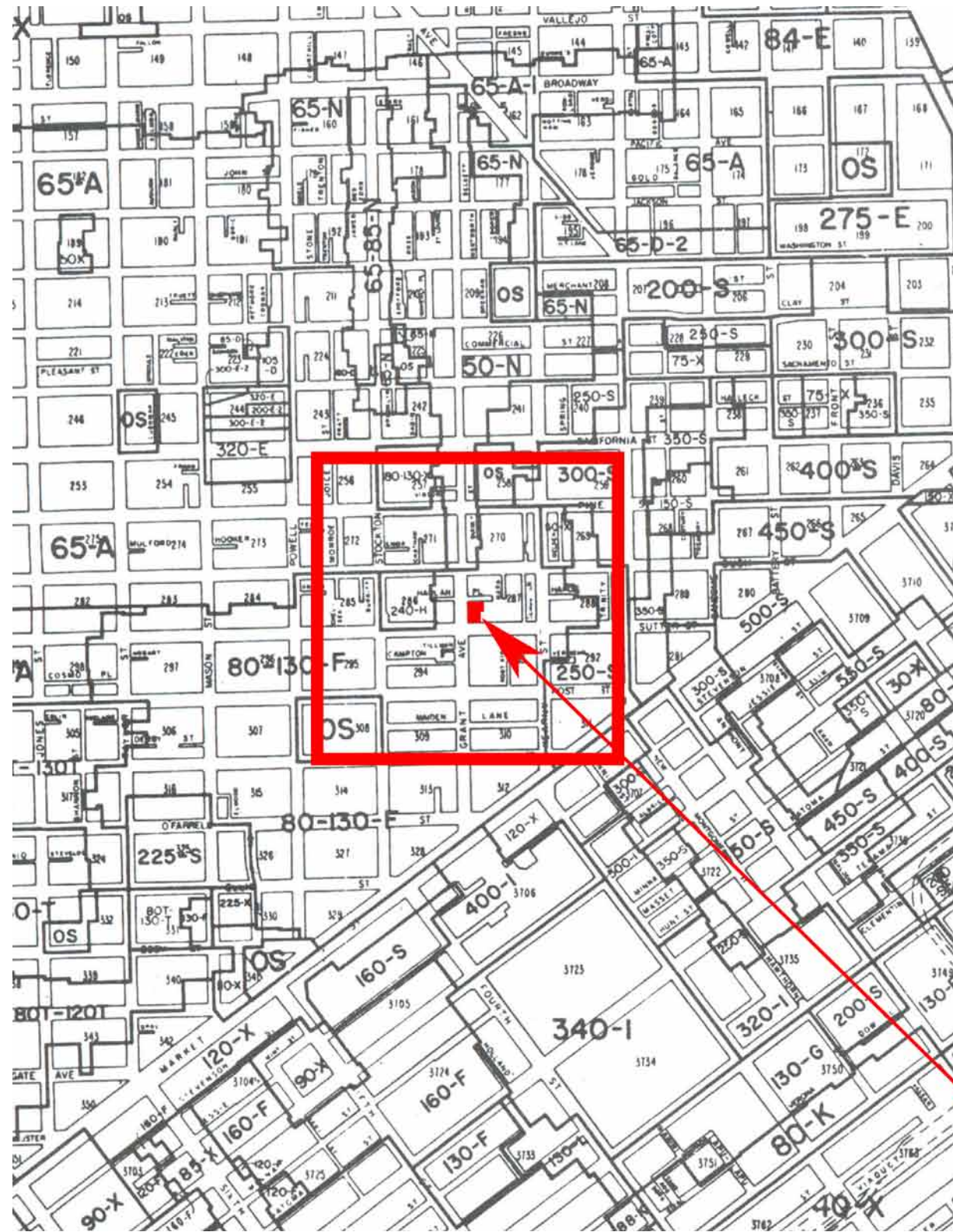
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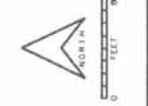




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SHEET
7H

SAN FRANCISCO MUNICIPAL CODE
PART II, CHAPTER 21, ARTICLE 2.5
WITH AMENDMENTS TO AND INCLUDING
AUG 2000



HEIGHT AND BULK DISTRICTS

- OS OPEN SPACE DISTRICT
- NUMBERS ARE HEIGHT LIMITS IN FEET
- LETTER SYMBOLS REFER TO BULK LIMITS IN CITY PLANNING CODE SEC. 270.
- OO-Z-1
- SUFFIX NUMBERS IDENTIFY DISTRICTS IN WHICH SPECIAL REGULATIONS APPLY; SEE CITY PLANNING CODE SECS. 265 AND FOLLOWING

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MAP_3

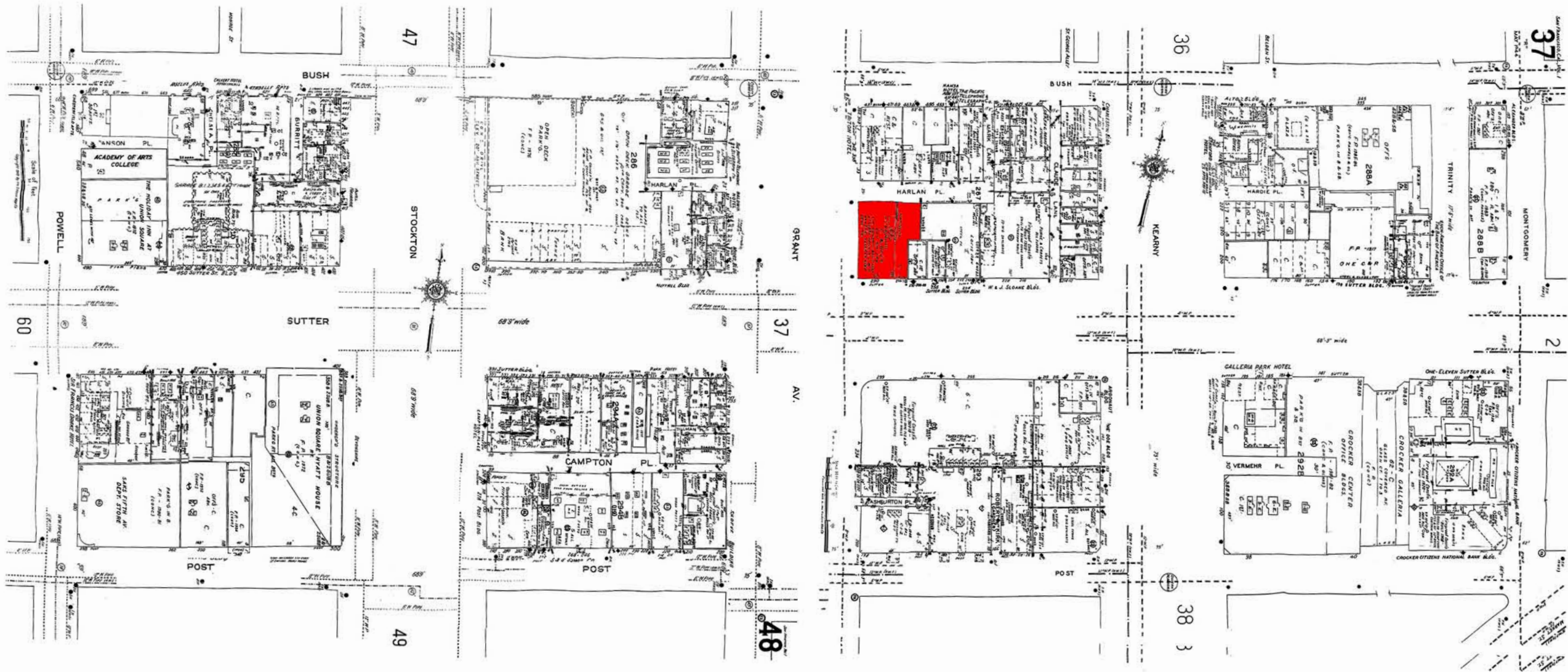
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SANBORN MAP

MAP_4

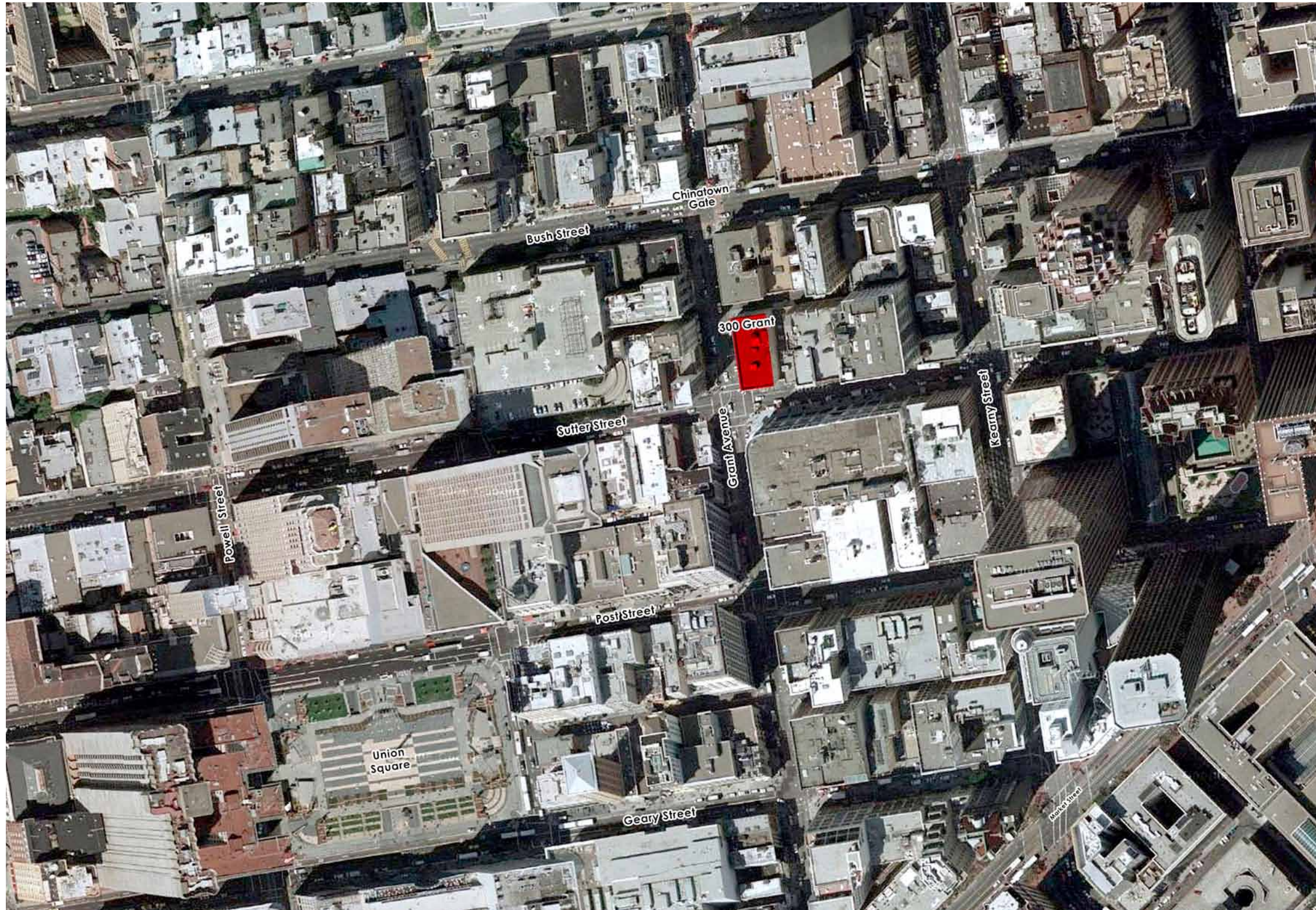
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AERIAL VIEW _ EXISTING CONDITIONS

M.5

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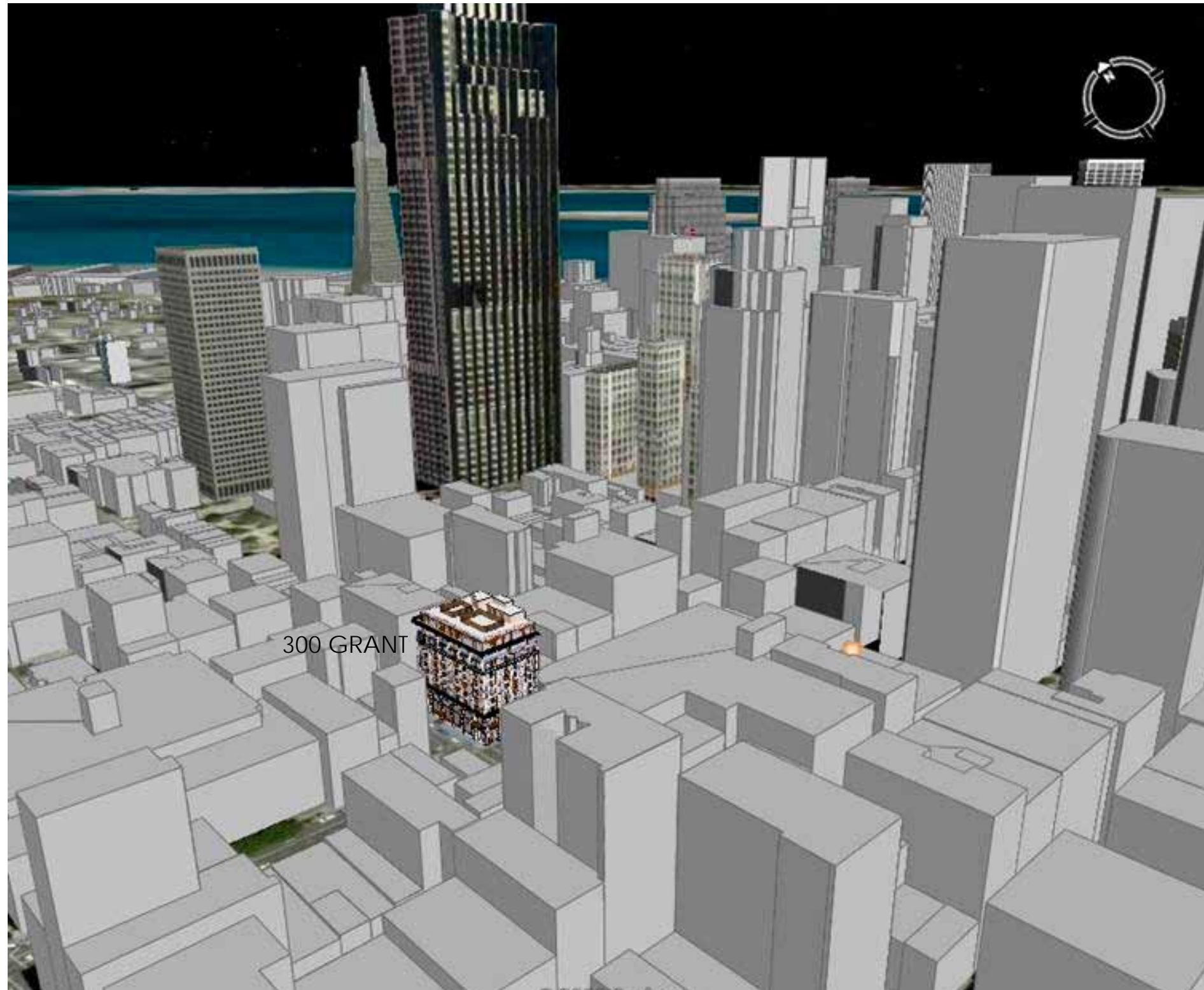
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AERIAL

M.6

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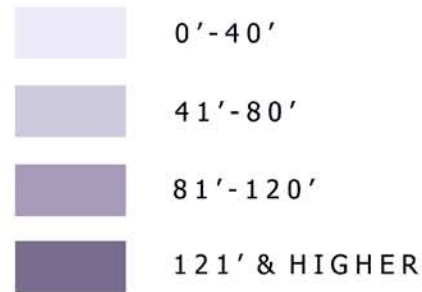
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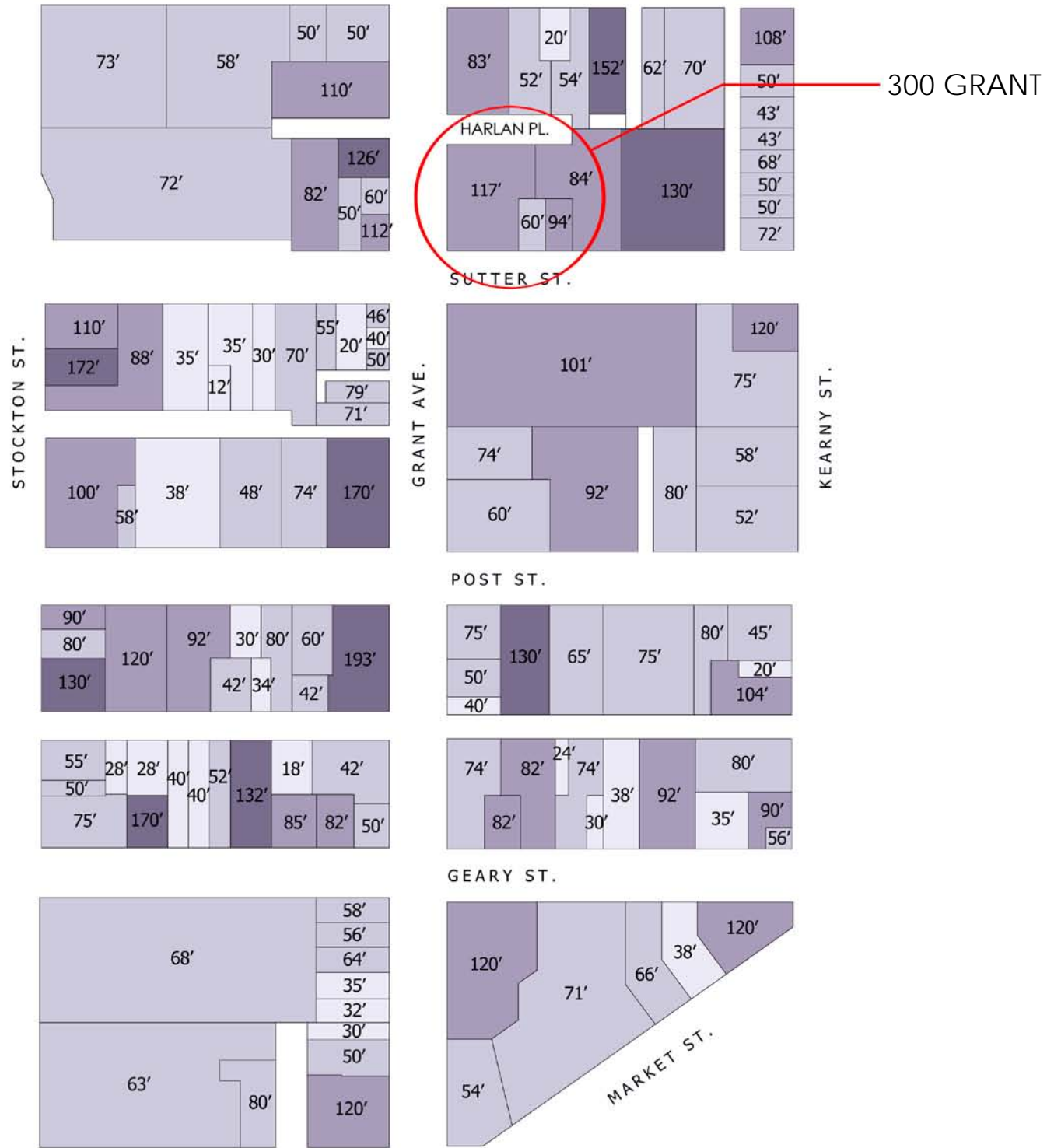




BUILDING HEIGHT LEGEND



NOTE : HEIGHTS TAKEN TO TOP OF PARAPET.



BUILDING HEIGHT STUDY



M.7

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NEARBY BUILDINGS



SURROUNDING AREA STUDY - MAJOR BUILDINGS

M.8

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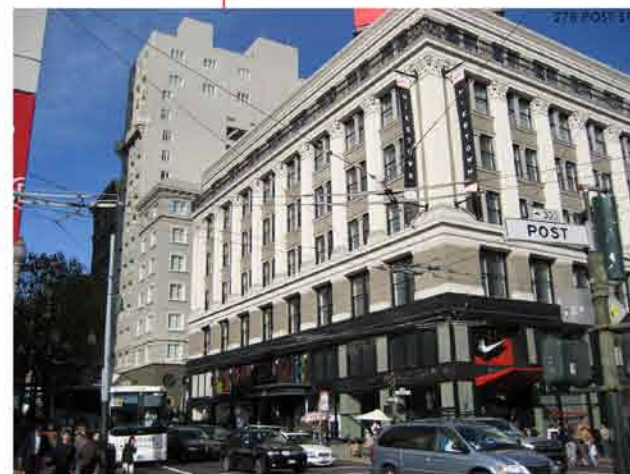


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SURROUNDING AREA STUDY - MAJOR BUILDINGS

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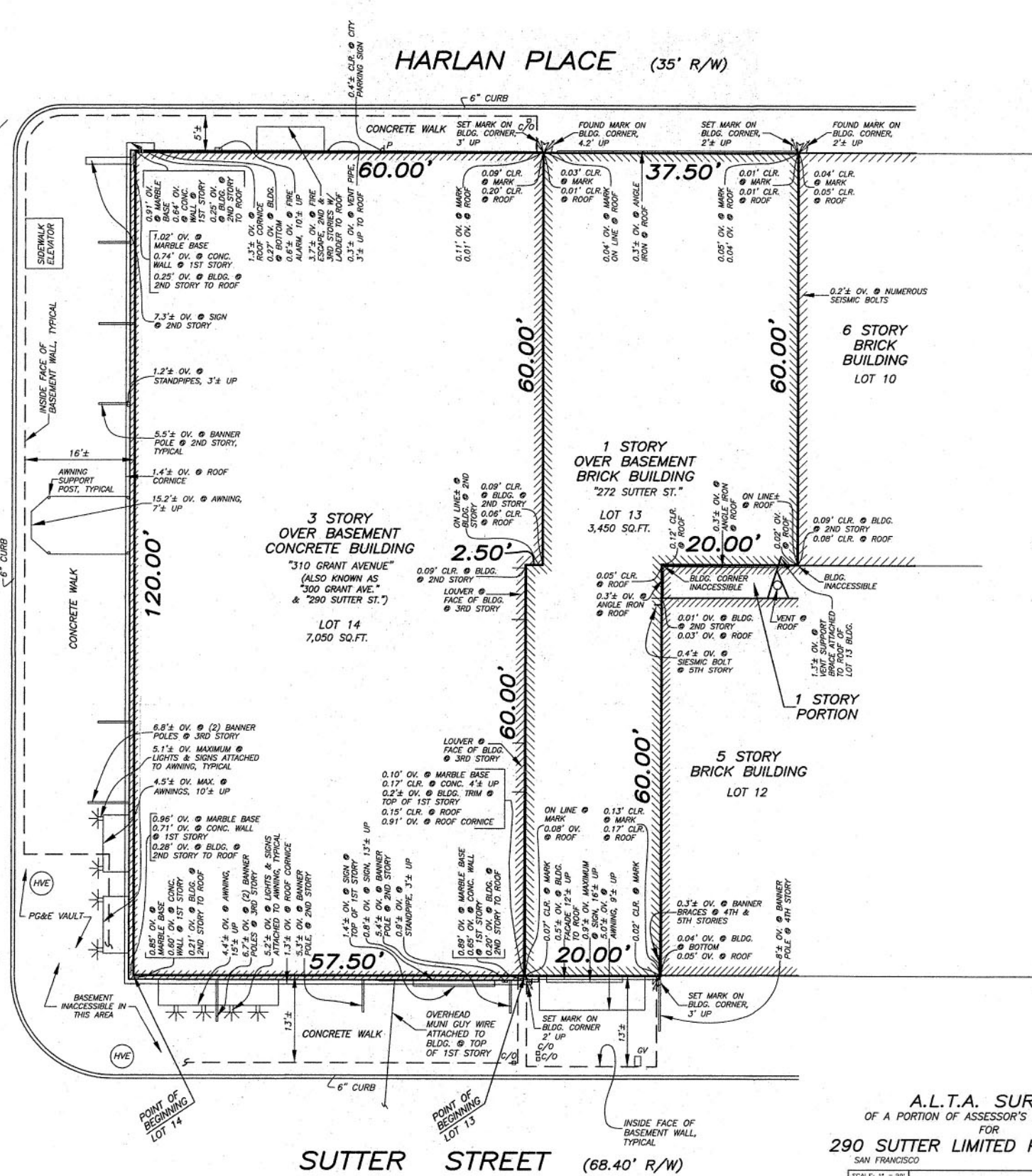
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VICINITY MAP
NO SCALE

GRANT AVENUE (73.82' R/W)



NOTES:
1. REVOCABLE LICENSE FOR THE ENCROACHMENT OF A CONCRETE WALL FRONTING SUTTER STREET, GRANT AVENUE AND HARLAN PLACE (E59 O.R. 957).
2. NOT ALL SIDEWALK FEATURES ARE SHOWN HEREON.



- LEGEND**
- CL.R. CLEAR OF PROPERTY LINE
 - OV. OVER PROPERTY LINE
 - R/W RIGHT OF WAY
 - BLDG. BUILDING
 - CONC. CONCRETE
 - MAX. MAXIMUM
 - C/O SEWER CLEANOUT
 - P PARKING SIGN
 - HVE HIGH VOLTAGE ELECTRIC MANHOLE
 - GAS VALVE

SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY TO 290 SUTTER LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP, THOMPSON/DORFMAN PARTNERS, LLC AND MADISON MARQUETTE RETAIL SERVICES, INC., AND THEIR RESPECTIVE TRUSTEES, DIRECTORS, OFFICERS, PARTNERS, BENEFICIARIES, STOCKHOLDERS AND ALL EMPLOYEES AND AGENTS OF EACH OF THEM AND CHICAGO TITLE COMPANY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, ACSM AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS.

Ben B. Ron
BENJAMIN B. RON
PROFESSIONAL LAND SURVEYOR NO. 5015



LEGAL DESCRIPTIONS
ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

- A. 272 SUTTER STREET - LOT 13**
COMMENCING AT A POINT ON THE NORTHERLY LINE OF SUTTER STREET, DISTANT THEREON 57 FEET, 6 INCHES EASTERLY FROM THE EASTERLY LINE OF GRANT AVENUE; THENCE EASTERLY ALONG SAID LINE OF SUTTER STREET, 20 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET; THENCE AT A RIGHT ANGLE EASTERLY 20 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET TO THE SOUTHERLY LINE OF HARLAN, FORMERLY BERRY PLACE; THENCE AT A RIGHT ANGLE WESTERLY, ALONG LAST MENTIONED LINE, 37 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 60 FEET; THENCE AT A RIGHT ANGLE WESTERLY 2 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 60 FEET TO THE POINT OF COMMENCEMENT.
BEING A PORTION OF 50 VARA BLOCK NO. 95, LOT 013, BLOCK 0287
- B. 300 GRANT AVENUE - LOT 14**
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF SUTTER STREET AND THE EASTERLY LINE OF GRANT AVENUE; AND RUNNING THENCE EASTERLY ALONG SAID LINE OF SUTTER STREET 57 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET; THENCE AT A RIGHT ANGLE EASTERLY 2 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET TO THE SOUTHERLY LINE OF HARLAN (FORMERLY BERRY) PLACE; THENCE AT A RIGHT ANGLE WESTERLY ALONG THE SOUTHERLY LINE OF HARLAN PLACE 60 FEET TO THE EASTERLY LINE OF GRANT AVENUE; AND THENCE AT A RIGHT ANGLE SOUTHERLY ALONG SAID LINE OF GRANT AVENUE 120 FEET TO THE POINT OF BEGINNING.
BEING A PORTION OF 50 VARA BLOCK NO. 95, LOT 014, BLOCK 0287

- SURVEY REFERENCE**
A. 272 SUTTER STREET - LOT 13
CHICAGO TITLE COMPANY PRELIMINARY REPORT NO. 160054-BJS, FIRST UPDATED, DATED MAY 17, 2005.
THE FOLLOWING ARE EXCEPTIONS TO TITLE WITHIN THE ABOVE MENTIONED PRELIMINARY REPORT:
1. PARAPET AGREEMENT RECORDED NOVEMBER 3, 1976, IN BOOK C257, PAGE 896, OFFICIAL RECORDS.
2. DECLARATION OF USE - MINOR SIDEWALK ENCROACHMENT PERMIT TO MODIFY EXISTING SIDEWALK GRADES TO ACCOMMODATE ADA LEVEL LANDINGS AT THE SUTTER STREET AND HARLAN PLACE FRONTAGES OF THE SUBJECT PROPERTY RECORDED OCTOBER 28, 1999, IN REEL H500, IMAGE 299, OFFICIAL RECORDS. THERE ARE THREE ENTRANCES ALONG SUTTER STREET THAT HAVE LEVEL LANDINGS.

- B. 300 GRANT AVENUE - LOT 14**
CHICAGO TITLE COMPANY PRELIMINARY REPORT NO. 160107-BJS, DATED MAY 26, 2005.
THE FOLLOWING ARE EXCEPTIONS TO TITLE WITHIN THE ABOVE MENTIONED PRELIMINARY REPORT:
1. LEGALLY REQUIRED NOTICE OF PRESERVATION DESIGNATION RECORDED OCTOBER 18, 1985, IN REEL D944, IMAGE 1408, OFFICIAL RECORDS.
2. REVOCABLE PERMISSION TO OCCUPY PORTIONS OF THE SIDEWALK AREA WITH A CONCRETE WALL FACING SUTTER STREET, GRANT AVENUE AND HARLAN PLACE PER DPW ORDER NO. 139,731 RECORDED APRIL 4, 1986, IN REEL E59, IMAGE 957, OFFICIAL RECORDS.
3. NOTICE OF SPECIAL RESTRICTION RECORDED JULY 8, 1986, IN REEL E124, IMAGE 1054, OFFICIAL RECORDS.
4. DECLARATION OF USE - SPECIAL SIDEWALK PERMIT TO APPLY POLYCOAT PRODUCTS RECORDED JULY 10, 1996, IN REEL G871, IMAGE 529, OFFICIAL RECORDS. POLYCOAT PRODUCTS WERE APPLIED TO THE SIDEWALKS FRONTING THE SUBJECT PROPERTY.

BASIS OF SURVEY
CITY OF SAN FRANCISCO MONUMENT MAP NO. 5 ON FILE IN THE OFFICE OF THE CITY ENGINEER.

FLOOD NOTE
THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS NOT IDENTIFIED ANY SPECIAL FLOOD HAZARD AREAS WITHIN THE CITY OF SAN FRANCISCO, CALIFORNIA. THEREFORE, THE CITY IS NOT PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ZONING
C-3-R - DOWNTOWN RETAIL DISTRICT
HEIGHT AND BULK DISTRICT: 80-130-F

GENERAL NOTES
1. DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.
2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
3. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

A.L.T.A. SURVEY
OF A PORTION OF ASSESSOR'S BLOCK NO. 287
FOR
290 SUTTER LIMITED PARTNERSHIP
SAN FRANCISCO CALIFORNIA

SCALE: 1" = 20'	SURV. NO.
DATE: 6/20/05	REV.
SHEET: 1	DRW. J.P.
DP: 1	CHK. BR
JOB NO. S-9917	REV. NO.

MARTIN M. RON ASSOCIATES
LAND SURVEYORS
809 HARRISON STREET, SUITE 200
SAN FRANCISCO, CA 94107
(415) 543-4500

SITE SURVEY

C.1

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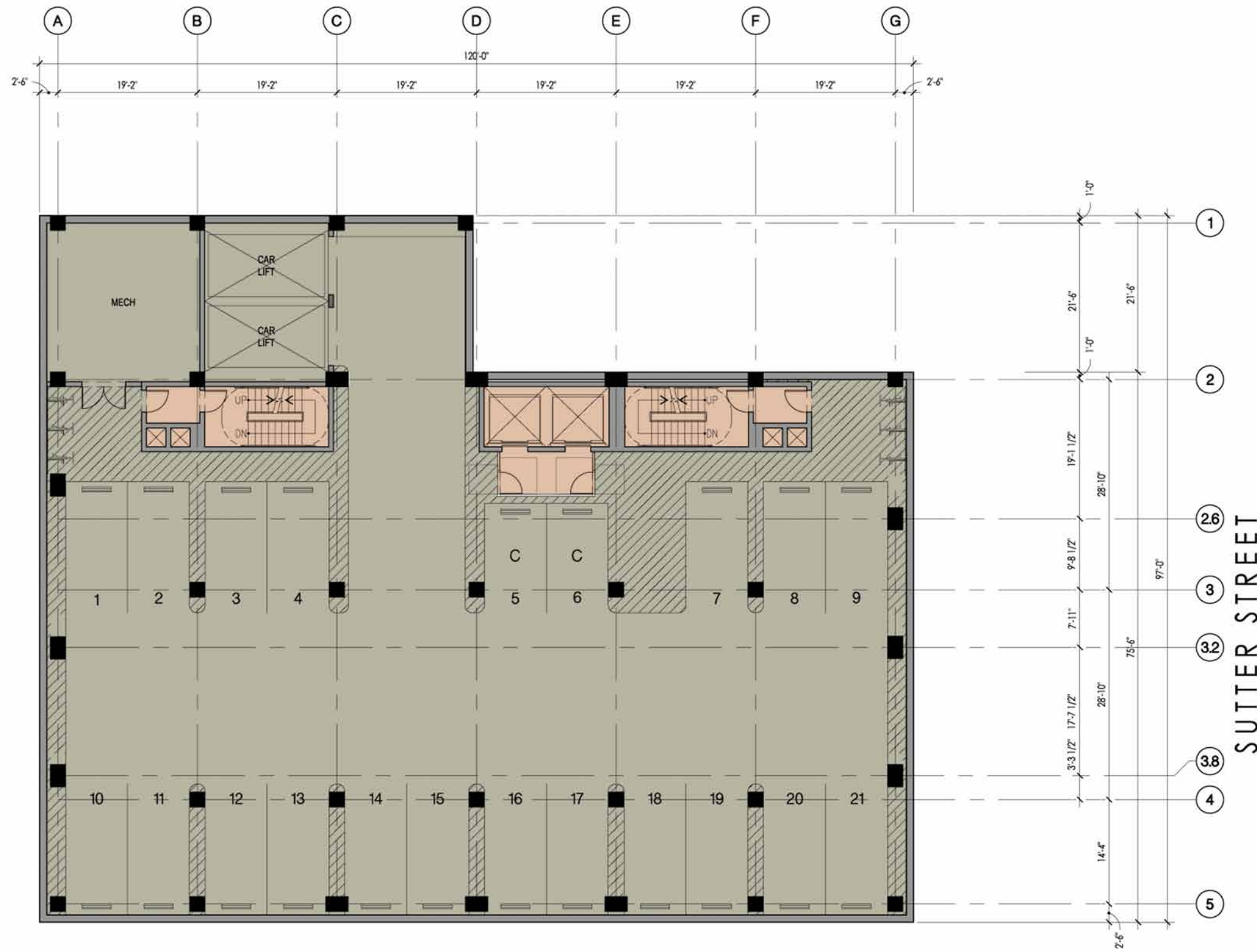
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HARLAN PLACE



SUTTER STREET

GRANT AVENUE

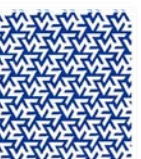
PARKING LEVEL _ B2 PLAN

⊕ A.2

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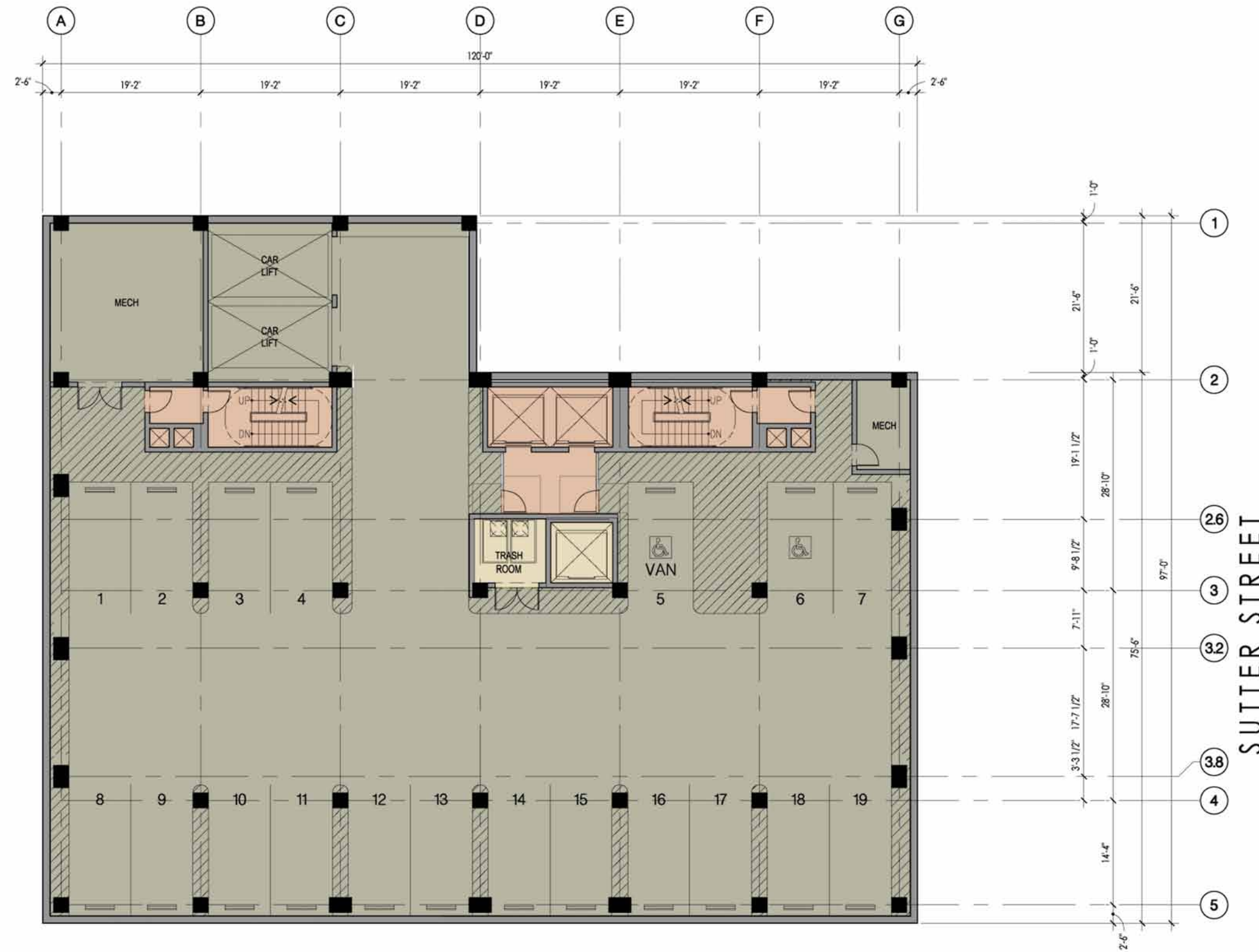


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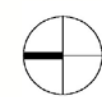


HARLAN PLACE



GRANT AVENUE

PARKING LEVEL _ B1 PLAN



A.3

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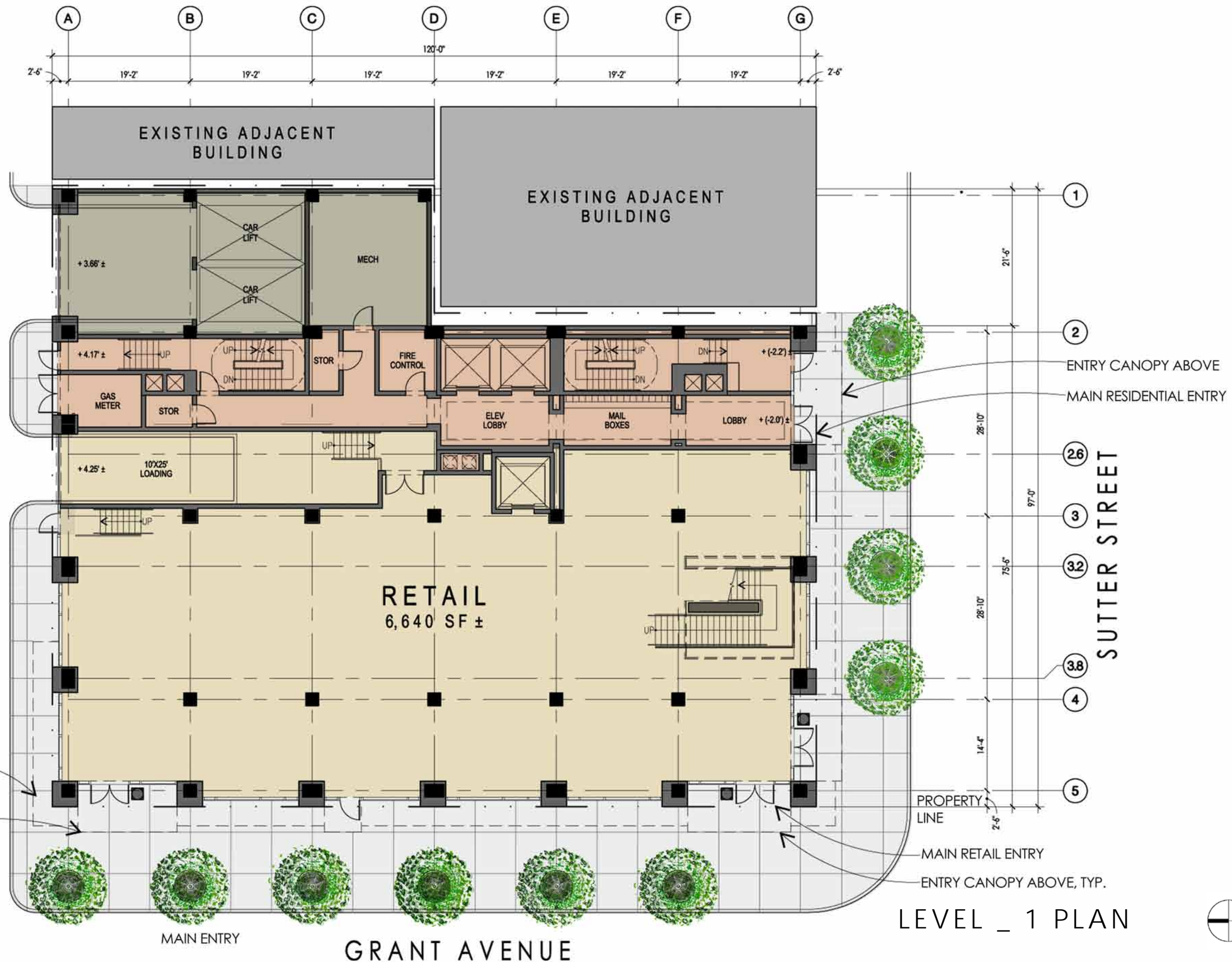
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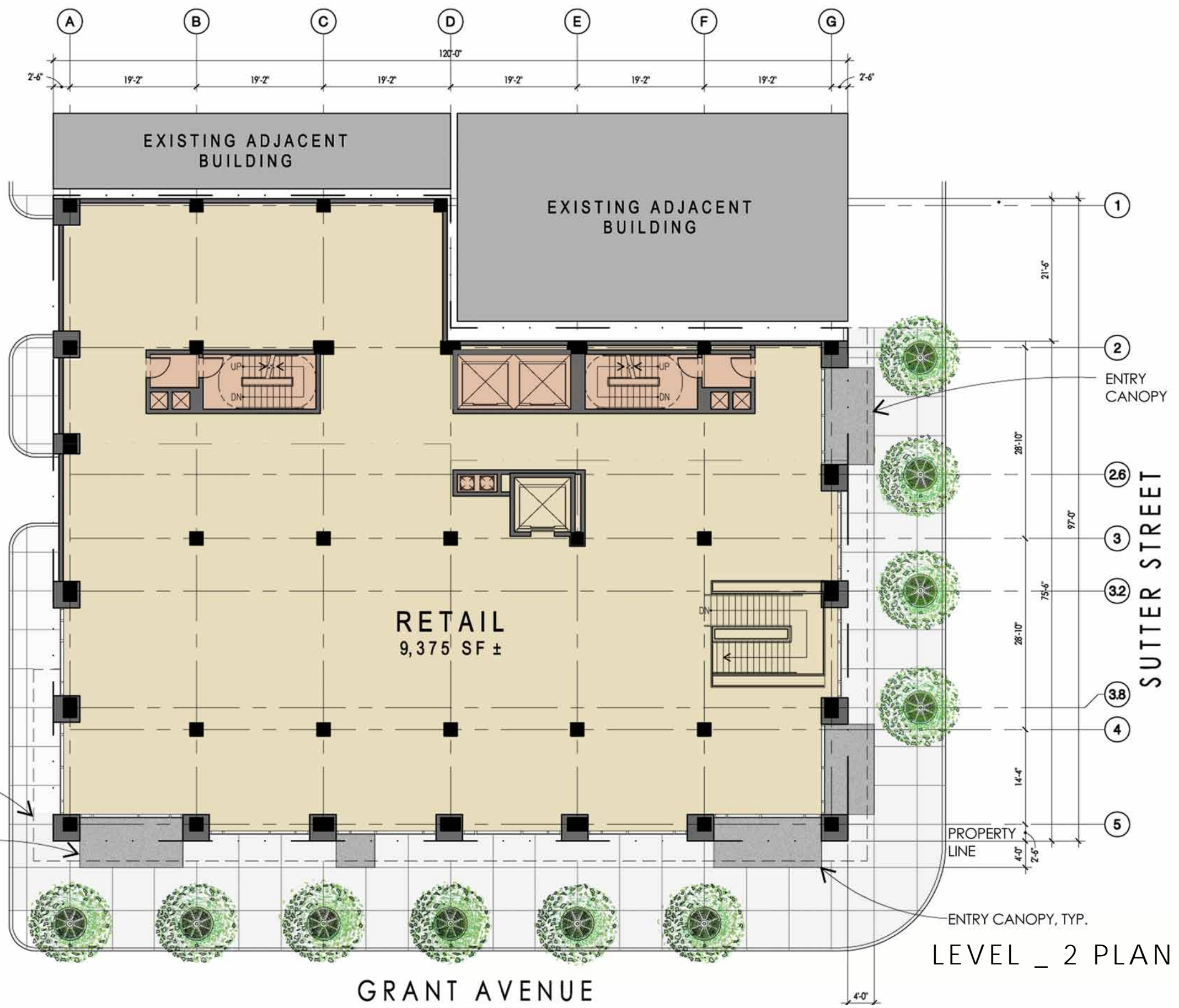
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HARLAN PLACE

LINE OF THIRD FLOOR BALCONY ABOVE

ENTRY CANOPY, TYP.

LEVEL _ 2 PLAN

PROPERTY LINE

ENTRY CANOPY, TYP.

4'-0"

2'-6"

4'-0"

2'-6"

14'-4"

28'-10"

75'-6"

97'-0"

28'-10"

21'-6"

120'-0"

2'-6"

19'-2"

19'-2"

19'-2"

19'-2"

19'-2"

19'-2"

19'-2"

2'-6"

1

2

26

3

32

3.8

4

5

SUTTER STREET

GRANT AVENUE

A.5

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⊕ A.6

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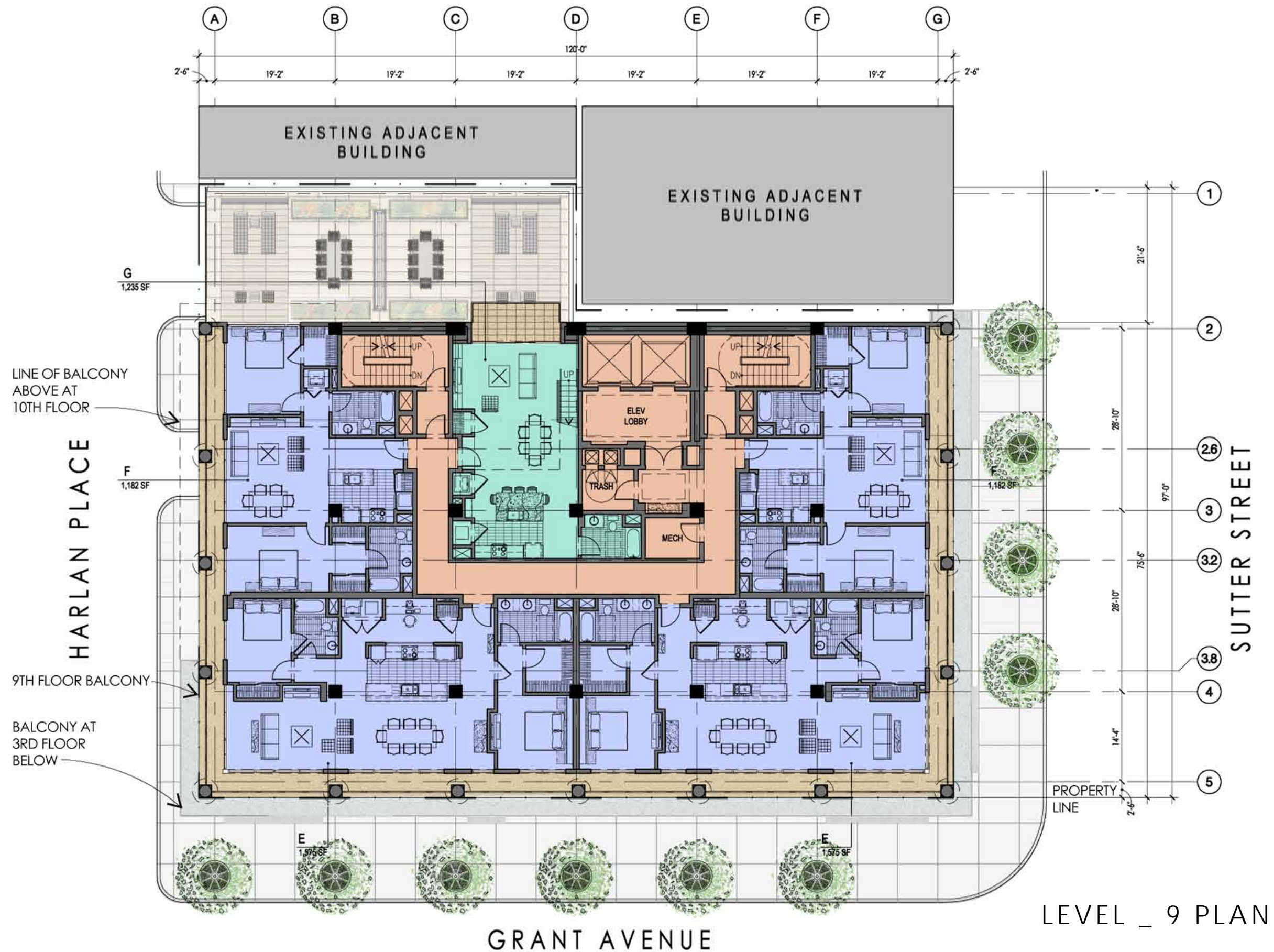
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A.7



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A.8



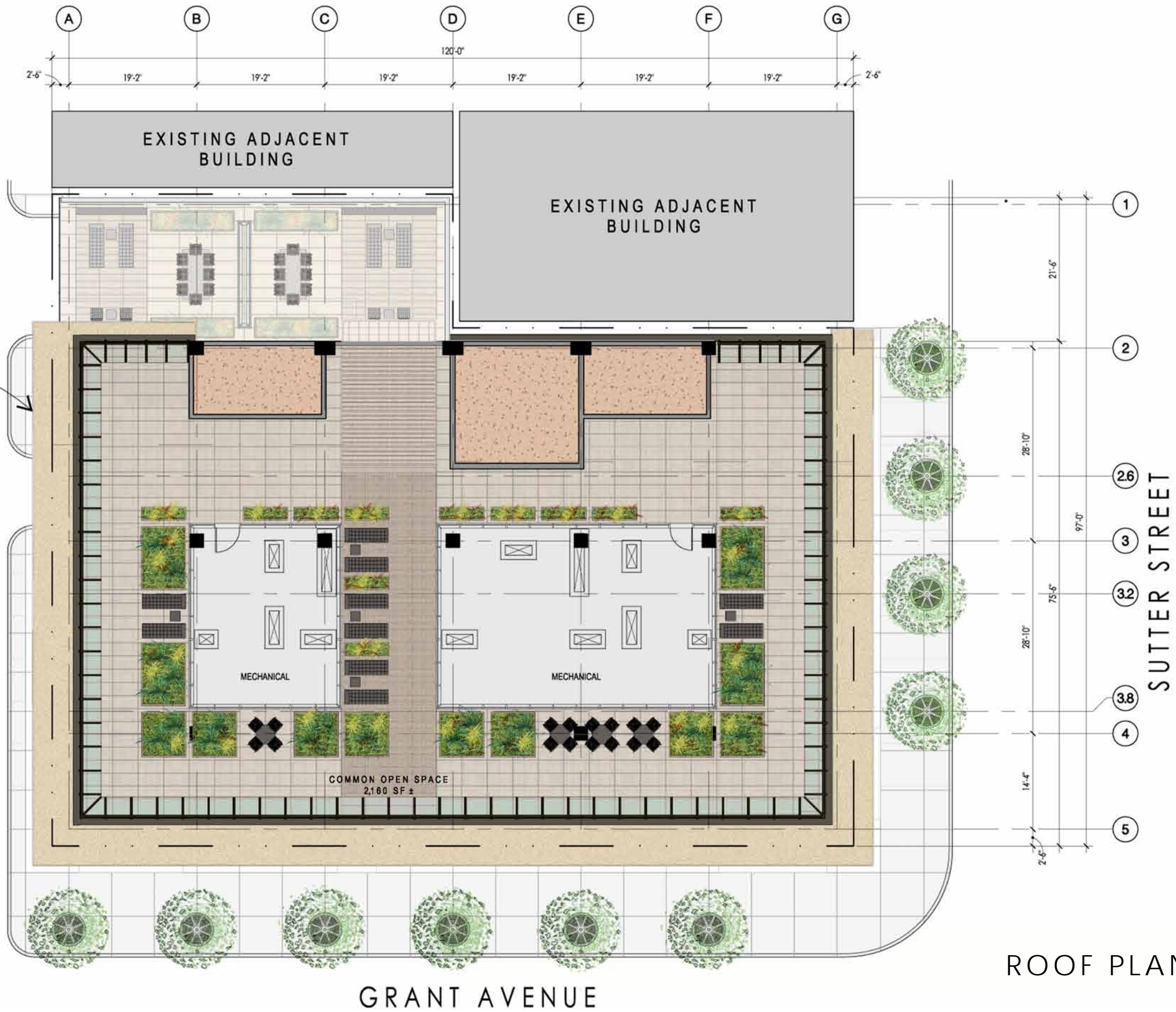
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ROOF PLAN

⊕ A.10

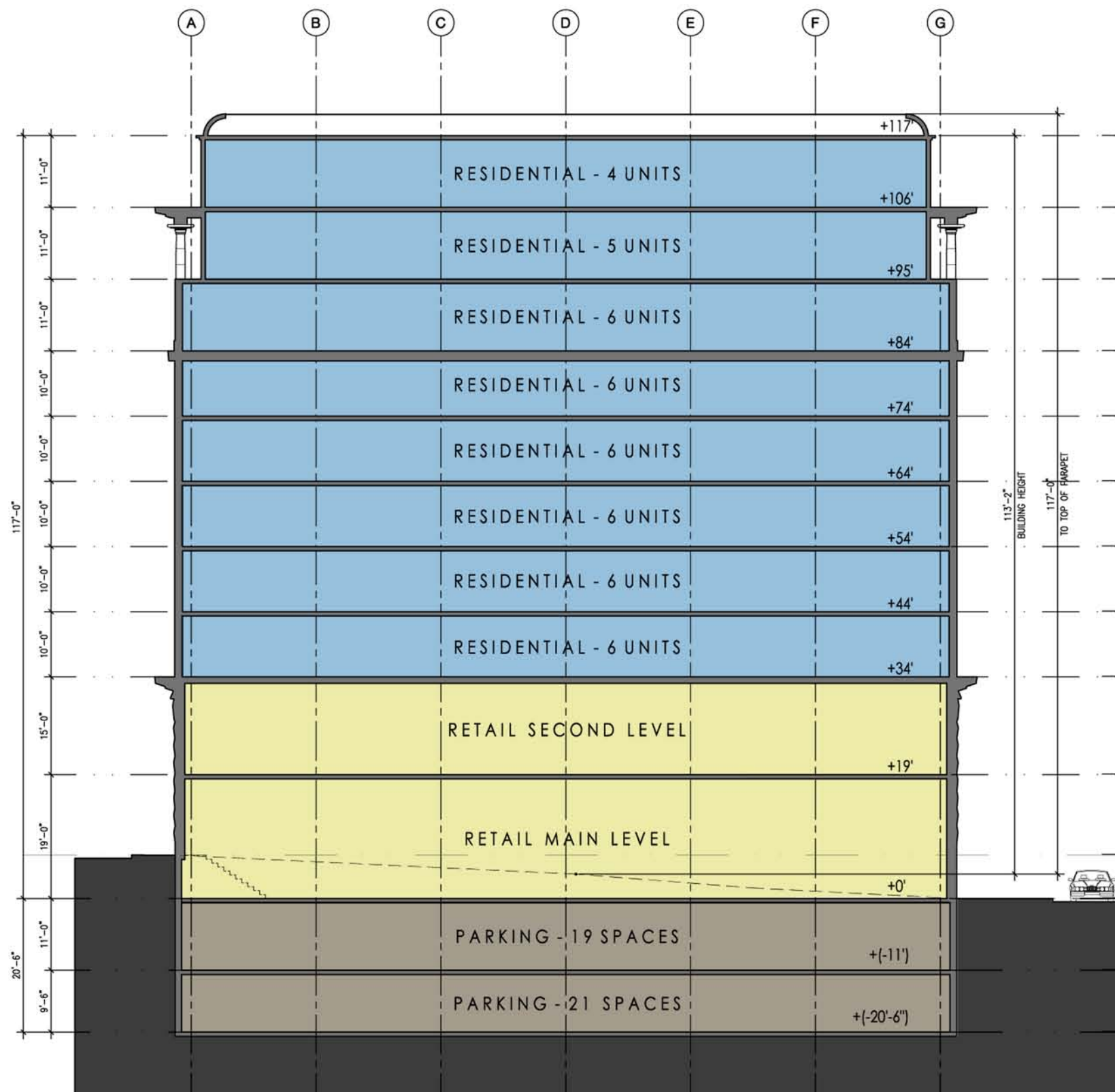
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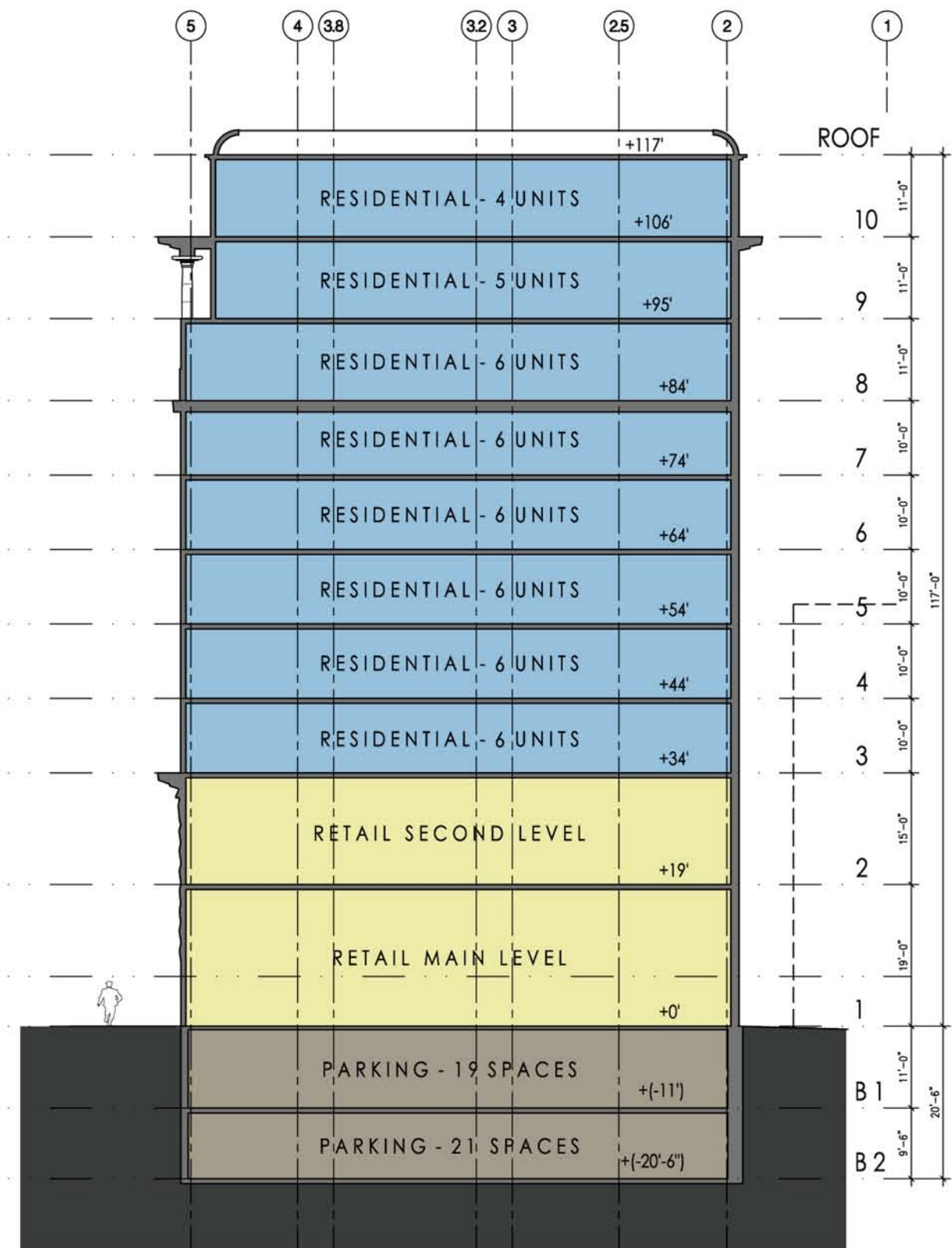
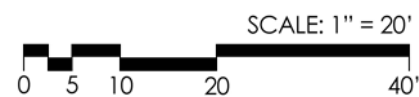
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GRANT AVENUE SECTION



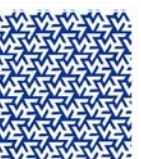
SUTTER STREET SECTION
SECTIONS

A.11

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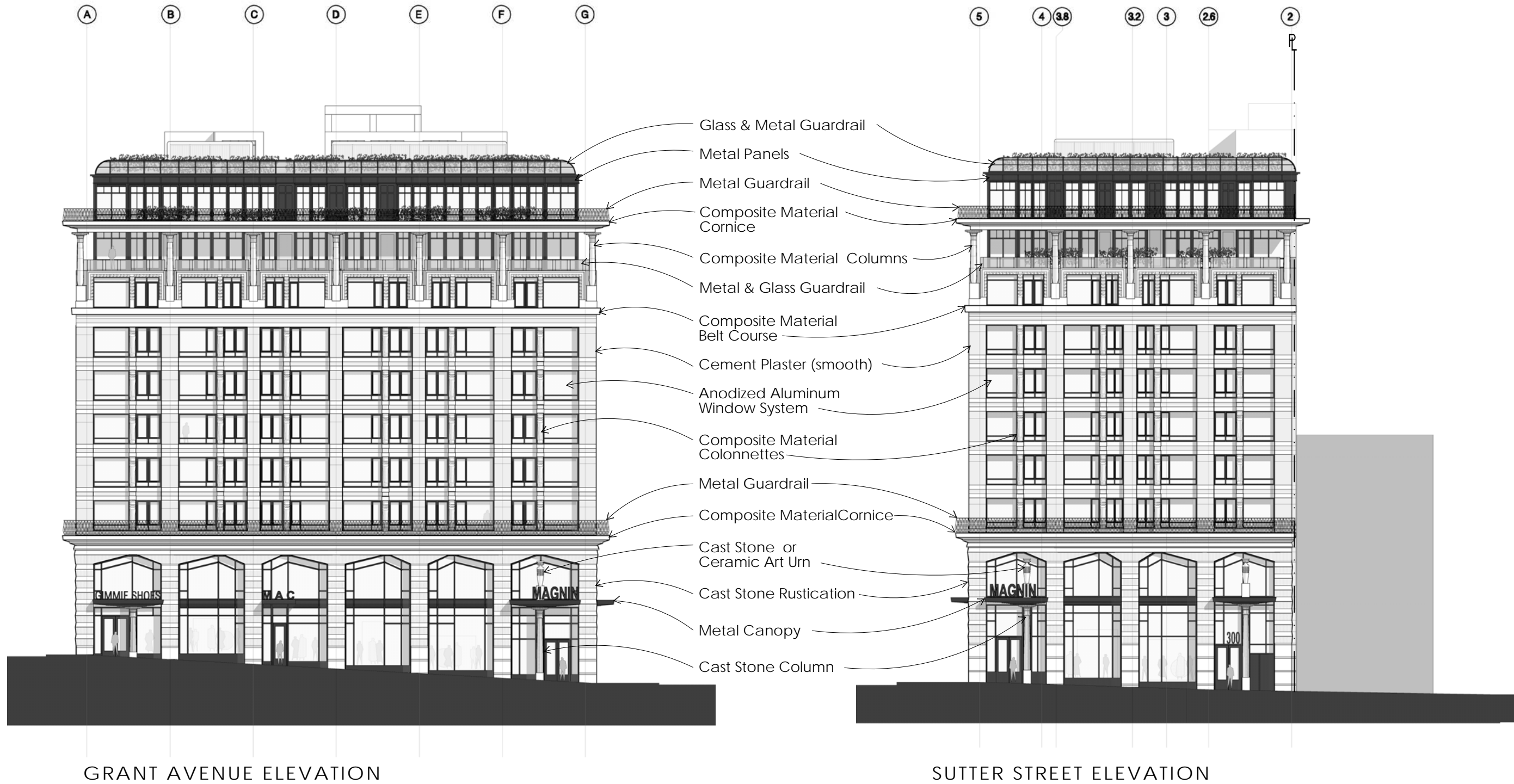
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GRANT AVENUE ELEVATION

SUTTER STREET ELEVATION

BUILDING ELEVATIONS

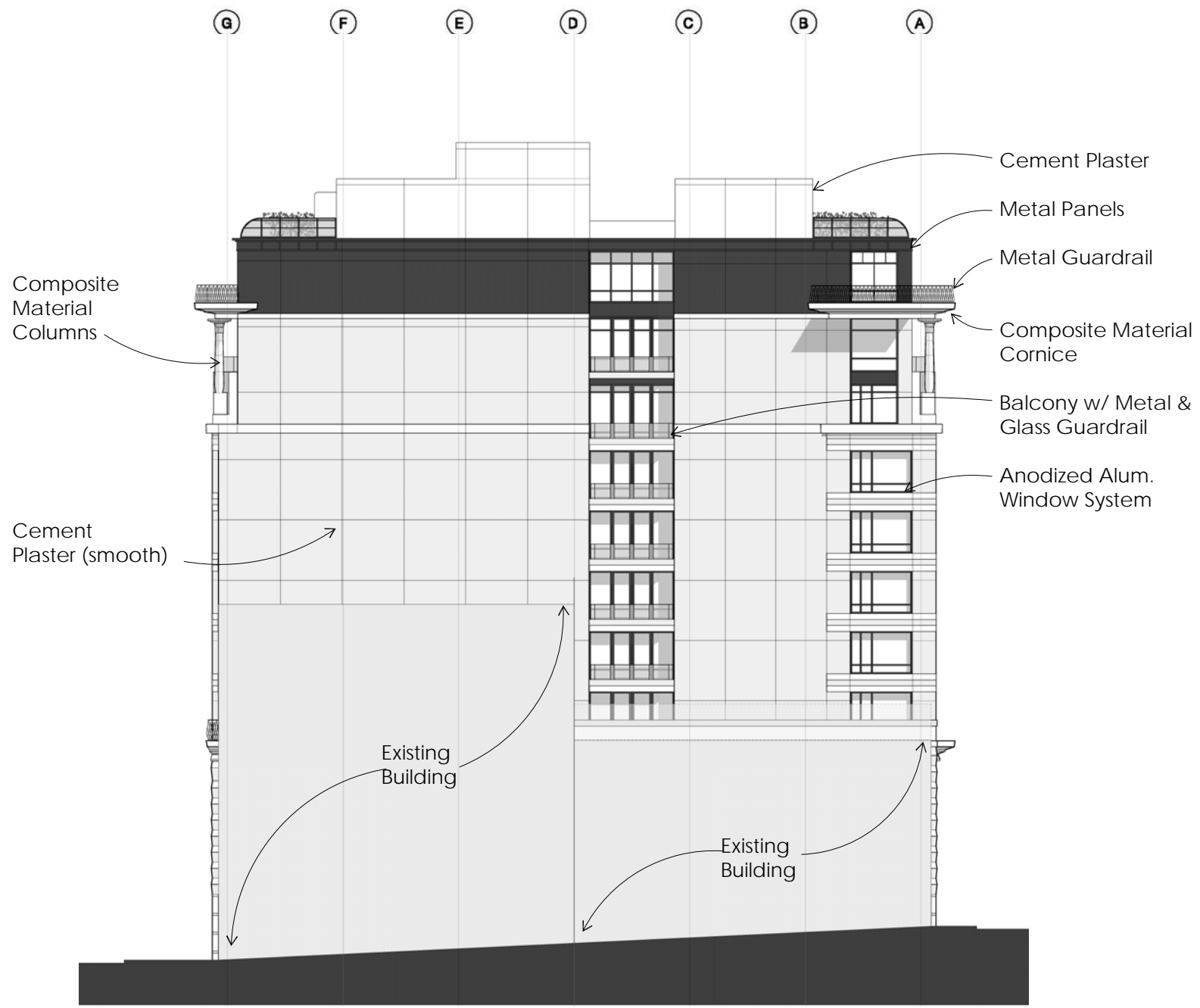
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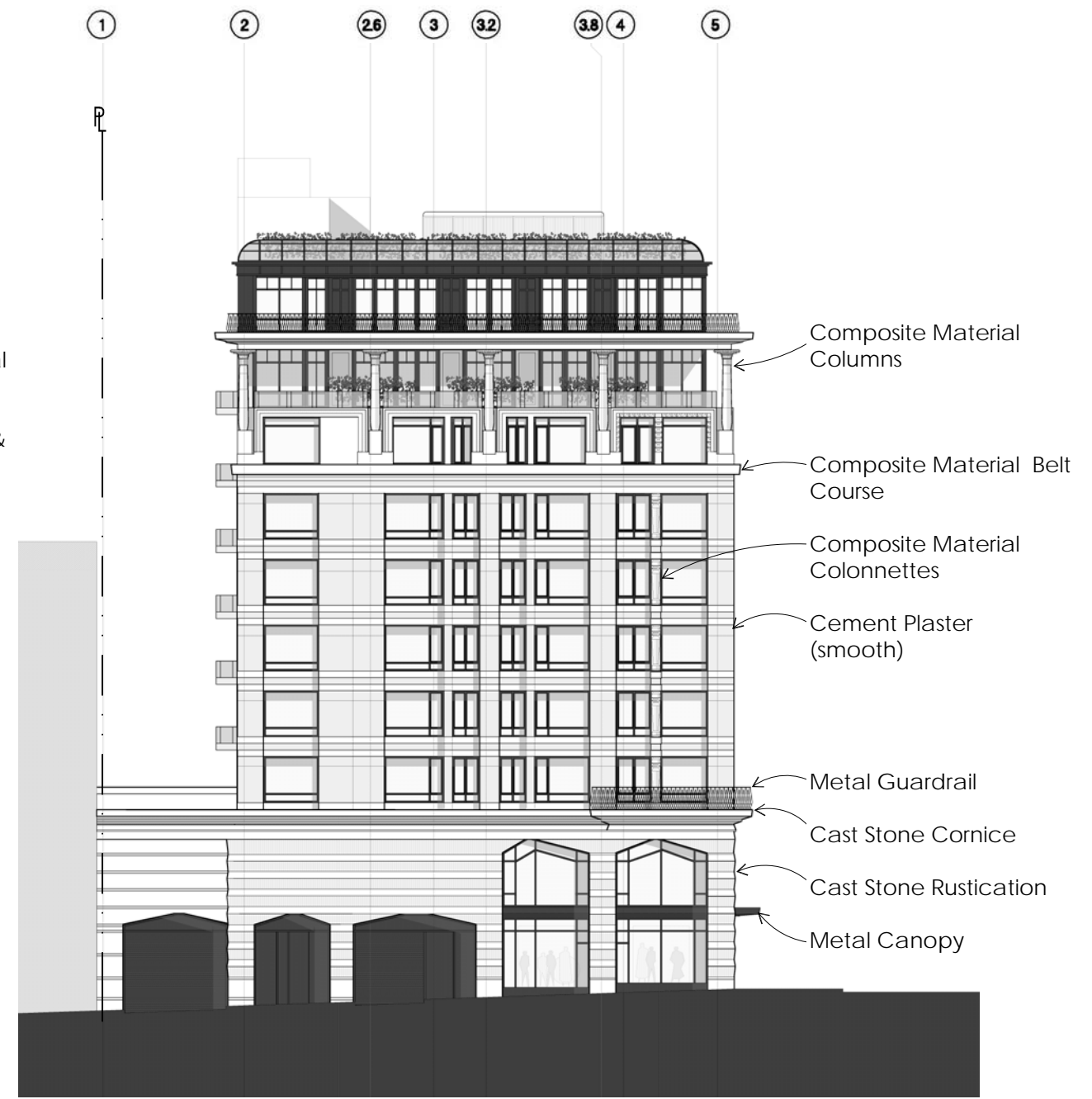
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EAST ELEVATION



HARLAN PLACE ELEVATION

BUILDING ELEVATIONS

A.13





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GRANT AVENUE ELEVATION



SUTTER STREET ELEVATION

COLOR BUILDING ELEVATIONS

A.14

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GRANT AVENUE WEST ELEVATION



SUTTER STREET SOUTH ELEVATION

A.15

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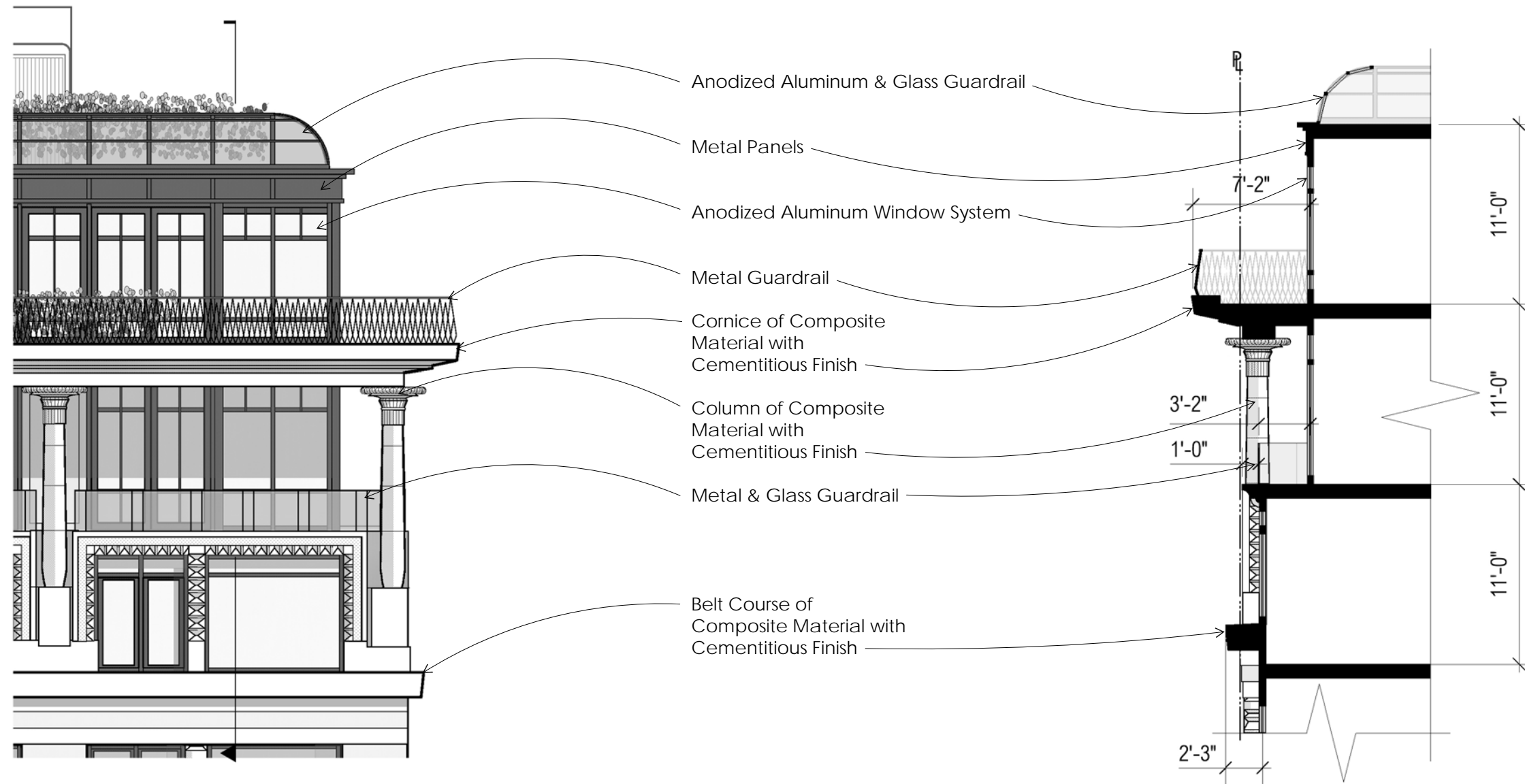
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DETAIL BUILDING ELEVATION & SECTION

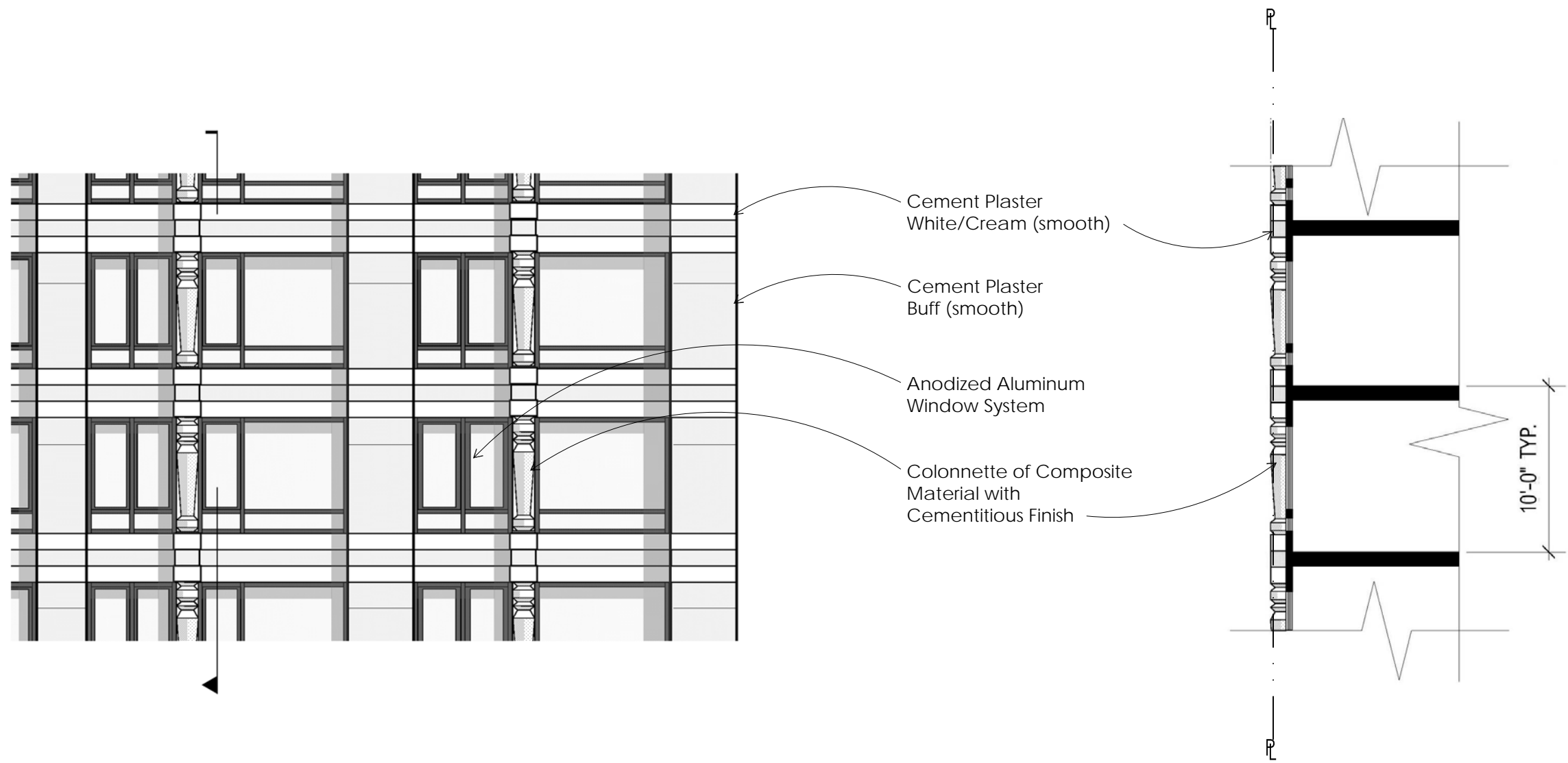
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DETAIL BUILDING ELEVATION & SECTION

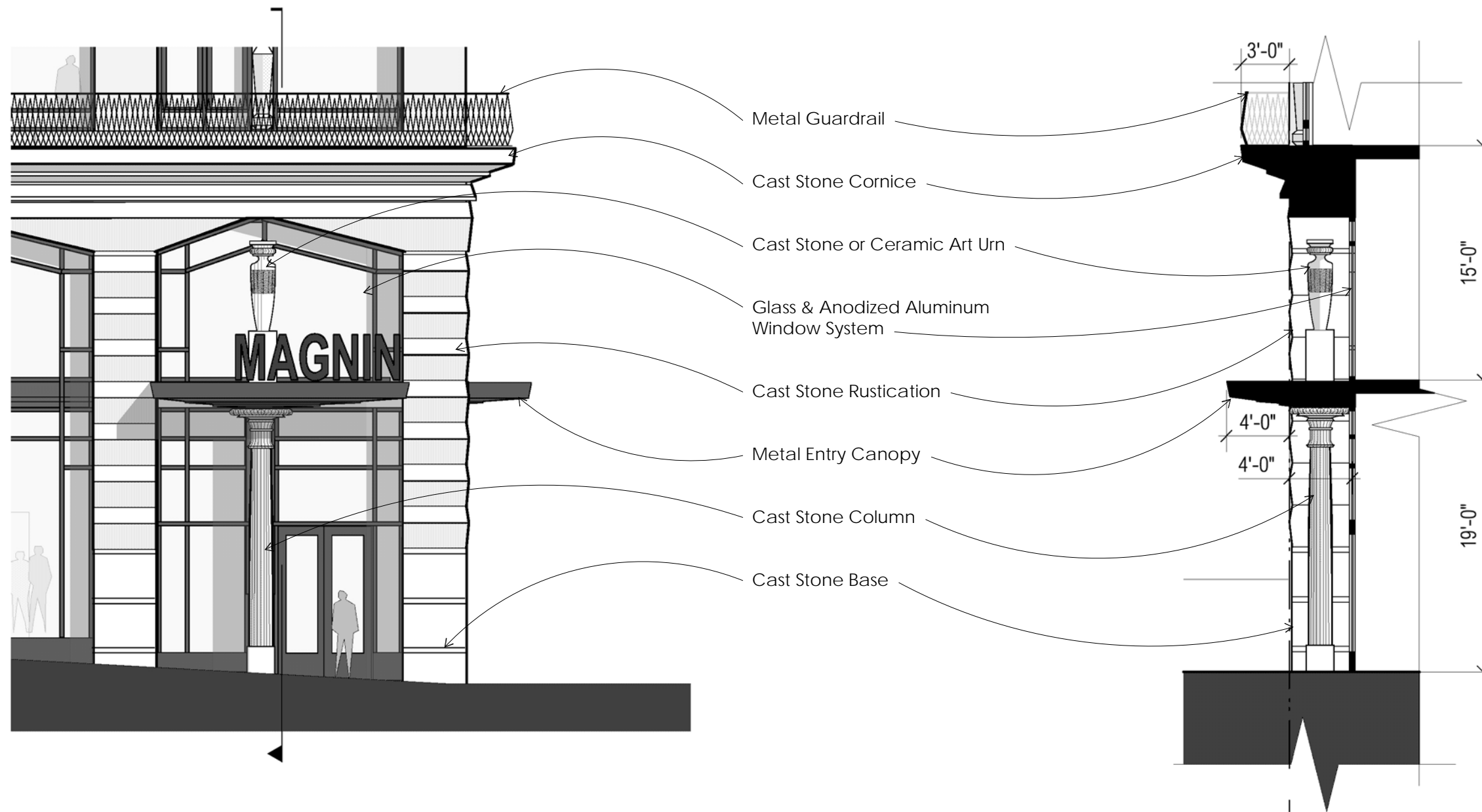
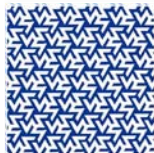
A.17

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DETAIL BUILDING ELEVATION & SECTION

A.18

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Corner of Sutter Street & Grant Avenue



Corner of Sutter Street & Grant Avenue

Looking North on Grant Avenue



RENDERINGS

A.19

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Looking West on Sutter Street



Looking North on Grant Avenue



Looking South on Grant Avenue

RENDERINGS

A.20

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Looking East on Sutter Street



Looking North on Grant Avenue



Looking South on Grant Avenue

RENDERINGS

A.21

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Looking Up at Corner



Entry Detail

RENDERINGS

A.22

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