



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Section 309 Review and Request for Exceptions Conditional Use Request

HEARING DATE: MAY 9, 2013

*Date:* May 2, 2013  
*Case No.:* **2011.0702EXC**  
*Project Address:* **101 Polk Street**  
*Zoning:* C-3-G (Downtown, General Commercial) District  
120-X Height and Bulk Districts  
*Block/Lot:* 0811/002 & 003  
*Project Sponsor:* Marc Babsin of  
Emerald Polk LLC  
532 Folsom Street, Suite 400  
San Francisco, CA 94105  
*Staff Contact:* Kate Conner – (415) 575-6914  
[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposed project is the construction of a 13-story, 162-unit residential building with 51 subgrade parking spaces on a site that currently contains a surface parking lot. The project sponsor has put forth two dwelling unit mix schemes. The primary scheme would feature 62 two-bedroom units, 87 one-bedrooms, and 13 studios, while the alternative scheme would feature 23 two-bedrooms, 99 one-bedrooms, and 25 studios. The site is approximately 13,200 square feet and contains three street frontages – Polk Street, Hayes Street and Lech Walesa Alley. The street frontages along Polk and Hayes Streets would consist of walk-up residential units, as well as the building's lobby. The Lech Walesa Alley frontage would also contain walk-up residential units, as well as the opening for the sub-grade garage that would contain the off-street parking and loading. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site.

### SITE DESCRIPTION AND PRESENT USE

The project site is located at the northwest corner of the intersection of Polk Street and Hayes Street on Assessor's Block 0811, Lots 002 & 003 and is located within the C-3-G (Downtown, General Commercial) District, the 120-X Height and Bulk District and the Downtown Plan Area. The approximate 13,200 square-foot project site is currently developed with a surface parking lot containing 58 off-street parking spaces.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project is located in the Civic Center neighborhood of San Francisco and is adjacent to the Beaux Arts core of the Civic Center Historic District and the Market & Octavia Area Plan to the west. The Civic Center area largely serves as a home to a clustering of local, state and federal offices, as well as a regional center for arts, entertainment, cultural and institutional uses such as the San Francisco Symphony, Opera, Ballet, the Asian Art Museum and the Bill Graham Civic Auditorium, which is located immediately across Polk Street from the project site.

The scale of development varies greatly in the vicinity of the project site, with the current height limits in the area ranging from 50 to 400 feet. Permitted heights and the prevailing scale of development in the immediately surrounding area are diverse. A stronger residential presence is starting to develop in the area with the completion of projects at 77 Van Ness Avenue and One Polk, both of which are less than one block from the project. Several other residential projects are planned or under construction in the general vicinity of the project inclusive of the 250-unit Fox Plaza expansion at 1390 Market Street, the 754-unit 10th/Market Development, and the 400-unit 100 Van Ness project.

## **ENVIRONMENTAL REVIEW**

On March 27, 2013, under Case No. 2011.0702E, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for a project proposing to construct a 13-story, 120-foot tall, residential building with 162 units, and 51 off-street parking spaces was prepared and published for public review.

On April 23, 2013, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.), Title 14 California Code of Regulations Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative Code.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	April 19, 2013	April 17, 2013	22 days
Posted Notice	20 days	April 19, 2013	April 17, 2013	22 days
Mailed Notice	10 days	April 29, 2013	April 15, 2013	24 days

## **PUBLIC COMMENT**

- The Department has received letters of support from SPUR, the Hayes Valley Neighborhood Association, the Civic Center Community Benefit District, the San Francisco Housing Coalition, the San Francisco Bicycle Coalition, the San Francisco Symphony, Another Planet Entertainment (long-term lease holder at Bill Graham Auditorium), the Community Leadership Alliance, the building management of One Polk (the Argenta), and a retail tenant in One Polk regarding the Project.

- As of the date of publication, no correspondence has been received by the Department in opposition of the Project.

## ISSUES AND OTHER CONSIDERATIONS

- **Project Design.** The Project is located in an area that features a mix of development with contemporary, high-rise construction located primarily to the south of the project site and the Beaux Arts core of the Civic Center Historic District located immediately north and adjacent to the project site. While the project would be taller than most buildings in the adjacent historic district at 13 stories in height, the project is not anticipated to overwhelm adjacent district contributors, which are monumental in scale and physically substantial in appearance and design. The proposed project design will have a textured façade utilizing a combination of glazed and solid materials along with recesses, change of materials, and projecting features to appropriately reference the characteristics of the adjacent district. Materials at the base of the project will have a weighted, rusticated treatment to reference similar treatments in the adjacent district. The base will be capped with a slightly projecting belt course at roughly the same height of a similar feature on the adjacent Public Health Building. This feature breaks-up the mass of the building with a horizontal feature and references the tripartite organization of buildings in the district.
- **Requested Section 309 Exceptions.** The project does not strictly conform to several aspects of the Planning Code. As part of the Section 309 review process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. Requested exceptions under the project include “Rear Yard” (Section 134), “Ground-Level Wind Currents” (Section 148), and “Limitation on Residential Accessory Parking” (151.1). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Section 309 motion.
- **Ground-Level Wind Currents.** The Code requires that new buildings in C-3 Districts must be designed so as not cause ground-level wind currents to exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to attenuate ambient wind speeds to meet the specified comfort level. According to the wind analysis prepared for the project, six of the seven test points in the vicinity currently exceed the pedestrian comfort level. No public seating is located in the project wind analysis area. An exception to the comfort-level criterion requirements may be granted if the building cannot be shaped to meet the requirements without creating an ungainly building form and unduly restricting the development potential of the building site.

Although the project is located in an area that experiences strong and turbulent ground-level winds, construction of the project would not create any new exceedances of the pedestrian comfort levels. The Project would result in relatively modest changes in ground-level winds. The average of the existing winds speeds measured at test points is approximately 14.5 mph, and with the project, the average wind speed would slightly increase to 14.8 mph. Winds at six locations

would continue to exceed the pedestrian comfort criterion, while the southeast corner of Van Ness Avenue and Hayes Street would continue to meet the comfort criterion. Two of the seven test locations located on Polk Street near Hayes Street would experience wind increases of less than two mph, which is an increase that is considered de minimis, and would not change the number of exceedances of the comfort criterion.

As noted in the wind analysis for the project, the project cannot be shaped or incorporate wind-baffling measures that would reduce the wind speeds to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the project site. The locations where wind speeds would exceed the comfort criterion are not immediately adjacent to the project site, making it infeasible to incorporate wind baffles or other design features into the project to reduce wind. Construction of the project would have a negligible effect on wind conditions, which would remain virtually unchanged.

The project would comply with the wind hazard criterion. The wind tunnel test indicated that all test points currently meet the wind hazard criterion, i.e. wind speeds in these locations do not exceed 26 mph for more than one hour per year. The wind tunnel test predicted that all test locations would remain in compliance with construction of the project. Since the project would not cause equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year, the project would comply with the hazard criterion of Section 148.

- **Rear Yard.** The Planning Code requires that the project provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. Exceptions to the rear yard requirements may be granted if the building location and configuration assure adequate light and air to the residential units and the open space provided.

Rather than providing a rear yard equal to 25% of lot depth, the project proposes an approximate 1,510 square-foot outer courtyard at the southwest corner of the structure. Other larger project open spaces are in the form of roof decks. The outer courtyard will provide adequate dimensions to meet the dwelling unit exposure requirements of Code Section 140 for all units that have their only exposures onto the courtyard area. All other dwelling units in the project will face one of three public rights-of-way over 25 feet in width. By orienting the units to one of the three street frontages, as well as to the south-facing, Code-complying outer courtyard, the Project is maximizing the light and air reception of the units.

Furthermore, by providing large useable open spaces in the forms of roof decks and an outer courtyard, instead of a traditional rear yard open space, the project is effectively matching the development pattern of the subject block and project area. The subject block does not contain an existing pattern of mid-block open space and no adjacent buildings with rear yards are adjacent to the project site due to the nature of the buildings which tend to be office, civic, or institutional.

- **Parking.** Pursuant to Section 151.1, residential uses in C-3 Districts are not required to provide off-street parking, but up to one space for every four dwelling units and one space for every dwelling unit with at least two bedrooms and at least 1,000 square feet of occupied floor area can

be provided as of right. Pursuant to Section 309, residential parking that exceeds these standards can be provided with the granting of an exception.

The proposed sub-grade garage would contain 51 off-street residential parking spaces, 46 of which would be contained in a space efficient puzzler parking system, for a project parking ratio of 0.31:1. The Project could obtain a maximum of 134 parking spaces for the residential uses with a Section 309 exception. The permitted maximum amount of off-street residential parking that the project could propose without an exception is 44 off-street residential parking spaces.

Residents of the project are anticipated to prioritize other means of transit due to the project location and the relatively low parking ratio. The project area has a multitude of transportation options, and the project site is within walking distance of the Market Street transit spine and the future Van Ness BRT, and thus, would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The project proposes limited off-street parking, encouraging residents of the building to seek transportation options other than private automobile use. Furthermore, the off-street parking access will be located on a secondary street frontage, Lech Walesa Alley, to minimize impacts with traffic, bicycles and pedestrians along Polk and Hayes Streets.

- **Requested Conditional Use Authorizations.** Planning Code Section 124(f) provides that in C-3-G Districts, additional square footage above the base Floor Area Ratio ("FAR") of 6.0 to 1 may be approved by Conditional Use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f). The project contains 19 affordable units with a floor area of 13,352 square feet that would be exempted from the project FAR calculation as authorized under Section 124(f).

The principally permitted residential dwelling density allowed under Code Section 215 is no greater than one unit per 125 square feet of lot area within the C-3-G Zoning District. A dwelling unit density greater than 1:125 may be allowed via a Conditional Use Authorization pursuant to Code Section 215(b). The project has a dwelling unit density of one unit per 81 square feet of lot area. Without the density Conditional Use Authorization, the project could have a maximum of 106 units. The proposed density would be largely consistent with other high-rise residential projects in the area that include 1411 Market Street (1:91), 100 Van Ness Avenue (1:31) and 1 Polk Street (1:125).

- **Dwelling Unit Mix.** The project sponsor has put forth two dwelling unit mix schemes. The primary scheme would feature 62 two-bedroom units, 87 one-bedrooms, and 13 studios, while the alternative scheme would feature 23 two-bedrooms, 99 one-bedrooms, and 25 studios. Department staff prefers the dwelling unit mix with the higher number of two-bedroom units. Although the project is not located in the Market & Octavia Area Plan, the plan area is located immediately to the west of the project site. The scheme with 62 two-bedroom units would more closely match the Market & Octavia Area Plan standards for dwelling unit mix in that 38% of the units would be two bedrooms, while the zoning districts in the area plan generally require that residential projects contain at least 40% two-bedroom units or larger.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must 1) adopt findings under the California Environmental Quality Act; 2) determine that the project complies with Planning Code Section 309, granting requests for three exceptions regarding General Standards for Rear Yard (Section 134), Ground-Level Wind Currents (148), and Limitation on Residential Accessory Parking (Section 151.1); and 3) approve two Conditional Use Authorizations requests under Planning Code Sections 124(f), 215(b) and 303 to 1) allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150% of the median income; and 2) to allow a dwelling unit density greater than one unit per 125 square feet of lot area.

## **BASIS FOR RECOMMENDATION**

- The project would add 162 dwelling units to the City's housing stock in a walkable and transit-rich area suited for dense, residential development.
- The project will add vitality to the Civic Center area by adding full-time residents in an area that has limited activity before and after typical work-day hours.
- The project would fulfill its inclusionary affordable housing requirement on-site by providing 19 BMR units on-site.
- The project fulfills the intent of the Downtown Plan to focus new housing transit-served locations and to create active streetscapes.
- The project will enhance the quality of the pedestrian experience along all three of its street frontages. The ground floor will be occupied by active uses and public realm improvements inclusive of a 101-foot-long bulb-out along Lech Walesa Alley.
- The project includes a mix of studio, one-bedroom, and two-bedroom units to serve a diversity of household sizes and people with varied housing needs.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Section 309 and the cited Conditional Use Authorization requests.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
--

### **Attachments:**

Draft Motion  
Mitigation, Monitoring and Reporting Program  
Final Mitigated Negative Declaration dated April 23, 2013  
Block Book Map  
Sanborn Map  
Aerial Photograph  
Zoning Map  
Residential Pipeline  
Correspondence Regarding the Project

Affordable Housing Affidavit  
Draft Costa-Hawkins Document  
Project Sponsor Submittal Package:  
- Project Sponsor Submittal Letter  
- Approved Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal   |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: Existing Conditions (11" by 17")  |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: Proposed Project (11" by 17")   |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Parcel Map                  | <input checked="" type="checkbox"/> Housing Documents   |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| <input checked="" type="checkbox"/> Aerial Photo                | <input checked="" type="checkbox"/> Draft Costa-Hawkins Agreement                                     |
| <input checked="" type="checkbox"/> Context Photos              |   |
| <input checked="" type="checkbox"/> Site Photos                 |   |

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

AJH  
Planner's Initials





# SAN FRANCISCO PLANNING DEPARTMENT

---

*Subject to: (Select only if applicable)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Inclusionary 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 checked="" type="checkbox"/> Other                             |

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion

HEARING DATE: MAY 9, 2013

*Date:* April 25, 2013  
*Case No.:* **2011.0702EXC**  
*Project Address:* **101 POLK STREET**  
*Zoning:* C-3-G (Downtown, General Commercial) District  
120-X Height and Bulk District  
*Block/Lots:* 0811/002 & 003  
*Project Sponsor:* Marc Babsin of  
Emerald Polk LLC  
532 Folsom Street, Suite 400  
San Francisco, CA 94105  
*Staff Contact:* Kate Conner – (415) 575-6914  
[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)

**ADOPTING FINDINGS AUTHORIZING A DETERMINATION OF COMPLIANCE AND THE GRANTING OF EXCEPTIONS (FROM THE REQUIREMENTS SET FORTH IN THE PLANNING CODE FOR "REAR YARD", "GROUND-LEVEL WIND CURRENTS", AND "LIMITATION ON RESIDENTIAL ACCESSORY PARKING") PURSUANT TO SECTION 309 OF THE PLANNING CODE, FOR A PROPOSED PROJECT TO CONSTRUCT A 13-STORY, 162-UNIT RESIDENTIAL BUILDING WITH 51 SUBGRADE OFF-STREET PARKING SPACES ON A SITE THAT CURRENTLY CONTAINS A SURFACE PARKING LOT WITHIN THE C-3-G ZONING DISTRICT AND THE 120-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On December 3, 2012, Marc Babsin of Emerald Polk LLC ("Project Sponsor"), submitted a request (Case No. 2011.0702EXC) with the City and County of San Francisco Planning Department ("Department") for a Determination of Compliance pursuant to Section 309 with requested Exceptions from Planning Code ("Code") Section 134(d), Rear Yard, 148, Ground-Level Wind Currents, and Section 151.1(e), Limitation on Residential Accessory Parking, to construct a 13-story, 162-unit residential building with 51 subgrade off-

street parking spaces on a site that currently contains a surface parking lot within the C-3-G Zoning District and the 120-X Height and Bulk District (collectively, "Project").

On March 27, 2013, under Case No. 2011.0702E, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for a project proposing to construct a 13-story, 120-foot tall, residential building with 162 units, and 51 off-street parking spaces was prepared and published for public review.

On April 23, 2013, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

On May 9, 2013, the Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On May 9, 2013, the Planning Commission found the FMND under Case No. 2011.0702E, was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and affirmed the FMND in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.0702E at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On, December 3, 2012, the Project Sponsor also filed an application with the Department for a Conditional Use Authorizations under Planning Code Sections 124(f), 215 and 303, to allow additional square footage above that permitted by the base floor area ratio ("FAR") limit for the construction of dwellings affordable for 20 years to households whose incomes are within 150 percent of the median income affordable dwelling units and to allow a residential density ratio that is greater than one unit per 125 square feet of lot area within the C-3-G (Downtown Commercial, General) District and a 120-X Height and Bulk District.

On May 9, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.0702EXC.

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 Determination of Compliance and Exceptions to Section 309 requested in Application No. 2011.0702EXC, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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. **Project Description.** The proposed project is the construction of a 13-story, 162-unit residential building with 51 subgrade parking spaces on a site that currently contains a surface parking lot. The Project Sponsor has put forth two dwelling unit mix schemes. The primary scheme would feature 62 two-bedroom units, 87 one-bedrooms, and 13 studios, while the alternative scheme would feature 23 two-bedrooms, 99 one-bedrooms, and 25 studios. The site is approximately 13,200 square feet and contains three street frontages – Polk Street, Hayes Street and Lech Walesa Alley. The street frontages along Polk and Hayes Streets would consist of walk-up residential units, as well as the building’s lobby. The Lech Walesa Alley frontage would also contain walk-up residential units, as well as the opening for the sub-grade garage that would contain the off-street parking and loading. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site.
3. **Site Description and Present Use.** The Project Site is located at the northwest corner of the intersection of Polk Street and Hayes Street on Assessor’s Block 0811, Lots 002 & 003 and is located within the C-3-G (Downtown, General Commercial) District, the 120-X Height and Bulk District and the Downtown Plan Area. The approximate 13,200 square-foot project site is currently developed with a surface parking lot containing 58 off-street parking spaces.
4. **Surrounding Properties and Neighborhood.** The project is located in the Civic Center neighborhood of San Francisco and is adjacent to the Beaux Arts core of the Civic Center Historic District and the Market & Octavia Area Plan to the west. The Civic Center area largely serves as a home to a clustering of local, state and federal offices, as well as a regional center for arts, entertainment, cultural and institutional uses such as the San Francisco Symphony, Opera, Ballet, the Asian Art Museum and the Bill Graham Civic Auditorium, which is located immediately across Polk Street from the Project Site.

The scale of development varies greatly in the vicinity of the project site, with the current height limits in the area ranging from 50 to 400 feet. Permitted heights and the prevailing scale of development in the immediately surrounding area are diverse. A stronger residential presence is

starting to develop in the area with the completion of projects at 77 Van Ness Avenue and One Polk, both of which are less than one block from the project. Several other residential projects are planned or under construction in the general vicinity of the project inclusive of the 250-unit Fox Plaza expansion at 1390 Market Street, the 754-unit 10<sup>th</sup>/Market Development, and the 400-unit 100 Van Ness project.

5. **Public Comment.** The Department has received letters of support from SPUR, the Hayes Valley Neighborhood Association, the Civic Center Community Benefit District, the San Francisco Housing Coalition, the San Francisco Bicycle Coalition, the San Francisco Symphony, Another Planet Entertainment (long-term lease holder at Bill Graham Auditorium), the Community Leadership Alliance, the building management of One Polk (the Argenta), and a retail tenant in One Polk regarding the Project. No correspondence has been received by the Department in opposition of the Project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the Planning Code in the following manner:
  - A. **Use & Density (Section 215).** In C-3-G Zoning District, residential dwelling units are principally permitted. Furthermore, the principally permitted residential dwelling density allowed under Code Section 215 is no greater than one unit per 125 square feet of lot area within the C-3-G Zoning District. A dwelling unit density greater than 1:125 may be allowed via a Conditional Use Authorization pursuant to Code Section 215(b).

*The Project is completely residential and has 162 residential units at a dwelling unit density of approximately one unit per 81 square feet of lot area. Accordingly, the Project Sponsor has submitted a Conditional Use Authorization request to allow such a residential density under Case No. 2011.0702EXC.*

- B. **Floor Area Ratio (Section 124).** Section 124 establishes basic floor area ratios (FAR) for all zoning districts. As set forth in Section 124(a), the FAR for the C-3-G District is 6.0 to 1. Under Sections 123 and 128, the FAR can be increased to a maximum of 9.0 to 1 with the purchase of transferable development rights (TDR). The Project Site has a lot area of approximately 13,200 square feet. Therefore, up to 79,200 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 118,800 square feet of GFA is permitted with the purchase of TDR. Additionally Planning Code Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

*The Project Sponsor has requested Conditional Use Authorization pursuant to Section 124(f) to allow for approximately 13,352 square feet of area occupied by affordable units to be exempted from the Project's FAR calculation under Case No. 2011.0702EXC. As shown in the conceptual plans for the Project, the building would include up to 118,761 square feet of GFA, and therefore complies with the maximum FAR limit. The Project Sponsor will purchase and utilize TDR pursuant to Section 128.*

- C. **Height and Bulk (Sections 260 & 270).** The subject property is located within a 120-X Height and Bulk District, thus permitting a 120-foot tall structure with no effective bulk limit.

*The Project would reach a maximum height of 120 feet measured to the roof, with rooftop mechanical structures and screening reaching a maximum height of approximately 12 feet. The Project therefore complies with the 120-foot height limit and the "X" Bulk District.*

- D. **Usable Residential Open Space (Section 135).** Per Section 135, a minimum of 36 square feet of private open space must be provided per dwelling unit, or 48 square feet of common open space must be provided per dwelling unit within C-3 Districts. Both private and common open space must meet standards for location, dimensions, usability, and access to sunlight.

*According to the submitted plans, the Project open space will be provided through a combination of private and common open space. 82 of the residential units will contain private balconies and one unit will contain a private terrace. Approximately 4,000 square of common open space will be provided by a combination of an outer court terrace located at the second story and two roof decks. The common open space will provide usable open space for 83 dwelling units. Combined, the private and common useable open space will meet the requirements for 166 dwelling units; therefore, the Project, with 162 dwelling units complies with the useable residential open space requirements of the Planning Code.*

- E. **Public Open Space (Section 138).** Pursuant to Planning Code Section 138, within the C-3-G District, one square foot of publicly-accessible open space must be provided for each 50 square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The Project is completely residential, and as such, does not require any public open space pursuant to Planning Code Section 138.*

- F. **Streetscape Improvements (Section 138.1).** Section 138.1(b) requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

*The Project would comply with this requirement by including appropriate streetscape improvements along all three project street frontages. Streetscape features will include street trees, bicycle racks and sidewalk plantings in continuous trenches. A 101-foot long bulb-out will span the Lech Walesa Alley frontage. As such, the Project would comply with this requirement by including appropriate streetscape improvements.*

- G. **Dwelling Unit Exposure (Section 140).** Section 140 of the Code 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 both its horizontal dimensions as it rises from its lowest level. The space must be unobstructed, except for certain specified permitted obstructions.

*All of the proposed dwelling units will either face onto a street or alley at least 25 feet in width or onto an outer courtyard meeting the dimensional requirements of Planning Code Section 140(a)(2); therefore, the Project will comply with the dwelling unit exposure requirements of Planning Code Section 140.*

- H. **Street Frontages in Commercial Districts: Active Uses (Section 145.1).** Section 145.1(c)(3) of the Planning Code requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor. Active uses may include commercial uses with transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such fashion as to not negatively impact the quality of the ground floor space.

*All three street-facing ground-floor frontages will primarily feature walk-up residential units (eight in number) that are raised from the street level. A residential lobby will be located at the corner of Polk Street and Hayes Street at the ground floor. The presences of these active uses will enliven the streetscape and contribute to a desirable pedestrian realm. The project complies with Section 145.1.*

- I. **Shadows on Public Sidewalks (Section 146).** Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to construction on Polk Street or Hayes Street, and therefore does not apply to the Project. As it relates to Section 146(c), the project would replace a vacant parcel with a 120-foot tall structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the project’s shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is zoned for the property and cannot be further shaped to reduce substantial shadow impacts on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial shadow impacts to public sidewalks.*

- J. **Shadows on Public Open Spaces (Section 147).** Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*A shadow analysis determined that the Project would not cast new net shadow on any non-Section 295 public or private open spaces and would comply with Section 147.*

- K. **Freight Loading (152.1).** Planning Code Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses between 100,001 and 200,000 gross square feet are required to provide one off-street loading space. Two service vehicle spaces may be substituted for each required freight loading space. Retail uses below 10,000 gross square feet are not required to provide off-street loading.

*With approximately 118,761 gross square feet of residential use and no retail uses, the Project is required to maintain one off-street loading space. The Project would provide two service vehicle loading spaces in the sub-grade parking area. The service vehicle loading spaces would also meet the dimensional and vertical height clearance requirements of Section 154(b) and general maneuverability requirements of Section 152.1. As such, the Project complies with the freight loading requirements of the Code.*

- L. **Bicycle Parking (Section 155.5).** Pursuant to Section 155.5, residential uses containing four or more dwelling units are required to provide bicycle parking at no cost or fee to the building occupants or tenants. For projects containing 50 or more dwelling units, the requirement is as follows: 25 Class 1 spaces plus 1 space for every four dwelling units over 50, with a maximum requirement of 400 spaces. If more than 100 spaces is required, up to one-third of the spaces may require the bicycle to be parked in a vertical position.

*With 162 dwelling units, the Project is required to provide 53 bicycle spaces and will exceed the requirement by providing 62 spaces.*

- M. **Car Sharing (Section 166).** In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided per Planning Code Section 166. The Project will be required to maintain one car-share spaces in the off-street parking area of the Project.

*The project will comply with Planning Code Section 166 by providing one car-share space in the off-street parking area of the Project.*

- N. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

*A shadow analysis dated September 11, 2012 (and supplemented on September 20, 2012), prepared by Environmental Science Associates concluded that no net new shadow would not be added to properties under the jurisdiction (or designated for acquisition) of the Recreation and Park Department by the Project. Specifically, the Project has been sculpted at the northwest corner of the site to step-down in height from east to west so as to avoid net new shadow on Civic Center Plaza. As the Project is configured with the sculpted northwest corner, shadow from the Project will not reach onto Civic Center Plaza during anytime of the year, and consequently, will be consistent with Section 295.*

- O. **Inclusionary Affordable Housing Program/Affordable Housing (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), and entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on April 25, 2013. The EE application was submitted on April 13, 2012. 19 units of the 162 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*



*The Project must execute the Costa Hawkins agreement within 60 days of Planning Commission approval or must revert to payment of the Affordable Housing Fee*

*The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing on-site inclusionary housing.*

- P. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

*The Project does not yet contain a public art concept and location. Prior to issuance of a building or site permit for a residential development project subject to the requirements of Section 429.1 et seq., the sponsor shall elect to use 100% of Public Art Fee to provide on-site public artwork, contribute 100% of Public Art Fee amount to Public Artwork Trust Fund, or expend a portion of the Public Art Fee amount to on-site public artwork and the remainder to the Public Artwork Trust Fund.*

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below.

- A. **Section 134: Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

*Rather than providing a rear yard equal to 25% of lot depth, the Project proposes an approximate 1,510 square-foot outer courtyard at the southwest corner of the structure. Other larger Project open spaces are in the form of roof decks. The outer courtyard will provide adequate dimensions to meet the dwelling unit exposure requirements of Code Section 140 for all units that have their only exposures onto the courtyard area. All other dwelling units in the Project will face one of three public rights-of-way over 25 feet in width. By orienting the units to one of the three street frontages, as well as to the south-facing, Code-complying outer courtyard, the Project is maximizing the light and air reception of the units.*

*Furthermore, by providing large useable open spaces in the forms of roof decks and an outer courtyard, instead of a traditional rear yard open space, the Project is effectively matching the development pattern of the subject block and project area. The subject block does not contain an existing pattern of mid-block open space and no adjacent buildings with rear yards are adjacent to the Project Site due to the nature of the buildings which tend to be office, civic, or institutional. For these reasons, a rear yard exception is appropriate.*

- B. **Ground-Level Wind Currents (Section 148).** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting 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 shall 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.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

*Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site in a Wind Test Technical Memorandum, dated September 10, 2012. A wind tunnel analysis was conducted using a scale model of the Project Site and its immediate vicinity. Measurements were taken at seven test points.*

#### **Comfort Criterion**

*101 Polk Street is located in an area of high ambient pedestrian-level wind speeds, largely attributable to the existing 100 Van Ness Avenue and Fox Plaza high rises that intercept a high volume of prevailing wind. Under current conditions, seven test locations near the 101 Polk Street area of influence with pedestrian use were analyzed in the Wind Test Technical Memorandum. The memorandum concluded that the average of the 10% exceeded wind speeds range from 11 mph to 17 mph. Winds at six of the seven test point locations within the Project influence area currently exceed the pedestrian-comfort criterion. The comfort-level criterion is currently met at one of the test locations, located at the southeast corner of Van Ness Avenue and Hayes Street. No public seating areas are located in the test area.*

*With the Project, wind conditions would change minimally. The average of the existing 10% exceeded comfort winds speeds measured at seven pedestrian test points would be 14.8 mph and wind speeds*

would range from 11 mph to 17 mph. Winds at six locations would continue to exceed the pedestrian comfort criterion, while the southeast corner of Van Ness Avenue and Hayes Street would continue to meet the comfort criterion. Two of the seven test locations located on Polk Street near Hayes Street would experience wind increases of less than two mph, which is an increase that is considered de minimis, and would not change the number of exceedances of the comfort criterion. The Technical Memorandum determined that changes to the design of the Project would not result in appreciable decreases of adverse wind speeds.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight and unlikely to be noticeable. The Project cannot be shaped or incorporate wind-baffling measures that would reduce the wind speeds to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the Project Site. Construction of the Project would have a negligible effect on wind conditions, which would remain virtually unchanged. The locations where wind speeds would exceed the comfort criterion are not immediately adjacent to the Project Site, making it infeasible to incorporate wind baffles or other design features into the Project to reduce wind. For these reasons, an exception from the comfort criterion is appropriate.

#### Hazard Criterion

The Project would comply with the wind hazard criterion. The wind tunnel test indicated that all test points currently meet the wind hazard criterion, i.e. wind speeds in these locations do not exceed 26 mph for more than one hour per year. The wind tunnel test predicted that all test locations would remain in compliance with construction of the Project. Since the Project would not cause equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year, the Project would comply with the hazard criterion of Section 148.

- C. **Section 151.1: Limitation on Residential Accessory Parking in C-3 Districts.** Pursuant to Section 151.1, residential uses in C-3 Districts are not required to provide off-street parking, but up to one space for every four dwelling units and one space for every dwelling unit with at least two bedrooms and at least 1,000 square feet of occupied floor area can be provided as of right. Pursuant to Section 309, residential parking that exceeds these standards can be provided with the granting of an exception.

The proposed sub-grade garage would contain 51 off-street residential parking spaces, 46 of which would be contained in a space efficient puzzler parking system, for a Project parking ratio of 0.31:1. The Project could obtain a maximum of 134 parking spaces for the residential uses with a Section 309 exception. The permitted maximum amount of off-street residential parking that the Project could propose without an exception is 44 off-street residential parking spaces.

Pursuant to 151.1(f), in C-3 Districts, any request for residential parking in excess of what is permitted by right in table 151.1 shall be reviewed on a case-by-case basis by the Commission subject to the procedures set forth in Section 309. In granting approval for residential

parking above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

1. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands.

*This criterion is inapplicable as the Project proposes a parking ratio of 0.31:1 for all residential units.*

2. For any project with residential accessory parking in excess of 0.375 parking spaces for each dwelling unit, the project complies with the housing requirements of Sections 415 through 415.9 of this Code except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 415.3(a)(2) shall apply to the project.

*This criterion is inapplicable as the Project proposes a parking ratio of 0.31:1 for all residential units. The Project will provide all required inclusionary housing on-site in compliance with Section 415.3.*

3. The findings of Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) are satisfied.

**Section 151.1(e)(1)(B).** Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

*The proposed parking is not expected to adversely impact traffic congestion. The Project is located within an existing high-density urban context. The project area has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine and the future Van Ness BRT, and thus, would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes limited off-street parking, encouraging residents of the building to seek transportation options other than private automobile use. Furthermore, the off-street parking access will be located on a secondary street frontage, Lech Walesa Alley, to minimize impacts with traffic, bicycles and pedestrians along Polk and Hayes Streets.*

**Section 151.1(e)(1)(C).** Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

*All parking is below grade, such that the parking entrance does not degrade the overall urban design of the Project. Furthermore, the parking entrance is located on Lech Walesa Alley, a secondary street frontage.*

**Section 151.1(e)(1)(E).** Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*The garage opening on Lech Walesa Alley will not diminish the quality or viability of existing or planned streetscape enhancements. A 101-foot bulb-out, street trees, and bicycle racks will be installed on the Lech Walesa Alley Project frontage, thereby improving and enhancing the streetscape experience.*

4. 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 requiring such treatments elsewhere in this Code.

**Section 155(s)(1)(B).** Parking located at or above ground level shall conform to the street frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems.

*The off-street parking will be below-grade. Section 155(s)(1)(B) is not applicable to the Project.*

**Section 155(s)(1)(C).** Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) 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 provisions of Section 155(s)(1)(C) are not applicable because the Project will not provide parking above the ground level.*

8. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

## HOUSING ELEMENT:

### Objectives and Policies

#### OBJECTIVE 1

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

**Policy 1.1:**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

**Policy 1.2**

Focus housing growth and infrastructure-necessary to support growth according to community plans.

**Policy 1.10:**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

**OBJECTIVE 4**

**FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**

**Policy 4.4:**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.1:**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1:**

Support "smart" regional growth that locates new housing close to jobs and transit.

**Policy 13.2:**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The site is suited for dense, residential development, where residents can commute and*

*satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of studio, one-bedroom, and two-bedroom units in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood that would be offered as rental housing units. The required inclusionary affordable housing units would be provided on-site and would number 19 units based on the proposed 162 dwelling units.*

## TRANSPORTATION ELEMENT Objectives and Policies

### 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 is located within an existing high-density urban context. The project area has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes little off-street parking, encouraging users of the building to seek transportation options other than private automobile use.*

## URBAN DESIGN ELEMENT Objectives and Policies

### OBJECTIVE 3:

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

#### Policy 3.1:

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

#### Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project is located in an area that features a mix of development with contemporary, high-rise construction located primarily to the south of the project site and the Beaux Arts core of the Civic Center Historic District located immediately north and adjacent to the Project Site. As was noted in the Historic*

*Resource Evaluation Response drafted by the Department on December 21, 2012, the height and massing of the Project would be compatible with other similar buildings that frame the historic district.*

*While the project would be taller than most buildings in the adjacent historic district at 13 stories in height, the Project is not anticipated to overwhelm adjacent district contributors, which are monumental in scale and physically substantial in appearance and design. The proposed Project design will have a textured façade utilizing a combination of glazed and solid materials along with recesses, change of materials, and projecting features to appropriately reference the characteristics of the adjacent district. Materials at the base of the Project will have a weighted, rusticated treatment to reference similar treatments in the adjacent district. The base will be capped with a slightly projecting belt course at roughly the same height of a similar feature on the adjacent Public Health Building; this feature breaks-up the mass of the building with a horizontal feature and references the tripartite organization of buildings in the district.*

*The Project will be clearly differentiated from the historic district by its detailing and material palette while referencing design elements from district. Cladding materials, including masonry/cast concrete and metal panel cladding, represent modern interpretations, or references, to building materials in the historic district. While the Project will be visible from the district, it will not interfere with any of the district's primary axial views or the interrelationships between the buildings. As the Project is located south of the primary open space of the district (Civic Center Plaza), it will not interfere with the spatial layout or primary features of the district. The Project will serve as a general framing element in a surrounding built context that is characterized by a mix of low- and high-rise construction and construction types.*

## **DOWNTOWN AREA PLAN**

### **Objectives and Policies**

#### **OBJECTIVE 7:**

#### **EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.**

##### **Policy 7.1:**

Promote the inclusion of housing in downtown commercial developments.

##### **Policy 7.2:**

Facilitate conversion of underused industrial and commercial areas to residential use.

*The Project would construct a high density residential building on an underutilized site that currently contains a surface parking lot.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.



*The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The project will not diminish existing housing stock, and will add dwelling units in a manner that enhances the vitality of the neighborhood.*

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

*No housing is removed for this Project. 19 affordable dwelling units will be provided on-site.*

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

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.*

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

*The Project will not displace any service or industry establishment, and does not propose any office development.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site. The Project has been designed to complement the character defining features of contributory buildings within the adjacent Civic Center Historic District.*

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

*The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.*

10. 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.
11. The Commission hereby finds that approval of the Determination of Compliance with Section 309 with Request for Exceptions would promote the health, safety and welfare of the City.

**DECISION**

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Application No. 2011.0702EXC** and grants exceptions to Sections 134(d), 148, and 151.1 pursuant to Section 309, subject to the following conditions attached hereto as Exhibit A which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2011.0702EXC.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions 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 adoption 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 in person at 1650 Mission Street, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 9, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 9, 2013

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is to grant a Planning Code Section 309 Determination of Compliance and Request for Exceptions, in connection with a proposal to construct a 13-story, 162-unit residential building with 51 subgrade off-street parking spaces, located at 101 Polk Street (Assessor's Block 0811, Lot 002 & 003), within the C-3-G (General, Downtown Commercial) District and the 120-X Height and Bulk District, in general conformance with plans dated April 25, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0702EXC and subject to conditions of approval reviewed and approved by the Commission on May 9, 2013 under Motion No. XXXXX. 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 May 9, 2013, under Motion No XXXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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 Conditional Use authorization 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 Conditional Use 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. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization 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](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Additional Project Authorizations.** The Project Sponsor must obtain Conditional Use Authorizations, pursuant to Planning Code Sections 124(f), 215, and 303, to allow a Floor Area Ratio over the base permitted for the Project's affordable housing and to allow a dwelling unit density greater than one unit per 125 square feet of lot area. 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the Project Sponsor. The implementation of the mitigation measures is a condition of approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

5. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, ground floor, open spaces, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the permit. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Downtown Streetscape Plan – C3 Districts.** Pursuant to Planning Code Section 138.1 and the Downtown Streetscape Plan, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The streetscape improvement plan shall include details regarding the bulb-out along the length of Lech Walesa Alley. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff prior to Planning approval of the architectural addendum to the site permit. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All

exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

11. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

12. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

13. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application

indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

14. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Bicycle Parking.** The Project shall provide no fewer than 53 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, and as indicated on Exhibit B, the Project shall provide no more than 51 independently accessible off-street parking spaces, excluding car share spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



18. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

19. **Affordable Units. Requirement.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 162 units; therefore, 19 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 19 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
20. **Unit Mix.** The Project contains 13 studios, 87 one-bedroom, and 62 two-bedroom units; therefore, the required affordable unit mix is two studios, 10 one-bedroom, and seven two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
21. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
22. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (12%) of the each phase's total number of dwelling units as on-site affordable units.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
23. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

24. **Other Affordable Housing Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City provided herein. The Project must execute the Costa Hawkins agreement within 60 days of Planning Commission approval or must revert to payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

- 25. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org).*
- 26. **Art - C-3 District.** Pursuant to Planning Code Section 429, the Project shall include 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.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

27. **Art Plaques - C-3 District.** Pursuant to Planning Code Section 429(b) the Project Sponsor shall provide a plaque or cornerstone identifying the 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.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

28. **Art - C-3 District.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department 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 prior to the submittal of the first building or site permit application

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

29. **Art - C-3 District.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion 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.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

30. **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](http://www.sf-planning.org)*

31. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not

resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

32. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

33. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

34. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

35. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

---

Subject to: (Select only if applicable)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Inclusionary 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 checked="" type="checkbox"/> Other                             |

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion

HEARING DATE: MAY 9, 2013

*Date:* April 25, 2013  
*Case No.:* **2011.0702EXC**  
*Project Address:* **101 POLK STREET**  
*Zoning:* C-3-G (Downtown, General Commercial) District  
120-X Height and Bulk District  
*Block/Lots:* 0811/002 & 003  
*Project Sponsor:* Marc Babsin of  
Emerald Polk LLC  
532 Folsom Street, Suite 400  
San Francisco, CA 94105  
*Staff Contact:* Kate Conner – (415) 575-6914  
[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVALS OF TWO CONDITIONAL USE AUTHORIZATION REQUESTS UNDER CODE SECTION 124(f), 215(b) and 303, TO 1) ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME; AND 2) ALLOW A DWELLING UNIT DENSITY GREATER THAN ONE UNIT PER 125 SQUARE FEET OF LOT AREA FOR A PROPOSED PROJECT TO CONSTRUCT A 13-STORY, 162-UNIT RESIDENTIAL BUILDING WITH 51 SUBGRADE OFF-STREET PARKING SPACES ON A SITE THAT CURRENTLY CONTAINS A SURFACE PARKING LOT WITHIN THE C-3-G ZONING DISTRICT AND THE 120-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On December 3, 2012, Marc Babsin of Emerald Polk LLC ("Project Sponsor"), submitted a request (Case No. 2011.0702EXC) with the City and County of San Francisco Planning Department ("Department") for two Conditional Use Authorization requests under Planning Code ("Code") Sections 124(f), 215(b) and

303 to 1) allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150% of the median income; and 2) to allow a dwelling unit density greater than one unit per 125 square feet of lot area, to construct a 13-story, 162-unit residential building with 51 subgrade off-street parking spaces on a site that currently contains a surface parking lot within the C-3-G Zoning District and the 120-X Height and Bulk District (collectively, "Project").

On March 27, 2013, under Case No. 2011.0702E, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for a project proposing to construct a 13-story, 120-foot tall, residential building with 162 units, and 51 off-street parking spaces was prepared and published for public review.

On April 23, 2013, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

On May 9, 2013, the Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On May 9, 2013, the Planning Commission found the FMND under Case No. 2011.0702E, was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and affirmed the FMND in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.0702E at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On December 3, 2012, the Project Sponsor, submitted a request (Case No. 2011.0702EXC) with the City and County of San Francisco Planning Department ("Department") for a Determination of Compliance pursuant to Section 309 with requested Exceptions from Code Sections 134(d), Rear Yard, 148, Ground-Level Wind Currents, and Section 151.1(e), Limitation on Residential Accessory Parking.

On May 9, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.0702EXC.

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 Conditional Use Authorizations requested in Application No. 2011.0702EXC, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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. **Project Description.** The proposed project is the construction of a 13-story, 162-unit residential building with 51 subgrade parking spaces on a site that currently contains a surface parking lot. The project sponsor has put forth two dwelling unit mix schemes. The primary scheme would feature 62 two-bedroom units, 87 one-bedrooms, and 13 studios, while the alternative scheme would feature 23 two-bedrooms, 99 one-bedrooms, and 25 studios. The site is approximately 13,200 square feet and contains three street frontages – Polk Street, Hayes Street and Lech Walesa Alley. The street frontages along Polk and Hayes Streets would consist of walk-up residential units, as well as the building's lobby. The Lech Walesa Alley frontage would also contain walk-up residential units, as well as the opening for the sub-grade garage that would contain the off-street parking and loading. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site.
3. **Site Description and Present Use.** The Project Site is located at the northwest corner of the intersection of Polk Street and Hayes Street on Assessor's Block 0811, Lots 002 & 003 and is located within the C-3-G (Downtown, General Commercial) District, the 120-X Height and Bulk District and the Downtown Plan Area. The approximate 13,200 square-foot project site is currently developed with a surface parking lot containing 58 off-street parking spaces.
4. **Surrounding Properties and Neighborhood.** The project is located in the Civic Center neighborhood of San Francisco and is adjacent to the Beaux Arts core of the Civic Center Historic District and the Market & Octavia Area Plan to the west. The Civic Center area largely serves as a home to a clustering of local, state and federal offices, as well as a regional center for arts, entertainment, cultural and institutional uses such as the San Francisco Symphony, Opera, Ballet, the Asian Art Museum and the Bill Graham Civic Auditorium, which is located immediately across Polk Street from the Project Site.

The scale of development varies greatly in the vicinity of the project site, with the current height limits in the area ranging from 50 to 400 feet. Permitted heights and the prevailing scale of development in the immediately surrounding area are diverse. A stronger residential presence is



starting to develop in the area with the completion of projects at 77 Van Ness Avenue and One Polk, both of which are less than one block from the project. Several other residential projects are planned or under construction in the general vicinity of the project inclusive of the 250-unit Fox Plaza expansion at 1390 Market Street, the 754-unit 10<sup>th</sup>/Market Development, and the 400-unit 100 Van Ness project.

5. **Public Comment.** The Department has received letters of support from SPUR, the Hayes Valley Neighborhood Association, the Civic Center Community Benefit District, the San Francisco Housing Coalition, the San Francisco Bicycle Coalition, the San Francisco Symphony, Another Planet Entertainment (long-term lease holder at Bill Graham Auditorium), the Community Leadership Alliance, the building management of One Polk (the Argenta), and a retail tenant in One Polk regarding the Project. No correspondence has been received by the Department in opposition of the Project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the Planning Code in the following manner:
  - A. **Use & Density (Section 215).** In C-3-G Zoning District, residential dwelling units are principally permitted. Furthermore, the principally permitted residential dwelling density allowed under Code Section 215 is no greater than one unit per 125 square feet of lot area within the C-3-G Zoning District. A dwelling unit density greater than 1:125 may be allowed via a Conditional Use Authorization pursuant to Code Section 215(b).

*The Project is completely residential and has 162 residential units at a dwelling unit density of approximately one unit per 81 square feet of lot area. Accordingly, the Project Sponsor has requested Conditional Use Authorization to allow such a residential density.*

- B. **Floor Area Ratio (Section 124).** Section 124 establishes basic floor area ratios (FAR) for all zoning districts. As set forth in Section 124(a), the FAR for the C-3-G District is 6.0 to 1. Under Sections 123 and 128, the FAR can be increased to a maximum of 9.0 to 1 with the purchase of transferable development rights (TDR). The Project Site has a lot area of approximately 13,200 square feet. Therefore, up to 79,200 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 118,800 square feet of GFA is permitted with the purchase of TDR. Additionally Planning Code Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by Conditional Use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

*The Project Sponsor has requested Conditional Use Authorization pursuant to Section 124(f) to allow for approximately 13,352 square feet of area occupied by affordable units to be exempted from the Project's FAR calculation. As shown in the conceptual plans for the Project, the building would include up to 118,761 square feet of GFA, and therefore complies with the maximum FAR limit. The Project Sponsor will purchase and utilize TDR pursuant to Section 128.*

- C. **Height and Bulk (Sections 260 & 270).** The subject property is located within a 120-X Height and Bulk District, thus permitting a 120-foot tall structure with no effective bulk limit.

*The Project would reach a maximum height of 120 feet measured to the roof, with rooftop mechanical structures and screening reaching a maximum height of approximately 12 feet. The Project therefore complies with the 120-foot height limit and the "X" Bulk District.*

- D. **Rear Yard (Section 134).** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

*The proposed project would not meet the Planning Code's minimum rear yard requirement in that the required 25% rear yard at all residential levels is not provided. The Planning Code makes no provision for the proposed courtyard configuration as a method of complying with rear yard requirements. However, Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas. As such, the Project Sponsor has requested an exception from the rear yard requirements of Planning Code Section 134 under Case No. 2011.0702EXC.*

- E. **Usable Residential Open Space (Section 135).** Per Section 135, a minimum of 36 square feet of private open space must be provided per dwelling unit, or 48 square feet of common open space must be provided per dwelling unit within C-3 Districts. Both private and common open space must meet standards for location, dimensions, usability, and access to sunlight.

*According to the submitted plans, the Project open space will be provided through a combination of private and common open space. 82 of the residential units will contain private balconies and one unit will contain a private terrace. Approximately 4,000 square of common open space will be provided by a combination of an outer court terrace located at the second story and two roof decks. The common open space will provide usable open space for 83 dwelling units. Combined, the private and common useable open space will meet the requirements for 166 dwelling units; therefore, the Project, with 162 dwelling units complies with the useable residential open space requirements of the Planning Code.*

- F. **Public Open Space (Section 138).** Pursuant to Planning Code Section 138, within the C-3-G District, one square foot of publicly-accessible open space must be provided for each 50 square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The Project is completely residential, and as such, does not require any public open space pursuant to Planning Code Section 138.*

- G. **Streetscape Improvements (Section 138.1).** Section 138.1(b) requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

*The Project would comply with this requirement by including appropriate streetscape improvements along all three project street frontages. Streetscape features will include street trees, bicycle racks and sidewalk plantings in continuous trenches. A 101-foot long bulb-out will span the Lech Walesa Alley frontage. As such, the Project would comply with this requirement by including appropriate streetscape improvements.*

- H. **Dwelling Unit Exposure (Section 140).** Section 140 of the Code 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 both its horizontal dimensions as it rises from its lowest level. The space must be unobstructed, except for certain specified permitted obstructions.

*All of the proposed dwelling units will either face onto a street or alley at least 25 feet in width or onto an outer courtyard meeting the dimensional requirements of Planning Code Section 140(a)(2); therefore, the Project will comply with the dwelling unit exposure requirements of Planning Code Section 140.*

- I. **Street Frontages in Commercial Districts: Active Uses (Section 145.1).** Section 145.1(c)(3) of the Planning Code requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor. Active uses may include commercial uses with transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such fashion as to not negatively impact the quality of the ground floor space.

*All three street-facing ground-floor frontages will primarily feature walk-up residential units (eight in number) that are raised from the street level. A residential lobby will be located at the corner of Polk Street and Hayes Street at the ground floor. The presences of these active uses will enliven the streetscape and contribute to a desirable pedestrian realm. The project complies with Section 145.1.*

- J. **Shadows on Public Sidewalks (Section 146).** Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other

buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to construction on Polk Street or Hayes Street, and therefore does not apply to the Project. As it relates to Section 146(c), the project would replace a vacant parcel with a 120-foot tall structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is zoned for the property and cannot be further shaped to reduce substantial shadow impacts on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial shadow impacts to public sidewalks.*

- K. **Shadows on Public Open Spaces (Section 147).** Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*A shadow analysis determined that the Project would not cast new net shadow on any non-Section 295 public or private open spaces and would comply with Section 147.*

- L. **Ground-Level Wind Currents (Section 148).** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting 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 shall 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.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

*Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site in a Wind Test Technical Memorandum, dated September 10, 2012. A wind tunnel analysis was conducted using a scale model of the Project Site and its immediate vicinity. Measurements were taken at seven test points.*

### **Comfort Criterion**

*101 Polk Street is located in an area of high ambient pedestrian-level wind speeds, largely attributable to the existing 100 Van Ness Avenue and Fox Plaza high rises that intercept a high volume of prevailing wind. Under current conditions, seven test locations near the 101 Polk Street area of influence with pedestrian use were analyzed in the Wind Test Technical Memorandum. The memorandum concluded that the average of the 10% exceeded wind speeds range from 11 mph to 17 mph. Winds at six of the seven test point locations within the Project influence area currently exceed the pedestrian-comfort criterion. The comfort-level criterion is currently met at one of the test locations, located at the southeast corner of Van Ness Avenue and Hayes Street.*

*With the Project, wind conditions would change minimally. The average of the existing 10% exceeded comfort winds speeds measured at seven pedestrian test points would be 14.8 mph and wind speeds would range from 11 mph to 17 mph. Winds at six locations would continue to exceed the pedestrian comfort criterion, while the southeast corner of Van Ness Avenue and Hayes Street would continue to meet the comfort criterion. Two of the seven test locations located on Polk Street near Hayes Street would experience wind increases of less than two mph, which is an increase that is considered de minimis, and would not change the number of exceedances of the comfort criterion. Because the Project is not able to ameliorate all existing comfort-level criterion exceedances, the Project Sponsor has requested an exception from the comfort criterion requirements of Planning Code Section 138 under Case No. 2011.0702EXC.*

### **Hazard Criterion**

*The Project would comply with the wind hazard criterion. The wind tunnel test indicated that all test points currently meet the wind hazard criterion, i.e. wind speeds in these locations do not exceed 26 mph for more than one hour per year. The wind tunnel test predicted that all test locations would remain in compliance with construction of the Project. Since the Project would not cause equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year, the Project would comply with the hazard criterion of Section 148.*

- M. Limitation on Residential Accessory Parking in C-3 Districts (Section 151.1).** Pursuant to Section 151.1, residential uses in C-3 Districts are not required to provide off-street parking,

but up to one space for every four dwelling units and one space for every dwelling unit with at least two bedrooms and at least 1,000 square feet of occupied floor area can be provided as of right. Pursuant to Section 309, residential parking that exceeds these standards can be provided with the granting of an exception.

*The proposed sub-grade garage would contain 51 off-street residential parking spaces, 46 of which would be contained in a space efficient puzzler parking system, for a Project parking ratio of 0.31:1. The Project could obtain a maximum of 134 parking spaces for the residential uses with a Section 309 exception. The permitted maximum amount of off-street residential parking that the Project could propose without an exception is 44 off-street residential parking spaces. As such, the Project Sponsor has requested an exception from the limitation on residential accessory parking in C-3 Districts provision of Planning Code Section 151.1 under Case No. 2011.0702EXC*

- N. **Freight Loading (152.1).** Planning Code Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses between 100,001 and 200,000 gross square feet are required to provide one off-street loading spaces. Two service vehicle spaces may be substituted for each required freight loading space. Retail uses below 10,000 gross square feet are not required to provide off-street loading.

*With approximately 118,761 gross square feet of residential use and no retail uses, the Project is required to maintain one off-street loading space. The Project would provide two service vehicle loading spaces in the sub-grade parking area. The service vehicle loading spaces would also meet the dimensional and vertical height clearance requirements of Section 154(b) and general maneuverability requirements of Section 152.1. As such, the Project complies with the freight loading requirements of the Code.*

- O. **Bicycle Parking (Section 155.5).** Pursuant to Section 155.5, residential uses containing four or more dwelling units are required to provide bicycle parking at no cost or fee to the building occupants or tenants. For projects containing 50 or more dwelling units, the requirement is as follows: 25 Class 1 spaces plus 1 space for every four dwelling units over 50, with a maximum requirement of 400 spaces. If more than 100 spaces is required, up to one-third of the spaces may require the bicycle to be parked in a vertical position.

*With 162 dwelling units, the Project is required to provide 53 bicycle spaces and will exceed the requirement by providing 62 spaces.*

- P. **Car Sharing (Section 166).** In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided per Planning Code Section 166. The Project will be required to maintain one car-share spaces in the off-street parking area of the Project.

*The project will comply with Planning Code Section 166 by providing one car-share space in the off-street parking area of the Project.*

- Q. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

*A shadow analysis dated September 11, 2012 (and supplemented on September 21, 2012) prepared by Environmental Science Associates concluded that no net new shadow would not be added to properties under the jurisdiction (or designated for acquisition) of the Recreation and Park Department by the Project. Specifically, the Project has been sculpted at the northwest corner of the site to step-down in height from east to west so as to avoid net new shadow on Civic Center Plaza. As the Project is configured with the sculpted northwest corner, shadow from the Project will not reach onto Civic Center Plaza during anytime of the year, and consequently, will be consistent with Section 295.*

- R. **Inclusionary Affordable Housing Program/Affordable Housing (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), and entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on April 25, 2013. The EE application was submitted on April 13, 2012. 19 units of the 162 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

*The Project must execute the Costa Hawkins agreement within 60 days of Planning Commission approval or must revert to payment of the Affordable Housing Fee*

*The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing on-site inclusionary housing.*

- S. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

*The Project does not yet contain a public art concept and location. Prior to issuance of a building or site permit for a residential development project subject to the requirements of Section 429.1 et seq., the sponsor shall elect to use 100% of Public Art Fee to provide on-site public artwork, contribute 100% of Public Art Fee amount to Public Artwork Trust Fund, or expend a portion of the Public Art Fee amount to on-site public artwork and the remainder to the Public Artwork Trust Fund.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

- a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*The Project will add significant housing opportunities at a density suitable for an urban context that is well served by public transit. By targeting high-density, infill at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The active residential uses at the ground floor and public realm improvements along the public rights-of-way will create a vibrant focal point for the area, activating the streetscape and creating visual interest for pedestrians at a prominent site location.*

*The existing development in the area surrounding the Project Site is varied in scale and intensity. Similar or larger contemporary high-density, high-rise residential buildings exist or are currently under construction immediately to the south and west of the Project Site. While the project would be taller than most buildings in the adjacent Civic Center Historic District at 13 stories in height, the Project is not anticipated to overwhelm adjacent district contributors, which are monumental in scale and physically substantial in appearance and design. The proposed Project design will have a textured façade utilizing a combination of glazed and solid materials along with recesses, change of materials, and projecting features to appropriately reference the characteristics of the adjacent district. A weighted, rusticated base and tripartite building composition will allow the building to reference the adjacent building forms and compositions of the adjacent district, while being clearly differentiated from the historic district by its detailing and material palette. Overall, the Project will*



*serve as a general framing element in a surrounding built context that is characterized by a mix of low- and high-rise construction and construction types.*

*The Project is necessary and desirable for, and is compatible with the neighborhood.*

- b. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

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

*The Project site is a regularly-shaped site composed of two rectangular lots that is adequately sized to accommodate the development. The Project footprint will occupy the entire site and will match the development pattern of the immediately surrounding built environment that features office, civic, and institutional buildings with full lot coverage. The Project will serve as a general framing element in a surrounding built context that is characterized by a mix of low- and high-rise construction and construction types. As discussed, the Project will also be referential to the adjacent Civic Center Historic District in terms of composition and massing.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

*One car-share space is required by Section 166 for the Project and one car-share space will be provided in the sub-grade parking area. The Project would provide off-street parking at relatively low parking ratio (0.31:1). Therefore, it is anticipated that residents will favor travel by means other than private automobile use to commute and to access goods and services in the vicinity. The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity. In addition, the area is served by ample public transit and contains immediate access to bicycle lanes, so that residents do not need to solely rely on private automobile transportation. The project will be providing two Code-complying service vehicle loading spaces in the sub-grade garage. The off-street parking and loading will be accessed via the garage entrance on Lech Walesa Alley, not the two major abutting streets, Polk and Hayes Streets.*

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

*The Project is residential in nature, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and*

*limits the permitted hours of work. The building will not utilize mirrored glass or other highly reflective materials; therefore, the Project is not expected to cause offensive amounts of glare. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare.*

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

*The Project provides Code-complying usable open space in the form of private balconies, common decks and a courtyard area. The proposed project would include street trees and other standard streetscape improvements along all three street frontages. An approximate 101-foot-long bulb-out would be installed and run along the Lech Walesa Alley frontage. Street-level mechanical elements would be screened from view and the loading area would be recessed within the building and accessed from Jessie Street. Service areas would be provided in the building and parking garage lighting and signage would be typical for a residential project. The detailed lighting and signage plans would be subject to approval by the Planning Department.*

- c. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The Project generally complies with the applicable sections of the Code. The residential uses contemplated for the Project are permitted within the C-3-G District.*

*Considered as a whole, the Project would add dense housing development in a neighborhood with an evolving residential identity to help create a vibrant, active node at a prominent location. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types, including 25 studio units, 99 one-bedroom units, and 23 two-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #8.*

- 8. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

## HOUSING ELEMENT:

### Objectives and Policies

#### OBJECTIVE 1

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

#### Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

**Policy 1.2**

Focus housing growth and infrastructure-necessary to support growth according to community plans.

**Policy 1.10:**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

**OBJECTIVE 4**

**FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**

**Policy 4.4:**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.1:**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1:**

Support "smart" regional growth that locates new housing close to jobs and transit.

**Policy 13.2:**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The site is suited for dense, residential development, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of*

*studio, one-bedroom, and two-bedroom units in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood that would be offered as rental housing units. The required inclusionary affordable housing units would be provided on-site and would number 19 units based on the proposed 162 dwelling units.*

## TRANSPORTATION ELEMENT Objectives and Policies

### 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 is located within an existing high-density urban context. The project area has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes little off-street parking, encouraging users of the building to seek transportation options other than private automobile use.*

## URBAN DESIGN ELEMENT Objectives and Policies

### OBJECTIVE 3:

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

##### Policy 3.1:

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

##### Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project is located in an area that features a mix of development with contemporary, high-rise construction located primarily to the south of the project site and the Beaux Arts core of the Civic Center Historic District located immediately north and adjacent to the Project Site. As was noted in the Historic Resource Evaluation Response drafted by the Department on December 21, 2012, the height and massing of the Project would be compatible with other similar buildings that frame the historic district.*

*While the project would be taller than most buildings in the adjacent historic district at 13 stories in height, the Project is not anticipated to overwhelm adjacent district contributors, which are monumental in scale and physically substantial in appearance and design. The proposed Project design will have a textured façade utilizing a combination of glazed and solid materials along with recesses, change of materials, and projecting features to appropriately reference the characteristics of the adjacent district. Materials at the base of the Project will have a weighted, rusticated treatment to reference similar treatments in the adjacent district. The base will be capped with a slightly projecting belt course at roughly the same height of a similar feature on the adjacent Public Health Building; this feature breaks-up the mass of the building with a horizontal feature and references the tripartite organization of buildings in the district.*

*The Project will be clearly differentiated from the historic district by its detailing and material palette while referencing design elements from district. Cladding materials, including masonry/cast concrete and metal panel cladding, represent modern interpretations, or references, to building materials in the historic district. While the Project will be visible from the district, it will not interfere with any of the district's primary axial views or the interrelationships between the buildings. As the Project is located south of the primary open space of the district (Civic Center Plaza), it will not interfere with the spatial layout our primary features of the district. The Project will serve as a general framing element in a surrounding built context that is characterized by a mix of low- and high-rise construction and construction types.*

## **DOWNTOWN AREA PLAN**

### **Objectives and Policies**

#### **OBJECTIVE 7:**

#### **EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.**

##### **Policy 7.1:**

Promote the inclusion of housing in downtown commercial developments.

##### **Policy 7.2:**

Facilitate conversion of underused industrial and commercial areas to residential use.

*The Project would construct a high density residential building on an underutilized site that currently contains a surface parking lot.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The project will not diminish existing housing stock, and will add dwelling units in a manner that enhances the vitality of the neighborhood.*

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

*No housing is removed for this Project. 19 affordable dwelling units will be provided on-site.*

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

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.*

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

*The Project will not displace any service or industry establishment, and does not propose any office development.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site. The Project has been designed to complement the character defining features of contributory buildings within the adjacent Civic Center Historic District.*

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

*The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.*

10. 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.
11. The Commission hereby finds that approval of the Conditional Use Authorizations would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 201.0702EXC** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 16, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 9, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 9, 2013



## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use pursuant to Planning Code Sections 124(f), 215(b), and 303 to allow the construction a 13-story, 162-unit residential building with 51 subgrade off-street parking spaces, located at 101 Polk Street (Assessor's Block 0811, Lot 002 & 003,), within the C-3-G (General, Downtown Commercial) District and the 120-X Height and Bulk District, in general conformance with plans dated April 25, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0702EXC and subject to conditions of approval reviewed and approved by the Commission on May 9, 2013 under Motion No. XXXXX. 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 May 9, 2013 under Motion No XXXXXX.

### **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 Conditional Use authorization 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 Conditional Use 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. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization 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](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Additional Project Authorizations.** The Project Sponsor must obtain a Planning Code Section 309 Determination of Compliance with Request for Exceptions to Rear Yard (Section 134(d)), Ground-Level Wind Currents in C-3 Districts (Section 148) and Limitation on Residential Accessory Parking (Section 151.1(e)). 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the Project Sponsor. The implementation of the mitigation measures is a condition of approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

5. **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](http://www.sf-planning.org)*
  
6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b><i>CULTURAL AND PALEONTOLOGICAL RESOURCES</i></b>					
<i>Mitigation Measure M-CP-2: Accidental Discovery Measures</i>					
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources, including human remains, as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.	<i>Project sponsor</i>	<i>Prior to any soils disturbing activities</i>	<i>Distribute Planning Department Archeological Resource "ALERT" sheet to Prime Contractor, sub-contractors and utilities firms.</i>	<i>Project Sponsor, archaeologist and Environmental Review Officer (ERO)</i>	<i>Prior to any soil disturbing activities.</i>
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO	<i>Head foreman and/or project sponsor</i>	<i>Accidental discovery</i>	<i>Suspend any soils disturbing activity.</i>	<i>Notify ERO of accidental discovery.</i>	<i>Following distribution of "ALERT" sheet but prior to any soils disturbing activities.</i>

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p>					
<p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p>	<i>Project sponsor.</i>	<i>In case of accidental discovery.</i>	<i>If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.</i>		
	<i>Archeological consultant.</i>		<i>Identify and evaluate archeological resources.</i>	<i>Make recommendation to the ERO.</i>	
<p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	<i>Project sponsor.</i>	<i>After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.</i>	<i>Implementation of Archeological measure required by ERO.</i>		

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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><i>Project sponsor.</i></p>	<p><i>Following completion of any* archeological field program. (* required)</i></p>	<p><i>Submittal of Draft/Final FARR to ERO.</i></p>		
<p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California 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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p><i>Project sponsor.</i></p>		<p><i>Distribution of Final FARR.</i></p>		
<p><b>AIR QUALITY</b></p>					
<p><i>Mitigation Measure M-AQ-2: Construction Emissions Minimization</i>  A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the</p>	<p><i>Project sponsor and contractor.</i></p>	<p><i>Prior to issuance of a permit specified in Section 106A.3.2.6 of the San Francisco</i></p>	<p><i>The project sponsor shall submit a Construction</i></p>	<p><i>Project sponsor/contractor(s) and the ERO.</i></p>	<p><i>Considered complete on findings by the ERO that the plan is complete.</i></p>

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating</p>		<i>Building Code.</i>	<p><i>Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist.</i></p>		

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
------------------------------------	--	----------------------------	--------------------------	--	----------------------------

modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to (A)(1)(b)(ii), the project sponsor must comply with the requirements of (A)(1)(c)(iii).

iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

**How to use the schedule:** If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met. \* Alternative fuels are not a VDECS.



**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of</p>					

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
------------------------------------	--	----------------------------	--------------------------	--	----------------------------

the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

<i>Mitigation Measure M-AQ-4a. Best Available Control Technology for Diesel Generators.</i>	<i>Project sponsor.</i>	<i>Prior to issuance of any building permit.</i>	<i>The project shall ensure that all diesel generators shall have engines</i>	<i>Planning Department/ Department of Building Inspection (DBI)</i>	<i>Considered complete at completion of building construction.</i>
All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards, or (2) meet Tier 2 emission					

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
standards and are equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS).			<i>that meet the emission standards specified herein.</i>		
<p><i>Mitigation Measure M-AQ-4b: Air Filtration Measures.</i></p> <p>Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor PM<sub>2.5</sub> concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.</p>	<i>Project sponsor.</i>	<i>Prior to issuance of any building permit.</i>	<i>The project sponsor shall submit a ventilation plan for the proposed building(s).</i>	<i>Planning Department/ Department of Building Inspection (DBI)</i>	<i>Considered complete at completion of building construction.</i>
<p><i>Maintenance Plan.</i> Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.</p>					
<p><i>Disclosure to buyers and renters.</i> The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.</p>					
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<p><i>Mitigation Measure M-HZ-2: Preparation of Site Mitigation Plan</i></p> <p>Construction at the project site shall be conducted under a project-specific Site Mitigation Plan (SMP) to protect construction workers, the general public, and the environment from subsurface</p>	<i>Project sponsor, contractor(s).</i>	<i>SMP shall be submitted at least six weeks prior to excavation work; vapor collection</i>	<i>Submit a SMP, vapor collection system plan, and health and safety plan to</i>	<i>Project sponsor, contractor(s), and DPH.</i>	<i>Considered complete upon submittal and confirmation of completeness by DPH.</i>

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>hazardous materials previously identified in the Phase II investigation and to address the possibility of encountering unknown contamination or hazards in the subsurface. The SMP shall identify soil and groundwater analytical data collected on the project site during the past Phase II investigation and identify soil and groundwater management options for excavated soil and groundwater, if encountered, during deep excavations in compliance with local, state, and federal statutes and regulations. The SMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The SMP shall be approved by the San Francisco Department of Public Health (DPH) six weeks prior to construction activities.</p> <p>A draft SMP was submitted to the DPH in September 2012, and included definition of areas proposed for excavation and preliminary waste disposal classifications for subareas. Soils would be stockpiled and sampled as needed to meet the requirements of the disposal facilities. The draft SMP shall be revised to include the following information or requirements as specified by the DPH in their letter dated 9 November 2012:</p> <ul style="list-style-type: none"> <li>▪ Identify the proposed soil transporter and disposal locations.</li> <li>▪ Collect confirmation samples in the excavation area following excavation.</li> <li>▪ Include a figure showing the approximate number and proposed locations for confirmation sampling.</li> </ul>			<p><i>system plan must be submitted to DPH within four weeks of system installation; health and safety plan may be submitted two weeks prior to excavation work. SMP shall be approved by DPH six weeks prior to construction activities.</i></p>	<p><i>DPH.</i></p>	

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> <li>▪ If confirmation samples exceed residential clean-up guidelines, additional excavation shall be performed or other mitigating measures as required by DPH should be implemented.</li> <li>▪ Confirmation soil samples shall be analyzed for the metals, particularly lead.</li> <li>▪ A chemical vapor barrier beneath the building foundation and along the basement sidewalls is required to control health hazards and odors. Include design and materials specifications for the chemical vapor barrier and mechanical ventilation system. Preliminary designs (~50 percent design) will be accepted if final designs are not available. The design documents must be stamped and signed by an appropriately licensed and experienced engineer, and must be submitted to and approved by DPH at least four weeks prior to installation.</li> <li>▪ Include a commitment to submit below-grade basement ventilation designs suitable for chemical vapor control. The designs shall be stamped by a registered mechanical engineer and submitted to DPH four weeks prior to installation.</li> <li>▪ As built drawings and a letter stating that the vapor collection system was installed per design requirements, signed by an appropriately trained and experienced engineer, must be submitted to DPH within four weeks of system installation.</li> <li>▪ Include storm water control and noise control protocols</li> </ul>					

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>as applicable.</p> <ul style="list-style-type: none"> <li>▪ A Certification Report shall be prepared that shall include the following: copies of permits (including dewatering permit); manifests or bills of lading for removed soil and/or water; and laboratory reports for soil disposal profiling and water samples, if not previously submitted to DPH.</li> <li>▪ Contingency procedures, should an underground storage tank (UST), other item of environmental concern, or contamination be encountered, shall be included in the Health and Safety Plan or other documentation provided to and discussed with the contractor. These procedures shall clearly state that the site owner shall notify the DPH of the situation and of the proposed response actions including acquisition of required permits, if any.</li> <li>▪ Any UST shall be removed under permit with the San Francisco Department of Public Health Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. The DPH shall be sent a copy of any documents received from or prepared for HMWP or the Fire Department.</li> <li>▪ The Health and Safety Plan shall be prepared and shall include safety measures such as worker training, site fencing, covering soil piles, misting exposed soil and other site-specific measures. The Health and Safety officer shall be identified in the Health and Safety Plan.</li> </ul>					

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Improvement Schedule</b>	<b>Improvement Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
------------------------------------	--	-----------------------------	---------------------------	--	----------------------------

**IMPROVEMENT MEASURES**

**TRANSPORTATION AND CIRCULATION**

*Improvement Measure I-TR-1a: Queue Abatement*

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

*Project sponsor, Planning Department.*

*Upon suspecting a recurring vehicle queue during project operation.*

*Issuance of a notice in writing.*

*Planning Department.*

*Ongoing during operation.*

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking,

**MONITORING AND REPORTING PROGRAM**

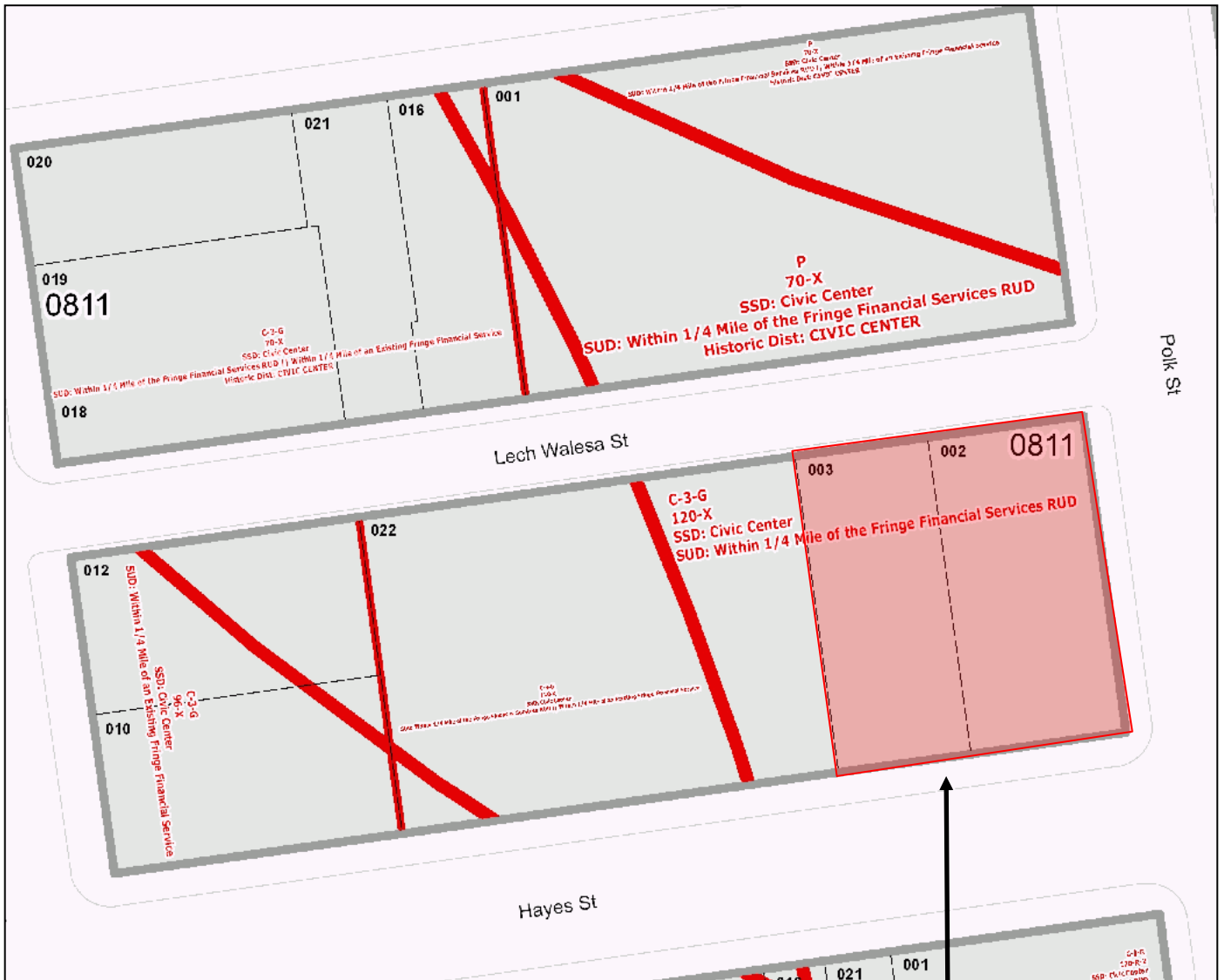
Adopted Mitigation Measures	Responsibility for Implementation	Improvement Schedule	Improvement Action	Monitoring/Reporting Responsibility	Monitoring Schedule
customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.					
If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.		<i>Evaluate conditions at the project site after issuance of notice.</i>	<i>Hire transportation consultant to evaluate conditions.</i>	<i>Project sponsor.</i>	
		<i>After determination from Planning Department.</i>	<i>Employ abatement methods, if applicable.</i>	<i>Project sponsor and Planning Department.</i>	
<i>Improvement Measure I-TR-1b: Transportation (Construction Activities)</i>					
Construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although this would not be considered a significant impact. The Project Sponsor will require the construction contractor to limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the San Francisco Municipal Transportation Authority, or SFMTA) in order to minimize the disruption of the general traffic flow on adjacent streets during the AM and PM peak periods. The Project Sponsor and construction contractor will meet with the Traffic Engineering Division of the SFMTA, the Fire	<i>Project sponsor and contractor.</i>	<i>During project construction.</i>	<i>Sponsor and contractor shall limit truck movements. Project Sponsor and contractor will meet with SFMTA, Fire Department, Muni, Planning Department and</i>	<i>Planning Department/SFMTA</i>	<i>Considered complete at completion of construction.</i>



**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Improvement Schedule</b>	<b>Improvement Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion and other potential transit and pedestrian circulation effects during construction of the proposed project.			<i>other City agencies to determine feasible traffic improvement measures.</i>		

# Parcel Map

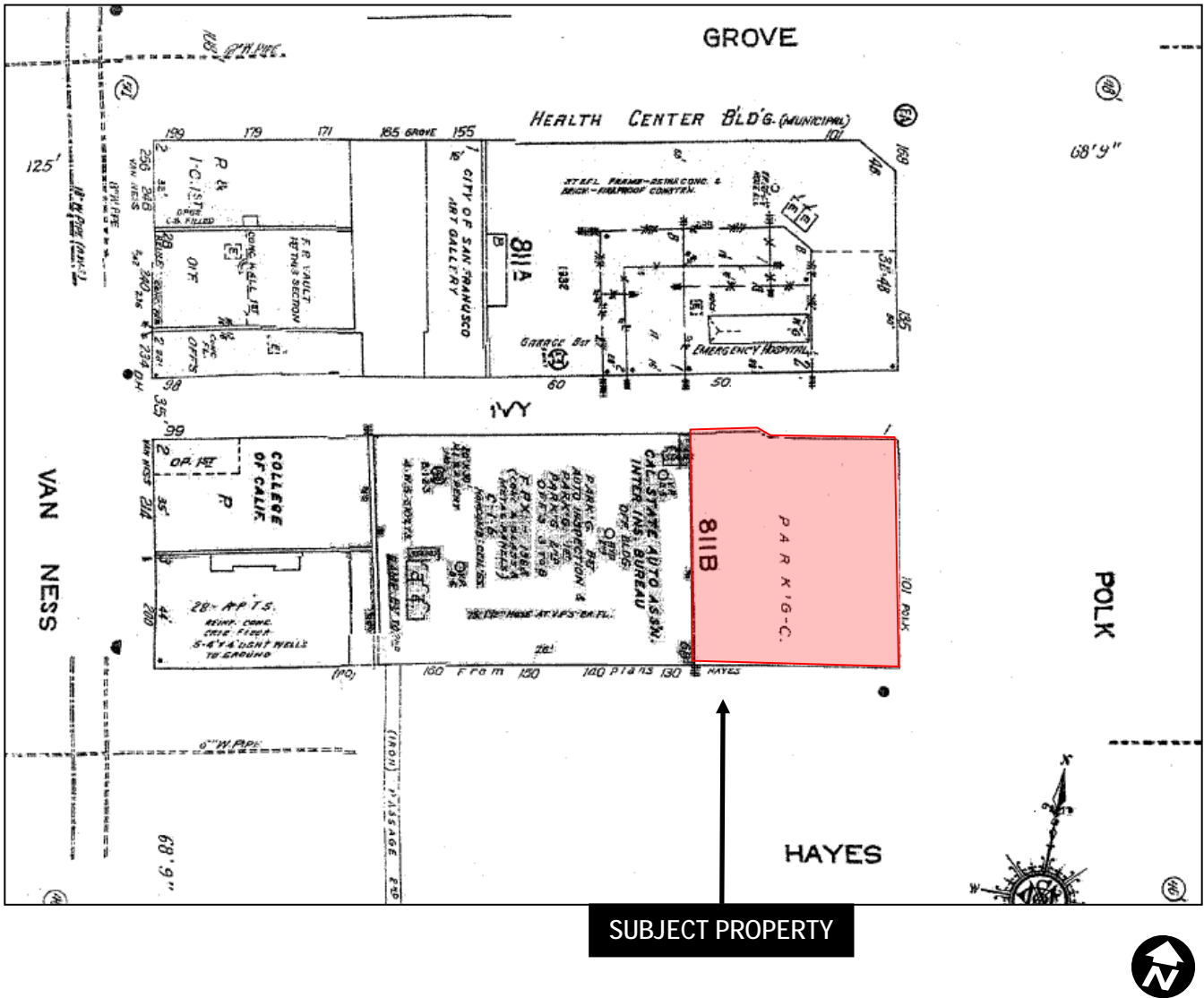


**SUBJECT PROPERTY**



Case Number 2011.0702EXC  
 Section 309 Review and Exceptions Request  
 Requests for Conditional Use  
 101 Polk Street

# Sanborn Map\*

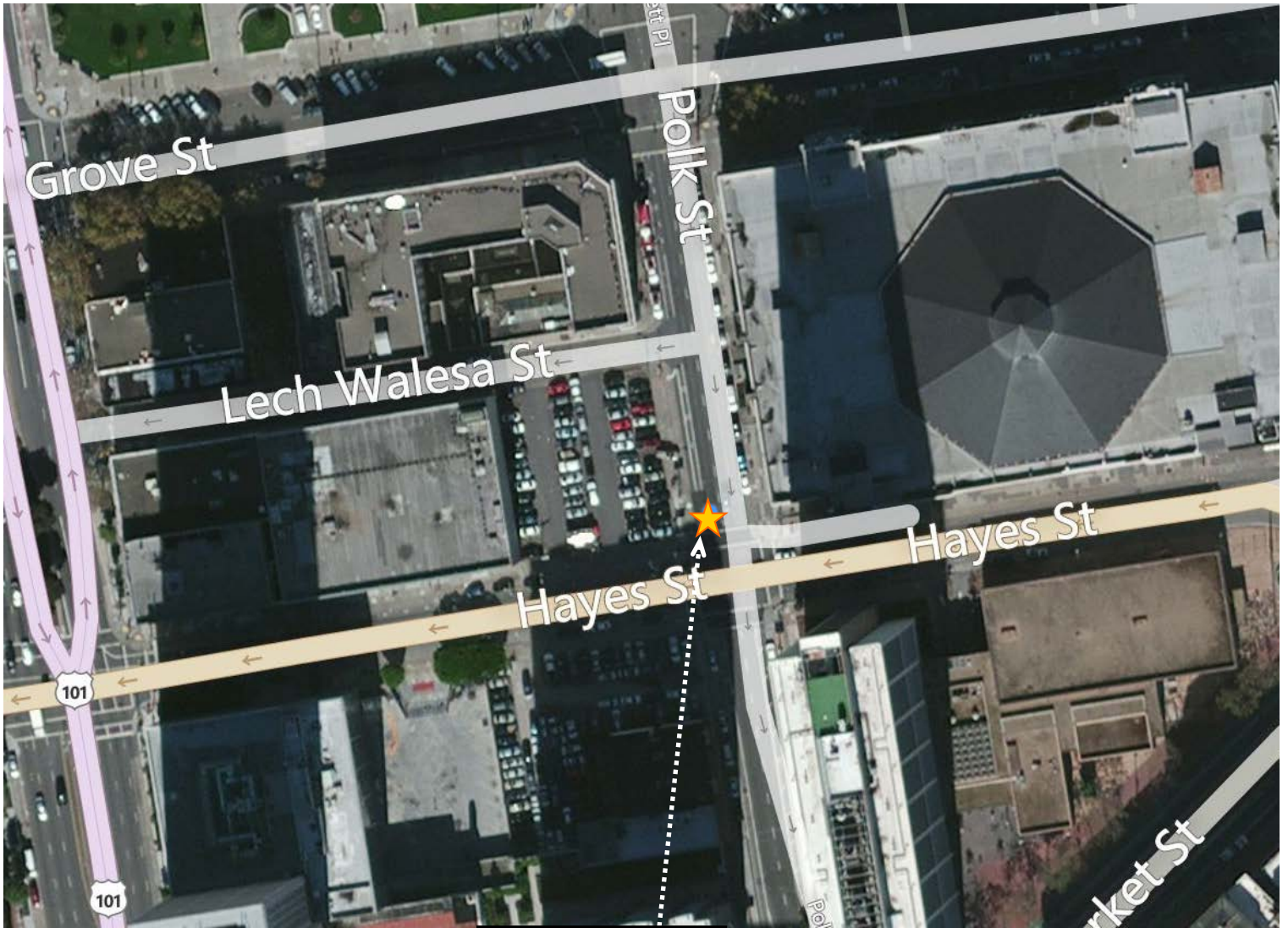


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Case Number 2011.0702EXC  
 Section 309 Review and Exceptions Request  
 Requests for Conditional Use  
 101 Polk Street

# Aerial Photo

Overhead

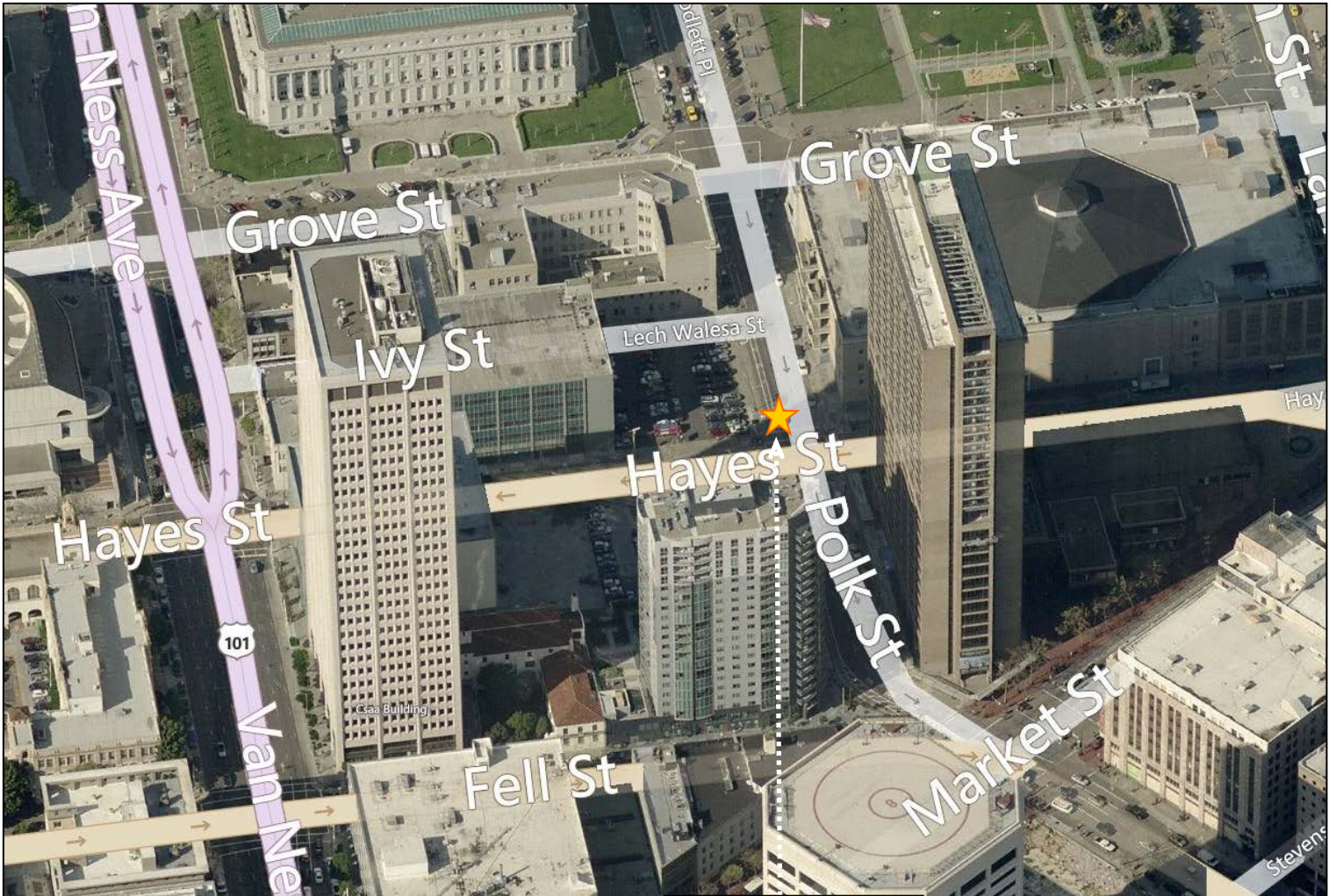


SUBJECT PROPERTY



# Aerial Photo

North-Facing

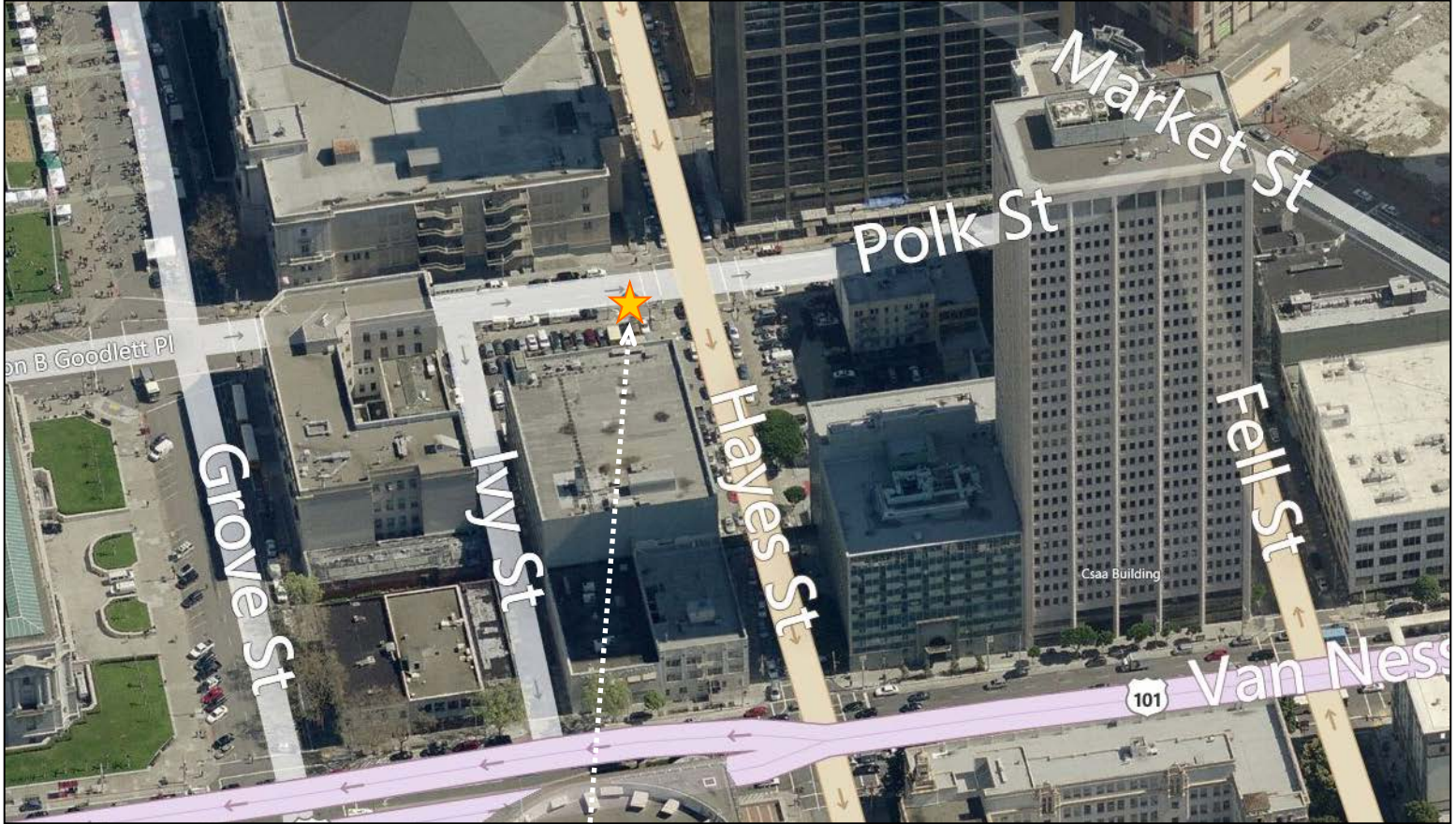


SUBJECT PROPERTY



# Aerial Photo

East-Facing



SUBJECT PROPERTY



# Aerial Photo

South-Facing



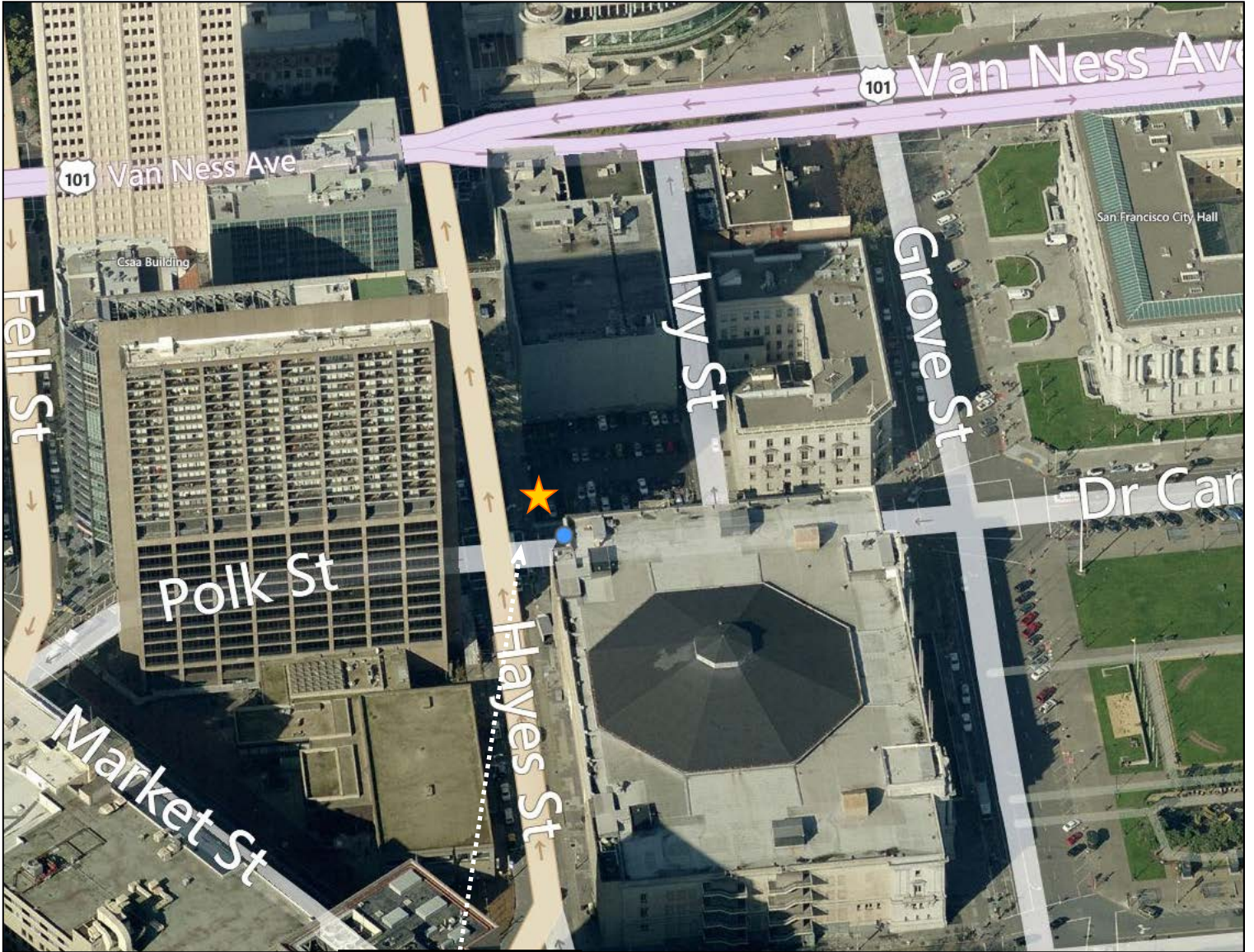
SUBJECT PROPERTY



Case Number 2011.0702EXC  
Section 309 Review and Exceptions Request  
Requests for Conditional Use  
101 Polk Street

# Aerial Photo

West-Facing



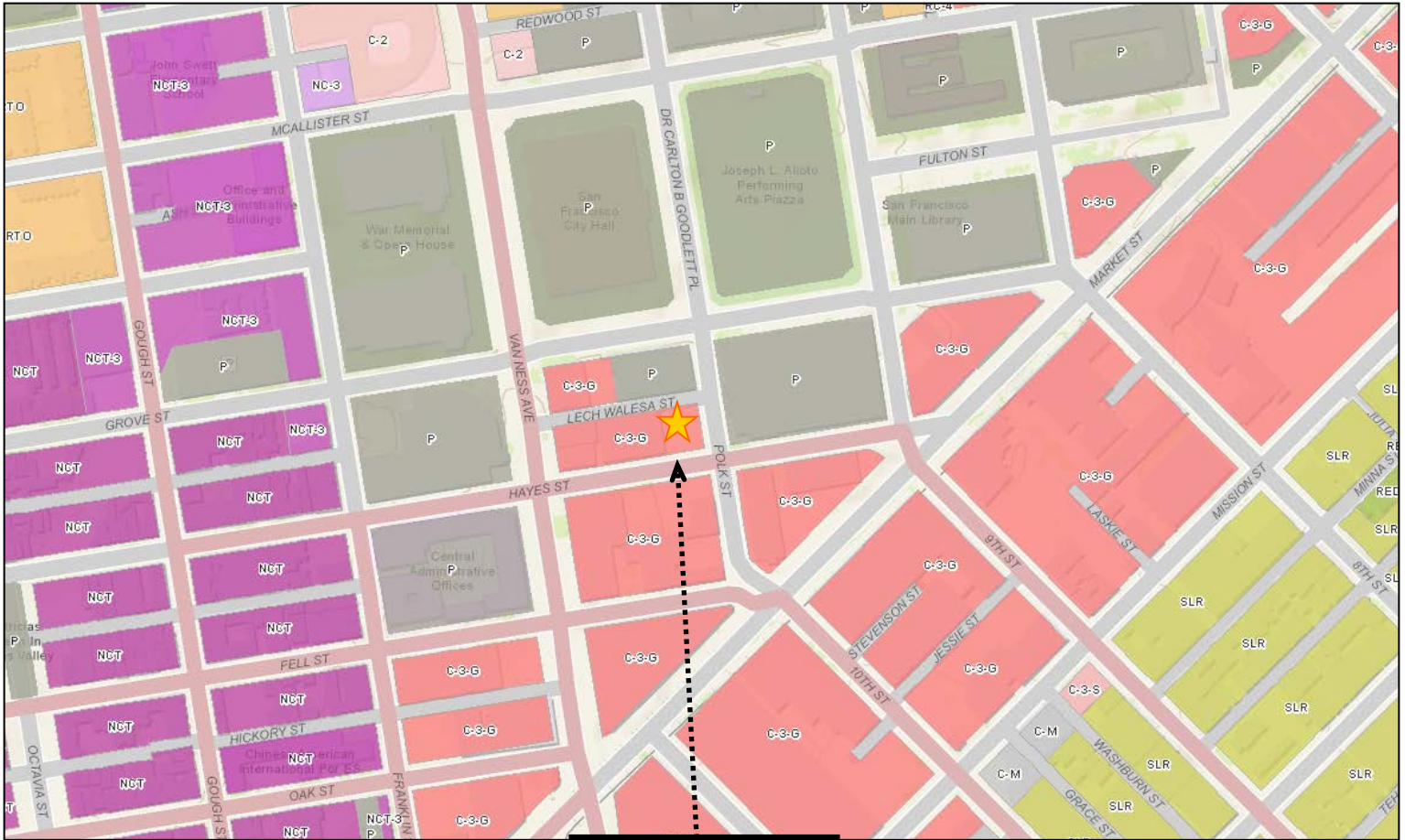
SUBJECT PROPERTY



Case Number 2011.0702EXC  
Section 309 Review and Exceptions Request  
Requests for Conditional Use  
101 Polk Street



# Zoning Map



**SUBJECT PROPERTY**



**Case Number 2011.0702EXC**  
Section 309 Review and Exceptions Request  
Requests for Conditional Use  
101 Polk Street



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Mitigated Negative Declaration

*PMND Date:* March 27, 2013; amended on April 23, 2013  
*Case No.:* **2011.0702E**  
*Project Title:* **101 Polk Street Residential Development**  
*Zoning:* C-3-G (Downtown Commercial General) Use District  
120-X Height and Bulk District  
*Block/Lot:* 0811/002 & 003  
*Lot Size:* 13,200 square feet  
*Project Sponsor:* Marc Babsin, Emerald Fund  
(415) 489-1313  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Andrea Contreras – (415) 575-9044  
andrea.contreras@sfgov.org

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION:

The project site (site) is located at 101 Polk Street, at the northwest corner of Polk and Hayes Streets in the Downtown/Civic Center area of San Francisco, approximately one-half block south of San Francisco City Hall, one block north of Market Street, and about three blocks from the Civic Center Bay Area Rapid Transit (BART) Station. The site is bordered by Hayes Street to the south, Lech Walesa Alley to the north, and Polk Street to the east. The 13,200-square-foot site is currently in use as a surface parking lot. The project sponsor proposes to build a 13-story, 162 unit residential building on the site. A subterranean garage would contain vehicle and bicycle parking, and would be accessible from the adjacent Lech Walesa Alley. Street frontage along Polk and Hayes Streets would consist of walk-up residential units, as well as the building's lobby and leasing area. The proposed project would require three exceptions per Planning Code Section 309 for parking (Code Section 151.1) and rear yard requirements (Code Section 134 (d)), as well as the continuation of existing wind comfort level exceedances (Code Section 148). A Conditional Use Authorization would also be required per Planning Code Sections 215, 124(f), and 303 to allow dwelling unit density in excess of one unit per 125 square feet of lot area and to exempt the on-site inclusionary dwelling units from the floor area ratio limits.

### FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See pages 143-150.

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

Mitigated Negative Declaration

CASE NO. 2011.0702E  
101 Polk Street Residential Project



SARAH B. JONES  
Acting Environmental Review Officer

April 23, 2013

Date of Adoption of Final Mitigated  
Negative Declaration

cc: Marc Babsin, Project Sponsor; Aaron Hollister, Current Planner; Master Decision File

**INITIAL STUDY  
101 POLK STREET  
PLANNING DEPARTMENT CASE NO. 2011.0702E**

**TABLE OF CONTENTS**

Section	Page
A. PROJECT DESCRIPTION .....	1
B. PROJECT SETTING.....	15
C. COMPATIBILITY WITH EXISTING ZONING AND PLANS .....	15
D. SUMMARY OF ENVIRONMENTAL EFFECTS.....	21
E. EVALUATION OF ENVIRONMENTAL EFFECTS.....	21
1. LAND USE AND LAND USE PLANNING.....	22
2. AESTHETICS.....	27
3. POPULATION AND HOUSING.....	31
4. CULTURAL AND PALEONTOLOGICAL RESOURCES.....	33
5. TRANSPORTATION AND CIRCULATION.....	41
6. NOISE.....	55
7. AIR QUALITY .....	62
8. GREENHOUSE GAS EMISSIONS.....	79
9. WIND AND SHADOW .....	90
10. RECREATION .....	113
11. UTILITIES AND SERVICES .....	115
12. PUBLIC SERVICES.....	119
13. BIOLOGICAL RESOURCES.....	122
14. GEOLOGY AND SOILS.....	123
15. HYDROLOGY AND WATER QUALITY .....	129
16. HAZARDS AND HAZARDOUS MATERIALS .....	132
17. MINERAL AND ENERGY RESOURCES.....	138
18. AGRICULTURE AND FOREST RESOURCES .....	140
F. MANDATORY FINDINGS OF SIGNIFICANCE.....	141
G. MITIGATION MEASURES AND IMPROVEMENT MEASURES.....	143
H. PUBLIC NOTICE AND COMMENT .....	150
I. DETERMINATION .....	151
J. INITIAL STUDY AUTHORS AND PROJECT SPONSOR .....	152

---

## LIST OF FIGURES

Figure		Page
1	PROJECT SITE AND VICINITY.....	2
2A, 2B	EXISTING CONDITIONS.....	3
3	GROUND FLOOR PLAN.....	5
4	SECOND FLOOR PLAN.....	6
5	TYPICAL FLOOR PLAN.....	7
6	THIRTEENTH FLOOR PLAN.....	8
7	EAST AND SOUTH ELEVATIONS.....	9
8	SUBTERRANEAN GARAGE PLAN.....	11
9	GROUND FLOOR LANDSCAPING PLAN AND LECH WALES A ALLEY STRATEGY.....	13
10	LECH WALES A ALLEY AND BULB-OUT DIMENSIONS.....	50
11	NOISE MEASUREMENT LOCATIONS AND MEASURED DNL.....	59
12	WIND TEST LOCATIONS.....	94
13A-L	PROJECT AND VICINITY SHADOW.....	101-112

---

## LIST OF TABLES

Table	Page
TABLE 1: PROPOSED LAND USES .....	4
TABLE 2: PROPOSED OPEN SPACE.....	18
TABLE 3: DAILY AND PM PEAK HOUR TRIP GENERATION .....	45
TABLE 4: TRANSIT LINES LOCATED WITHIN 0.25 MILES (APPROXIMATELY 2-3 BLOCKS) OF THE PROJECT SITE .....	52
TABLE 5: MAXIMUM DBA AT 10 FEET FOR TYPICAL CONSTRUCTION EQUIPMENT .....	61
TABLE 6: CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLD.....	64
TABLE 7: GHG REDUCTIONS FROM THE AB 32 SCOPING PLAN SECTORS' .....	82
TABLE 8: REGULATIONS APPLICABLE TO PROPOSED PROJECT .....	87
TABLE 9: WIND COMFORT CRITERION RESULTS .....	95
TABLE 10: WIND HAZARD RESULTS .....	98

*This page intentionally left blank.*

**INITIAL STUDY**  
**101 POLK STREET**  
**PLANNING DEPARTMENT CASE NO. 2011.0702E**

**A. PROJECT DESCRIPTION**

This Initial Study (IS) evaluates the proposed 101 Polk Street project. This section describes the project location and site characteristics, discusses the proposed residential development at the project site (site), and outlines the required project approvals and entitlements.

**Project Location and Site Characteristics**

The proposed project is located at 101 Polk Street in the Downtown/Civic Center neighborhood of San Francisco. The site consists of two adjacent parcels (Assessor's Block 0811, Lots 2 and 3) at the northwest corner of Polk and Hayes Streets, which together create a 13,200-square-foot rectangular parcel. The site is located approximately one-half block south of San Francisco City Hall, one block north of Market Street, two blocks from the Market Street and Van Ness Avenue Muni Metro station, and about three blocks from the Civic Center Bay Area Rapid Transit (BART)/Muni Metro station; it is bordered by Hayes Street to the south, Lech Walesa Alley to the north, and Polk Street to the east (as shown in Figure 1, Project Site and Vicinity). The site is relatively flat and there are no existing structures on the property. As shown in Figures 2a and 2b, Existing Conditions, both parcels are currently in use as an asphalt-paved surface parking lot that contains a total of 58 parking spaces.

**Proposed Project<sup>1</sup>**

The proposed project would merge the two adjacent parcels into one approximately 13,200 square-foot site and would remove the existing surface parking lot in order to construct a 120-foot-tall, 13-story-residential building. The building would have setbacks at the southwest corner starting at the second floor and at the northwest corner on the twelfth and thirteenth floors. Table 1 reflects all of the land uses associated with the project.

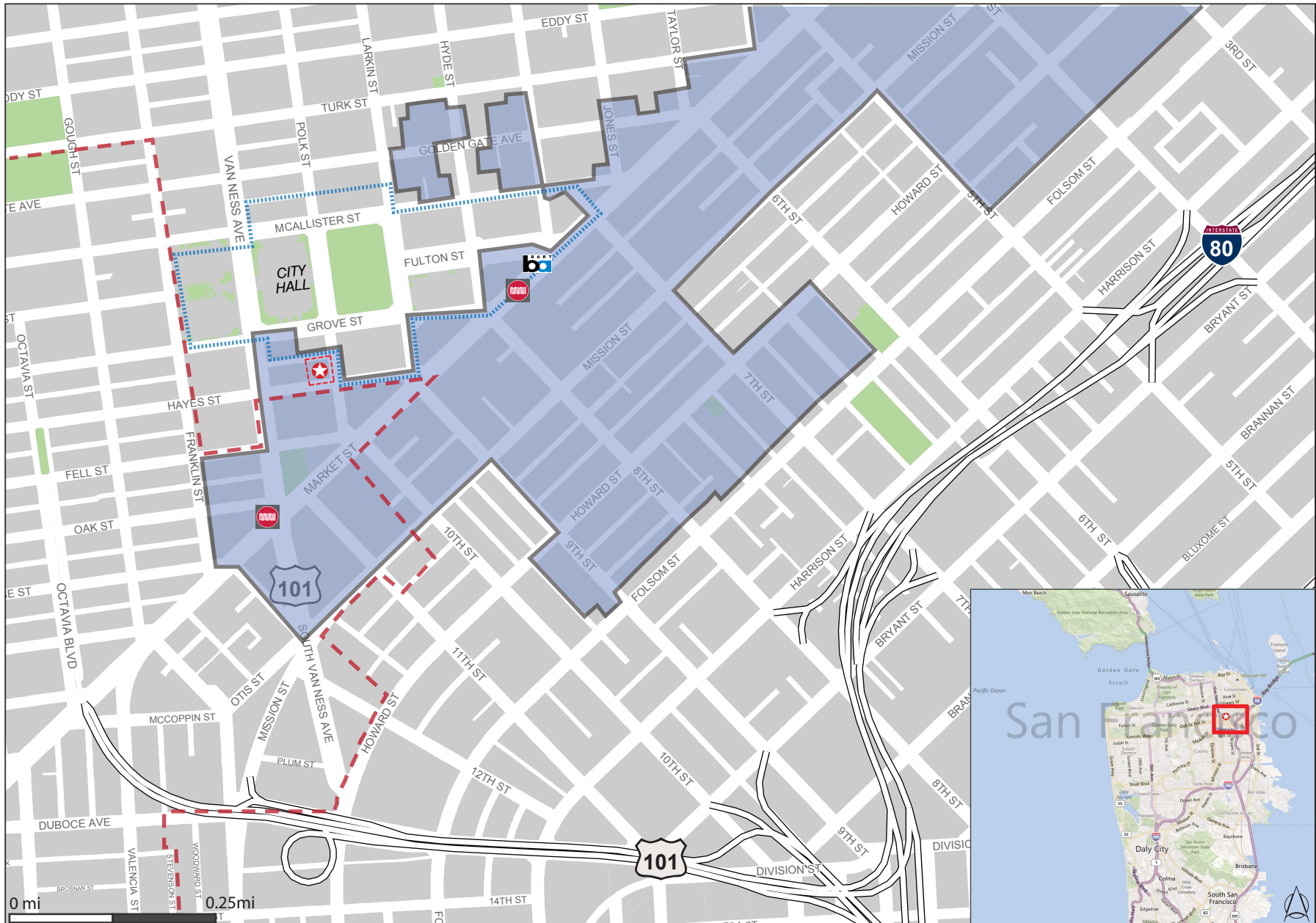
*Residential Program*

The residential building would contain approximately 162 rental dwelling units on 13 floors contained within approximately 134,200 gross square feet of residential space, approximately 635 square feet of retail space (the building's leasing office), and approximately 13,123 square feet of basement-level parking, loading, and circulation space. The project sponsor expects that the residential building would provide 19 Below Market Rate inclusionary dwelling units. The building would contain approximately 100 studio and one-bedroom units, and 62 two-bedroom units. Two-bedroom units thus would account for approximately 38 percent of the total units, and studio and one-bedroom units would account for approximately 62 percent of the total units.







---

<sup>1</sup> The description of the project is based on project plans provided by Solomon Cordwell Buenz & Associates, Inc. Architects, dated January 16, 2013.





City of San Francisco Planning Department, 2010 & Bing Maps, 2012

-  Project Site
-  Market-Octavia Area Plan
-  Civic Center Area Plan
-  Downtown Area Plan
-  BART Station
-  MUNI Metro Station

**Figure 1**  
**Project Site and Vicinity**  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E

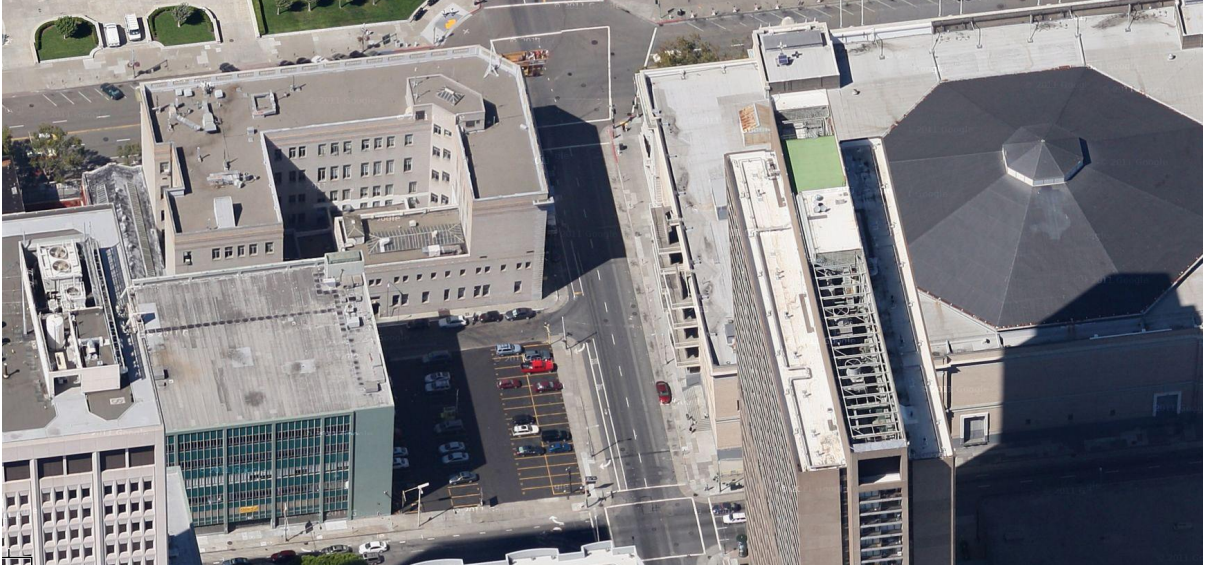


Figure 2a. View of existing surface parking lot at project site looking northeast from above



Figure 2b. View of existing surface parking lot at project site looking northwest

Source: Google, 2012

Figure 2a and b  
Existing Conditions  
101 Polk Street, San Francisco  
Case No. 2011.0702E

**Table 1: Proposed Land Uses**

<b>Land Use</b>	<b>Gross Square Feet<sup>2</sup></b>
Residential (162 units, floors 1-13) <sup>1</sup>	134,200
Market Rate Residential (143 units)	118,765
Below Market Rate Residential (19 units)	15,435
Leasing Office and Lobby (floor 1)	635
Parking	12,077
Loading Bay	320
Mechanical	2,703
Circulation	4,261
<b>Building Total</b>	<b>154,196</b>
Private Open Space (balconies on 80 units ranging from 47 sf – 383 sf each)	5,552
Common Open Space	4,000
Outer Court (floor 2)	1,510
Terrace (floor 13)	915
Roof Terrace	1,575
<b>Open Space Total (public and private)</b>	<b>9,552</b>

<sup>1</sup>Gross residential square footage includes the 1,461 square-foot fitness center on ground floor.

<sup>2</sup>In the C-3 Districts, per Planning Code Section 102.9, the project's "gross floor area" is 118,765 square feet.

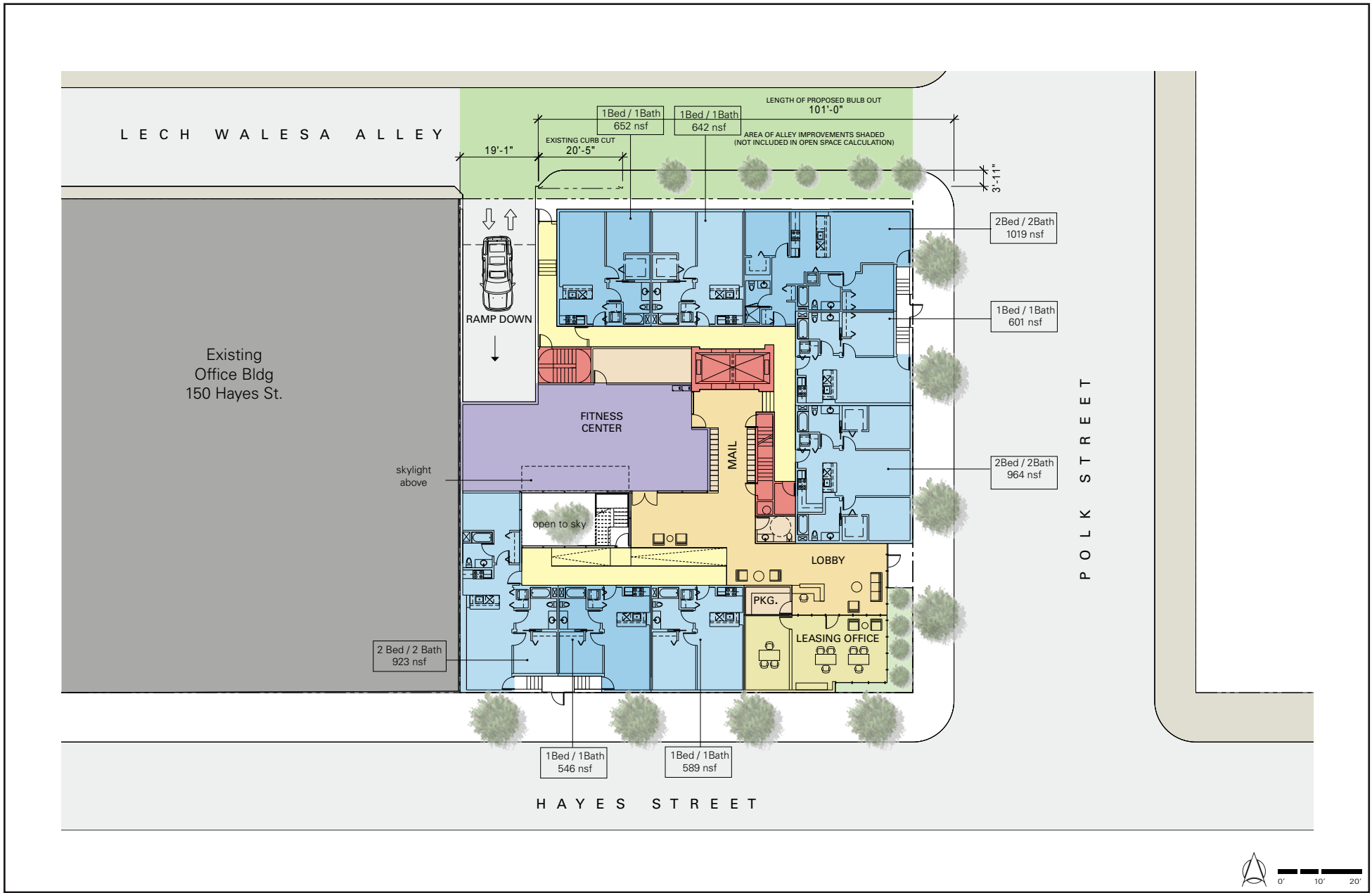
Source: 101 Polk Street, San Francisco: Emerald Fund, Inc. January 16, 2013, prepared by Solomon Cordwell Buenz & Associates.

In addition to eight residential units, the ground floor would also include a lobby and leasing office, both accessible from Polk Street, as well as a common fitness room. A mechanical penthouse would be located at the top of the building.

Figures 3, 4, 5, 6, and 7 show the proposed project's floor plans for the ground floor, the second floor (the third floor plan is similar), a typical floor plan for the fourth through eleventh floors (the twelfth floor differs due to a setback and larger private terrace at the northwest corner), a floor plan for the thirteenth floor, and a building elevations from the east (from Polk Street) and south (from Hayes Street), respectively.

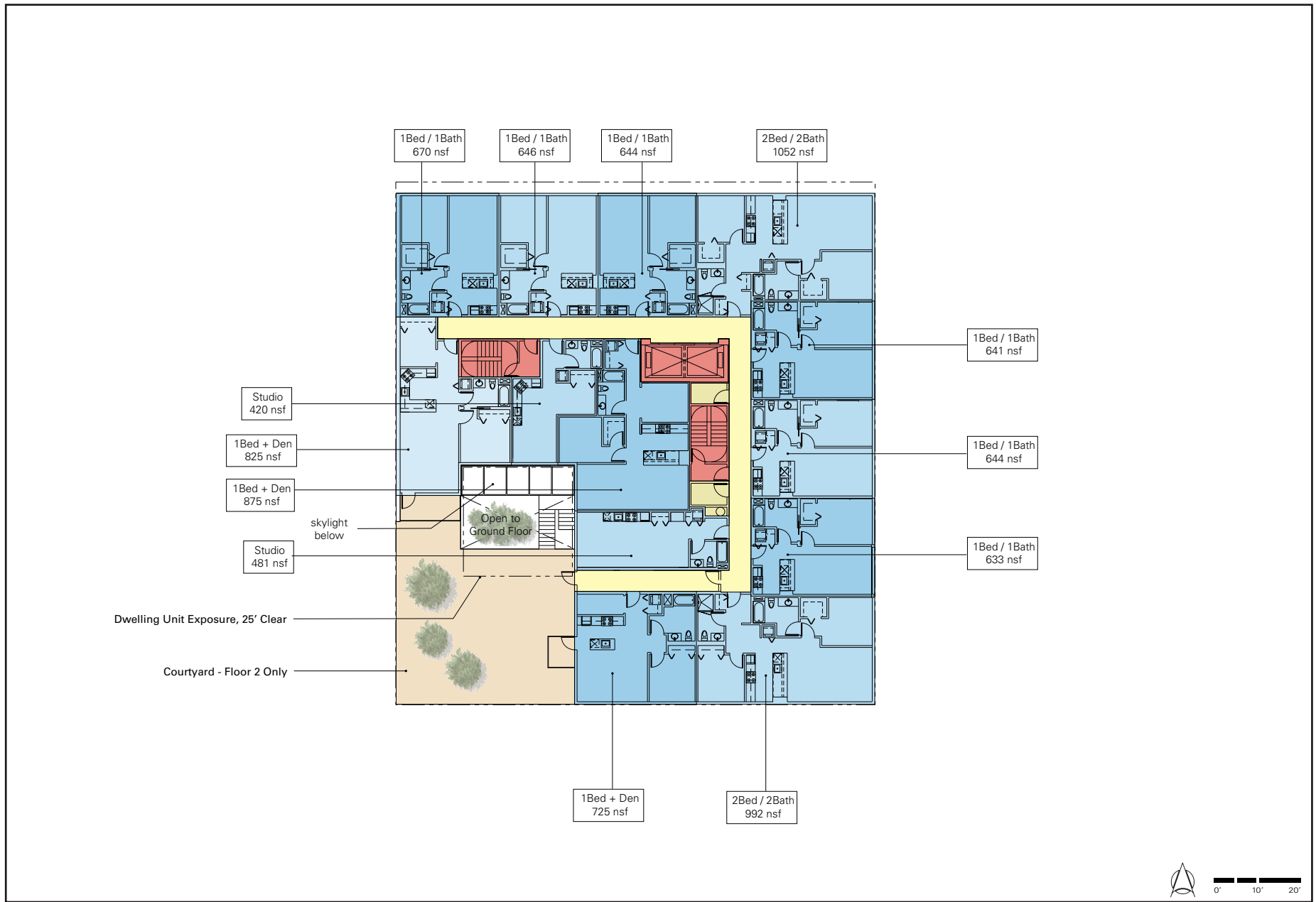
#### *Open Space*

The project would provide private open space for 80 units, and common open space on the second floor, the thirteenth floor, and the roof, as shown in Table 1, above. Eighty of the units on the second through thirteenth floors (see Figures 4 and 5) would include private balconies ranging from 47 square feet to 383 square feet, and that total 5,552 square feet of private open space.



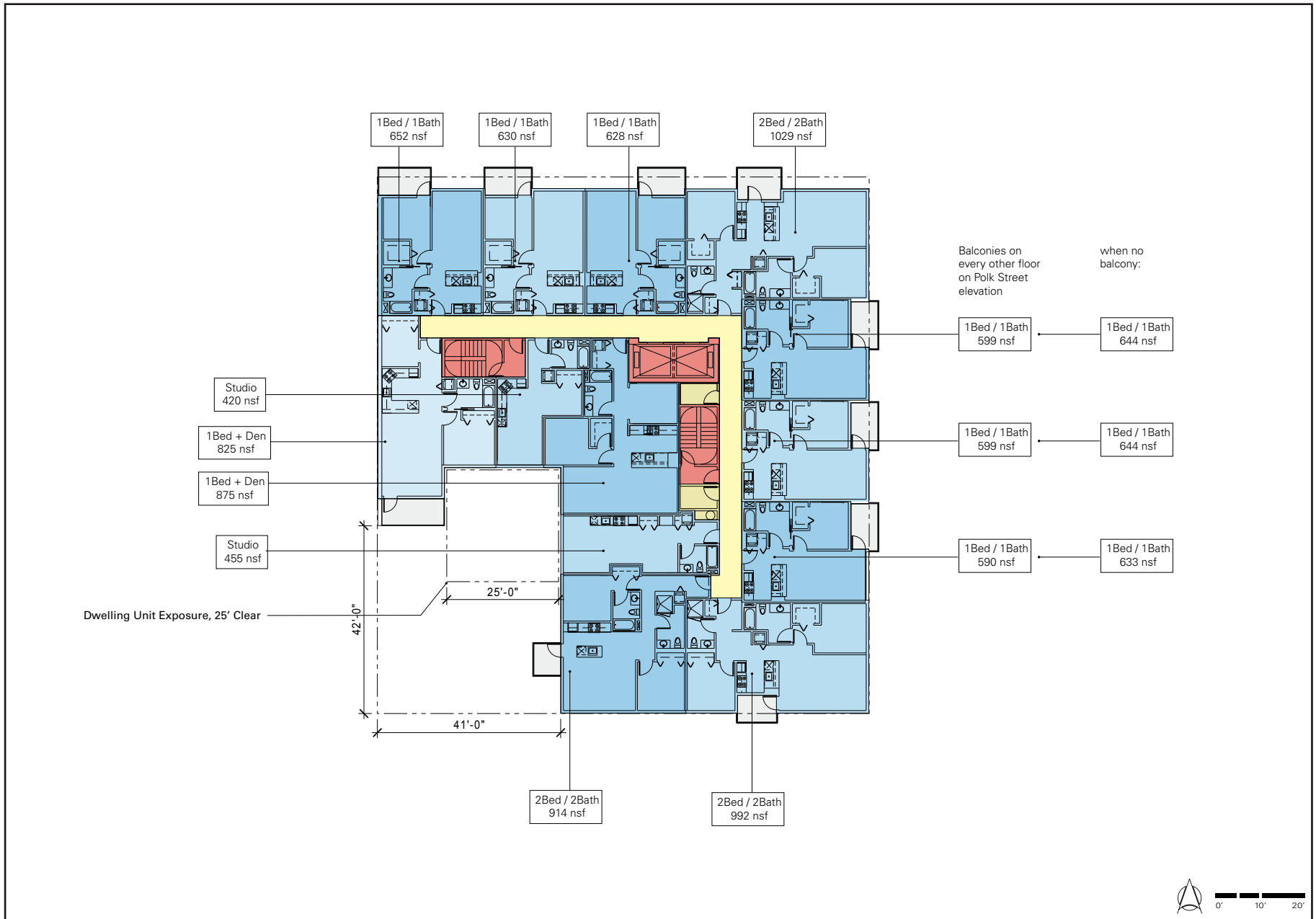
Solomon Cordwell Buenz, 2013

**Figure 3**  
**Ground Floor Plan**  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E



Solomon Cordwell Buenz, 2013

Figure 4  
 Second Floor Plan (Third Floor Similar)  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E

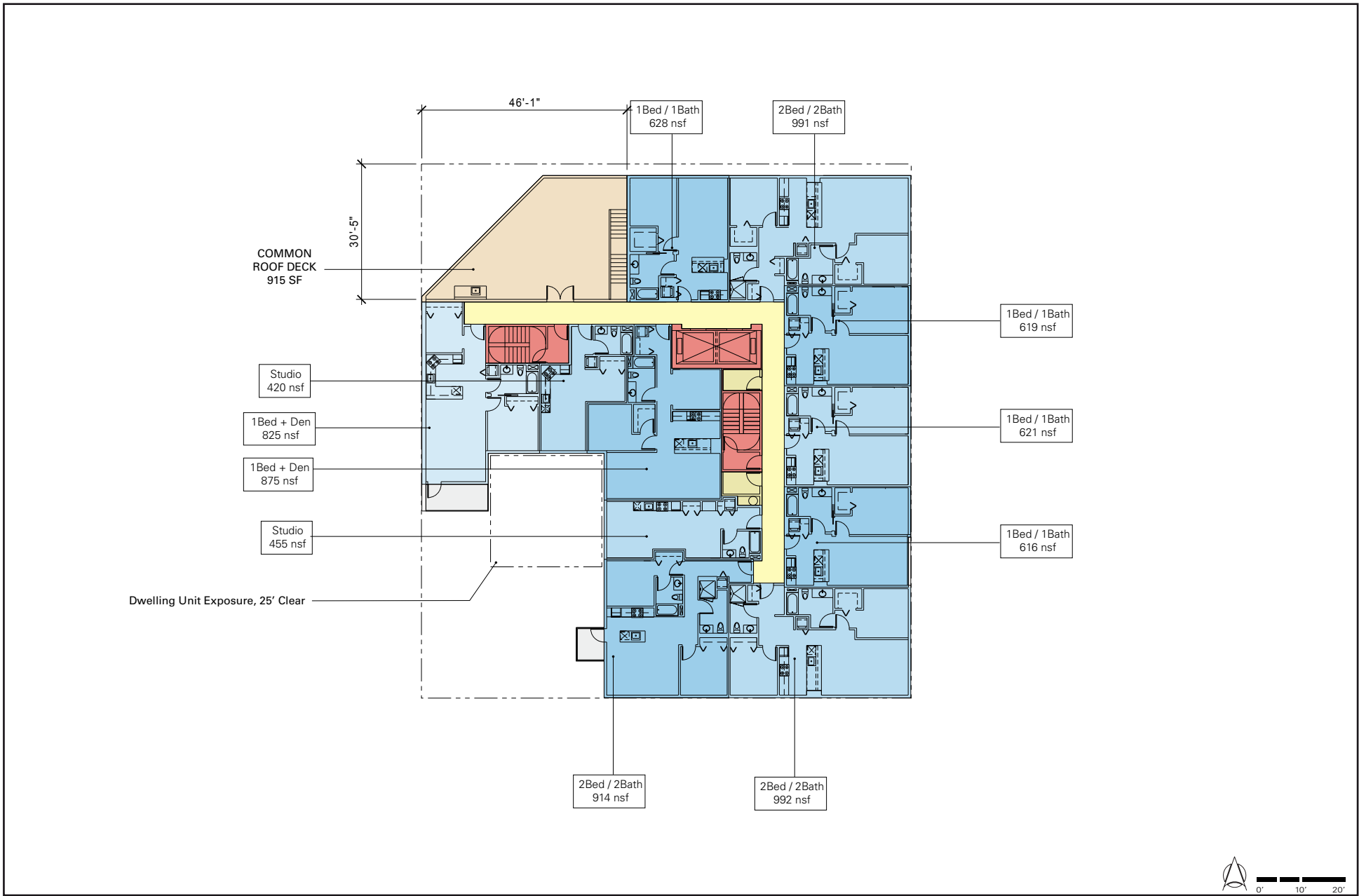


Solomon Cordwell Buenz, 2013

Figure 5  
 Typical Floor Plan (Fourth Through Eleventh Floors)

101 Polk Street, San Francisco

Case No. 2011.0702E

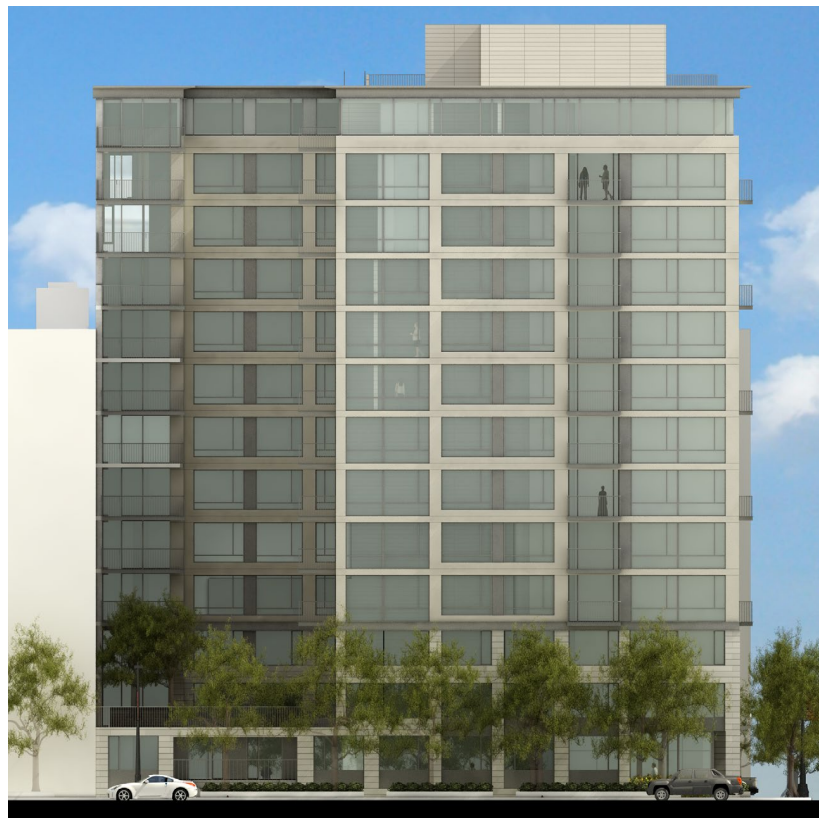


Solomon Cordwell Buenz, 2013

Figure 6  
 Thirteenth Floor Plan  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E



*Figure 7a. East/Polk Street Elevation*



*Figure 7b. South/Hayes Street Elevation*



At the southwest corner of the building, the second floor would provide a 1,510-square-foot outer court accessible to building residents. The court would look over a landscaped area on the ground floor that would be open to the sky (See Figure 4).

The northwestern corner of the building's thirteenth floor, as shown on Figure 6, would be an approximately 915-square-foot terrace, a common open space that would be accessible to building residents.

The northeastern corner of the building's roof would be an approximately 1,575-square-foot roof terrace that would provide a common open space accessible to building residents.

#### *Circulation and Parking*

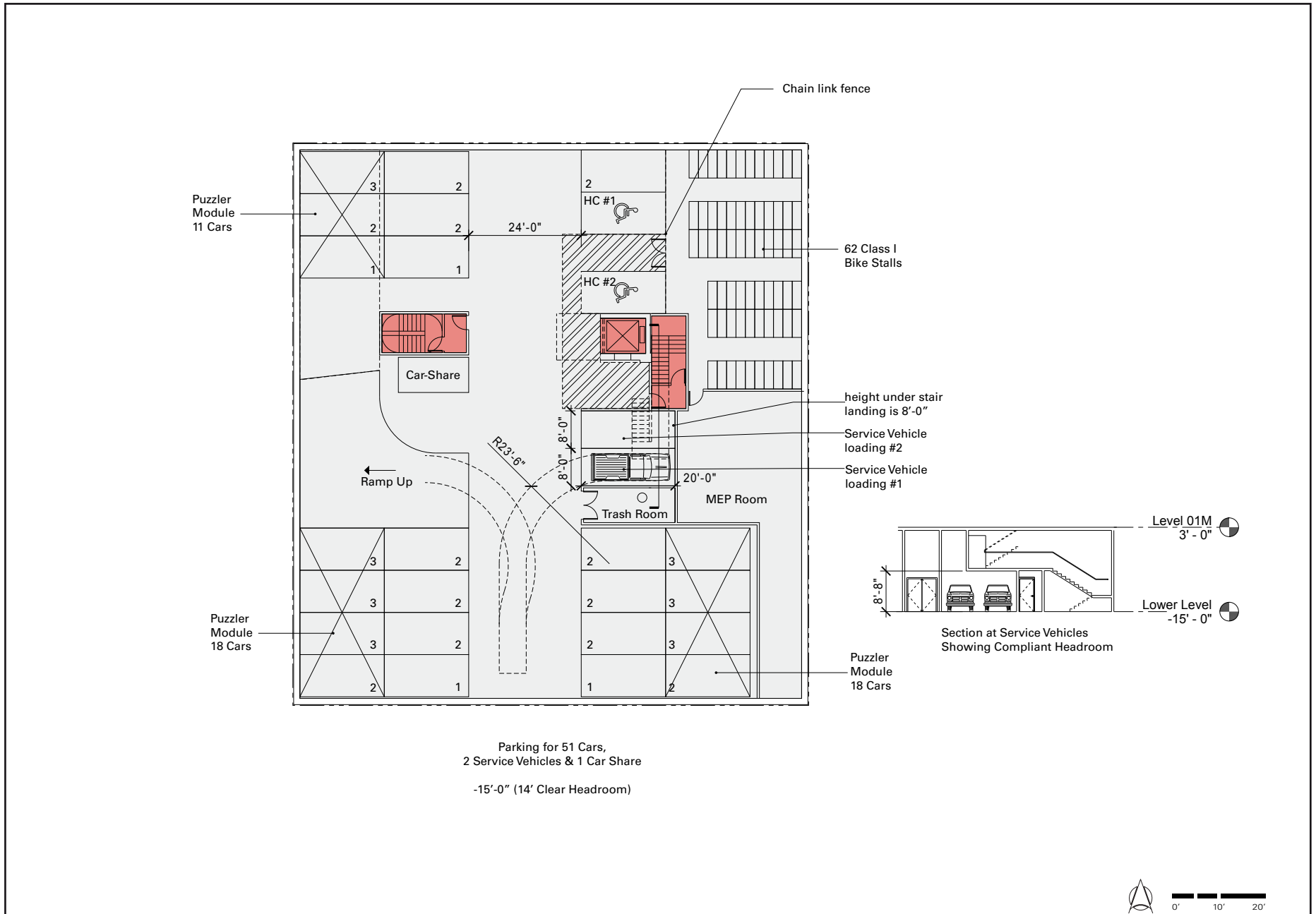
The project would include 16 to 18 feet of below-grade excavation of the entire site for a subterranean parking garage and loading area. The garage would be accessible to vehicles via a ramp at the northwest corner of the site from Lech Walesa Alley, as shown in Figure 3. The ramp and associated driveway would be approximately 19 feet, one-inch wide, utilizing an existing 20-foot, five-inch curb cut. The ramp would be located approximately 101 feet west of the corner of Lech Walesa Alley and Polk Street.

The subterranean garage would accommodate parking for 51 vehicles, including two ADA-Accessible parking spaces, plus an additional parking space for use by a car-share vehicle. It would also provide loading space for two service vehicles. The garage would include 62 Class I bicycle parking stalls. The basement area would also house a trash room. Garbage collection would occur at street level on Lech Walesa Alley. Maintenance staff would be responsible for bringing trash containers to street level on the designated collection days. Figure 8 shows a floor plan for the subterranean parking garage.

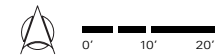
#### *Landscaping, Street Improvements, and Street Activation*

Landscaping and street improvements are included in the design of the project. Landscaping and sidewalk improvements are proposed on the three street-facing sides of the building -- on Hayes Street, Polk Street, and Lech Walesa Alley. These landscaping and streetscape improvements would meet the City's Better Streets Plan's requirements for streetscape elements, codified in Planning Code Section 138.1.

Street trees would be planted to line the sides of the building along all three of these streets. The tree plantings on Hayes Street and Lech Walesa Alley would be surrounded by raised curbs, each eight inches wide and 12 inches tall and topped by an iron railing. The street trees along the front side of the building on Polk Street would be set in iron grates. Figure 9 shows the ground floor landscaping proposed at 101 Polk Street.



Solomon Cordwell Buenz, 2013



**Figure 8**  
**Subterranean Garage Plan**  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E

Other proposed improvements along these sidewalk areas include: planting pockets at the building face on Hayes Street and Lech Walesa Alley; pedestrian lighting fixtures; custom bike racks; black concrete sidewalks with silica; and custom paving at the building's entry to match the lobby interior, with an overhead canopy at the entrance. In addition, a new four-foot-wide bulb-out is proposed, located at the corner of Polk Street and Lech Walesa Alley and extending down Lech Walesa Alley 101 feet (see Figure 9, as well as Figure 10 in Section E.5, Transportation and Circulation).

The Project Applicant is also proposing to improve Lech Walesa Alley from the building's eastern property line up to the alley's intersection with Polk Street by installing a "street print" asphalt with distinct color and texture, and installing street furniture improvements within the widened sidewalk area.

Finally, the project design includes active uses along the building's street frontage. Four of the eight units on the ground floor would be walk-up units accessible to pedestrians from the sidewalk via recessed entry-ways that open onto Hayes Street and Polk Street. The leasing office and lobby would face Polk Street at the building's main entrance.

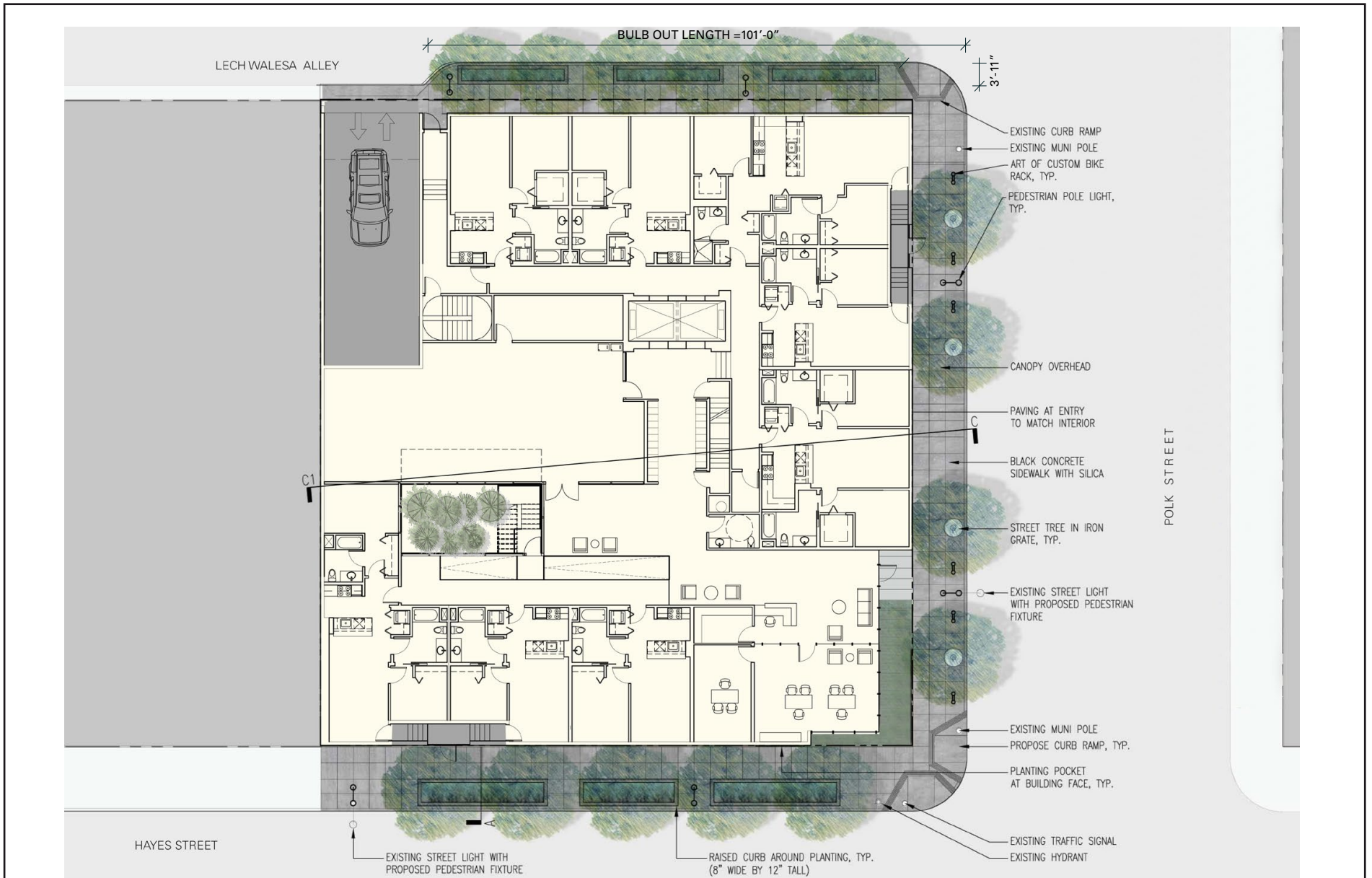
#### **Anticipated Development Schedule**

Development of the project is anticipated to commence in spring 2014. The construction would be performed in a single stage, expected to last 18 months. The building is anticipated to be occupied by spring 2016.

#### **Site Grading and Construction Activity**

The proposed project would require excavation to a depth of approximately 16 to 18 feet below ground surface (bgs) for the subterranean parking garage, and the removal of approximately 9,000 cubic yards of soil. The proposed project would use Type I construction, with mat slab foundation design. No pile driving is anticipated.

Total construction costs are estimated at \$43,000,000.



See enlarged figure with alley strategy and dimensions in Figure 10.

Solomon Cordwell Buenz, 2013



Figure 9  
Ground Floor Landscaping Plan and Lech Walesa Alley Strategy

101 Polk Street, San Francisco

Case No. 2011.0702E

## Project Approvals

The project would require the following approvals:

- Approval for merger of two lots that form the project site.
- Planning Commission approval of Planning Code Section 309, Determination of Compliance and Request for Exceptions for the construction of a new building in a C-3 District, with exceptions for the following modifications:
  - Accessory Parking: Per Planning Code Section 151.1, within C-3 Districts, off-street accessory parking may be provided for 0.25 cars per residential unit. The project requests, by the Section 309 Review process, to provide 51 parking spaces for 162 residential units, or 0.31 parking space per residential unit.
  - Rear Yard: Planning Code Section 134, within C-3 Districts, requires a rear yard that is equal to 25 percent of the lot, at the lowest level containing a dwelling unit and at each succeeding level. The project as proposed would provide an outer court on the second level at the southwest corner that remains open to above for all levels above the second floor. This meets the dwelling unit exposure requirements, but would not provide a 25 percent rear yard starting at the ground floor. Section 134(d) allows an exception to rear yard requirements if the building and configurations assure adequate light and air within the residential units to the useable open space. The project requests, by the Section 309 Review Process, to substitute the second floor outer court for the required rear yard.
  - Wind Comfort Level: Planning Code Section 148, within C-3 districts, requires that buildings and additions to existing buildings not cause ground-level wind currents to exceed, more than ten percent of the time year round, between 7:00 am and 6:00 pm, the comfort level of 11 miles per hour (mph) equivalent wind speed in areas of substantial pedestrian use and 7 mph equivalent wind speed in public seating areas. When preexisting ambient wind speeds exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. The project sponsor is requesting an exception in accordance with the provisions of Section 309, allowing the building to add to the amount of time that the comfort level is exceeded by the least practical amount if it can be shown that the building cannot be shaped to meet the foregoing requirements without creating an unattractive and ungainly form and without unduly restricting the development potential of the building site, and if, 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.
- Planning Commission approval of Conditional Use Authorization under Planning Code Sections 215, 124(f) and 303 to allow dwelling unit density in excess of one unit per 125 square feet of lot area and to exempt the on-site inclusionary dwelling units from floor area ratio (FAR) limits.
- Department of Building Inspection approval of building permits.

- San Francisco Public Utilities Commission (SFPUC) approval of a stormwater control plan.
- Board of Supervisors approval of a Sidewalk Width Ordinance Amendment with General Plan Referral for sidewalk widening on Lech Walesa Alley.

## B. PROJECT SETTING

The approximately 13,200-square-foot project site consists of two level adjacent lots and is currently paved and occupied by 58 parking spaces.

The neighborhood vicinity surrounding the project site at 101 Polk Street is characterized by its proximity to San Francisco’s Civic Center, and the Market Street and Van Ness Avenue corridors. The project site is one-half block south of San Francisco’s City Hall, and is proximate to other institutional uses such as the Bill Graham Civic Auditorium, Civic Center Plaza, the San Francisco Public Library and the Asian Art Museum. The project site is accessible from Highway 101/Van Ness Avenue and Market Street, which are each located one block away, and is also accessible from the Civic Center BART Station and the Van Ness Avenue and Civic Center Muni Metro Stations.

The area consists of a mix of land uses, including civic, commercial, office, retail, restaurant, public agencies, entertainment, and some residential uses. There are a variety of building types, sizes, and ages on the project block and in the vicinity. The site is within the Downtown Plan area, a Downtown General Commercial (C-3-G) zoning district, and a 120-X height and bulk district. The C-3-G zoning district allows a variety of different land uses, including retail, offices, hotels, entertainment, institutions, and high-density residential.

Immediately west of the project site is an existing office building at 150 Hayes Street. North of the project site across Lech Walesa Alley is the San Francisco Department of Public Health office building, to the east across Polk Street is the Bill Graham Civic Auditorium, to the south across Hayes Street is a surface parking lot, and diagonally across the Polk and Hayes intersection is the mixed residential/commercial Archstone Fox Plaza development. Directly adjacent to the site are the Civic Center Historic District to the north and east, and the Market and Octavia Neighborhood Plan area to the west.

## C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<i><b>Applicable</b></i>	<i><b>Not Applicable</b></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 checked="" type="checkbox"/>	<input type="checkbox"/>

## San Francisco Planning Code

The San Francisco Planning Code, which incorporates the City's Zoning Maps, governs permitted land uses, densities, and the arrangement of building structures within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless: (1) the proposed project conforms to the Planning Code; (2) allowable exceptions are granted pursuant to provisions of the Planning Code; or (3) amendments to the Planning Code are incorporated into the proposed project.

### *Uses*

The project site is located within the C-3-G (Downtown General Commercial) zoning district. This district covers the western portions of downtown and consists of a number of different uses: retail, offices, hotels, entertainment, institutions, and high-density residential. No front or side setbacks are required in this district. The intensity of development in this district tends to be lower than in the downtown core area; however, many of these uses have a citywide or regional function. The proposed project's residential uses would be permitted in the C-3-G zoning district. Generally, the surrounding properties to the north of the site are zoned Public and RC-4 (Residential-Commercial-Combined, High-Density), properties to the west are zoned C-3-G, Public and NCT-3 (Neighborhood Commercial Transit), and properties to the south and east are zoned C-3-G and Service/Light Industrial/Residential (SLR).<sup>2</sup>

The project requires Downtown Project Authorization from the Planning Commission per Planning Code Section 309. Downtown Project Authorization is required for projects within a C-3 zoning district over 50,000 square feet in area, or over 75 feet in height, and for granting exceptions to the requirements of certain sections of the Planning Code. The proposed project requires authorization under Section 309 as it is located within the C-3-G zoning district, has a gross floor area greater than 50,000 square feet, and is 120 feet tall. Exceptions under Section 309 are required to allow accessory parking at a ratio greater than 0.25 spaces per residential unit, to allow the substitution of the second floor outer court for the required rear yard, and to allow the building to add to the amount of time that the wind comfort level is exceeded.

In addition, a General Plan Referral from the Planning Commission and approval from the Board of Supervisors would be necessary to allow the proposed streetscape improvements to Lech Walesa Alley, which include extending the curb line, or to make certain physical alterations to a public right-of-way or public property.<sup>3</sup>

### *Height and Density*

The project is located within the 120-X height and bulk district. This district allows buildings up to 120 feet tall. The proposed project at 101 Polk Street is planned to be 120 feet tall. Bulk limits, as measured by maximum plan dimensions, do not apply in the "X" bulk district.

---

<sup>2</sup> Please note that the SLR zoning district is proposed for rezoning under the Draft Western SoMa Community Plan, Case No. 2008.0877, available at [http://commissions.sfplanning.org/soma/FinalPlan\\_optimized.pdf](http://commissions.sfplanning.org/soma/FinalPlan_optimized.pdf)

<sup>3</sup> San Francisco Planning Department, Case No. 2011.0702U Preliminary Project Assessment. September 1, 2011.

Planning Code 215(a) establishes a density limit for housing in the C-3-G zoning district of one dwelling unit for each 125 square feet of lot area, and allows the Planning Commission to approve higher density development with Conditional Use authorization. 106 dwelling units would be allowed on the site without Conditional Use authorization, which is 56 units fewer than proposed, and thus the project would require Conditional Use authorization to allow for increased dwelling unit density.

The project sponsor proposes to use Transfer of Development Rights (TDR) to increase the allowable Floor Area Ratio (FAR) from the C-3-G zoning district's base FAR of 6:1 to an FAR of 9:1, the maximum allowed. The use of TDR in the C-3-G zoning district allows an increase of up to 1.5 times the base floor area ratio, in accordance with Planning Code Sections 124 and 127, increasing the allowable FAR to 9:1.

Conditional Use authorization under Planning Code Section 124(f) is required to exempt affordable housing units from FAR calculations, as is proposed for this project. The proposed project includes 153,455 gross square feet of floor area on a 13,200-square-foot lot, rendering a total FAR of 10.1:1. Below Market Rate (BMR) units account for 15,435 square feet of the total gross square feet of floor area. Excluding this BMR square footage, the proposed project would have an FAR of 9:1.

#### *Rear Yard*

The C-3-G zoning district requires rear yards of 25 percent of the depth of the lot on all levels occupied by residential uses. No front setbacks or side yards are required. However, in C-3 zoning districts, an exception for the rear yard requirement may be allowed as long as the building location and configuration allow adequate light and air to residential units and to the provided open space, in accordance with the provisions of San Francisco Planning Code Section 309, which allows certain exceptions to permit review in C-3 zoning districts. Because the proposed project does not provide a conforming rear yard, but provides light and air through street frontages and an outer court starting at the second level and meets the required open space amounts, a rear yard exception is required.

#### *Dwelling Unit Exposure*

According to Planning Code Section 140, at least one room of each dwelling unit must face onto an open area that meets minimum requirements for area and horizontal dimensions, such as a public street or a rear yard or an outer court, defined in Planning Code Section 102.4 as a court where one entire side is bounded by a front setback, a rear yard, a side yard, a front lot line, a street or an alley. The units in the proposed project have exposure either to the street, or to a proposed outer court, which meets the dimensional requirements discussed above. Thus the project meets requirements for dwelling unit exposure.

#### *Open Space*

The project as proposed would provide 5,552 square feet of private open space via balconies on 80 units. Each of these balconies is considered open space in compliance with Planning Code Section 135(f), as they have areas larger than the minimum area of 36 square feet. The balconies range in size from 47 to 383 square feet.



The proposed project includes a total of 4,000 square feet of common open space: 1,575 square feet of common open space at the roof terrace, 915 square feet of common open space at the terrace on the thirteenth floor, and 1,510 square feet of common open space at the outer court on the second floor.

San Francisco Planning Code Section 135 requires 48 square feet of common, usable open space for each dwelling unit in the project, where, according to Planning Code Section 135(d)(1), the balance of the private usable open space, with full credit for each square foot of private usable open space. The 162 units proposed by the project therefore require 7,776 square feet of open space. The private balconies proposed provide 5,552 square feet of open space. The 1,575-square-foot roof terrace on the roof, the 915 square-foot terrace on the thirteenth floor, and the 1,510 square-foot outer court on the second floor together provide 4,000 square feet of open space. The private balconies and common open spaces together provide a total of 9,552 square feet of open space, meeting the required 7,776 square feet. The open space provided is shown in Table 2.

**Table 2: Proposed Open Space**

<b>Open Space Provided</b>	<b>Total Square Feet</b>
Private	5,552
Common	
Roof Terrace	1,575
Thirteenth Floor Terrace	915
Second Floor Outer Court	1,510
<b>Total</b>	9,552

Source: 101 Polk Street, San Francisco. Project Plans. Emerald Fund, Inc. November 26, 2012, prepared by Solomon Cordwell Buenz & Associates; Urban Planning Partners 2012.

### *Parking*

The C-3-G District does not require parking for residential or non-residential uses,<sup>4</sup> but does allow 0.25 parking space per residential dwelling unit as of right, or up to one space per unit with a Section 309 exception. The project as proposed would include 51 parking spaces for 162 units as well as one Car Share space, or 0.31 parking space per residential dwelling unit. The 51 parking spaces would include 49 spaces accessible via a puzzler module,<sup>5</sup> as well as two spaces accessible using a lift, and two spaces designated for handicap-accessible use. A Section 309 exception would be required to exceed 0.25 parking spaces per residential unit.

<sup>4</sup> San Francisco Planning Department, Zoning Districts, Summary of Standards for the C-3 Districts, <http://www.sf-planning.org/index.aspx?page=1583>

<sup>5</sup> The puzzler module would be accessed from the drive aisle with parking platforms arranged on two or three levels, where the upper and lower level parking spaces move vertically and the middle parking spaces move horizontally to allow upper or lower level cars to come up or down to drive aisle level so that they can be driven off the parking platforms.

### *Loading*

Planning Code Section 152.1 requires that residential uses with a gross floor area of 100,000 to 200,000 square feet include one off-street loading space. Section 153(a)(6) allows substitution of two service vehicle spaces for each required off-street freight parking spaces for the calculation of required off-street freight loading spaces. Section 154(b) requires that off-street spaces for service vehicles be at least 20 feet long, nine feet wide, and have a vertical clearance of seven feet. The proposed project would include off-street loading areas for two service vehicles meeting these dimensional requirements. The proposed project thus meets requirements for off-street loading spaces, as shown in Figure 8.

### **Plans and Policies**

#### *San Francisco General Plan*

Development in San Francisco is subject to the San Francisco General Plan. The General Plan provides general policies and objectives to guide all land use decisions in the City. Any conflicts 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 would be considered by decision-makers as part of their decision 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.

#### *Area Plans*

The City of San Francisco has adopted several Area Plans that guide land use changes and developments in specific neighborhoods. The project site is located in the Downtown Plan area (adopted in 1985, last amended in 2009), adjacent to the Market and Octavia Neighborhood Plan (adopted in 2007) and the Civic Center Area Plan (adopted in 1974, last amended in 2007), as shown in Figure 1.<sup>6</sup> The project site was included in the initial planning area for the Market and Octavia Neighborhood Plan and considered as part of the Plan area in the environmental impact report (EIR) conducted on the Market and Octavia Neighborhood Plan. However, the site was removed from the Plan area prior to its adoption. The project does not conflict with the goals of either the Market and Octavia Area Plan or the Civic Center Area Plan.

The proposed project is within the Downtown Area Plan which is designed to allow growth but maintain the character of the area. The project would provide 162 housing units, which embodies the kind of growth envisioned in the Downtown Area Plan. Similar high-density residential developments were constructed in the last five years in the Downtown Area and near the project site. The Downtown Plan describes policies and objectives related to Commerce, Housing, Open Space, Preservation, Urban Form, Transportation, and Seismic Safety, which are applicable to the project.

---

<sup>6</sup> The Downtown Plan, Civic Center Area Plan, and Market and Octavia Area Plan are available to view on the City of San Francisco Planning Department website:

[http://www.sf-planning.org/ftp/general\\_plan/downtown.htm](http://www.sf-planning.org/ftp/general_plan/downtown.htm)

[http://www.sf-planning.org/ftp/general\\_plan/Civic\\_Center.htm](http://www.sf-planning.org/ftp/general_plan/Civic_Center.htm)

[http://www.sf-planning.org/ftp/files/Citywide/Market\\_Octavia/Market\\_and\\_Octavia\\_Area\\_Plan\\_2010.pdf](http://www.sf-planning.org/ftp/files/Citywide/Market_Octavia/Market_and_Octavia_Area_Plan_2010.pdf). Accessed August 17, 2012.

A primary objective of the Downtown Area Plan is to promote housing in and adjacent to Downtown. The Area Plan promotes incorporation of housing and conversion of underused industrial and commercial areas to residential use. The proposed project would be a residential, infill development of an underused site in accordance with the objectives of the Downtown Area Plan.

### *The Accountable Planning Initiative*

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's Planning Code to establish eight Priority Policies. These policies, and the corresponding sections of this document addressing the environmental issues associated with these policies, are as follows: (1) preservation and enhancement of affordable housing (Population and Housing); (2) protection of neighborhood character (Aesthetics); (3) discouragement of commuter automobiles (Transportation and Circulation); (4) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Land Use); (5) maximization of earthquake preparedness (Geology and Soils); (6) landmark and historic building preservation (Cultural Resources); and (7) protection of open space (Recreation). Prior to issuing a permit for any project that requires an Initial Study under CEQA, or for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the General Plan, the City is required to find the proposed project or legislation consistent with the Priority Policies of Section 101.1 of the Planning Code.

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

### *Environmental Plans and Policies*

Environmental Plans and Policies directly address physical environmental issues or contain targets or standards that must be met in order to preserve or improve San Francisco's Physical Environment. These include the Bay Area Air Quality Management District's (BAAQMD's) *Bay Area 2010 Clean Air Plan*<sup>7</sup> and *Bay Area 2005 Ozone Strategy*<sup>8</sup>. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

### *Regional Plans and Policies*

The five principal regional planning agencies in the San Francisco Bay Area and their over-arching policy plans to guide planning in the region include the Association of Bay Area Governments' (ABAG's) *A Land Use Policy Framework and Projections 2009*; the *Bay Area 2010 Clean Air Plan* and *Bay Area 2005 Ozone Strategy*; the Metropolitan Transportation Commission's (MTC's) *Regional Transportation Plan* –

---

<sup>7</sup> Available online at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>. Accessed September 27, 2012.

<sup>8</sup> Available online at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Bay-Area-Ozone-Strategy.aspx>. Accessed September 27, 2012.

*Transportation 2030*; the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) *San Francisco Basin Plan*; and the San Francisco Bay Conservation and Development Commission's (BCDC's) *San Francisco Bay Plan*. There are no anticipated conflicts between regional plans and the proposed project.

#### D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

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

#### E. EVALUATION OF ENVIRONMENTAL EFFECTS

This document examines the project to identify potential effects on the environment. All items on the Initial Study Checklist that have been checked "Less than Significant Impact", "No Impact" or "Not Applicable" indicates that, upon evaluation, staff have determined that the proposed project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked "Less than Significant" and for most items checked with "No Impact" or "Not Applicable". For all items checked "Not Applicable" or "No Impact" for which there is no 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 San Francisco Planning Department, such as the Transportation Impact Analysis Guidelines for Environmental Review, or the California Department of Fish and Wildlife's California Natural Diversity Database and maps.

On the basis of this study, project-specific effects that have been determined to be potentially significant include: cultural and paleontological resources, air quality, geology and soils, and hazards/hazardous materials. These issues are discussed below. For issues requiring mitigation to reduce the impact to a less-than-significant level, this document identifies such mitigation measures that, if implemented by the project sponsor, would reduce impacts to less-than-significant levels. These mitigation measures are referred to in the environmental analysis, at the end of each individual checklist topic discussion throughout this section.

For each checklist topic analyzed, the evaluation has considered the impacts of the proposed project both individually and cumulatively. The items checked, in Section D above, have been determined to be "Less than Significant with Mitigation Incorporated."

1. LAND USE AND LAND USE PLANNING

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

The proposed project would have significant land use impacts under CEQA if it were to physically divide an established community, conflict with any applicable land use plans or policies, or substantially affect the character of the vicinity.

The proposed project is located in the northeast portion of San Francisco in the Downtown/Civic Center neighborhood. It is located within the Downtown Plan Area. It is adjacent to the Civic Center Plan Area and the Market and Octavia Plan Area. The project site is one block north of Market Street, one block east of Van Ness Avenue, and approximately ½ block south of San Francisco City Hall and the Civic Center Plaza. The zoning district of the project is Downtown General Commercial (C-3-G), which allows a number of uses including retail, offices, institutions and high-density residential. The project site is adjacent to a diversity of zoning districts, including Public Use, Neighborhood Commercial Transit, and Residential-Commercial High Density districts.

**Impact LU-1: The proposed project would have less than significant impacts related to physically dividing an established community. (Less than Significant)**

The proposed project would construct a 120-foot tall residential building at 101 Polk Street. The project site is currently used as a surface parking lot. The site is surrounded by a diverse mix of uses, including public institutions, entertainment, office buildings, commercial centers, and a high-density apartment building. The area is not primarily residential, but high-density residential uses, such as Archstone Fox Plaza at Market and Polk Streets, and the Argenta apartments at 1 Polk Street, exist in the immediate vicinity. The surrounding neighborhood includes a community characterized by governmental offices, performing arts centers, and the high-density residential uses described above. The project would be developed within existing lot lines and would not require the closure of any street or other right-of-way. The proposed use is permitted by City Code and plans applicable to the area, and the project is within the

applicable height and bulk limits. Thus the proposed project would not physically divide an established community, and would have *less-than-significant* impacts.

**Impact LU-2: The proposed project would be consistent with applicable land use plans, policies, and regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)**

As a residential building, the proposed project is consistent with the City of San Francisco's land use plans and zoning policies. The use district is designated as Downtown General Commercial (C-3-G), which allows various uses including high-density residential. The proposed project is compatible with surrounding uses, which include a high-density residential tower diagonally across the intersection of Polk and Hayes Streets from the proposed project (Archstone Fox Plaza) and another high-density residential tower ½ block to the south (the Argenta at 1 Polk Street). Although the project site is not within the adopted Market and Octavia Neighborhood Plan area, it was analyzed in the EIR for the Market and Octavia Neighborhood Plan, which maintained the same C-3-G designation and found no adverse environmental effect to the neighborhood as a result of land use.<sup>9</sup> In addition, as discussed in Section B, Compatibility with Zoning, Plans, and Policies, the proposed project would not obviously or substantially conflict with any applicable existing land use plan, policy, or regulation. While the proposed project would require Conditional Use authorization to increase its residential density and exclude Below Market Rate units from the allowable FAR, an exception to the Rear Yard requirement, a comfort-level wind exception, and authorization for parking exceeding the allowable maximum parking spaces, authorization for these project elements are allowed within San Francisco's Planning Code, and thus do not conflict with applicable land use plans, policies, or regulations.

In addition to *Planning Code* regulations, the proposed project would be subject to the requirements of several regional plans and policies. These plans and policies include, but are not limited to, the BAAQMD *2010 Clean Air Plan*; the Metropolitan Transportation Commission's *Regional Transportation Plan – Transportation 2030*; the RWQCB's *San Francisco Basin Plan* and applicable National Pollutant Discharge Elimination System permits; and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Compliance with applicable plans, policies, and regulations are evaluated in their respective impact sections. As described throughout this document, the proposed project would not result in any significant environmental impacts. As such, the proposed project would have a *less-than-significant* impact with regard to consistency with existing plans, policies, and regulations.

The project would not obviously or substantially conflict with applicable plans, policies, and regulations such that an adverse physical change would result. Therefore, the project would have a *less-than-significant* impact on land use plans, policies, or regulations of agencies with jurisdiction over the project.

---

<sup>9</sup> San Francisco Planning Department, Market and Octavia Neighborhood Plan Final EIR, Chapter 4.2 Environmental Setting and Impacts: Land Use and Zoning. September 2007.

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

The project site is currently a surface parking lot. The change in land use on the site to a high-density residential use would not be considered a significant impact because the site is within the Downtown General Commercial zoning district, where this proposed use is permitted, and is proximate to existing, planned, and approved residential high-rise buildings. Although the project would result in a different land use than what previously existed on the site, it would not introduce a new or incompatible land use to the project vicinity.

Existing buildings in the vicinity have a range of heights. The proposed project height of 120 feet is taller than that of the adjacent buildings, which range from 75 to 80 feet. However, nearby blocks include buildings taller than the proposed project, including the 355-foot Archstone Fox Plaza Apartments building southeast of the project site. The proposed project height of 120 feet is permitted within the 120-X Height and Bulk District.

Additionally, the Market and Octavia Neighborhood Plan EIR considered the project site as maintaining the same land use designation of Downtown General Commercial, and as being designated for buildings between 96 and 120 feet tall. The EIR found that in some areas of the plan, changes to neighborhood character could occur, but that changes would be consistent with goals of the General Plan, and thus would not result in a significant adverse impact in land use character.

The proposed development would not result in a substantial adverse change in the character of the project vicinity, and therefore would result in a *less-than-significant* impact.

**Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would result in less-than-significant cumulative land use impacts. (Less than Significant)**

The project site is located within an urbanized area in the core of San Francisco. The neighborhood is experiencing a transition toward increased residential use, evident in the past, present, and reasonably foreseeable future projects in the project vicinity. The vicinity surrounding the project site includes a number of recent projects under construction, recently approved, or under review. These projects are considered in the environmental review of the following topics as contributing to the potential cumulative impacts of the proposed project: Land Use, Aesthetics, Wind and Shadow, Recreation, Utilities and Services, and Public Services. Based on development applications filed with the San Francisco Planning Department, the projects considered within the cumulative project list include:

- 55 Ninth Street, Case No. 2011.0089V  
Under Construction  
Construction of a 17-story building containing 250 dwelling units, 3,000 square feet of retail, 98 residential parking spaces, and 15 commercial parking spaces.
- 1390 Market Street, Case No. 2005.0979E

Approved

Archstone Fox Plaza currently contains two buildings: a 29-story mixed-use building and a two-story commercial building. The proposal would demolish the existing two-story, 19,000-square-foot structure located on the northeast corner of the lot and construct a new building that would be 120 feet high in 11 stories, including 17,500 square feet of retail, 230 dwelling units, and no parking spaces. The existing 29-story mixed-use building would not be changed.

- 1400 Mission Street, Case No. 2011.1043E

Approved

Construction of a new high rise residential building with approximately 190 dwelling units and ground-floor retail.

- 1415 Mission Street, Case No. 2005.0540C

Approved

Demolition of a tire store and construction of a 16-story mixed-use project with 156 dwelling units, 156 off-street valet parking spaces, and 2,350 gross square feet of ground floor retail use and 2,430 square feet office.

- 1407-1435 Market Street, Case No. 2003.0262E

Under Construction

Demolition of the seven buildings between Market and Mission Streets on the west side of 10th Street totaling 166,700 gross square feet and the construction of a 220 to 352-foot tall building with 754 dwelling units, 20,000 gross square feet of retail use and 672 off-street parking spaces.

- 1510-1540 Market Street, Case No. 2009.0159E

Under Review

Construction of two buildings: one residential tower building, 400 feet in height, with 180 dwelling units and 50 parking spaces, and one 24-foot wide building, 65 feet in height, connected by pedestrian bridge at the third floor. Demolition of existing four-story commercial building. The project includes three ground-floor commercial spaces, with the Conservatory of Music and residential amenity uses at the upper floors of the podium and smaller building, for a total of 367,031 gross square feet.

- 1321 Mission Street (aka 104-112 Ninth Street), Case No. 2011.0312E

Under Review

Demolition of an existing building and construction of a new mixed-use building of 120 feet in height, 11 stories, with 160 dwelling units, over 4,400 square feet of ground level commercial. The project would provide one car-share space, no off-street parking or loading, and 4,260 square feet dedicated to bicycle parking.

- 100 Van Ness Avenue, Case No. 2012.0032X

Approved

Conversion of vacant 400-foot tall office building to 400 dwelling units.

Cumulatively, the proposed project combined with other past, present, and reasonably foreseeable future projects would result in a physical change to the neighborhood by increasing the number of residential units in the surrounding area and adding population density. However, these changes would not create adverse neighborhood impacts, as the land uses of the proposed project and other proposed projects are compatible with the land use zoning of the neighborhood, and the intensity and density of approved and reasonably foreseeable development were not found to exceed the level of development compatible with



the neighborhood and community. The Downtown Area Plan contemplated dense residential development in this portion of the Downtown adjacent to the City's commercial core. The Market and Octavia Neighborhood Plan EIR considered that the project site would maintain the same land use designation of Downtown General Commercial and a building height designation of 96 to 120 feet tall. The EIR found that cumulatively, Plan implementation could result in three major land use effects: 1) provide almost a three-fold increase in total housing development in the Project Area compared to existing conditions; 2) create sustainable and more efficient land use patterns by concentrating and redirecting land uses into higher density, residential mixed use projects near transit and neighborhood retail and services; and 3) reduce the negative land use effects of automobile traffic and parking in the Project Area, including the creation of more livable and safe street environments for residents, pedestrians and bicyclists. The EIR further found that additional housing development in the area in combination with other housing development in the vicinity would provide a more sustainable transit-oriented development pattern and would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the project vicinity and that the cumulative impacts would not be significant.

The Transit Center District Plan (TCDP) and Transit Tower EIR (certified in May 2012) considered the land use impacts associated with new development in the adjacent Transit Center District within the Downtown Plan Area, including high-density residential development. The proposed project, in combination with past, present, and reasonably foreseeable future projects in the Downtown (including TCDP) and the Market and Octavia Plan areas, would increase the amount of cultural, office, residential, and retail uses in the project vicinity. This cumulative development is not expected to result in the construction of any physical barriers to neighborhood access or the removal of any existing means of access, either of which would physically divide the established community. In addition, this cumulative development is not expected to introduce any land uses, such as industrial uses, that would disrupt the community's established land use patterns.

The proposed project, in combination with past, present, and reasonably foreseeable future projects, would be consistent with local and regional growth projections, such as *Projections and Priorities 2009*, published by the Association of Bay Area Governments, and adopted planning documents, such as the 2009 Update of the Housing Element of the *San Francisco General Plan*. This cumulative development is not expected to conflict with any land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects, would intensify land uses in the project vicinity, but this intensification and growth is not expected to introduce any land uses that do not already exist in the area. As a result, the character of the vicinity would not undergo any substantial adverse changes related to land use.

For these reasons, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would have less-than-significant cumulative land use impacts. The proposed project would not make a cumulatively considerable contribution to a significant cumulative land use impact, and no mitigation measures are necessary.

Some of the primary effects of cumulative development would be an increase in population, an increase in demand for jobs and housing, and an increase in traffic that could lead to noise, air quality, and climate change effects. The effects of cumulative development on population, jobs, and housing, transportation and circulation, noise, air quality, and climate change are analyzed in Section E.3, Population and Housing, in Section E.5, Transportation and Circulation, in Section E.6, Noise, in Section E.7, Air Quality, and in Section E.8, Greenhouse Gas Emissions, respectively.

## 2. 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>
<b>2. AESTHETICS—Would the project:</b>					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

An aesthetic analysis or assessment of visual quality is somewhat subjective and considers the project design in relation to the visual character of the surrounding area. This includes heights and building types of surrounding uses, the potential of the proposed project to obstruct scenic views or vistas, and its potential for light and glare. The proposed project's specific building design would be considered to have a significant adverse environmental effect on visual quality only if it would cause a substantial demonstrable negative change.

### **Impact AE-1: The proposed project would not result in a substantial adverse impact on scenic views and vistas. (Less than Significant)**

The topography of the site and surrounding area is relatively level, and therefore offers limited views to other parts of San Francisco and beyond. Existing public scenic views available from the project site and its vicinity include views of Civic Center Plaza and San Francisco City Hall. The proposed project would not change the available views of the Plaza and City Hall. The proposed project would block views of the southern wall of the Department of Public Health; however, it is primarily the façade and entrance at the

northeastern corner of the building that contribute to scenic views. This view of the Department of Public Health building would not be affected by development of the proposed project.

The Joseph L. Alioto Performing Arts Piazza and Civic Center Plaza are the nearest public open spaces to the project site, located approximately a ½ block to the northeast. This public space has a generally level grade, with views of civic buildings such as San Francisco City Hall. In the direction of the project site, the plaza looks onto the San Francisco Department of Public Health and Bill Graham Civic Auditorium buildings. Views of the Department of Public Health and Bill Graham Civic Auditorium buildings would not be blocked by the development of the proposed project. They would be changed, however, because the project would be visible behind the Department of Public Health building. This change would not result in a substantial adverse impact to this scenic view. Given the plaza's location, topography, and visual character, the proposed project would not have a significant impact on views from the park toward the project site.

Because the site is currently a surface parking lot, some views from offices and residences in the Archstone Fox Plaza Apartment building (on the east side of Polk Street at Market Street) and the Argenta Apartments (on the west side of Polk Street at Market Street), both just southeast and south of the site, would be partially or completely blocked by the project. The Archstone Fox Plaza Apartments residential units are located on the upper floors of the building, therefore it is unlikely that residents would experience any changed views due to their location. The lower floors of the Archstone Fox Plaza building contain offices. These office workers may have reduced views of the top of San Francisco's City Hall, which is currently partially visible from some of those offices. Residents of some floors of the Argenta Apartments at 1 Polk Street may have reduced private views of the top of San Francisco's City Hall, which is currently partially visible behind and above the Department of Public Health building. Such changes for some nearby residents and employees would be an unavoidable result of the proposed project and could be undesirable for those individuals affected. Although some reduced private views would be unavoidable, any change in views would not exceed that commonly accepted in an urban setting. This loss or change of views would not affect a substantial number of people and would not rise to a level considered to be a significant impact on the environment.

The primary east-west view corridors in this area follow Market Street's diagonal orientation. These east-west corridors, as well as north-south views in the area, are predominantly urban in character, defined by the street wall of building facades. Views tend to terminate at existing buildings due to turns in primary streets. The proposed project would be compatible with this built-environment aesthetic.

In sum, due to the level topography of the site vicinity and neighboring public space, the site's current use as a surface parking lot, and the existing view corridors, the proposed project would have a *less-than-significant* impact on scenic views and vistas.

**Impact AE-2: The proposed project would not 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. (No Impact)**

The project site vicinity contains a number of features of the built environment which contribute to a scenic public setting. These include buildings such as San Francisco's City Hall, the Department of Public Health building, the Bill Graham Civic Auditorium, the Davies Symphony Hall, and the San Francisco Opera House and Herbst Theater. The area also includes the Joseph L. Alioto Performing Arts Piazza and Civic Center Plaza. These scenic resources are crucial contributors to the scenic public setting of this area.

The site is located ½ block south of San Francisco City Hall and the Civic Center Plaza. Currently only the peak of City Hall is visible from the site; the remainder is blocked by the San Francisco Department of Public Health building. The development of the proposed project would not substantially damage any of the above mentioned scenic resources.

The proposed project would be developed on what is currently a paved parking lot that does not contain any natural features such as vegetation and rock outcroppings, or structural improvements. The site is covered in asphalt pavement and concrete. The project site is not proximate to any natural scenic features.

Therefore, the project would have *no impact* on scenic resources, including natural and built environmental features, which contribute to a scenic public setting.

**Impact AE-3: The proposed project would not degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)**

The visual setting of the area surrounding the project site is characterized by a mix of building styles and uses and surface parking lots. The vicinity includes the Civic Center Historic District, which is composed of primarily civic and other buildings with character-defining features that include a “Beaux Arts” classical design. Buildings of this design are typically organized into horizontal bands of vertically proportioned elements, with the grand order of the façade displayed on two or three floors above a usually rusticated base of one or two ground and partially sub-ground floors. The Civic Center Historic District contains standard features such as overall form, massing, scale, proportion, orientation, depth of face, fenestration and ornamentation, materials, color, texture, architectural detailing, façade line continuity, decorative and sculptural features, street furniture, granite curbing and grille work.<sup>10</sup> The neighborhood also includes more modern-style office buildings, residential buildings, and commercial uses, including the International Style office building at 150 Hayes Street. According to the 101 Polk Historic Resource Evaluation (HRE), the aesthetic elements in the vicinity are also characterized by the “degree to which each enhances the group without distracting from the City Hall.”<sup>11</sup>

The proposed project would be taller than the two buildings directly adjacent to it, but not as tall as the existing Archstone Fox Plaza Apartments across Polk and Hayes Streets from the proposed project or other buildings planned for the area. While the proposed project would be of a contemporary design, it would not have a substantial and demonstrable negative aesthetic effect within its urban setting. The proposed building’s massing and design would be generally compatible with the existing development in the project vicinity and the characteristics described above, as well as with existing plans for the vicinity, due to its inclusion of aesthetic elements such as articulated building massing, and a two-to-three floor visually differentiated building base.

The proposed project would alter the appearance of the project site, but would be generally compatible with the existing scale of development in the vicinity. The proposed project would be taller than the two abutting buildings, but would be compatible with the urban mixed-use character of the area, and would include some of the aesthetic elements characteristic of the vicinity,<sup>12</sup> articulated building massing, and a two-to-three floor visually differentiated building base. Although visual quality is subjective, it can reasonably be concluded that the project would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surroundings. Consistent

---

<sup>10</sup> San Francisco Planning Code Appendix J to Article 10, “Civic Center Historic District”, as quoted in 101 Polk Street Historic Resource Evaluation. San Francisco Planning Department Historic Resource Evaluation Response. Prepared by Pilar LaValley, December 21, 2012. Available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

<sup>11</sup> This section is based on information provided by JRP Historical Consulting, LLC, “Historic Resource Evaluation (HRE): 101 Polk Street,” November, 2012. San Francisco Planning Department Historic Resource Evaluation Response prepared by Pilar LaValley, December 21, 2012. Available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

<sup>12</sup> JRP Historical Consulting, LLC, “HRE: 101 Polk Street,” November, 2012.

with this finding, as supported by City staff's findings in the Historic Resource Evaluation Response,<sup>13</sup> the proposed project would have a *less-than-significant* adverse impact related to visual character.

**Impact AE-4: The proposed project would result in a new source of light, and potentially glare, but not to an extent that would affect day or nighttime views in the area or which would substantially affect other people or properties. (Less than Significant)**

The project's construction of a 120-foot tall residential building would increase lighting on the project site. Interior lighting of the residential lobby and garage entrance on the ground floor, and interior lighting of the residential units on the upper floors would be visible from its exterior. The project's lighting would be consistent with lighting typical of other high-rise buildings in the project vicinity. Exterior lighting would be consistent with similar lighting on surrounding land uses. The proposed project would comply with Planning Commission Resolution 9212 which prohibits the use of mirrored or reflective glass; thus, consistent with the EIR findings, the project's light and glare impacts are not expected to have a substantial and demonstrable negative aesthetic impact. Therefore, the impacts of light and glare are considered *less than significant*.

**Impact C-AE-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the site vicinity, would result in less-than-significant impacts to aesthetic resources. (Less than Significant)**

A number of residential and mixed-use development projects are proposed in the vicinity of the 101 Polk Street project. The proposed project, in combination with other past, present, and reasonably foreseeable projects, would collectively change the aesthetic character of the neighborhood by increasing the scale and intensity of the existing built environment, and by replacing empty or underutilized lots with contemporary buildings visible along the street frontage. However, these aesthetic changes are consistent with the mixed-use nature and dense urban context of the project area, and are compatible with zoning and land use plans for the neighborhood.

The Market and Octavia Neighborhood Plan EIR found that development associated with the Plan, in association with other development that would occur, would not result in significant cumulative environmental impacts on the aesthetics or visual character of the surrounding area, on scenic views, or on generation of light or glare that would adversely affect other properties. The Market and Octavia Neighborhood Plan EIR found that implementation of the Market and Octavia Plan could result in the removal of visual elements of low aesthetic value, including surface parking lots and underutilized and deteriorated buildings, and the development of landscape and streetscape improvements potentially enhancing the visual quality of the Project Area. The EIR further found that the overall character of the Project Area could change from a mid-rise area with a mix of residential and commercial uses, as well as

---

<sup>13</sup> San Francisco Planning Department Historic Resource Evaluation Response. Prepared by Pilar LaValley, December 21, 2012. Available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

industrial building types and parking lots, to a vibrant, full-service urban neighborhood of mid- to high-rise mixed-use buildings, and residential buildings such as the proposed project.

It is not anticipated that cumulative development would substantially degrade views, damage scenic resources, or create adverse changes on the visual character of the area. The proposed project, and other present or future projects, could create new sources of light or glare, but would not result in obtrusive light or glare that would impact other people or properties or be unusual for an urban area. Thus the cumulative impacts on the project vicinity related to aesthetics would be *less than significant*.

### 3. POPULATION AND HOUSING

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

The proposed project would have a significant impact on population and housing under CEQA if it were to induce substantial population growth in an area, either directly or indirectly; if it were to displace substantial numbers of existing housing units or create demand for additional housing; or if it were to displace a substantial number of people, necessitating construction of replacement housing elsewhere.

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

As a regional employment center for the San Francisco Bay Area, the City of San Francisco attracts people who want to live proximate to their places of employment. This factor, paired with a diverse economy, an agreeable climate, and recreational and cultural amenities, contribute to a strong demand for housing in San Francisco, especially in the context of limited land available for development and relatively high land development costs.

The projected housing needs for the City of San Francisco from the years 2007-2014, released by ABAG in their Housing Needs Plan, is 31,193 dwelling units, or a yearly average of 4,456 net new dwelling units.<sup>14</sup>

The 2009 Housing Element of San Francisco's General Plan contains goals and strategies related to development of housing to support population growth that anticipate meeting the City's housing need as projected by ABAG. The Housing Element identified vacant, near vacant, and underutilized sites that, if developed, could support the development of significantly more units than the housing need identified by ABAG.<sup>15</sup> The Housing Element also discussed projects in the development pipelines that would contribute to meeting the City's housing need.

The proposed project would replace a paved parking lot with 162 residential units, adding approximately 247 residents<sup>16</sup> at an in-fill development site located within the Downtown Plan Area, and proximate to significant transit facilities and neighborhood-oriented uses, as well as other citywide and regional amenities. The site's development would thus contribute toward regional and City goals of increasing the supply of housing in appropriate locations and would therefore have a *less-than-significant* impact on housing and population growth.

**Impact PH-2: The proposed project would not displace substantial numbers of existing housing units or create demand for additional housing. (No Impact)**

The proposed project would be developed on a site with an existing paved parking lot. There is currently no housing on the site, and no housing would be displaced due to the construction or operation of the proposed project. Therefore the proposed residential development would not displace any existing housing units or create demand for additional housing units, and would not necessitate the construction of replacement housing. Therefore the proposed project would have *no impact* related to the displacement of housing.

**Impact PH-3: The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (No Impact)**

The development of the proposed residential project on a site currently used as a surface parking lot would not displace any people, and would not necessitate the construction of replacement housing elsewhere. Therefore the proposed project would have *no impact* related to displacement of people.

**Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the site vicinity, would result in less-than-significant impacts to population and housing. (Less than Significant)**

---

<sup>14</sup> Association of Bay Area Governments, San Francisco Bay Area Housing Needs Plan, 2007-14, June 2008.

<sup>15</sup> City of San Francisco General Plan Housing Element, page I.65. 2009.

<sup>16</sup> This calculation is based on the average household size of 1.52 persons per household found in the 2010 US Census in San Francisco County Census Tract 124.02, in which the project site is located.



The proposed project, in combination with other past, present, and reasonably foreseeable future development in the City, would cause population growth within the range identified as desirable by the City’s 2009 Housing Element. The project site is located within the area analyzed in the Market and Octavia Neighborhood Plan EIR, which found that implementation of the proposed Market and Octavia Neighborhood Plan would result in increasing the housing supply in the Market and Octavia Neighborhood Plan Area by 29 percent, resulting in almost three times as many housing units developed by 2025 than would occur without Plan conditions. The Plan intends to implement citywide policies to increase and accelerate housing opportunities at higher densities in appropriate neighborhoods where there are significant transit facilities, neighborhood-oriented uses and in-fill development sites. Although the project site was ultimately removed from the Plan area, development of the project site would contribute beneficially to these changes. The EIR found this increase in housing development, as well as in residential population, not to be considered an adverse physical environmental impact. Therefore, while the project would contribute to this cumulative population growth, this level of growth would fall into the range of effects discussed in the Market and Octavia Neighborhood Plan EIR, as would the other residential projects being developed in the immediate vicinity. As a result, the project would have a *less-than-significant* cumulative impact on housing and population growth.

**4. CULTURAL AND PALEONTOLOGICAL RESOURCES**

<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>
<b>4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>					
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 Planning Code?	<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 an 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"/>

The analysis considers the project impact to historic architectural and archeological resources. This includes:

- Impacts to cultural and paleontological resources that would be caused by a substantial adverse change in the significance of a historical resource;

- Impacts to archeological resources that would be caused by a substantial adverse change in the significance of an archeological resource; or
- Impacts to unique paleontological resource or site or unique geologic feature; or
- Disturbance of any human remains.

The proposed project would be considered to have a significant adverse environmental effect on cultural and paleontological resources only if it would cause a demonstrable negative change.

**Impact CP-1: The proposed project would not 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 Planning Code. (Less than Significant)**

### Regulatory Context

Under CEQA, the term “historical resource” includes the following [CCR §15064.5(a)]:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (California Register) (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historic resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:<sup>17</sup>
  - (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
  - (B) Is associated with the lives of persons important in our past;
  - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

---

<sup>17</sup> The criteria for the California Register of Historical Resources are established in PRC§5024.1, Title 14 CCR, Section 4852 as Criteria one through four.

- (D) Has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Furthermore, Public Resource Code Section 5024.1(d)(1) states that the California Register includes properties formally determined eligible for, or listed in the National Register of Historic Places (NRHP).

Under CEQA [15064.5(b)], significant impacts for historical resources are defined as follows:

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

Under these provisions, the significance of a historical resource is materially impaired when a project, “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance.”<sup>18</sup>

### Summary of Historical Resources

The project site is located on two undeveloped parcels currently occupied by surface automobile parking. The project site itself is not a historical resource as defined by CEQA, and does not include any resources listed in Article 10 or Article 11 of the San Francisco Planning Code.

While the proposed development site is not a historical resource, there are two historical resources, as defined by CEQA, adjacent to the project site. These historical resources are discussed in detail below.

### San Francisco Civic Center Historic District

The proposed development site at 101 Polk Street is directly south of the San Francisco Civic Center Historic District, which is a listed NRHP historic district, a National Historic Landmark District (NHL), and a City of San Francisco Historic District. As such it is a historical resource as defined by CEQA Guidelines Section 15064.5. The Civic Center Historic District was listed in the NRHP on October 10, 1978. Subsequently, the Civic Center was designated as a NHL on February 27, 1987, and was designated as a San Francisco City Landmark District on December 23, 1994. Several contributors to the district also have individual landmark status. The San Francisco City Hall building was listed as San Francisco City Landmark No. 21 on March 9, 1969. The War Memorial was listed as San Francisco City Landmark No. 84 on January 9, 1977, and the Birthplace of the United Nations/War Memorial Complex is

---

<sup>18</sup> CEQA Guidelines 15064.5(b).

California Historical Landmark No. 964 (May 13, 1985). The significance of the Civic Center relates to both its monumental and cohesive City Beautiful design and its relationship to the post-1906 earthquake reconstruction and resurgence of San Francisco. In addition, the district is associated with the founding of the United Nations and the drafting of the World War II peace treaties with Japan.

The character-defining features identified in the NRHP, NHL, and Appendix J of San Francisco Planning Code Article 10 are largely the same. Generally, the character-defining feature of the Civic Center is its design as a “principle aggregation of monumental buildings around a central open space.”<sup>19</sup> Within this overall context, the Civic Center buildings are characterized in the 1978 Nomination Form as “unified in the Beaux Arts classical design. They are organized into horizontal bands of vertically proportioned elements, with the grand order of the facade displayed on two or three floors above a usually rusticated base of one or two ground and partially sub-ground floors. Civic Center Historic District contains standard features such as overall form, massing, scale, proportion, orientation, depth of face, fenestration and ornamentation, materials, color, texture, architectural detailing, facade line continuity, decorative and sculptural features, street furniture, granite curbing and grille work.”<sup>20</sup> Importantly, the district ensemble is also defined by the “degree to which each enhances the group without distracting from the City Hall.”<sup>21</sup>

### 155 Hayes Street

The proposed project at 101 Polk Street is directly northeast of 155 Hayes Street, a nine-story International Style office building that was surveyed and evaluated and found to be eligible for the California Register in the Market and Octavia Area Plan Historic Resource Survey, and as such is a historical resource as defined by CEQA Guidelines Section 15064.5. The building is part of a complex of three attached office buildings initially constructed in 1959 for the American Automobile Association (AAA). In addition to 155 Hayes Street, the complex includes 150 Hayes Street, a five-story office building with tuck-under garage, and 150 Van Ness Avenue, an eight-story office building with a monumental entrance on Van Ness Avenue. All of the buildings are stylistically identical and are characterized by a rhythmic glass and spandrel curtain wall atop a cast stone veneer.

The building at 155 Hayes Street was evaluated and found to be eligible for the California Register under Criterion One for its association with the postwar redevelopment of San Francisco, a period in which extensive large-scale redevelopment such as this occurred across the city. Character-defining features of the building include its nine-story height and rectangular massing, cast stone veneer and cladding, aluminum frame curtain wall consisting of alternating bands of aluminum frame windows and horizontal bands of spandrel panels. Although they are part of the same AAA complex and share a similar development history, neither 150 Hayes Street nor 150 Van Ness Avenue were included in the evaluation and neither were considered for eligibility in the California Register.

---

<sup>19</sup> National Register of Historic Places, Inventory – *Nomination Form*. 1978.

<sup>20</sup> Planning Code Article 10, Appendix J, Section 6; San Francisco Landmarks Advisory Board Resolution No. 454, October 6, 1993.

<sup>21</sup> NHL, 1987.

### *Project Impacts*

No historic resources exist on the project site, which is currently used as a parking lot. The proposed project would alter the project site through the development of a new structure in an area that lies outside the boundary of, but in the vicinity of a National Historic Landmark District (NHL), and an Article 10 Historic District. While the proposed project would be taller than the buildings within the district, it would not overwhelm adjacent historical resources. The HRER also found that the proposed project would be in conformance with the *Secretary of Interior's Standards for Rehabilitation*. The height and massing, as well as materials and design elements (including cornice lines and belt courses that continue around the building; metalwork accents on balconies; groupings of building mass and varied planes that break down building scale; punched windows that define a rhythm along the building base; the emphasis of corner elements; the definition of the building's base through changes in materials; and subtle changes of material scale within the building's base), would be compatible with buildings in the vicinity that "frame" the historic district.<sup>22</sup> The proposed project would not reduce the integrity or significance of important resources in the vicinity and would include elements found by the 101 Polk Street Historic Resource Evaluation (HRE) to be characteristic of the vicinity. The proposed project would still be clearly differentiated from the Historic District due to modern design elements including a simplified form with large windows and absence of decorative elements. While the proposed project would be visible from the Historic District, it would not interfere with views or interrelationships between buildings, or interfere with spatial layout or primary features of the district by overwhelming or dividing adjacent historic resources.

The HRER also found that the proposed project would not destroy historic features that characterize the adjacent 155 Hayes Street, and would be compatible with the adjacent building in massing and scale, while being differentiated by its contemporary design and materials.

In sum, the proposed project would not result in a significant impact to historical resources on or off site within the project vicinity. Because the proposed project would be differentiated from, but compatible with, the adjacent Historic District and 155 Hayes Street; would not demolish, destruct, relocate, or alter any historical resources; and would not reduce the integrity of important resources in the site's vicinity, the proposed project's impacts on historical resources would be *less than significant*.

### **Impact CP-2: The proposed project could cause a substantial adverse change in the significance of an archeological resource, pursuant to Section 15064.5. (Less than Significant with Mitigation)**

CEQA considers archeological resources as an intrinsic part of the physical environment and, thus, requires for any project subject to CEQA review that its potential to adversely affect an archeological resource be analyzed (CEQA Section 21083.2). For a project that may have an adverse effect on a significant archeological resource, CEQA requires preparation of an environmental impact report (CEQA and Guidelines, Sect. 21083.2, Sect. 15065). CEQA recognizes two different categories of significant

---

<sup>22</sup> San Francisco Planning Department Historic Resource Evaluation Response, prepared by Pilar LaValley, December 21, 2012. Available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

archeological resources: a “unique” archeological resource (CEQA Section 21083.2) and an archeological resource that qualifies as a “historical resource” under CEQA (CEQA and Guidelines. 21084.1, 15064.5).

Under CEQA, evaluation of an archeological resource as an “historical resource” is privileged over the evaluation of the resource as a “unique archeological resource”, in that, CEQA requires that “when a project will impact an archeological site, a lead agency shall first determine whether the site is an historical resource” (CEQA Section 15064.5 (c)(1)).

Factors considered in order to determine the potential for encountering archeological resources include location, depth, and amount of excavation proposed, as well as any existing information about known resources in the area. The proposed project would include excavation of 16 to 18 feet below surface grade, which would be required for construction of a subterranean parking garage and loading area. The Market and Octavia Neighborhood Plan EIR considered that archeological resources potentially present within that project area comprise several types as indicated by the archeological documentation including domestic, commercial, institutional, industrial, transportation infrastructure, recreational, and prehistoric deposits. While the project site is not part of the final Plan area, the analysis in the EIR considered the project site. A site-specific archeological evaluation was conducted for 101 Polk Street in which the City has determined that there is a low potential of effect to archeological resources present within existing subsurface soils of the project site.<sup>23</sup> However, in order to reduce the potential impacts of any accidental discovery of potentially significant archeological resources, the project sponsor would be required to comply with Mitigation Measure M-CP-2, which would reduce this impact to *less than significant*.

***Mitigation Measure M-CP-2: Accidental Discovery Measures***

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources, including human remains, as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify

---

<sup>23</sup> Environmental Planning Preliminary Archeological Review: Checklist, prepared by Randal Dean, dated August 23, 2012.

Available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California 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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

**Impact CP-3: The proposed project would not directly or indirectly destroy a unique paleontological resource or site. (Less than Significant)**

Paleontological resources are fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collection localities and the geologic formations that contain those localities are also considered paleontological resources. They represent a limited, nonrenewable, and impact-sensitive scientific and educational resource.

Unrecorded paleontological resources could be disturbed during project construction; however, given the shallow depth of excavation (between 16 and 18 feet bgs), it is unlikely that paleontological resources or unique geological features would be located at the project site. Because there is little likelihood of accidental discovery of paleontological resources or unique geological features during construction, there would be a less-than-significant impact on unique paleontological resources or geologic features. Therefore, the potential accidental discovery of paleontological resources or unique geologic features during construction would be a *less-than-significant* impact.

**Impact CP-4: The proposed project may disturb human remains. (Less than Significant with Mitigation)**

There are no known human remains, including those interred outside of formal cemeteries, located in the vicinity of the project site. In the event that construction activities disturb unknown human remains within the project site, any inadvertent damage to human remains would be considered a significant effect. However, with implementation of Mitigation Measure M-CP-2, described above, the proposed project would have a *less than significant* impact related to unknown remains.

**Impact C-CP-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the site, would have a cumulatively considerable contribution to a significant cumulative cultural resources impact. (Less than Significant with Mitigation)**

There are several approved projects and reasonably foreseeable future projects in the vicinity of the project site, as identified in Section E, Land Use and Land Use Planning. Implementation of the proposed project would not contribute in a cumulatively considerable way to any substantial adverse effect to historical resources. The proposed project would not have an impact on on- or off-site historic resources. Therefore, impacts to historic architectural resources would be less than significant, and the proposed project would not result in a considerable contribution to cumulative impacts on historic architectural resources.

However, ground-disturbing activities in the vicinity of the project site could encounter previously recorded and/or unrecorded archaeological resources as well as human remains. The proposed project, in combination with past, present, and reasonably foreseeable projects in the vicinity that also involve ground disturbance and could also encounter previously recorded and unrecorded archaeological resources and/or human remains, could result in a significant cumulative impact to these cultural resources.

Implementation of Mitigation Measure M-CP-2 would reduce the project's contribution to cumulative impacts to a less-than-significant level. Project-related impacts on archaeological resources and human remains are site-specific and generally limited to the project's construction area. Mitigation Measure M-CP-2 would reduce the proposed project's impacts to a less-than-significant level, and the proposed project's contribution to cumulative impacts on archaeological resources and/or human remains would also be less than significant with implementation of this measure.



5. TRANSPORTATION AND CIRCULATION

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>5. TRANSPORTATION AND CIRCULATION— Would the project:</b>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The analysis considers the project impact to transportation and circulation in the area of the project. Below is a list of significance criteria used by the San Francisco Planning Department to assess whether a proposed project would result in significant impacts to the transportation network. These criteria are organized by transportation mode to facilitate the transportation impact analysis; however, the transportation significance thresholds are essentially the same as the ones presented above in the checklist.

The operational impact on signalized intersections is considered significant when project related traffic causes the intersection level of service (LOS) to deteriorate from LOS D or better to LOS E or F, or from LOS E to LOS F. The project may result in significant adverse impacts at intersections that operate at LOS E or F under existing conditions depending upon the magnitude of the project’s contribution to the worsening of the average delay per vehicle. In addition, the project would have a significant adverse

impact if it would cause major traffic hazards or contribute considerably to cumulative traffic increases that would cause deterioration in levels of service to unacceptable levels.

The project would have a significant effect on the environment if it would cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service; or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result. With the Muni and regional transit screenlines analyses, the project would have a significant effect on the transit provider if project-related transit trips would cause the capacity utilization standard to be exceeded during the peak hour.

The project would have a significant effect on the environment if it would result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

The project would have a significant effect on the environment if it would create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site and adjoining areas.

A project would have a significant effect on the environment if it would result in a loading demand during the peak hour of loading activities that could not be accommodated within proposed on-site loading facilities or within convenient on-street loading zones, and created potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

The project would have a significant effect on the environment if it would result in inadequate emergency access.

Construction-related impacts generally would not be considered significant due to their temporary and limited duration.

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. The proposed new residential building, at approximately 120 feet tall, would not interfere with air traffic patterns. As a result, the proposed project would not 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; therefore, criterion E.5(c) is not applicable.

The project site is located at the northwest corner of Polk Street and Hayes Street, north and east of the Market and Octavia Neighborhood Plan and south and west of the Civic Center Area Plan. Polk Street is a one-way street with two southbound travel lanes and a dedicated bike lane. Metered on-street parking is located on the east side of Polk Street and the south side of Hayes Street. On Lech Walesa, commercial loading is metered and active from 8:00 a.m. to 6:00 p.m., Monday through Saturday with a 30-minute time limit. Ambulance parking is effective 8:00 a.m. to 7:00 p.m. Monday through Saturday. DPH permit parking is in place from 8:00 a.m. to 7:00 p.m. Monday through Saturday. Regional access to the project site is provided by United States Highway 101 (U.S. 101) and Interstate 80 (I-80). U.S. 101 connects to I-80, which connects San Francisco to the East Bay and other locations east via the San Francisco-Oakland Bay

Bridge. U.S. 101 serves San Francisco and the Peninsula/South Bay and provides access north via the Golden Gate Bridge.

**Impact TR-1: The proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Less than Significant)**

Policy 10.4 of the Transportation Element of the San Francisco General Plan states that the City will "Consider the transportation system performance measurements in all decisions for projects that affect the transportation system." To determine whether the proposed project would conflict with a transportation- or circulation-related plan, ordinance or policy, this section analyzes the project's effects on traffic, transit demand, impacts on pedestrian and bicycle circulation, loading, emergency vehicle access, and construction impacts. Parking is also discussed for informational purposes.

#### *Trip Generation*

The site is located in the City's C-3 traffic analysis area. The proposed change of use from surface parking to residential would result in an increase of approximately 134,200 gross square feet of residential use, 12,077 square feet of parking area, 320 square feet of loading area, and 635 square feet of retail (leasing office) use. The total of approximately 134,835 square feet of proposed residential and retail uses on the project site would generate approximately 1,448 person trips and a total of 730 daily vehicle trips.<sup>24</sup> Table 3 shows the proposed project's calculated daily and PM peak hour trip generation by mode split. Weekday PM peak hour conditions (between the hours of 4:00 p.m. and 6:00 p.m.) typically represent the worse-case conditions for the local transportation network.

As shown in Table 3, total PM peak hour person trips for the proposed project are estimated to be approximately 244. These trips would be distributed among various modes of transportation, including private automobile, carpools, public transit, walking, and other modes. Of the 244 peak-hour person-trips, 124 would be vehicle person-trips, 91 would be transit trips, 18 would be walking trips, and ten would be trips made via other modes of transportation such as bicycling, taxi, or motorcycle. An average vehicle occupancy rate in persons per vehicle of 1.17 (based on 2012 Census data) was applied to the number of auto person trips to determine the number of vehicle trips generated by the proposed project, resulting in 106 PM peak hour vehicle trips.

---

<sup>24</sup> Total values represent the residential uses of the proposed project. Note that the total proposed residential square footage at the time of this analysis was 140,685 square feet. Transportation calculations are available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

**Table 3: Daily and PM Peak Hour Trip Generation**

<b>Trip Generation Mode Split</b>	<b>Daily Trips</b>	<b>PM Peak Hour Trips</b>
<b>Person Trips</b>		
Auto	730	124
Transit	533	91
Walk	121	18
Other	64	10
<b>Total</b>	<b>1,488</b>	<b>244</b>
Vehicle Trips	617	106
<b>Parking Demand</b>	<b>No. of Parking Spaces</b>	
Parking Spaces	204	
<b>Loading Demand</b>	<b>Average Hour Truck Trips</b>	<b>Peak Hour Truck Trips</b>
Loading Spaces	0.19	0.24

Source: *Transportation Study Determination*, San Francisco Planning Department, 2012.

## Traffic

As set forth in the Guidelines, the Planning Department evaluates conditions in the PM peak-period during the weekdays in determining the significance of an adverse environmental impact, since conditions during the weekday PM peak hour represent the worst conditions of the local transportation network. As described above, the project would result in 106 vehicle trips during the PM peak hour. Residents, governmental agencies and businesses along Polk Street, Hayes Street, Van Ness Avenue, Grove Street and Lech Walesa Alley could experience an increase in vehicular activity as a result of the proposed project; however, it would not be above levels that are common and generally accepted in urban areas. The change in traffic in the project area as a result of the proposed project would be undetectable to most drivers although it could be noticeable to those immediately adjacent to the project site.

### *Circulation and Access*

All vehicle and bicycle parking as well as loading service areas would be accessed from Lech Walesa Alley via a driveway located on the northwest corner of the project. Lech Walesa Alley is a low-speed, low-volume alley and roadway that runs parallel to Hayes Street between Van Ness Avenue and Polk Street. One driveway would provide the entrance to and exit from the below-grade parking garage. This driveway would be located at the northwest corner of the project site, about 120 feet west of the intersection of Lech Walesa Alley and Polk Street. Vehicles and bicycles entering the project site coming from Van Ness Avenue would travel eastbound on Grove Street to southbound Polk Street then westbound on Lech Walesa Alley to access the driveway, and those coming from Polk Street would travel west on Lech Walesa Alley to access the driveway. Vehicles and bicycles exiting the project site would make a

westbound turn on Lech Walesa Alley to access northbound Van Ness Avenue, or would make an eastbound turn on Lech Walesa Avenue to access Polk Street.

The driveway would be approximately 19 feet wide and would accommodate one entrance/exit lane. The garage entry gate would be recessed from the Lech Walesa Alley southern curb by approximately eight feet and six inches (recessed from the new bulb out by twelve feet and five inches) to provide a queuing area.<sup>25</sup> This would reduce the likelihood of entering vehicles blocking the sidewalk.

The project would also be subject to the following queue abatement Improvement Measure because it includes more than 20 off-street parking spaces as part of the project.

***Improvement Measure I-TR-1a: Queue Abatement***

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

---

<sup>25</sup> Solomon Cordwell Buenz, personal communication, February 19, 2013.

## Parking

The C-3-G zoning district does not require parking for residential or non-residential uses, but does allow up to 0.25 parking spaces per residential dwelling unit as of right. The project as proposed would include 0.31 parking space per residential dwelling unit. The proposed project would replace a 58-space surface parking lot with a 120-foot tall residential building that would contain 51 parking spaces, as well as one more space for use by a Car Share vehicle. The parking spaces would be located in a basement-level garage. Puzzler modules would be used to access 47 of the parking spaces. A puzzler module allows for a denser parking environment and is accessed from the drive aisle and has parking platforms arranged on two or three levels. The upper and lower level parking spaces move vertically and the middle parking spaces move horizontally to allow upper or lower level cars to come up or down to drive aisle level so that they can be driven off the parking platforms. Additionally, two parking spaces would be accessed using a lift, and two handicap-accessible parking spaces would be provided. There would also be one Car Share vehicle parking space. Two 20- by eight-foot service loading spaces and 62 Class I bicycle parking spaces are proposed as part of the project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines Section 15131a)). 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 Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is well served by public transit and alternative modes of transportation.

In summary, changes in parking conditions are considered to be social impacts rather than impacts on the physical environment.

## Loading

Planning Code Section 152 and Table 152.1 require one off-street freight loading space for residential uses between 100,000 and 200,000 square feet and allows two service spaces to substitute. The residential project is proposed to be approximately 140,000 square feet and would include two off-street service loading spaces in the basement-level garage which meets the number of loading spaces required. Based on the project's proposed use, peak hour loading demand would be 0.24 truck trips which would be accommodated by the two eight- by 20-foot service loading spaces included in the project and would not create hazardous conditions or significantly delay traffic, transit, bicycles, or pedestrians and therefore the impact of loading would not be significant.

## Construction

The project sponsor expects construction of the proposed project to last approximately 18 months, and construction would temporarily affect traffic and parking conditions near the proposed project. Throughout the construction period, there would be a flow of construction-related trucks to and from the site. The impact of construction traffic would be a temporary lessening of the capacities of local streets due to the slower movement and larger turning radii of trucks, which may affect traffic operations. Construction-period traffic impacts resulting from the proposed project are considered short term and would be less than significant.

The project sponsor does not anticipate closures of any traffic lanes on Polk or Hayes Streets during construction, but may request temporary closures of the sidewalks and/or travel lanes abutting the project. Temporary closures of any traffic lane, parking lane, or sidewalk would require review and approval by the Department of Public Works and the City's Interdepartmental Staff Committee on Traffic and Transportation. No bus stops are adjacent to the project site, and construction of the proposed project would not affect operation of nearby bus stops.

Construction workers would need to find parking on nearby streets, or the project sponsor would have to arrange for off-street parking spaces in the area for construction workers until completion of the basement parking garage when construction worker parking demand could be accommodated on site. Construction staging would be provided on the project site and on sidewalks immediately adjacent to the project site and would not require the use of on-street parking spaces for staging. During the estimated 18-month construction period, temporary and intermittent traffic, parking, and transit impacts in the vicinity would result from truck movements to and from the project site. Trucks would deliver and remove materials to and from the site during working hours, and construction workers would likely drive to and from the site. It is expected that the construction schedule would be approximately 7:00 a.m. to 5:00 p.m. Monday through Friday, and Saturdays from 8:30 a.m. to 4:30 p.m. Truck movements during periods of peak traffic flow would have a greater potential to create conflicts 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.

Prior to construction, the project contractor would coordinate with Muni's Street Operations and Special Events Office to coordinate construction activities and minimize any impacts to transit operations. Due to

their temporary and limited duration, construction-related impacts generally would not be considered significant. Although the project's construction truck traffic and loading impacts would be considered less than significant, the project sponsor has agreed to adopt an improvement measure that would further reduce any non-significant transportation effects associated construction activities by limiting truck movements during peak-hour traffic. Improvement Measure, I-TR-1, is presented below.

***Improvement Measure I-TR-1b: Transportation (Construction Activities)***

Construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although this would not be considered a significant impact. The Project Sponsor will require the construction contractor to limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the San Francisco Municipal Transportation Authority, or SFMTA) in order to minimize the disruption of the general traffic flow on adjacent streets during the AM and PM peak periods. The Project Sponsor and construction contractor will meet with the Traffic Engineering Division of the SFMTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion and other potential transit and pedestrian circulation effects during construction of the proposed project.

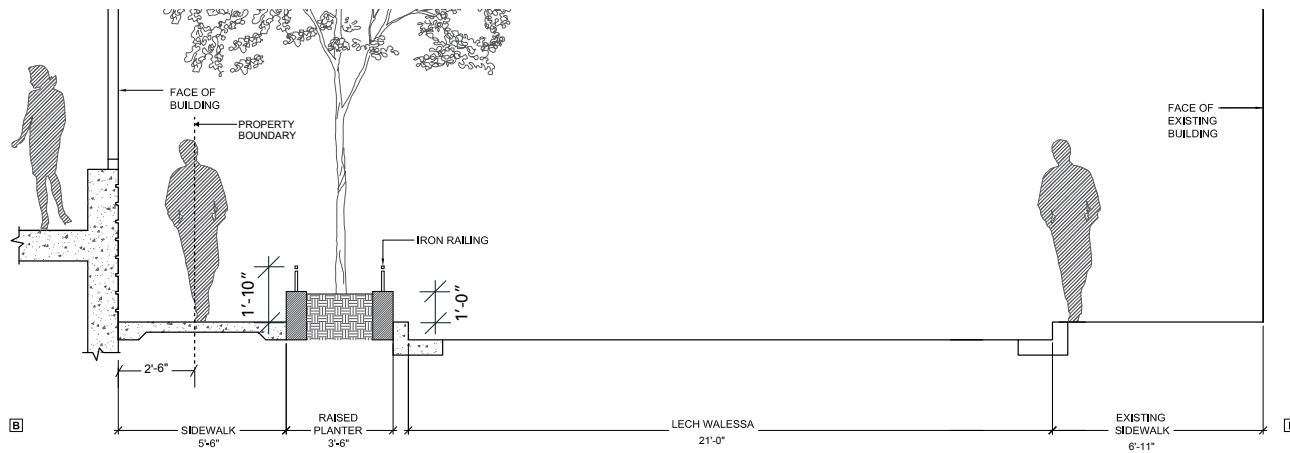
**Impact TR-2: The proposed project would not result in substantially increased hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)**

Vehicular access to the site would be provided at one access point via a driveway located on Lech Walesa Alley. The ramp and associated driveway would be approximately 19'1" wide, utilizing an existing 20'5" curb cut. The ramp would be located approximately 101 feet west of the corner of Lech Walesa Alley and Polk Street. The project would eliminate existing vehicular access points along Hayes Street. The primary pedestrian building access point would be on Polk Street; however ground-floor units would have pedestrian access from the Hayes Street and Polk Street frontages. The leasing office would have access from Polk Street. The proposed project would not interfere with existing traffic circulation or cause major traffic hazards, nor would it have a significant effect on traffic-related hazards. In addition, a new four-foot-wide bulb-out is proposed, located at the corner of Polk Street and Lech Walesa Alley and extending down Lech Walesa Alley 101 feet. This bulb-out would be constructed to maintain a 21-foot vehicle width of Lech Walesa Alley, meeting SFMTA's standard alley width, as shown in Figure 10. Therefore, the project would have a *less-than-significant* impact on a roadway or from a project related design feature.





SCALE: 3/32" = 1'-0"



SCALE: 1/4" = 1'-0"

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

Access to the project site would be via Polk Street, Hayes Street, and Lech Walesa Alley. Similarly, emergency vehicle access to the project site would be via Polk Street, Hayes Street, and Lech Walesa Alley. The proposed project would not interfere with emergency access to the project site or to other sites in the vicinity of the project site. Emergency vehicles would be able to reach the project site from along the existing city streets. The proposed buildings are required to meet the standards contained in the Building and Fire Codes, and the San Francisco Building and Fire Departments would review the final building plans to ensure sufficient access and safety. Therefore, the project would have *less-than-significant* impact on emergency access to the project site or any surrounding sites.

**Impact TR-4: The proposed project would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such features. (Less than Significant)**

**Transit**

The project site is well served by public transit. Bus stops serviced by multiple Muni routes are located within one block west, north, and east of the project site. Additionally the Civic Center BART and Muni Metro Station is located three blocks east of the project site, and the Van Ness and Market Muni Metro Station is two blocks southwest of the project site. These bus and rail centers link the neighborhood to the rest of the City, the East Bay, and the Peninsula, as well as facilitating connections to the North Bay and far East Bay through a variety of transit networks.<sup>26</sup> It is estimated that the proposed project would generate approximately 533 daily and 91 PM peak-hour transit trips, which would be distributed among BART, Muni, Golden Gate Transit, AC Transit, and SamTrans transit routes. Table 4 below shows the variety of transit methods and lines that service the project site. All listed transit lines have stops within 0.25 miles (or approximately two to three blocks) of the project site, with the closest stops being the Muni bus stop at Polk and Grove Street intersection, and the Muni bus stop at Hayes Street and Larkin Street. The increase in transit demand associated with the proposed project would not have a significant or noticeable impact upon transit services in the project area or affect transit operations in the project area.

The increase in transit demand associated with the proposed project would not result in a significant adverse impact on transit service or operations in the project area. Therefore, implementation of the proposed project would result in a *less-than-significant* impact on transit conditions.

---

<sup>26</sup> Muni route descriptions from SFMTA webpage available online at: <http://www.sfmta.com/cms/asystem/routedesc>. Accessed August 23, 2012.

**Table 4: Transit Lines Located Within 0.25 Miles (Approximately 2-3 Blocks) of the Project Site**

Muni Rail	Muni Bus	BART	AC Transit	Golden Gate Transit	SamTrans
F Market J Church K Ingleside L Taravel M Ocean View N Judah T Third Street	N-OWL T-OWL 9L 71L K-OWL L-OWL 5 Fulton 6 Parnassus 9 San Bruno 14 Mission 19 Polk 21 Hayes 47 Van Ness 49 Van Ness-Mission 71 Haight-Noriega 83X Mid-Market Express 90-OWL	Dublin Pleasanton Pittsburg Bay Point Richmond Fremont SFO Daly City Millbrae	Transbay 800	Route 10 Route 70 Route 80 Route 92 Route 93 Route 101	KX Express 292 Multi-city 391 Multi-city 397 Multi-city

Source: 511.org, accessed December 21, 2012.

### Bicycle and Pedestrian Conditions

The 106 PM peak-hour vehicle trips associated with the proposed project would not be expected to result in significant adverse bicycle and vehicle conflicts. The following bike routes are located in the vicinity of the project site: Route 20 on Grove Street one block north of the project site; Route 25 on Polk Street immediately adjacent to the project site; Route 23 on 8<sup>th</sup> Street two blocks east of the project site; and Route 30 on Market Street one block south of the project site. Currently, a number of existing curb cuts allow vehicle access to the project site: two curb cuts span nearly the entire southern edge of the site along Hayes Street; one curb cut exists along Lech Walesa Alley at the northwest edge of the site; and two curb cuts exist along Polk Street, one at the northeast edge of the project site and one at the southeast edge of the project site. As described above, the proposed development would include a single vehicle entry on Lech Walesa Alley, thereby eliminating the Hayes Street and Polk Street curb cuts entirely and the majority of the curb cut on Lech Walesa Alley which are existing potential points of vehicle-bicycle and pedestrian conflicts. Therefore, the proposed project would result in an improvement over existing bicycling and pedestrian conditions at the project site. In light of the above, the proposed development would not be expected to result in any new adverse or hazardous conditions affecting bicyclists. Thus, the proposed project would result in a *less-than-significant* impact.

The proposed project would similarly not be expected to result in significant adverse conditions for pedestrians. Sidewalk widths are sufficient to allow for the free flow of pedestrian traffic. Pedestrian activity would marginally increase as a result of the proposed project, but not to a degree that could not be accommodated on local sidewalks or that would result in safety concerns. As mentioned previously

within this CEQA topic, the proposed development has been designed to have its garage access and curb cut facing onto Lech Walesa Alley, which would minimize pedestrian-vehicle conflicts around the rest of the site. As part of the review and approval process, the City will request that the project include raised sidewalks at the intersection of Lech Walesa and Polk Street consistent with other alley treatments in the vicinity of the project and as set out in the Better Streets Plan adopted by the City in December 2010. In light of the above, the proposed project would not be expected to result in any new adverse conditions affecting pedestrians or result in hazardous conditions for pedestrians. Therefore, implementation of the proposed project would result in a *less-than-significant* impact on pedestrian conditions.

**Impact C-TR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would have less-than-significant transportation cumulative impacts. (Less than Significant)**

The geographic context for the analysis of cumulative transportation impacts is the local roadway within the 101 Polk Street vicinity. Project impacts related to bicycle and pedestrian circulation, loading supply and demand, emergency vehicle access, and construction would be localized and site specific, and would not contribute to impacts from other development and infrastructure projects in San Francisco. Future year cumulative impacts are analyzed for traffic and transit operations.

Although the project site is not within the Market and Octavia Area Plan, the project site was analyzed as part of the EIR certified for the Area Plan. The Market and Octavia Neighborhood Plan EIR identified a project boundary for the purposes of the environmental analysis that included the project site. Similarly, the project site was included in the study area for the Market and Octavia Neighborhood Plan EIR Transportation Study (Wilbur Smith Associates, May 31, 2005, Case No. 2003.0346!). The Transportation Study (TIS) and EIR for the Market and Octavia Neighborhood Plan analyzed a development scenario which included the construction of 4,440 residential units over a 20-year planning horizon.<sup>27</sup> These 4,440 units are in addition to the background growth anticipated to occur even without the actions included as part of the Market and Octavia Neighborhood Plan. The Market and Octavia Neighborhood Plan EIR anticipated that growth resulting from Plan implementation could result in significant impacts on traffic and transit ridership. Thus these impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Neighborhood Plan approval on May 30, 2008.

The Market and Octavia Neighborhood Plan TIS reported that within the entire Plan area, the Plan would generate 35,969 person trips and 10,954 vehicle trips. Within the Plan area in District D, the area immediately surrounding the 101 Polk Street site, 3,554 daily person trips and 906 daily vehicle trips would occur with development of the Plan. The project at 101 Polk Street would generate 1,448 daily person trips and 730 daily vehicle trips. The project at 101 Polk Street is within the scope of the development analyzed in the Market and Octavia Neighborhood Plan TIS and EIR.

---

<sup>27</sup> San Francisco Planning Department, Market and Octavia Neighborhood Plan Final EIR, pages 3-21. September 2007.

The EIR found that the Plan would result in significant impacts at the following intersections: Hayes/Gough, Hayes/Franklin, and Laguna/Market/Hermann/Guerrero. As described in the EIR, the significant traffic impacts at Hayes/Gough and Hayes/Franklin occur due to the elimination of the westbound lane on Hayes Street. The significant impact at Laguna/Market/Hermann/Guerrero is due to increased intersection volumes brought about by the Plan's encouragement of increased growth.

The estimated 106 PM peak hour vehicle trips generated by the project would travel through the intersections surrounding the project block. Of the intersections that were identified as being significantly impacted by the Plan, there are two which the project's traffic may travel through, Hayes/Franklin and Hayes/Gough. The EIR found that the intersections of Hayes/Franklin and Hayes/Gough would operate at an unacceptable LOS under the Plan due to the conversion of Hayes into a two-way street and removal of the westbound travel lane on Hayes. Using a conservative assumption that all traffic generated by the project travels through these intersections during the PM peak period, the project's contribution of 106 PM peak hour vehicle trips, a minimal percentage of the total intersection volumes at Hayes/Gough and Hayes/Franklin, would not be a substantial proportion of the overall traffic volume at these intersections, and the development of the 101 Polk Street project would not contribute significantly to the identified traffic impacts at Hayes/Gough and Hayes/Franklin. With respect to the Plan's impact at Laguna/Market/Hermann/Guerrero, project-generated traffic would not likely travel through this intersection due to its lack of proximity to the project site and the availability of alternate routes.

The EIR found that the Market and Octavia Neighborhood Plan would also contribute considerably to cumulative impacts at four additional intersections, as described in the Market and Octavia Neighborhood Plan EIR. These intersections include: 15<sup>th</sup>/Sanchez/Market, 14<sup>th</sup>/Church/Market, Hayes/Van Ness, and Mission/Otis/Van Ness. The project at 101 Polk Street would not contribute considerably to the Plan's cumulative impact for the following reasons. Project generated traffic would not likely travel through the intersections of 15<sup>th</sup>/Sanchez and 14<sup>th</sup>/Church because of the lack of proximity to the project site and the availability of alternate routes. The project's contributions to traffic volumes at Hayes/Van Ness and Mission/Otis/Van Ness are minimal percentages of the total traffic volumes at these intersections, and therefore both traffic contributions at both intersections are below the threshold for considerable contribution. The proposed project would add a small increment to the cumulative long-term traffic increase on the local roadway network in the neighborhood. However, the volume of additional trips would not result in considerable contributions to any unacceptable intersection service levels. Thus, the project would not contribute considerably to any cumulative traffic impacts.

### **Cumulative Transit Impacts**

The Market and Octavia Neighborhood Plan EIR identified a significant and unavoidable impact relating to the degradation of transit service. As part of the Plan, Hayes Street travel lanes would be converted to operate two-ways between Van Ness Avenue and Gough Street for the purpose of enhancing local vehicle circulation. However, this conversion would negatively affect intersection operating conditions at Hayes/Gough, Hayes/Franklin, and Hayes/Van Ness. These changes would decrease the attractiveness and efficiency of transit since it is likely that this change would result in increases in travel times on the 21-Hayes Muni line, and substantially affect transit operations, which would result in a significant

impact. A transit mitigation measure in the EIR addresses this impact (5.7.H: Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue; Franklin Street, and Gough Street). Even with Mitigation Measure 5.7.H which proposes rerouting the 21-Hayes Muni bus around congested intersections, cumulative impacts were found to be significant and unavoidable and a Statement of Overriding Considerations was adopted as part of the Market and Octavia Neighborhood Plan approvals. Impacts to the LOS that would cause transit delay are a result of street reconfiguration rather than increases in traffic volumes, to which, as discussed earlier, the 101 Polk Street project would not contribute significantly.

The project at 101 Polk would not be expected to result in increased occupancy or expansion of use at the project site beyond what was analyzed in the Market and Octavia Neighborhood Plan EIR and thus would not generate transit trips beyond what was assumed in the analysis. Transit impacts are not anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the EIR (to be implemented by the San Francisco Municipal Transportation Agency [SFMTA]) are not applicable to the proposed project. With the development of 101 Polk Street, the peak hour capacity utilization would not be substantially increased and the impact on Muni screenlines would be less-than-significant.

**Cumulative Construction Impacts**

Project construction activities, in combination with other development in the project area, would incrementally increase the demands on the City’s transportation network, but not beyond levels anticipated and planned for by local transportation and transit agencies. Construction schedules of the proposed project could overlap with future projects, resulting in a temporary increase of construction workers and delivery trucks to the area. However, construction work is temporary in nature, and thus all related impacts would be temporary. Therefore, project-related impacts to transportation and circulation would not be cumulatively considerable.

**6. NOISE**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>6. NOISE—Would the project:</b>					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input 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>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would have significant noise impacts under CEQA if it were to result in exposure of persons to, or generation of, noise levels in excess of established standards; excessive groundborne vibration or noise levels; substantial permanent increase in ambient noise levels in the project vicinity; substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels; or be substantially affected by existing noise levels, including noise levels caused by an airport.

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; therefore, checklist items E.6(e) and E 6(f) are not applicable, and noise impacts related to air traffic are not addressed below.

**Impact NO-1: The proposed project would not result in the exposure of persons to or generation of noise levels in excess of established standards, nor would the proposed project result in a substantial permanent increase in ambient noise levels or otherwise be substantially affected by existing noise. (Less than Significant with Mitigation)**

#### Expose Sensitive Receptors to Noise During Operation

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco; they are dominated by vehicular traffic, including trucks, cars Muni buses, emergency vehicles; land use activities, such as commercial businesses; and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas.

The Environmental Protection element of the San Francisco General Plan contains Land Use Compatibility Guidelines for Community Noise.<sup>28</sup> These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For residential uses, the maximum "satisfactory" outside noise level without incorporating noise insulation into a project is 60 A-weighted decibels (dBA) (averaged over a 24-hour period [Ldn]), while in areas where noise levels exceed 60 dBA, a detailed analysis of noise reduction requirements is typically necessary prior to final review and approval, and new construction or development of residential uses typically requires that noise insulation features be included in the design. Above noise levels of 65 dBA (Ldn), residential development is generally discouraged; however, if permitted, noise insulation must be included in the design.<sup>29</sup>

Generally, ambient noise levels in the project vicinity range from 75 to 76 dBA and above. These ambient noise levels are typical of neighborhood levels in urban San Francisco. Polk and Hayes Street are moderately traveled streets, with lower traffic speeds. The commercial uses observed during field visits range from a parking garage to a civic auditorium, and other civic buildings. Although some of these uses could be considered noisy and a nuisance to their neighbors, their noise levels would be within what is expected in an urban area like San Francisco.

To satisfy requirements set forth by the Housing Element of the San Francisco General Plan intended for new residential development located along streets with noise levels above 75 dBA (Ldn), the Project Sponsor conducted noise measurements<sup>30</sup> and determined that the noise levels along the streets that border the project site were above 75 dBA (See Figure 11, Noise Measurement Locations and Measured DNL).<sup>31</sup>

---

<sup>28</sup> San Francisco General Plan. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise, Available online at: <http://www.sf-planning.org>.

<sup>29</sup> Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. The unit of sound pressure is the dB; thus it is said that a sound pressure level is a certain number of dB. The dB scale is a logarithmic scale, not a linear one such as the scale of length. A logarithmic scale is used because the range of sound intensities is so great that it is convenient to compress the scale to encompass all the sounds that need to be measured. The human ear has an extremely wide range of response to sound amplitude. Sharply painful sound is 10 million times greater in sound pressure than the least audible sound. In dB, this 10-million-to-1 ratio is simplified logarithmically to 140 dB. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of dBA. Another unusual property of the dB scale is that the sound pressure levels of two separate sounds are not directly (that is, arithmetically) additive. For example, if a sound of 70 dB is added to another sound of 70 dB, the total is only a 3-dB increase (to 73 dB), not a doubling to 140 dB. Furthermore, if two sounds are of different levels, the lower level adds less to the higher as this difference increases. If the difference is as much as 10 dB, the lower level adds almost nothing to the higher level. In other words, adding a 60 dB sound to a 70 dB sound increases the total sound pressure level less than ½ dB. A condensed version of the EPA's noise levels document is available online at <http://www.nonoise.org/library/levels/levels.htm>. Accessed August 30, 2012.

<sup>30</sup> 101 Polk Apartments – San Francisco, CA; Results of Environmental Noise Study. Charles M. Salter Associates, August 27, 2012.

<sup>31</sup> Day-Night Average Sound Level (DNL) – A descriptor established by the U.S. Environmental Protection Agency to represent a 24-hour average noise level with a 10 dB penalty applied to noise occurring during the nighttime hours (10 pm to 7 am) to account for the increased sensitivity of people during sleeping hours.



The California Building Code (Title 24, Chapter 12) requires that the indoor noise level in new multi-family housing not exceed DNL 45 dB where the exterior noise level is greater than DNL 60 dB. In order to meet the indoor DNL 45 dBA requirement, it would be necessary for all of the facades to be sound rated in the following manner: by use of typical 1-inch assemblies (two ¼-inch-thick-panes with ½-inch airspace) to achieve an sound transmission class (STC)<sup>32</sup> rating of 32; the use of dual-pane systems with wider airspaces and enhanced lamination layers to achieve an STC rating of 42; and by use of a “jockey-sash” system with an additional inboard glazing component. Additionally, where STC ratings of above 33 are required, one pane would need to be laminated. The building code requires that where windows need to be closed to achieve an indoor DNL of 45 dB, an alternative method of supplying fresh air (e.g., mechanical ventilation) must be provided. This applies to all of the project residences.

The project sponsor has agreed to incorporate the features described above into the project and thus would reduce the project’s impact on noise sensitive receptors to *less-than-significant*.

### Generation of Traffic Noise During Operation

While implementation of the proposed project would increase the number of daily vehicle trips by 617 and 106 during the PM peak hour, these new vehicle trips would not lead to a substantial increase in existing traffic related noise. Based on published scientific acoustic studies, the traffic volumes in a given location would need to approximately double to produce an increase in ambient noise levels noticeable to most people.<sup>33</sup> Therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, and this impact would be *less-than-significant*.

---

<sup>32</sup> STC is a single-figure rating standardized by ASTM and used to rate the sound insulation properties of building partitions. The STC rating is derived from laboratory measurements of a building element and as such is representative of the maximum sound insulation. Increasing STC ratings correspond to improved noise isolation.

<sup>33</sup> Available online at: [http://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf). Accessed August 30, 2012.



Not to scale; for acoustical design purposes only

Source: Charles M. Salter Associates, Inc., and Google Maps, 2012

Figure 11

Noise Measurement Locations and Measured DNL

101 Polk Street, San Francisco

Case No. 2011.0702E

 Project Site

## Generation of Building Noise During Operation

The project includes mechanical equipment that could produce operational noise, such as that from heating and ventilation systems. These operations would be subject to Section 2909 of the City's Noise Ordinance (Article 29 of the San Francisco Police Code). As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the limit is five dBA in excess of ambient; for noise generated by commercial and industrial uses, the limit is eight dBA in excess of ambient; and for noise on public property, including streets, the limit is 10 dBA in excess of ambient. In addition, the noise ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours (until 10:00 p.m.).

The proposed project would comply with Article 29, Section 2909, by assuring that mechanical equipment does not cause ambient noise levels to exceed the stated standard. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would be less than significant, and the buildings would not contribute to a considerable increment to any cumulative noise impacts from mechanical equipment. For the reasons listed above, the proposed project would not generate noise that exceeds established standards or results in a substantial permanent increase in ambient noise levels, and this impact would be *less-than-significant*.

**Impact NO-2: During construction, the proposed project would result in a temporary or periodic increase in ambient noise levels and vibration in the project vicinity above levels without the project, but project construction would not expose persons to excessive groundborne vibration or noise, or result in substantial periodic ambient noise in the project vicinity. (Less than Significant)**

Excavation and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 18 months. During the construction phase, the amount of construction noise generated would be influenced by equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers). There would be times when noise and vibration could interfere with indoor activities in nearby residences and other businesses near the project site. No pile driving would be necessary. Construction noise and vibration impacts would be temporary in nature and limited to the period of construction. The noisiest construction activities associated with the project would likely be exterior finishing, which can generate noise levels up to 89 dBA (see Table 5). The closest sensitive receptors would be those residences located southeast of the project site at the Archstone Fox Plaza Apartments. Noise generally attenuates (decreases) at a rate of six to seven and one-half dBA per doubling of distance. Therefore, the exterior noise level at the sensitive receptors identified above would be less than 89 dBA during the noisiest construction activities. Additionally, the City of San Francisco Noise Ordinance states that the operation of any powered construction equipment is unlawful if it results in the emission of noise at a level in excess of 80 dBA when measured 100 feet from the construction equipment, unless the equipment is impact equipment with intake and exhaust mufflers recommended by the equipment manufacturers and approved by the

Director of Public Works or of Building Inspection. Further, the City’s Noise Ordinance states that between the hours of 8:00 p.m. on any day and 7:00 a.m. of the following day, it is unlawful for any person to erect, construct, demolish, excavate for, alter, or repair any building or structure if the resulting noise level is in excess of the ambient noise level by 5 dBA at the nearest property plane, unless a special permit has been applied for and granted by the Director of Public Works or of Building Inspection.<sup>34</sup> The project would be required to comply with these Sections of the City of San Francisco Noise Ordinance during construction resulting in a *less-than-significant* impact.

**Table 5: Maximum dBA at 10 Feet for Typical Construction Equipment**

Phase	(Leq) <sup>21</sup>
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Exterior Finishing	89
Pile Driving	90-105

Source: U.S. Environmental Protection Agency, Noise from Construction Equipment and Building Operations, Building Equipment, and Home Appliances, December 1971.

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

The construction activities associated with the proposed project would be temporary and intermittent for 18 months. Currently there are seven projects that have been approved recently or are under review by the Department in the vicinity of the project site: 55 Ninth Street, 1390 Market Street, 1400 Mission Street, 1415 Mission Street, 1510-1540 Market Street, 1321 Mission Street, and 360 Octavia Street. It is conservatively assumed that the proposed project’s construction activities could overlap with construction activities associated with current and future projects in the area. However, it is anticipated that all current and future projects in the project site’s vicinity would be required to comply with the San Francisco Noise Ordinance. As discussed above, the proposed project would result in a less-than-significant exposure of persons to, and generation of, noise levels in excess of standards described in Title 24, the General Plan, and the Noise Ordinance, because the project would be designed and constructed in accordance with Title 24 standards. The proposed project would result in less-than-significant exposure of persons to groundborne vibration or groundborne noise levels, because no pile driving would be used. The project would result in a less-than-significant increase in permanent or temporary ambient noise levels, because the construction period would last 18 months, area traffic would not double with project development,

<sup>34</sup> Police Code, Article 29, Section 2907-2908; Ordinance 278-008, File No. 081119, November 25, 2008.

and project operational noise would be regulated by Title 24. Although the ambient noise level in the project vicinity is above those considered normally acceptable for residential uses, the project would be subject to Title 24 standards, which would reduce ambient noise exposure impacts to less-than-significant levels for future residents of the proposed development. For the reasons described above, implementation of the proposed project would result in a less-than-considerable contribution to cumulative noise. Therefore, the proposed project would not result in cumulatively considerable noise impacts, and cumulative noise impacts are considered *less-than-significant*.

## 7. AIR QUALITY

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>7. AIR QUALITY—Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting

The Bay Area Air Quality Management District (BAAQMD) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Napa counties and portions of Sonoma and Solano counties. BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the 2010 Clean Air Plan, was adopted by the BAAQMD on September 15, 2010. The 2010 Clean Air Plan updates the Bay

Area 2005 Ozone Strategy in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and GHGs in a single, integrated plan; and establish emission control measures to be adopted or implemented. The primary goals of the 2010 Clean Air Plan are to:

- Attain air quality standards;
- Reduce population exposure and protect public health in the San Francisco Bay Area; and
- Reduce GHG emissions and protect the climate.

The 2010 Clean Air Plan represents the most current applicable air quality plan for the SFBAAB. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan.

#### *Criteria Air Pollutants*

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment<sup>35</sup> or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>36</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 6, identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

---

<sup>35</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status.

<sup>36</sup> Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, page 2-1. May 2011.

**Table 6: Criteria Air Pollutant Significance Threshold**

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NOx	54	54	10
PM10	82 (exhaust)	82	15
PM2.5	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

Source: BAAQMD CEQA Guidelines, 2010 and 2011.

*Ozone Precursors*

As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)<sup>37</sup>. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. The federal New Source Review (NSR) program was created by the federal CAA to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of federal health based ambient air quality standards. Similarly, to ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation Two, Rule Two requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors, ROG and NO<sub>x</sub>, the offset emissions level is an annual average of ten tons per year (or 54 pounds (lbs.) per day).<sup>38</sup> These levels represent emissions by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO<sub>x</sub> emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds, would not be considered to contribute to an existing or projected air quality violation or result in a considerable net

<sup>37</sup> PM<sub>10</sub> is often termed “coarse” particulate matter and is made of particulates that are 10 microns in diameter or larger. PM<sub>2.5</sub>, termed “fine” particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>38</sup> BAAQMD, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, page 16. October 2009.

increase in ROG and NO<sub>x</sub> emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

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

The BAAQMD has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and ten tons per year (54 lbs. per day), respectively. These emissions limits represent levels at which a source is not expected to have an impact on air quality. Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

#### *Fugitive Dust*

Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust.<sup>39</sup> Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to 90 percent.<sup>40</sup> The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.<sup>41</sup> The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust to ensure that construction projects do not result in visible dust. The BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

### **Local Health Risks and Hazards**

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. A TAC is defined in the California Health and Safety Code Section 39655 as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. Human health effects of TACs include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

---

<sup>39</sup> Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. Available online at: [http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf). Accessed February 16, 2012.

<sup>40</sup> BAAQMD, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, page 27. October 2009.

<sup>41</sup> BAAQMD, CEQA Air Quality Guidelines, May 2011. Available online at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>. Accessed February 27, 2012.



Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach. This approach uses a health risk assessment to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.<sup>42</sup>

Vehicle tailpipe emissions contain numerous TACs, including benzene, 1, 3-butadiene, formaldehyde, acetaldehyde, acrolein, naphthalene, and diesel exhaust.<sup>43</sup> Engine exhaust, from diesel, gasoline, and other combustion engines, is a complex mixture of particles and gases, with collective and individual toxicological characteristics. While each constituent pollutant in engine exhaust may have a unique toxicological profile, health effects have been associated with proximity, or exposure, to vehicle-related pollutants collectively as a mixture.<sup>44</sup> Exposures to fine particulate matter (PM<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.<sup>45</sup> In addition to PM<sub>2.5</sub>, diesel particulate matter (DPM) is also of concern. The ARB identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.<sup>46</sup> Mobile sources such as trucks and buses are among the primary sources of diesel emissions, and concentrations of DPM are higher near heavily traveled roadways. The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than for other land uses. Exposure assessment guidance typically assumes that residents would be exposed to air pollution 24 hours per day, 350 days per year, for 70 years. Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, the San Francisco Planning Department and DPH has partnered with the BAAQMD to inventory and assess air

---

<sup>42</sup> In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

<sup>43</sup> DPH, Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review. May 2008.

<sup>44</sup> Delfino RJ, 2002. Epidemiologic evidence for asthma and exposure to air toxics: linkages between occupational, indoor, and community air pollution research. *Environmental Health Perspectives*, 110(S4):573-589.

<sup>45</sup> DPH, Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review. May 2008.

<sup>46</sup> ARB, Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines." October 1998. Available online at: <http://www.arb.ca.gov/toxics/dieseltac/factsht1.pdf>. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0093E.

pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed “air pollution hot spots” were identified based on two health-protective criteria:

- (1) Excess cancer risk from the contribution of emissions from all modeled sources > 100 per one million population; or
- (2) Cumulative PM<sub>2.5</sub> concentrations > 10 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).

#### *Excess Cancer Risk*

The above one-hundred per one million persons (100 excess cancer risk) criteria is based on the United States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>47</sup> As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the “acceptable” range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,<sup>48</sup> the USEPA states that it “...strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible at an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years.” The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.<sup>49</sup>

#### *Fine Particulate Matter*

In April 2011, the USEPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, “Particulate Matter Policy Assessment.” In this document, USEPA staff concludes that the current federal annual PM<sub>2.5</sub> standard of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) should be revised to a level within the range of 13 to 11  $\mu\text{g}/\text{m}^3$ , with evidence strongly supporting a standard within the range of 12 to 11  $\mu\text{g}/\text{m}^3$ . Air pollution hot spots for San Francisco are based on the health protective PM<sub>2.5</sub> standard of 11  $\mu\text{g}/\text{m}^3$ , as supported by the USEPA’s Particulate Matter Policy Assessment, although lowered to 10  $\mu\text{g}/\text{m}^3$  to account for error bounds in emissions modeling programs.

Land use projects within these air pollution hot spots, require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations and emissions to areas already adversely affected by poor air quality.

Project-related air quality impacts fall into two categories: short-term impacts due to construction and long-term impacts due to project operation.

---

<sup>47</sup> BAAQMD, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, page 67. October 2009.

<sup>48</sup> 54 Federal Register 38044, September 14, 1989.

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

## Construction Air Quality Impacts

**Impact AQ-1: The proposed project's construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)**

Construction activities (short-term) typically result in emissions of fugitive dust, criteria air pollutants, and DPM. Emissions of criteria pollutants and DPM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROG's are also emitted from activities that involve painting or other types of architectural coatings or asphalt paving activities. The proposed project includes demolition of a surface parking lot and construction of a new 13-story building with 162 residential units and 635 square feet of commercial space (leasing office). During the project's approximately 18-month construction period, construction activities would have the potential to result in fugitive dust emissions, criteria air pollutants.

### Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California Air Resources Board, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust to add to particulate matter in the local atmosphere. Depending on exposure, adverse health effects can occur due to general particulate matter and specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, to minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than ½ acre

that are unlikely to result in any visible wind-blown dust. The project would disturb 9,000 cubic yards of soil and would be required to implement dust control measures.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 mph. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. Compliance with these regulations and procedures set forth in the San Francisco Building Code would ensure that potential dust-related air quality impacts would remain *less than significant*.

### Criteria Air Pollutants

As discussed above, construction activities would also result in emissions of criteria air pollutants. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 6, the BAAQMD, in their CEQA Air Quality Guidelines (May 2011), has developed screening criteria. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment of the project's air pollutant emissions, and construction of the proposed project would result in less-than-significant criteria air pollutant impacts. Projects that exceed the screening sizes may require further project-level quantification to determine whether criteria air pollutant emissions may exceed significance thresholds. The CEQA Air Quality Guidelines note that the screening levels are generally representative of new development on greenfield<sup>50</sup> sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill and/or proximate to transit service and local services such as the proposed project, emissions would be expected to be less than the greenfield-type project that the screening criteria are based upon.

The proposed project would include 162 residential units and approximately 635 square feet of ground floor commercial space (leasing office). The proposed project would be below the criteria air pollutant

---

<sup>50</sup> Agricultural or forest land or undeveloped site earmarked for commercial, residential, or industrial projects.

screening sizes for mid-rise residential (494 units) identified in the BAAQMD's CEQA Air Quality Guidelines. The guidelines do not have screening criteria for generic commercial or retail; however, the screening criteria for various applicable retail uses are at a minimum of 5,000 square feet (24-hour convenience market) or 8,000 square feet (fast food restaurant without drive-through), both of which have much more intense uses than the proposed space and therefore, is a conservative estimate.

Thus, quantification of construction-related criteria air pollutant emissions is not required, and the proposed project's construction activities would not exceed any of the significance thresholds for criteria air pollutants, and would result in a *less-than-significant* construction criteria air pollutant impact.

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

Off-road equipment (which includes construction-related equipment) was once estimated to be the second largest source of ambient DPM emissions in California. However, newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.<sup>51</sup> This reduction in emissions is due, in part, to effects of the economic recession and the decline in construction. Also, more refined emissions estimation methodologies are showing decreases in emissions. For example, revised particulate matter (PM) emission estimates for the year 2010, for which DPM is a major component of total PM, have decreased by 83 percent from previous estimates for the SFBAAB.<sup>52</sup> Approximately half of the reduction can be attributed to the economic recession and approximately half can be attributed to updated assumptions independent of the economic recession (e.g., updated methodologies used to better assess construction emissions).<sup>53</sup>

Additionally, a number of federal and State regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines would be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards,

---

<sup>51</sup> California Air Resources Board (ARB), Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements, October 2010.

<sup>52</sup> ARB, "In-Use Off-Road Equipment, 2011 Inventory Model." Available online at: [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category). Accessed April 2, 2012.

<sup>53</sup> ARB, Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements, October 2010.

NOx and PM emissions will be reduced by more than 90 percent.<sup>54</sup> Furthermore, California regulations limit maximum idling times to five minutes, which further reduces public exposure to DPM emissions.<sup>55</sup>

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

“Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet.<sup>56</sup> In addition, current models and methodologies for conducting health risk assessments are associated with longer term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.”<sup>57</sup>

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within air pollution hot spots, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

The proposed project would require construction activities for the approximate 18-month construction phase. Project construction activities would result in short-term emissions of diesel particulate matter and other toxic air contaminants that would add emissions to areas already adversely affected by poor air quality. As such, Mitigation Measure M-AQ-2, below, has been identified to reduce construction-related emissions.

***Mitigation Measure M-AQ-2: Construction Emissions Minimization***

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
  - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;

---

<sup>54</sup> USEPA, “Clean Air Nonroad Diesel Rule: Fact Sheet,” May 2004.

<sup>55</sup> California Code of Regulations, Title 13, Division 3, § 2485.

<sup>56</sup> ARB, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005.

<sup>57</sup> BAAQMD, CEQA Air Quality Guidelines, page 8-6. May 2011.

- b) All off-road equipment shall have:
- i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards,  
*and*
  - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>58</sup>
- c) Exceptions:
- i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
  - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to (A)(1)(b)(ii), the project sponsor must comply with the requirements of (A)(1)(c)(iii).
  - iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

---

<sup>58</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

**Off-Road Equipment Compliance Step Down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

**How to use the schedule:** If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.\* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
  3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
  4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
  5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.
- B. *Reporting.* Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction



phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

- C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

While the emissions reductions from limiting idling, educating workers and the public and properly maintaining equipment is difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emissions Control Strategies (VDECSs) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS. Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet available for engine sizes subject to the mitigation. Therefore, compliance with Mitigation Measure M-AQ-2 would result in a *less-than-significant with mitigation* construction emissions impact to nearby sensitive receptors.

### Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The proposed project includes landscaped areas, a leasing office, and residences, which would involve the use of consumer products. Construction of the proposed project would include the use of architectural coatings, and the operation of the proposed project would also result in 730 vehicle trips per day.<sup>59</sup>

**Impact AQ-3. The proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)**

As discussed above in Impact AQ-1, the BAAQMD in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment. The proposed project includes 162 residential units and approximately 635 square feet of ground-floor commercial space (leasing office). The proposed project would be below the criteria air pollutant screening sizes for mid-rise residential (494 units) and the lowest potential screening criteria for various commercial uses (5,000 square feet for a 24-

---

<sup>59</sup> Transportation Calculations prepared by Rachel Schuett. This document is available for public review as part of Case No. 2011.0702E at the San Francisco Planning Department, 1650 Mission Street, Suite 400 San Francisco, CA.

hour convenience market or 8,000 square feet for a fast-food restaurant without drive-through) identified in the BAAQMD's CEQA Air Quality Guidelines. Thus, quantification of project-generated criteria air pollutant emissions is not required, and the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in a *less-than-significant* impact with respect to criteria air pollutants.

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

As discussed above, the San Francisco Planning Department and DPH, in partnership with BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of air pollutant hot spots, or areas within the City that deserve special attention when siting uses that either emit toxic air contaminants or uses that are considered sensitive to air pollution. The project site is partially within a hot spot (and is considered within a hot spot for CEQA purposes) and sensitive land uses exist in the residential uses adjacent to the project site. With its inclusion of 162 residential units, the proposed project would site new sensitive land uses within this potential air pollutant hot spot.

**Sources of Toxic Air Contaminants**

Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's 730 daily vehicle trips would be well below this level, therefore an assessment of project-generated TACs resulting from vehicle trips is not required and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

The proposed project would also include a backup emergency generator. Emergency generators are regulated by the BAAQMD through their New Source Review (Regulation 2, Rule 5) permitting process. The project applicant would be required to obtain applicable permits to operate an emergency generator from the BAAQMD. Although emergency generators are intended only to be used in periods of power outages, monthly testing of the generator would be required. The BAAQMD limit testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility to no more than ten per one million population and requires any source that would result in an excess cancer risk greater than one per one million population to install Best Available Control Technology for Toxics (TBACT). However, because the project site is located in an area that already experiences poor air quality, the proposed emergency back-up generator has the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

***Mitigation Measure M-AQ-4a. Best Available Control Technology for Diesel Generators.***

All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards, or (2) meet Tier 2 emission standards and are equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS).

Implementation of M-AQ-4a would reduce emissions by 89 to 94 percent compared to equipment with engines that do not meet any emission standards and without a VDECS. Therefore, although the proposed project would add a new source of TACs within an area that already experiences poor air quality, implementation of M-AQ-4a would reduce this impact to a *less-than-significant level*.

**Siting Sensitive Land Uses**

The proposed project would include development of 162 residential uses and is considered a sensitive land use for purposes of air quality evaluation. As discussed above, the project site is partially located in an area that experiences higher levels of air pollution. The proposed project would therefore have the potential to expose sensitive receptors to substantial concentrations of air pollutants. Mitigation Measure M-AQ-4b, below, would require that the project sponsor install a filtered air supply system capable of removing 80 percent of outdoor particulates for all units indoors.<sup>60</sup> M-AQ-4b also requires that the project sponsor develop a maintenance plan and disclose to buyers and renters that the project site is located in proximity to sources of air pollution and therefore includes a filtered ventilation system.

***Mitigation Measure M-AQ-4b: Air Filtration Measures.***

Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor PM<sub>2.5</sub> concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.

*Maintenance Plan.* Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

*Disclosure to buyers and renters.* The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

With implementation of M-AQ-4b, the proposed project would result in a *less-than-significant* impact with respect to exposing sensitive receptors to substantial levels of air pollution.

---

<sup>60</sup> Range, Jessica. Email correspondence. August 24, 2012.

**Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of the 2010 Clean Air Plan. (Less than Significant)**

The most recently adopted air quality plan for the SFBAAB is the 2010 Clean Air Plan. The 2010 Clean Air Plan is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the 2010 Clean Air Plan (CAP), this analysis considers whether the project would: (1) support the primary goals of the CAP, (2) include applicable control measures from the CAP, and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

To meet the primary goals, the CAP recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and GHGs from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the 2010 Clean Air Plan includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project would be consistent with energy and climate control measures as discussed in Topic E.8, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project would be generally consistent with the San Francisco General Plan as discussed in Section C. Compatibility with Existing Zoning and Plans. Transportation control measures that are identified in the 2010 Clean Air Plan are implemented by the San Francisco General Plan and the Planning Code, for example, through the City's Transit First Policy, parking maxima, bicycle and Car Share parking requirements applicable to the proposed project. By complying with these applicable requirements, the project would include relevant transportation control measures specified by the 2010 Clean Air Plan.

Examples of a project that could cause the disruption or delay of Clean Air Plan control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would remove a 58-space parking lot and add 162 residential units, 51 parking spaces plus once parking space for use by a Car Share vehicle, and 635 square feet of commercial space (leasing office) to a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or

any other transit improvement, and as such, the proposed project would avoid disrupting or hindering implementation of control measures identified in the CAP.

For the reasons described above, the proposed project would not interfere with implementation of the 2010 Clean Air Plan, and because the proposed project would be consistent with the applicable air quality plan that shows how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be *less than significant*.

**Impact AQ-6: The proposed project would not create objectionable odors that would affect a substantial number of people. (Less than Significant)**

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.<sup>61</sup> Additionally, the proposed project includes 162 residential units and 635 square feet of commercial space (leasing office), and would therefore not create a significant sources of new odors. Therefore, odor impacts would be *less than significant*.

**Cumulative Air Quality Impacts**

**Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area would contribute to cumulative air quality impacts. (Less than Significant with Mitigation)**

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts. The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new sensitive land uses and new vehicle trips within areas of the City that are already adversely effected by poor air quality, the project sponsor would implement Mitigation Measure M-AQ-2, which would reduce construction period emissions by as much as 94 percent, Mitigation Measure M-AQ-4a which would reduce diesel generator emissions by 89 to 94 percent, and

---

<sup>61</sup> Urban Planning Partners site visits, July 27, 2012 and August 17, 2012.

Mitigation Measure M-AQ-4b, which would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. Compliance with Mitigation Measures M-AQ-2, M-AQ-4a and M-AQ-4b would ensure that cumulative air quality impacts would be *less than significant with mitigation*.

In summary, with the implementation of Mitigation Measures M-AQ-2, M-AQ-4a, and M-AQ-4b the proposed project would have *less than significant with mitigation* operational, construction, and cumulative air quality impacts.

## 8. GREENHOUSE GAS EMISSIONS

Topics:	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>8. GREENHOUSE GAS EMISSIONS—</b>					
<b>Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere is naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Black carbon has recently emerged as a major contributor to global climate change, possibly second only to CO<sub>2</sub>. Black carbon is produced naturally and by human activities as a result of the incomplete combustion of fossil fuels, biofuels and biomass.<sup>62</sup> N<sub>2</sub>O is a byproduct of various industrial processes and has a number of uses, including use as an anesthetic and as an aerosol propellant. Other GHGs include

<sup>62</sup> Center for Climate and Energy Solutions, *What is Black Carbon?*, April 2010. Available online at: <http://www.c2es.org/docUploads/what-is-black-carbon.pdf>. Accessed September 27, 2012.

hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in “carbon dioxide-equivalent” measures (CO<sub>2</sub>E).<sup>63</sup>

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, are occurring already and will only become more frequent and more costly.<sup>64</sup> Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state’s electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.<sup>65,66</sup>

The California Air Resources Board (ARB) estimated that in 2009 California produced about 457 million gross metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E).<sup>67</sup> The ARB found that transportation is the source of 38 percent of the State’s GHG emissions, followed by electricity generation (both in-state generation and imported electricity) at 23 percent and industrial sources at 18 percent. Commercial and residential fuel use (primarily for heating) accounted for nine percent of GHG emissions.<sup>68</sup> In the Bay Area, the transportation (on-road motor vehicles, off-highway mobile sources, and aircraft) and industrial/commercial sectors were the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area’s 95.8 MMTCO<sub>2</sub>E emitted in 2007.<sup>69</sup> Electricity generation accounts for approximately 16 percent of the Bay Area’s GHG emissions followed by residential fuel usage at seven percent, off-road equipment at three percent and agriculture at one percent.<sup>70</sup>

## Regulatory Setting

In 2005, in recognition of California’s vulnerability to the effects of climate change, then-Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 MMTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels

---

<sup>63</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in “carbon dioxide-equivalents,” which present a weighted average based on each gas’s heat absorption (or “global warming”) potential.

<sup>64</sup> California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov>. Accessed September 25, 2012.

<sup>65</sup> California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov/>. Accessed September 25, 2012.

<sup>66</sup> California Energy Commission. California Climate Change Center. *Our Changing Climate 2012*. Available online at: <http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>. Accessed August 21, 2012.

<sup>67</sup> California Air Resources Board (ARB). California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan. Available online at: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-09\\_2011-10-26.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf). Accessed August 21, 2012.

<sup>68</sup> ARB. California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan. Available online at: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-09\\_2011-10-26.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf). Accessed August 21, 2012.

<sup>69</sup> Bay Area Air Quality Management District (BAAQMD). Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed August 21, 2012.

<sup>70</sup> BAAQMD. Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed August 21, 2012.

(estimated at 427 MMTCO<sub>2</sub>E); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 MMTCO<sub>2</sub>E).

In response, the California legislature passed Assembly Bill No. 32 in 2006 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB 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 from forecast emission levels).<sup>71</sup>

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. The Scoping Plan is the State's overarching plan for addressing climate change. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from 2008 levels.<sup>72</sup> The Scoping Plan estimates a reduction of 174 million metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 7, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.<sup>73</sup>

The AB 32 Scoping Plan recommendations are intended to curb projected business-as-usual growth in GHG emissions and reduce those emissions to 1990 levels. Therefore, meeting AB 32 GHG reduction goals would result in an overall annual net decrease in GHGs as compared to current levels and accounts for projected increases in emissions resulting from anticipated growth.

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Bay Area Metropolitan Transportation Commission's 2013 RTP, Plan Bay Area, would be its first plan subject to SB 375.

---

<sup>71</sup> Governor's Office of Planning and Research (OPR). Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, June 19, 2008. Available online at: <http://opr.ca.gov/docs/june08-ceqa.pdf>. Accessed August 21, 2012.

<sup>72</sup> ARB. California's Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed August 21, 2012.

<sup>73</sup> ARB. Assembly Bill 32: Global Warming Solutions Act. Available online at: <http://www.arb.ca.gov/cc/ab32/ab32.htm/>. Accessed August 21, 2012.



**Table 7: GHG Reductions from the AB 32 Scoping Plan Sectors<sup>74,75</sup>**

<b>GHG Reduction Measures By Sector</b>	<b>GHG Reductions (MMT CO<sub>2</sub>E)</b>
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
<i>Total</i>	<i>174</i>
<b>Other Recommended Measures</b>	
Government Operations	1-2
Methane Capture at Large Dairies	1
<b>Additional GHG Reduction Measures</b>	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste <ul style="list-style-type: none"> <li>▪ Commercial Recycling</li> <li>▪ Composting</li> <li>▪ Anaerobic Digestion</li> <li>▪ Extended Producer Responsibility</li> <li>▪ Environmentally Preferable Purchasing</li> </ul>	9
<i>Total</i>	<i>41.8-42.8</i>

AB 32 further anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and noted that successful implementation of the Scoping Plan relies on local governments' land use planning and urban growth decisions because local governments have the primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.<sup>76</sup> The BAAQMD has conducted an analysis of the effectiveness of the region in meeting AB 32 goals from the actions outlined in the Scoping Plan and determined that in order for the

<sup>74</sup> ARB. Climate Change Scoping Plan, December 2008. Available online at:

[http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed August 21, 2012.

<sup>75</sup> ARB. California's Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed August 21, 2012.

<sup>76</sup> ARB. Climate Change Scoping Plan. December 2008. Available online at: [http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed August 21, 2012.

Bay Area to meet AB 32 GHG reduction goals, the Bay Area would need to achieve an additional 2.3 percent reduction in GHG emissions from the land use driven sector.<sup>77</sup>

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA Guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA Guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments added a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). The BAAQMD recommends that local agencies adopt a Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which that project complies with a Greenhouse Gas Reduction Strategy.<sup>78</sup> As described below, this recommendation is consistent with the approach to analyzing GHG emissions outlined in the CEQA Guidelines.

At a local level, the City has developed a number of plans and programs to reduce the City's contribution to global climate change. San Francisco's GHG reduction goals, as outlined in the 2008 Greenhouse Gas Reduction ordinance are as follows: by 2008, determine the City's GHG emissions for the year 1990, the baseline level with reference to which target reductions are set; by 2017, reduce GHG emissions by 25 percent below 1990 levels; by 2025, reduce GHG emissions by 40 percent below 1990 levels; and finally by 2050, reduce GHG emissions by 80 percent below 1990 levels. San Francisco's Greenhouse Gas Reduction Strategy documents the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies. As identified in the Greenhouse Gas Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

The Greenhouse Gas Reduction Strategy concludes that San Francisco's policies and programs have resulted in a reduction in GHG emissions below 1990 levels, exceeding statewide AB 32 GHG reduction goals. As reported, San Francisco's communitywide 1990 GHG emissions were approximately 6.15 MMTCO<sub>2</sub>E. A recent third-party verification of the City's 2010 communitywide and municipal

---

<sup>77</sup> BAAQMD. California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance, December 2009. Available online at: <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Proposed%20Thresholds%20of%20Significance%20Dec%207%202009.ashx>. Accessed September 25, 2012.

<sup>78</sup> BAAQMD. California Environmental Quality Act Air Quality Guidelines, May 2012. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_Final\\_May%202012.ashx?la=en](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en). Accessed September 25, 2012.

emissions inventory has confirmed that San Francisco has reduced its GHG emissions to 5.26 MMTCO<sub>2</sub>E, representing a 14.5 percent reduction in GHG emissions below 1990 levels.<sup>79,80</sup>

## Approach to Analysis

In compliance with SB 97, OPR amended the CEQA Guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. Among other changes to the CEQA Guidelines, the amendments added a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. The potential for a project to result in significant GHG emissions which contribute to the cumulative effects global climate change is based on the CEQA Guidelines and CEQA Checklist, as amended by SB 97, and is determined by an assessment of the project's compliance with local and state plans, policies and regulations adopted for the purpose of reducing the cumulative effects of climate change. GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could not generate enough GHG emissions to noticeably change the global average temperature. CEQA Guidelines Sections 15064.4 and 15183.5 address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. As discussed above, San Francisco has prepared its own Greenhouse Gas Reduction Strategy, demonstrating that San Francisco's policies and programs have collectively reduced communitywide GHG emissions to below 1990 levels, meeting GHG reduction goals outlined in AB 32. The City is also well on its way to meeting the long-term GHG reduction goal of reducing emissions 80 percent below 1990 levels by 2050. Chapter One of the City's *Strategies to Address Greenhouse Gas Emission* (the Greenhouse Gas Reduction Strategy) describes how the strategy meets the requirements of CEQA Guidelines Section 15183.5. The BAAQMD has reviewed San Francisco's Greenhouse Gas Reduction Strategy, concluding that "Aggressive GHG reduction targets and comprehensive strategies like San Francisco's help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."<sup>81</sup>

With respect to CEQA Guidelines Section 15064.4(b), the factors to be considered in making a significance determination include: 1) the extent to which GHG emissions would increase or decrease as a result of the proposed project; 2) whether or not a proposed project exceeds a threshold that the lead agency

---

<sup>79</sup> ICF International. "Technical Review of the 2010 Community-wide GHG Inventory for City and County of San Francisco." Memorandum from ICF International to San Francisco Department of the Environment, April 10, 2012. Available online at: <http://www.sfenvironment.org/download/community-greenhouse-gas-inventory-3rd-party-verification-memo>. Accessed September 27, 2012.

<sup>80</sup> ICF International. "Technical Review of San Francisco's 2010 Municipal GHG Inventory." Memorandum from ICF International to San Francisco Department of the Environment, May 8, 2012. Available online at: <http://www.sfenvironment.org/download/third-party-verification-of-san-franciscos-2010-municipal-ghg-inventory>. Accessed September 27, 2012.

<sup>81</sup> BAAQMD. Letter from J. Roggenkamp, BAAQMD, to B. Wycko, San Francisco Planning Department, October 28, 2010. Available online at: [http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction\\_Letter.pdf](http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Letter.pdf). Accessed September 24, 2012.

determines applies to the project; and finally 3) demonstrating compliance with plans and regulations adopted for the purpose of reducing or mitigating GHG emissions.

The GHG analysis provided below includes a qualitative assessment of GHG emissions that would result from a proposed project, including emissions from an increase in vehicle trips, natural gas combustion, and/or electricity use among other things. Consistent with the CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions, the significance standard applied to GHG emissions generated during project construction and operational phases is based on whether the project complies with a plan for the reduction of GHG emissions. The City's Greenhouse Gas Reduction Strategy is the City's overarching plan documenting the policies, programs and regulations that the City implements towards reducing municipal and communitywide GHG emissions. In particular, San Francisco implements 42 specific regulations that reduce GHG emissions which are applied to projects within the City. Projects that comply with the Greenhouse Gas Reduction Strategy would not result in a substantial increase in GHGs, since the City has shown that overall communitywide GHGs have decreased and that the City has met AB 32 GHG reduction targets. Individual project compliance with the City's Greenhouse Gas Reduction Strategy is demonstrated by completion of the Compliance Checklist for Greenhouse Gas Analysis.

In summary, the two applicable GHG reduction plans, the AB 32 Scoping Plan and the City's Greenhouse Gas Reduction Strategy, are intended to reduce GHG emissions below current levels. Given that the City's local GHG reduction targets are more aggressive than the State's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of AB 32. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of AB 32, would not conflict with either plan, and would therefore not exceed San Francisco's applicable GHG threshold of significance. Furthermore, a locally compliant project would not result in a substantial increase in GHGs.

The following analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Given the analysis is in a cumulative context, this section does not include an individual project-specific impact statement.

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

The most common GHGs resulting from human activity associated with land use decisions are CO<sub>2</sub>, black carbon, CH<sub>4</sub>, and N<sub>2</sub>O. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity on-site by constructing a 13-story-over-basement residential building; therefore, the proposed project would contribute to annual long-term increases in

GHGs as a result of increased vehicle trips (mobile sources) and residential operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

As discussed above and consistent with the state CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions under CEQA, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less-than-significant GHG impact. Based on an assessment of the proposed project's compliance with San Francisco's *Strategies to Address Greenhouse Gas Emissions*, the proposed project would be required to comply with the following ordinances that reduce GHG emissions (see Table 8).

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, or impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce GHG emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured reduction of annual GHG emissions; (3) San Francisco has met and exceeds AB 32 GHG reduction goals for the year 2020 and is on track towards meeting long-term GHG reduction goals; (4) current and probable future state and local GHG reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet the CEQA requirement and BAAQMD recommendations for a Greenhouse Gas Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with the requirements listed above, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions*.<sup>82</sup> As such, the proposed project would result in a *less-than-significant* impact with respect to GHG emissions. No mitigation measures are necessary.

**Impact C-GG-1: The proposed project would not result in a contribution to cumulatively considerable GHG emissions. (Less than Significant)**

All potential future projects in San Francisco would be required to comply with San Francisco's *Strategies to Address Greenhouse Gas Emissions*, which ensures that cumulative development would have a less-than-significant greenhouse gas impact.

In light of the above, the proposed project's potential to increase GHG emissions would be both individually and cumulatively less than significant.

---

<sup>82</sup> Greenhouse Gas Analysis: Compliance Checklist, August 8, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case No 2011.0702E.

**Table 8: Regulations Applicable to Proposed Project**

Regulation	Requirements	Project Compliance	Discussion
<b>Transportation Sector</b>			
Bicycle parking in Residential Buildings (San Francisco Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every two dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every four dwelling units over 50.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would contain 162 dwelling units and 62 Class 1 bicycle parking stalls, nine more than is required.
Car Sharing Requirements (Planning Code Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City’s mixed-use and transit-oriented residential districts are required to provide Car Share parking spaces.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would provide one Car Share space.
Parking requirements for San Francisco’s Commercial and Mixed Use zoning districts (Planning Code Section 151.1)	The Planning Code has established maximums for many of San Francisco’s Commercial and Mixed Use districts.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would provide 51 parking spaces
<b>Energy Efficiency Sector</b>			
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would meet this requirement.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code Chapter 13C OR San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low-impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2 or with the City’s stormwater ordinance and stormwater design guidelines.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would satisfy this requirement and stormwater ordinance guidelines by using low-impact design.
Residential Water Conservation Ordinance (SF Building Code Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute. 2. All showers have no more than one showerhead per valve. 3. All faucets and faucet aerators have	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with these requirements.

Regulation	Requirements	Project Compliance	Discussion
	<p>a maximum flow rate of 2.2 gallons per minute.</p> <p>4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush.</p> <p>5. All urinals have a maximum flow rate of 1.0 gallons per flush.</p> <p>6. All water leaks have been repaired.</p> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (Subject to CEQA) would be issued.</p>		
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	<p>Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: installing attic insulation; weather stripping all doors leading from heated to unheated areas; insulating hot water heaters and hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner</p> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply, as applicable, with these requirements.
<b>Waste Reduction Sector</b>			
San Francisco Green Building Requirements for solid waste (SF Building Code Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling; composting; and trash storage, collection, and loading that is	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with this requirement.

Regulation	Requirements	Project Compliance	Discussion
	convenient for all users of the building.		
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables, and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with this requirement.
San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code Chapter 13C)	These projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with this requirement.
<b>Environment/Conservation Sector</b>			
Street Tree Planning Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations, or relocation of buildings within many of San Francisco's zoning districts to plant one 24-inch box tree for every 20 feet along the property street frontage.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with this requirement.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for: <ul style="list-style-type: none"> <li>▪ Pellet fueled wood heater</li> <li>▪ EPA approved wood heater</li> <li>▪ Wood heater approved by the BAAQMD</li> </ul>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would not include any wood burning fireplaces.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): <ul style="list-style-type: none"> <li>▪ All diesel generators to be registered with the Department of Public Health</li> <li>▪ All new diesel generators to be equipped with the best available air emissions control technology.</li> </ul>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would comply with this requirement.

Source: San Francisco Planning Department. Greenhouse Gas Analysis: Compliance Checklist completed by the Project Applicant, 2012.



9. WIND AND SHADOW

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>9. WIND AND SHADOW—Would the project:</b>					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would have significant impacts on wind and shadow under CEQA if it were to alter wind in a manner that substantially affects public areas, or create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.

This section discusses the impacts of the proposed project on ground-level wind currents at various locations on the project site and in the vicinity. This discussion is based on a wind study prepared by Environmental Science Associates.<sup>83</sup>

**Impact WS-1: The proposed project at 101 Polk Street would result in less-than-significant impacts on wind patterns affecting public areas. (Less than Significant)**

Wind currents are the result of movement of air created when the difference in atmospheric pressure between two points on the earth causes air masses to move from the area of higher pressure to the area of lower pressure. According to meteorological data from the United States Weather Bureau and the Bay Area Air Quality Management District, winds from the northwest, west-northwest, west, and west-southwest, are the winds most prevalent in San Francisco. Average wind speeds are highest during the summer and lowest during the winter. The highest wind speeds tend to occur during the mid-afternoon, and the lowest wind speeds tend to occur during the early morning.

The speed and direction of wind currents can be altered by buildings and structures in addition to natural features. Clusters of buildings can act as obstacles that reduce wind speeds, depending especially upon the heights, massing, and orientations or profiles of the buildings. When a building is much taller than those around it, it can divert winds downward that might otherwise flow higher above street level. In addition to height, the massing of a building can also affect wind speeds. Geometrically complex or unusually shaped buildings tend to have lesser effects on wind speeds, while slab-shaped buildings with one large massing are more likely to accelerate ground-level winds. A building’s orientation or profile

---

<sup>83</sup> Technical Memorandum: Potential Planning Code Section 148 Wind Impacts, 101 Polk Street Project, San Francisco, California; ESA 120403. Charles Bennett, Environmental Science Associates. September 6, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.0702E.

can also affect wind speeds. A building with a narrow face oriented toward the prevailing wind direction typically affects wind speeds less than a building with a wide face oriented toward the prevailing wind direction, which has more surface area to intercept winds and divert them down to ground level.

Wind speed can affect the comfort of pedestrians. Winds up to 4 mph have no noticeable effect on pedestrian comfort. When winds range from 4 to 8 mph, a pedestrian typically feels wind on the face. Between 8 and 13 mph, winds will disturb hair and cause clothing to flap. With winds between 13 and 19 mph, loose paper, dust, and dry soil will be raised. The force of winds from 19 to 26 mph can be felt on the body. When winds range from 26 to 34 mph, it becomes difficult to use an umbrella and to walk steadily, and wind noise is unpleasant. Above 34 mph, winds can increase difficulty with balance and pedestrians can be in danger of being blown over by gusts of wind.

### Regulatory Framework

Because of these wind-inducing effects that large buildings can cause, proposed large-scale buildings in the City of San Francisco are evaluated to consider the wind generation associated with their development. Proposed buildings are assessed based on specific comfort criteria established by the City in order to maintain a comfortable wind environment. When necessary, such impacts can be reduced or avoided through appropriate building articulation to limit large flat building facades that would divert wind into a street or public right-of-way.

Section 148 of the City of San Francisco Planning Code establishes wind criteria to determine impacts for the purposes of environmental review in C-3 districts, in which the proposed project at 101 Polk Street is located. This Section identifies comfort levels of 7 mph equivalent wind speed for public seating areas, and 11 mph equivalent wind speed for areas of substantial pedestrian use. These comfort levels are not to be exceeded more than ten percent of the time between the hours of 7:00 am and 6:00 pm.

### Wind Study

To assess the potential wind impacts of the proposed project, a wind study was completed in June 2012, to describe the pedestrian wind environment that would exist in the immediate vicinity of the site after construction of the proposed project. In order to conduct this wind tunnel test, a 1-inch to 50-foot scale model of the project site and vicinity was constructed. The model was used to test wind conditions for three different scenarios: (1) the existing setting (including approved buildings that have begun construction but are not yet complete); (2) the existing setting plus the proposed project; and (3) a cumulative development scenario, including the proposed project, as well as projects included on the Cumulative Project List in Section E, Land Use and Land Use Planning.

The wind tunnel test was conducted in an atmospheric boundary layer facility.<sup>84</sup> The wind tunnel test was conducted by orienting the project and vicinity model in the testing facility's wind tunnel to rep-

---

<sup>84</sup> The model was tested at the atmospheric boundary layer facility at the University of California, Davis, which is designed to model the characteristics of the atmospheric boundary layer. The atmospheric boundary layer is a layer of air covering the earth in which the airflow is influenced by fluid friction.

resent a given wind direction. Hot-wire anemometers (a device for measuring wind speed) were used to take measurements of wind speed at different test locations to assess pedestrian-level winds in public spaces under each of the three scenarios listed above, and at different wind speeds. These tests were taken for each of three primary wind directions (northwest, west-northwest, and west) that are the most common strong winds in the area north of Market Street, and in accordance with the protocol for wind tunnel testing under Planning Code Section 148.<sup>85</sup>

The 101 Polk Street wind tests were performed together with the wind testing to determine the wind effects of a nearby project, at 100 Van Ness Avenue, which would convert that building from office to residential use, including the re-skinning of the exterior of the building. In planning the combined wind test, the potential magnitude of change and area of effect was carefully considered for each project. The 101 Polk Street project has a small potential to cause changes in pedestrian-level winds and the area of effect is small. On the other hand, the 100 Van Ness Avenue high-rise building is known to cause large changes in pedestrian-level winds nearby, and has the potential to cause wind effects over a large area. The test area therefore included measurement points at critical locations in the immediate vicinity of each of the project sites. For each of the two projects, measurement locations were placed to cover an area larger than the actual area of influence for each building, in order to assure that all significant changes in pedestrian-level winds were identified and characterized. The subsequent analyses relied on well-known wind phenomena to parse the changes in wind conditions and correctly attribute them to 101 Polk Street or to 100 Van Ness Avenue, as appropriate.

### Comfort Criterion

The existing vacant site is sheltered against prevailing winds from the northwest, west-northwest, and west, by the existing six-story parking and office structure adjacent to the 101 Polk Street site to the west and by the Department of Public Health building to the north. Wind tests as a part of this study were performed at 30 test point locations, shown in Figure 12, below.

Under current conditions, the average equivalent wind speed for the wind comfort analysis at the 30 test points was found to be 14.6 mph, with wind speeds ranging from 8 to 25 mph, as shown in Table 9, below. Winds at 21 of the 30 test points exceed the pedestrian-comfort criterion of Planning Code Section 148.

These tests helped identify the primary area of influence of the proposed project at 101 Polk (the Project influence area), which includes seven test points (Test Location Numbers 10, 11, 12, 48, 49, 50, and 95), highlighted in the following tables as well as in Figure 12.

The average of the ten percent exceeded wind speeds among these seven points alone is currently 14.5 mph, and wind speeds range from 11 to 17 mph, as shown highlighted in Table 9, below. Winds at six of

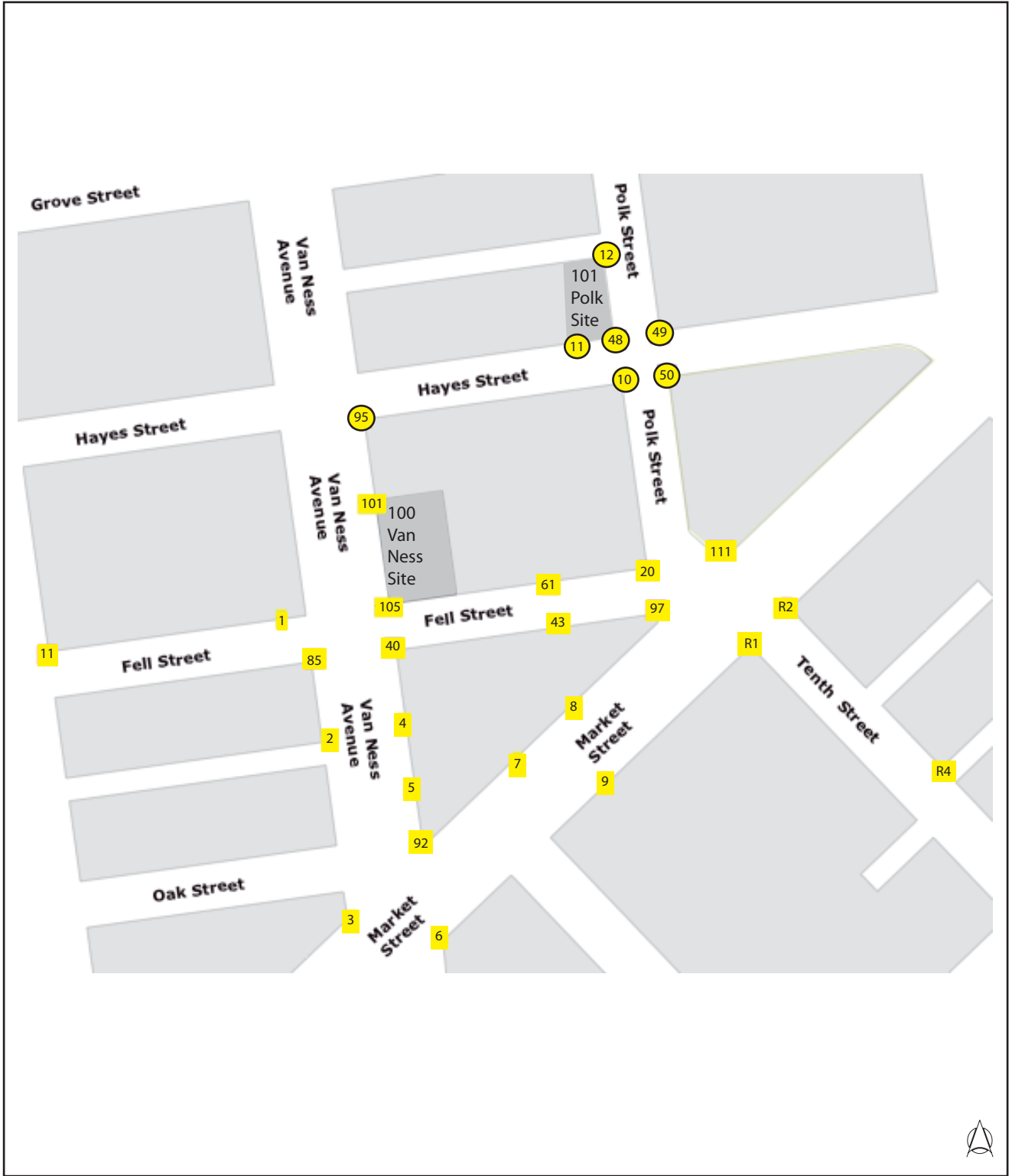
---

<sup>85</sup> This study was performed in conjunction with a wind study to assess the impacts of a proposed project at 100 Van Ness Avenue, San Francisco. Technical Memorandum: Potential Planning Code Section 148 Wind Impacts, 101 Polk Street Project, San Francisco, California; ESA 120403. Charles Bennett, Environmental Science Associates. September 6, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.0702E.

the seven test point locations within the Project influence area currently exceed the pedestrian-comfort criterion; only at the southeast corner of Van Ness Avenue and Hayes Street does the wind meet this comfort criterion level.

Note that in Table 9 and Table 10, below, the times in hours and wind speeds in miles per hour presented were rounded to the nearest integer value. The sums, differences, and averages also were rounded after calculations that were made using the actual (unrounded) values. As a result, what may appear as discrepancies in the tables, such as sums for each column or differences between values for Existing, Project and Cumulative conditions, are due to rounding of the numbers. However, the rounded values of the differences in wind speeds and in hours of exceedances are the values that best represent the actual changes in those quantities. If the calculated values were smaller than 0.5, they were excluded from the table.

Assessment of wind speeds under the proposed project conditions show that the 101 Polk Street building would have little potential to cause adverse wind impacts. Within the seven test point locations considered to be in the area of influence of the 101 Polk Street project, the average of the existing ten percent exceeded wind speeds measured at seven test points would be 14.8 mph, and speeds would range from 11 to 17 mph with the proposed project. As is the case under existing circumstances, winds at six of the test locations would exceed the pedestrian-comfort criterion, and only at the southeast corner of Van Ness Avenue and Hayes Street would winds continue to meet the pedestrian-comfort criterion at 11 mph. As shown in Table 9, the study found that the two wind speed increases of two mph on Polk Street near Hayes Street would be attributed to the proposed project; however, these increases would not significantly change pedestrian comfort, as the increased wind speeds would stay within the same range of effects described above (raising leaves and loose soils) at about 13 to 19 mph. Further, these increases would not greatly change the number of exceedances of the pedestrian-comfort criterion. At test location 50, wind speed would increase by two mph, and the percent of time the wind speed exceeds the comfort criterion would increase from 25 percent to 31 percent. Test location 12 would experience a two mph wind speed increase, and the percent of time the wind speed exceeds criterion would increase from 15 percent to 23 percent.



Environmental Science Associates, 2012

Note: Circled test point locations are within the 101 Polk project influence area.

Figure 12  
 Wind Test Locations  
 101 Polk Street, San Francisco  
 Case No. 2011.0702E

**Table 9: Wind Comfort Criterion Results**

References		Existing			Project				Cumulative			
Test Location Number	Wind Comfort Criterion, Speed (miles/hour)	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Source	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Speed Change Relative to Existing (miles/hour)	Source	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Speed Change Relative to Project (miles/hour)	Source
40	11	12	12	e	11	11		--	12	12		s
43	11	25	52	e	25	52		e	24	51	-1	e
48	11	15	27	e	14	21	-1	e	14	20		e
49	11	15	23	e	15	24		e	15	23		e
50	11	15	25	e	17	31	2	e	16	31		e
R1	11	24	48	e	23	48	-1	e	23	52	1	e
R2	11	17	30	e	16	28		e	16	26	-1	e
R4	11	12	12	e	12	11		e	10	8	-2	--
11	11	9	6		10	8	1		10	6		
20	11	16	32	e	16	30		e	16	29		e
61	11	23	46	e	23	46		e	22	46		e
85	11	14	22	e	14	21		e	14	22		e
92	11	16	19	e	15	18	-1	e	16	24	1	e
95	11	11	11		11	9	-1		11	10		
97	11	15	26	e	15	24		e	16	29	1	e
111	11	22	45	e	20	41	-1	e	20	44		e
1	11	8	1		9	2			9	5	1	
2	11	10	7		10	8			10	6	-1	
3	11	9	4		9	4			15	18	6	s
4	11	14	16	e	14	15	-1	e	14	15		e
5	11	15	18	e	14	16	-1	e	15	17		e
6	11	11	9		10	7	-1		13	16	3	s
7	11	10	7		11	9	1		10	9		
8	11	10	7		10	9	1		10	8	-1	

**Table 9: Wind Comfort Criterion Results**

References		Existing			Project				Cumulative			
Test Location Number	Wind Comfort Criterion, Speed (miles/hour)	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Source	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Speed Change Relative to Existing (miles/hour)	Source	Equivalent Wind Speed Exceeded 10% of Time (miles/hour)	Percent of Time Wind Speed Exceeds Criterion	Speed Change Relative to Project (miles/hour)	Source
9	11	13	16	e	12	15		e	10	8	-2	--
10	11	15	27	e	17	32	1	e	18	37	1	e
11	11	17	27	e	16	27	-1	e	17	29	1	e
12	11	13	15	e	14	23	2	e	13	20	-1	e
101	11	10	7		11	9	1		11	11		
105	11	23	53	e	20	40	-3	e	20	42		e
<b>Ave. of 10%</b>		<b>14.6 mph</b>			<b>14.4 mph</b>		<b>-0.2 mph</b>		<b>14.6 mph</b>		<b>0 mph</b>	
	<b>Percent</b>		<b>22%</b>			<b>21%</b>				<b>23%</b>		
<b>Total Exceedences</b>		<b>Total</b>	<b>21</b>		<b>Total</b>	<b>20</b>			<b>Total</b>	<b>21</b>		
<i>Subtotals by Type:</i>		<i>Existing</i>	21	e	<i>Existing</i>	20		e	<i>Existing or Project</i>	18		e/p
					<i>New, due to Project</i>	0		p	<i>New, due to Cumulative</i>	3		s
					<i>New, at Location</i>	0		n	<i>New, at New Location</i>	0		n
					<i>Eliminated by Project</i>	1		--	<i>Eliminated by Cumulative</i>	2		--

Source: Environmental Science Associates, 2012.

e = Existing exceedance; p = Exceedance due to project; s = Exceedance due to Cumulative.

Notes:

The seven test points within the 101 Polk Street project influence area are highlighted.

If the calculated difference is not greater than 0.5, the space is left blank.

The times in hours and wind speeds in mph presented in those tables were rounded to the nearest integer value. The sums, differences, and averages also were rounded after calculations that were made using the actual (unrounded) values. As a result, what may appear as discrepancies in the tables, such as sums for each column or differences between values for Existing, Project and Cumulative conditions, are due to rounding of the numbers. However, the rounded values of the differences in wind speeds and in hours of exceedances are the values that best represent the actual changes in those quantities.

## Wind Hazard Criterion

In addition to evaluation of a proposed project based on the comfort criteria, the Planning Code also establishes a wind hazard criterion. This hazard criterion is set at an hourly averaged wind speed of 26 mph. This hazard level is not to be exceeded for a single hour of the year. Exceedance of this wind hazard criterion would create a significant wind impact. As shown in Table 10, under existing conditions, and in the test scenario of the proposed project within existing conditions, no wind hazards were found in the area of influence of the project site.

Overall, the 101 Polk Street building would have little potential to cause adverse wind impacts because the proposed site is a wind-sheltered in-fill site. With a proposed roof height of 120 feet, the proposed building would not be more than 50 feet taller than the buildings immediately upwind. Thus, with no wind hazard exceedances and no new pedestrian comfort criterion exceedances, the wind impacts associated with the proposed project would be *less-than-significant*.

### **Impact C-WS-1: The proposed project in combination with other past, present or reasonably foreseeable projects would result in less-than-significant cumulative impacts on wind patterns. (Less than Significant)**

The analysis of the proposed project's cumulative effects on wind conditions considered certain approved and potential projects into the project scenario. Of the cumulative projects considered (see the Cumulative Project List in Section E, Land Use and Land Use Planning), only the series of 50-foot buildings on the Freeway Parcels along Octavia Street are upwind of the project site at 101 Polk.

## Comfort Criterion

Under cumulative conditions, within the area of influence of the proposed project, the average of the ten percent exceeded wind speeds measured at seven test locations would be 14.8 mph. These speeds would range from 11 to 17 mph, as shown in Table 9. Winds at six of the seven test locations would exceed the pedestrian comfort criterion. At one location, on the southeast corner of Van Ness Avenue and Hayes Street, the wind would be 11 mph, and would meet the pedestrian comfort criterion. The two wind speed increases of two mph on Polk Street near Hayes Street attributed to the proposed project (mentioned above) would be reduced by the effects of cumulative development. In the cumulative scenario, two test locations were found to experience wind speed increases from three to six mph, however these changes were found to be based on the influence of the project at 100 Van Ness, and not the 101 Polk Street project. The overall effect of the added buildings just downwind of the 101 Polk site would be to slow and redirect winds that approach the project site.

## Wind Hazard Criterion

As shown in Table 10, under cumulative development conditions, no wind hazards were identified in the influence area of the proposed project. In summary, the proposed project in combination with other projects in a cumulative development scenario would result in pedestrian-comfort wind impacts and wind hazard impacts that would be *less-than-significant*.



Table 10: Wind Hazard Results

References		Existing			Project				Cumulative			
Test Location Number	Wind Hazard Criterion, Speed (miles/hour)	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Source	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Hazard Hours Change Relative to Existing	Source	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Hazard Hours Change Relative to Project	Source
40	36	27			28				27			
43	36	51	120	e	50	102	-18	e	50	97	-5	p
48	36	27			25				25			
49	36	33			34				32			
50	36	30			34				31			
R1	36	55	166	e	50	95	-71	e	51	112	17	s
R2	36	36			34				30			
R4	36	30			32				28			
11	36	23			23				23			
20	36	28			28				28			
61	36	40	20	e	39	16	-4	e	38	14	-2	p
85	36	26			26				26			
92	36	34			32				33			
95	36	26			25				27			
97	36	28			28				29			
111	36	49	70	e	42	21	-49	e	40	10	-11	p
1	36	14			15				18			
2	36	23			24				20			
3	36	22			21				33			
4	36	34			35				33			
5	36	36			34				35			
6	36	20			21				26			
7	36	23			27				28			
8	36	24			29				27			
9	36	23			22				23			

References		Existing			Project				Cumulative			
Test Location Number	Wind Hazard Criterion, Speed (miles/hour)	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Source	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Hazard Hours Change Relative to Existing	Source	1-Hour/Year Equivalent Wind Speed (miles/hour)	Wind Hazard Criterion, Exceeded (miles/hour)	Hazard Hours Change Relative to Project	Source
10	36	33			30				33			
11	36	33			31				32			
12	36	23			26				25			
101	36	26			24				24			
105	36	42	30	e	41	16	-14	e	41	14	-2	p
<b>Ave. 1 hr:</b>		<b>31 mph</b>			<b>30 mph</b>				<b>31 mph</b>			
	<b>Total Hrs:</b>		<b>406 hr</b>			<b>250 hr</b>	<b>-156 hr</b>			<b>247 hr</b>	<b>-3 hr</b>	
<b>Total Exceedences</b>		<b>Total</b>	<b>5</b>		<b>Total</b>		<b>5</b>		<b>Total</b>		<b>5</b>	
<i>Subtotals by Type:</i>		<i>Existing</i>	5	e	<i>Existing</i>		5	e	<i>Existing or Project</i>		4	e/p
					<i>New or Increased Time</i>	0	p		<i>New or Increased Time</i>	1	s	
					<i>New, at Location</i>	0	n		<i>New, at New Location</i>	0	n	
					<i>Eliminated by Project</i>	0	--		<i>Eliminated by Cumulative</i>	0	--	

Source: Environmental Science Associates, 2012.

e = Existing exceedance; p = Exceedance due to project; s = Exceedance due to Cumulative.

Notes:

The seven test points within the 101 Polk Street project influence area are highlighted.

If the calculated difference is not greater than 0.5, the space is left blank.

The times in hours and wind speeds in mph presented in those tables were rounded to the nearest integer value. The sums, differences, and averages also were rounded after calculations that were made using the actual (unrounded) values. As a result, what may appear as discrepancies in the tables, such as sums for each column or differences between values for Existing, Project and Cumulative conditions, are due to rounding of the numbers. However, the rounded values of the differences in wind speeds and in hours of exceedances are the values that best represent the actual changes in those quantities.

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

Section 295 of San Francisco's Planning Code was adopted in response to Proposition K, passed in 1984, to protect public open spaces under the jurisdiction of the Recreation and Park Commission from shadowing by new and altered structures during the period between one hour after sunrise and one hour before sunset, throughout the year. Section 295 restricts new shade and shadow cast upon these public open spaces by any structure exceeding 40 feet in height unless the Planning Commission finds the shadow to be an insignificant effect.

The closest public open space protected under Planning Code Section 295 in the vicinity of the project site is the Civic Center Plaza, located one block north/northeast of the project site. An assessment by Environmental Science Associates determined conclusively that the proposed project would cast no shadows on Civic Center Plaza during all the times of day specified by Proposition K, throughout the year.<sup>86</sup> The study found that, due to the project location and the intervention of other buildings, the shadow from the proposed project would approach but not reach the Civic Center Plaza, and that the design of the project, with step-backs at the northwest corners of the 12<sup>th</sup> and 13<sup>th</sup> levels, would prevent shadows from reaching Civic Center Plaza in mid-afternoon. Figures 13a – 13l show the shadow analysis of worst-case shadow scenarios, which would occur on the afternoon of December 20, the winter solstice. The San Francisco Planning Department reviewed and analyzed this assessment, and found that the solar angles between the 101 Polk Street project and Civic Center Plaza preclude the possibility that new shadows would be cast on Civic Center Plaza, and that the project is in compliance with the requirements of Planning Code Section 295.<sup>87</sup> Therefore, the proposed project would result in *less-than-significant* shadow impacts.

**Impact C-WS-2: The proposed project, in combination with other past, present or reasonably foreseeable projects would result in less-than-significant shadow impacts. (Less than Significant)**

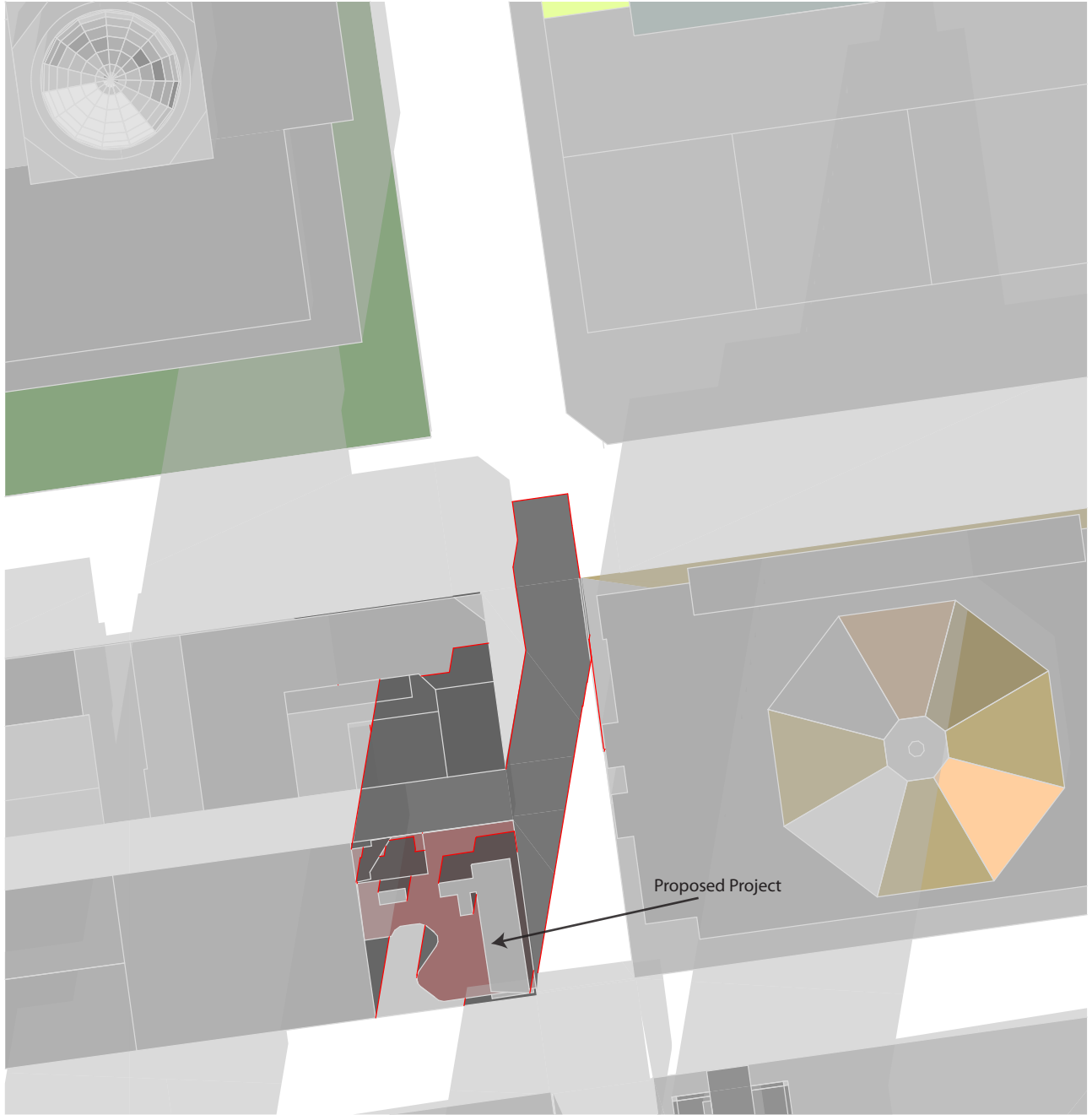
Based on the fact that the proposed project would not cast new shadows on a public open space, it would not contribute to a cumulative shadow impact on the public open spaces in the project vicinity. Future projects would be subject to Planning Code Section 295 and other controls to avoid substantial net new shading of public open space. Thus the proposed project, in combination with current and future projects proposed in the vicinity, would not be expected to contribute considerably to adverse shadow effects under cumulative conditions, and cumulative shadow impacts would be considered *less-than-significant*.

---

<sup>86</sup> Technical Memorandum: Potential Planning Code Section 295 Shadow, 101 Polk Street Project, San Francisco, California; ESA 120403. Charles Bennett, Environmental Science Associates. September 11, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0093E.

<sup>87</sup> Aaron Hollister, Current Planning, San Francisco Planning Department. Letter to Chuck Bennett, ESA. September 25, 2012.

December 20 Shadows: 12:45 PM

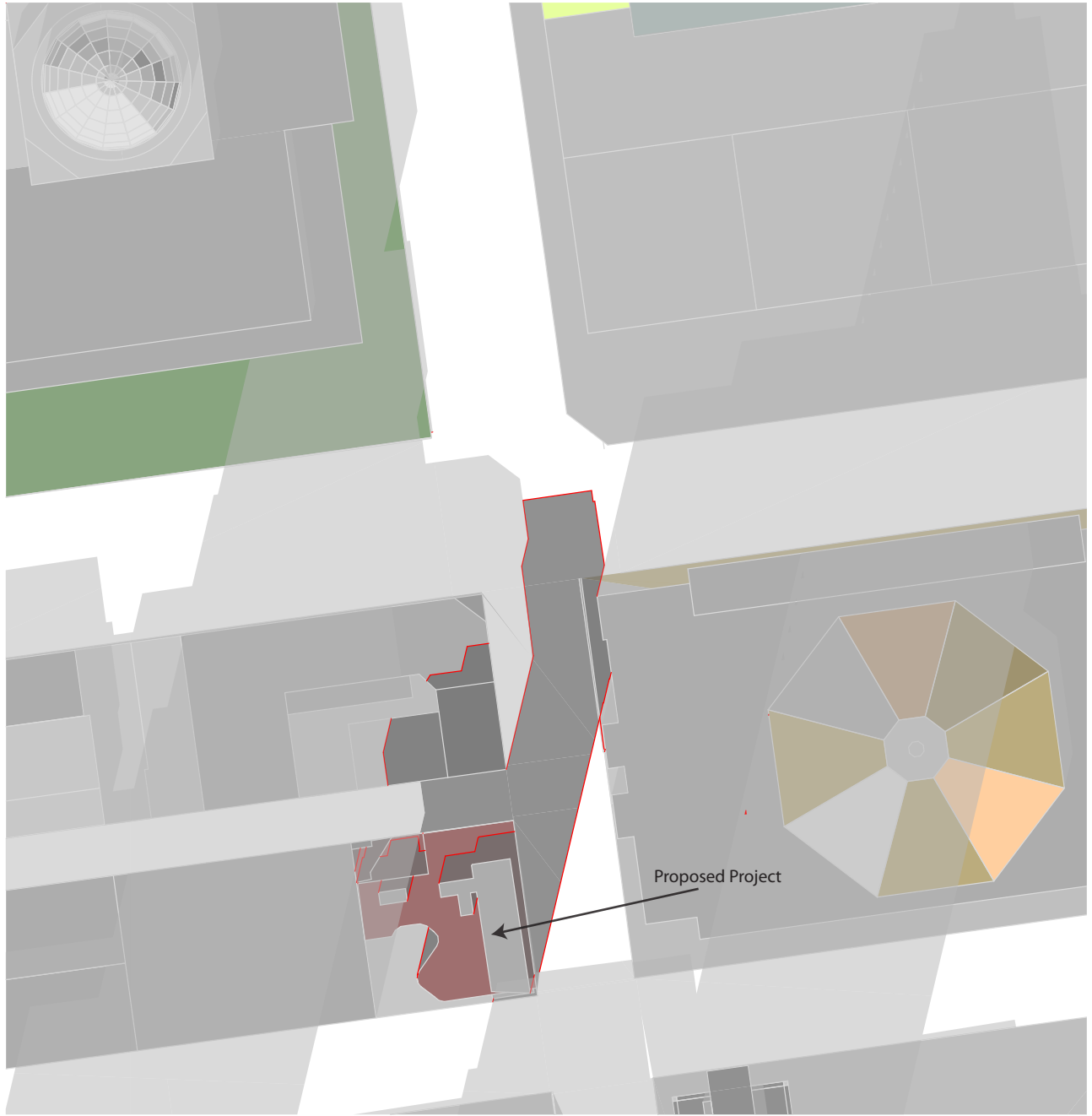


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13a  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 1:00 PM

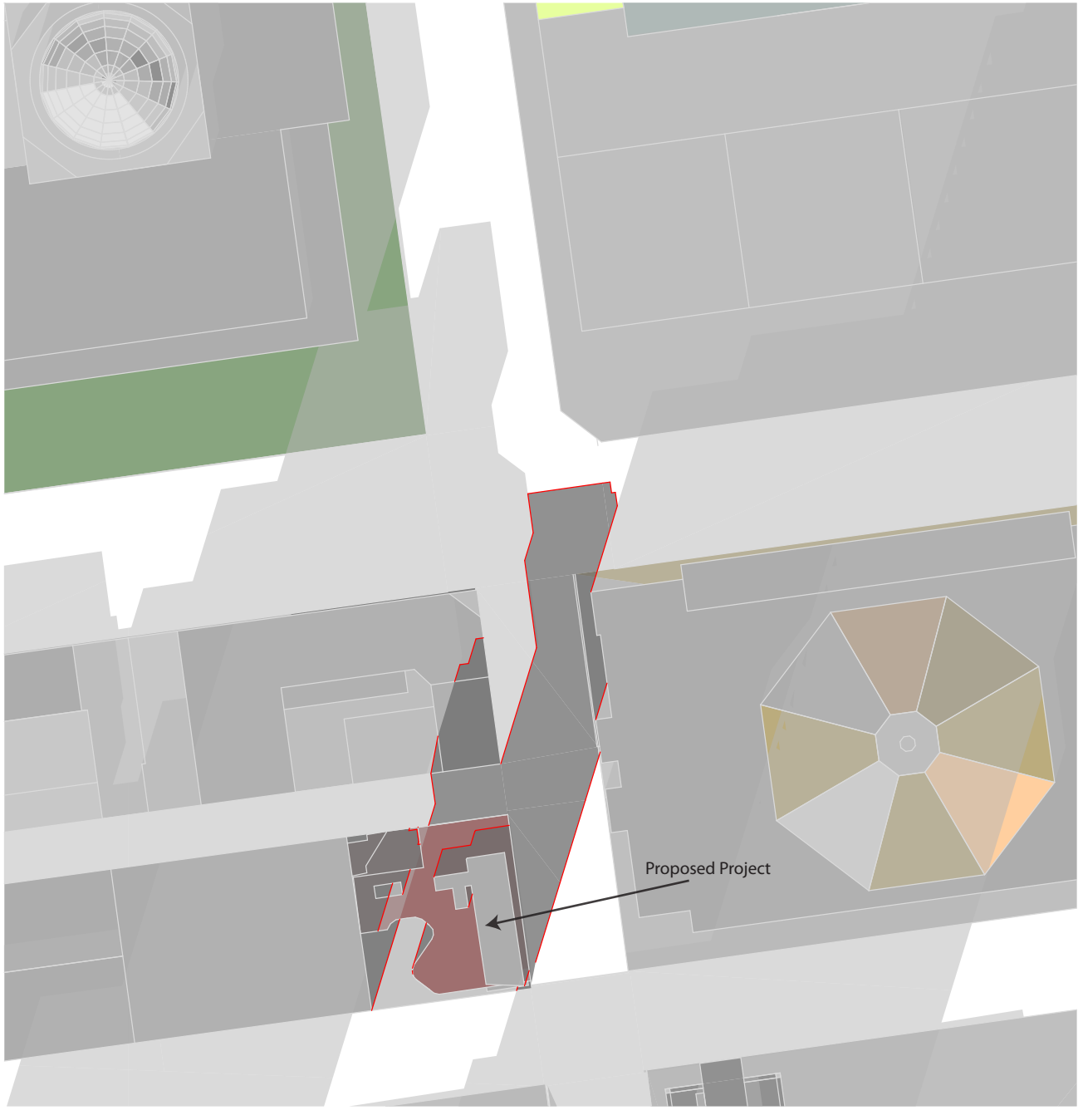


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13b  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 1:15 PM



Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13c  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 1:30 PM

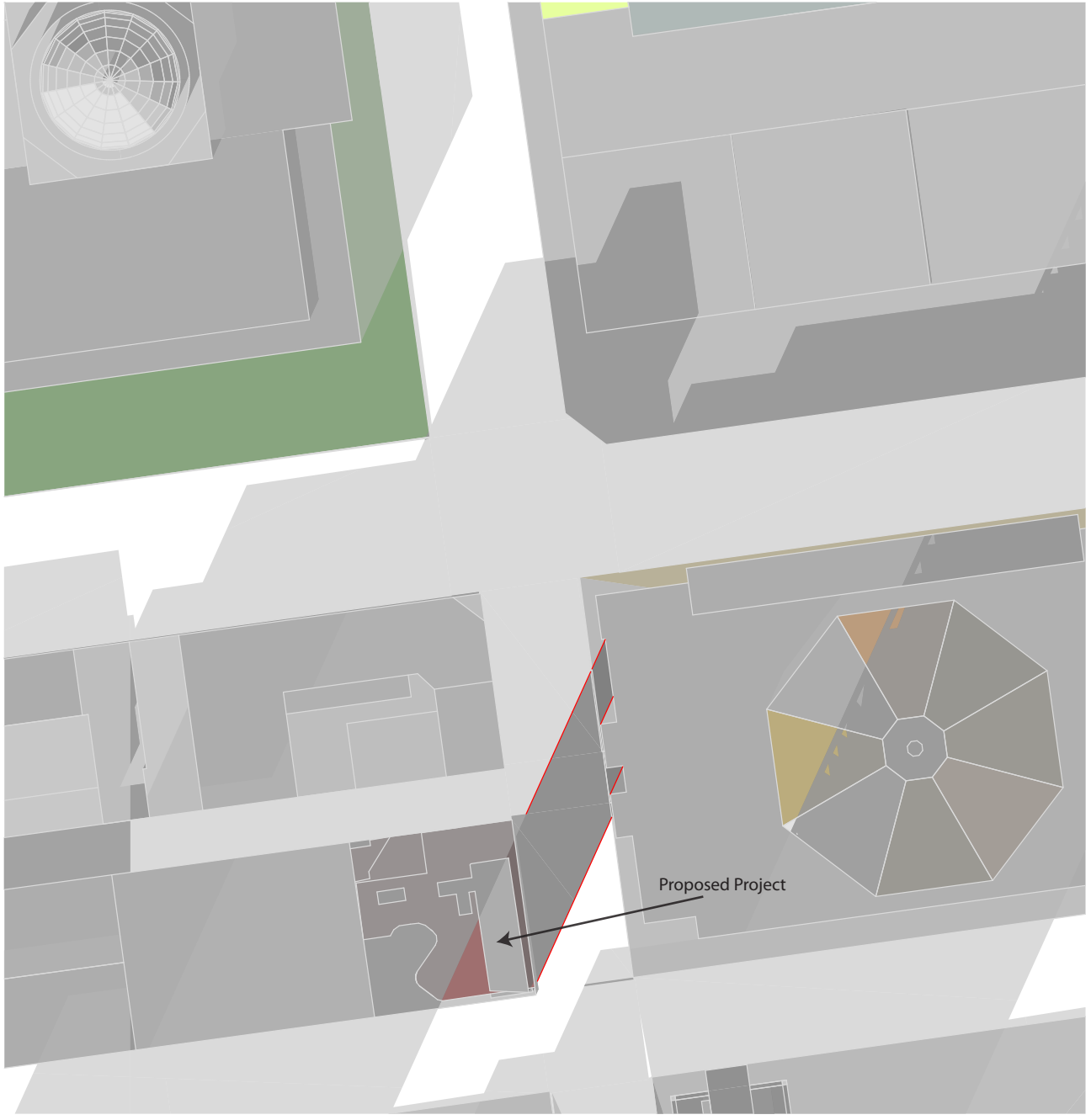


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13d  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 1:45 PM



Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13e  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E



December 20 Shadows: 2:00 PM



Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

**Figure 13f**  
**Project and Vicinity Shadow**  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 2:15 PM

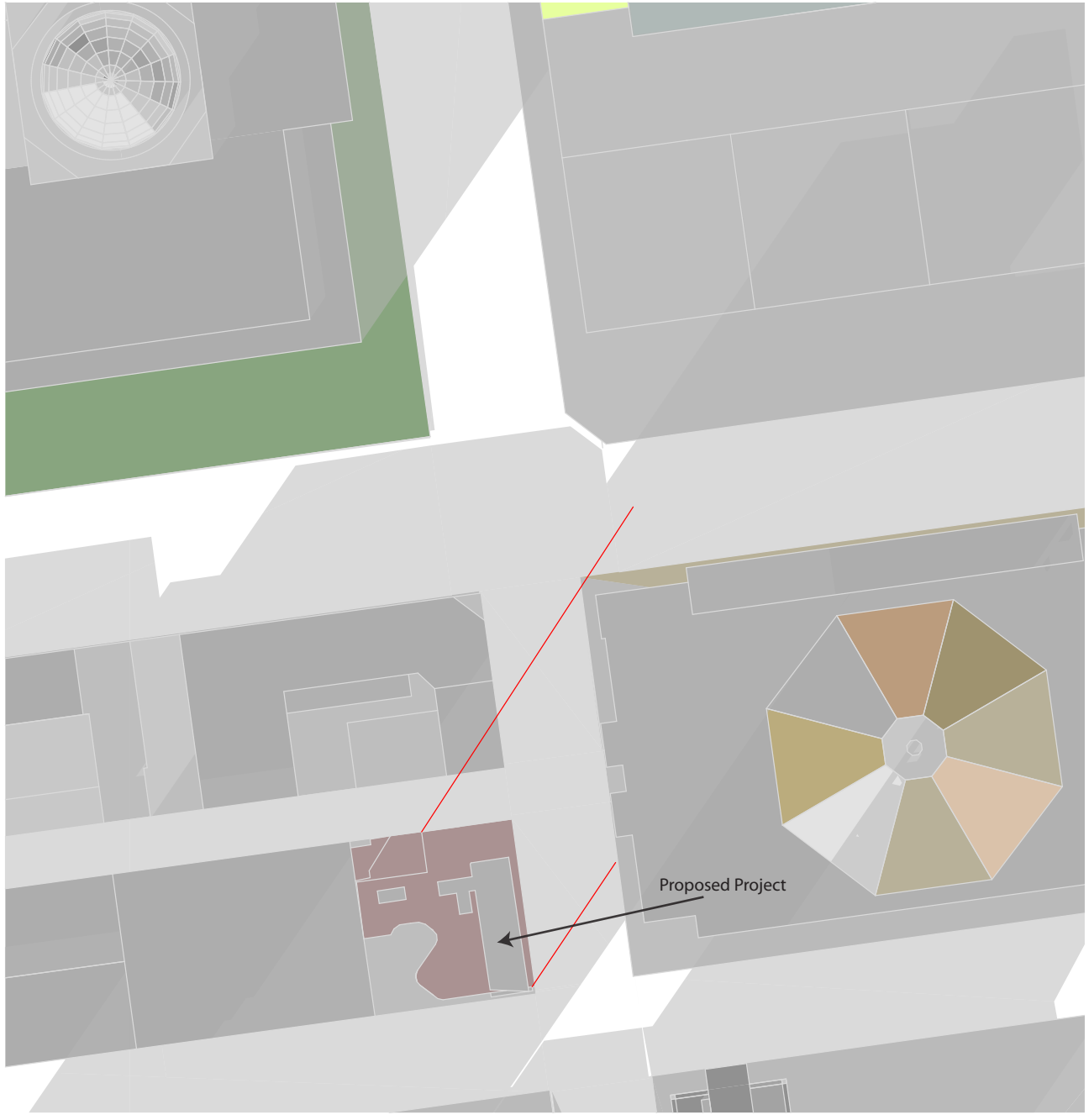


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13g  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 2:30 PM

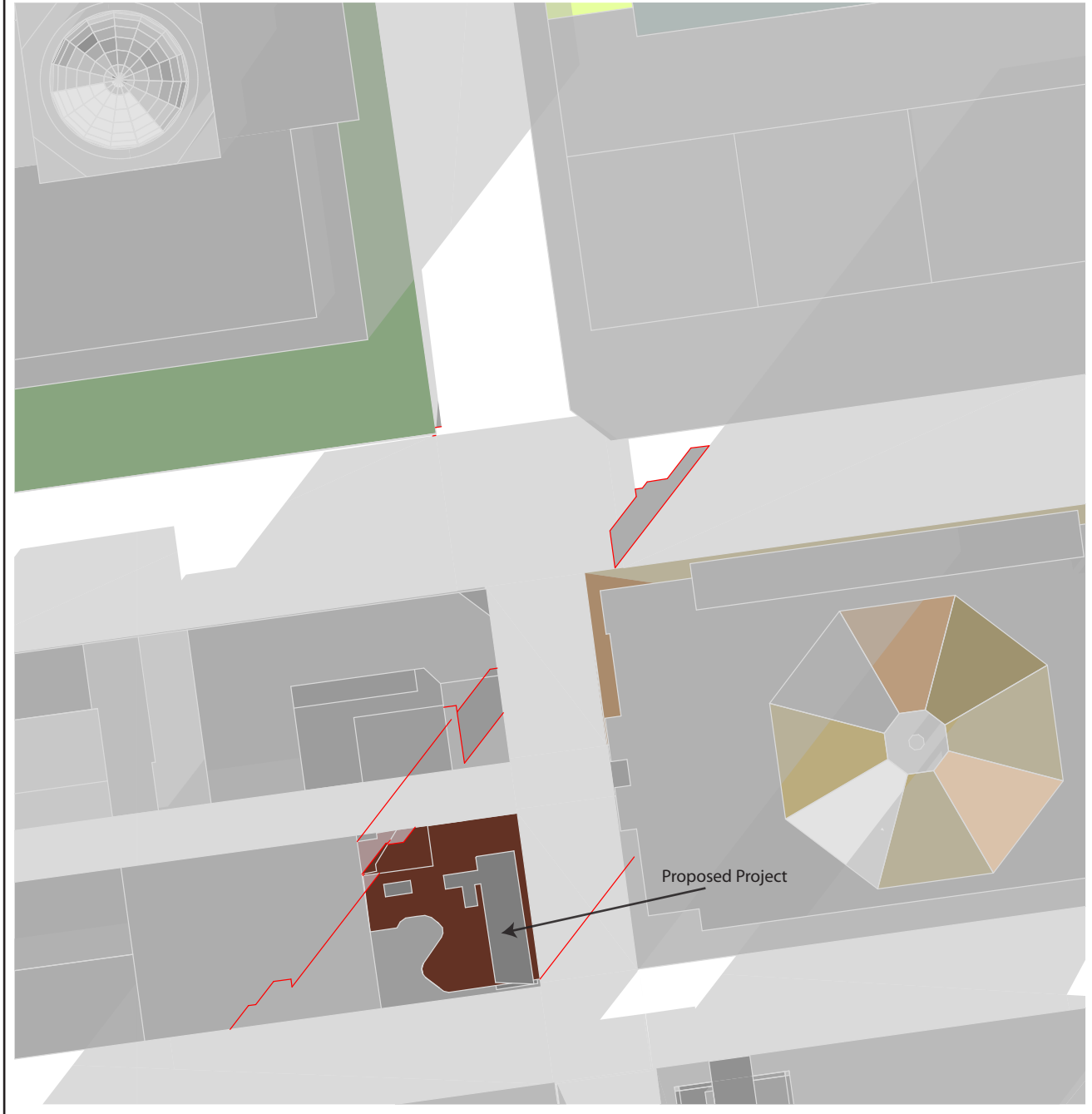


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13h  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 2:45 PM

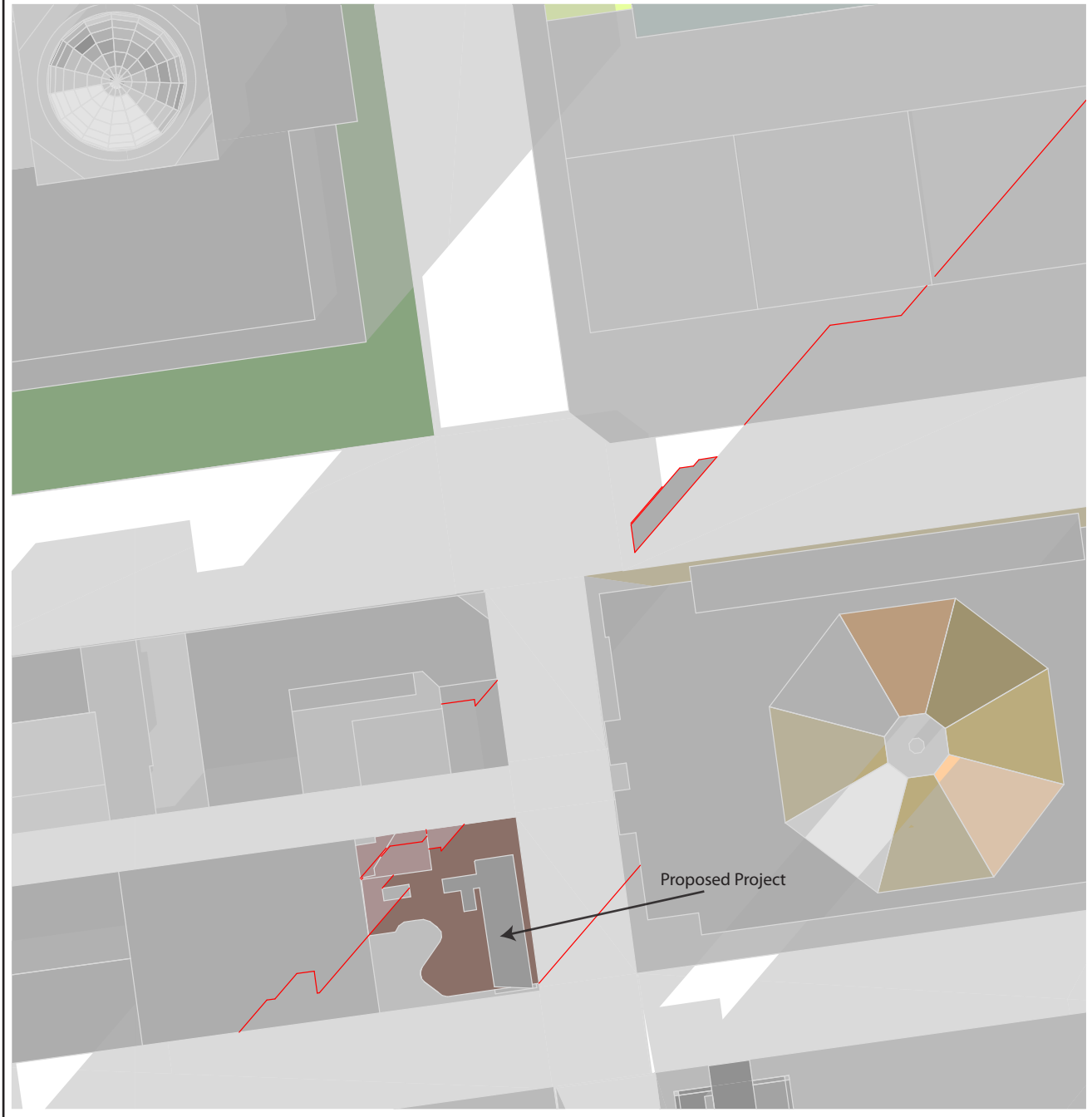


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13i  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 3:00 PM



Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13j  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 3:15 PM

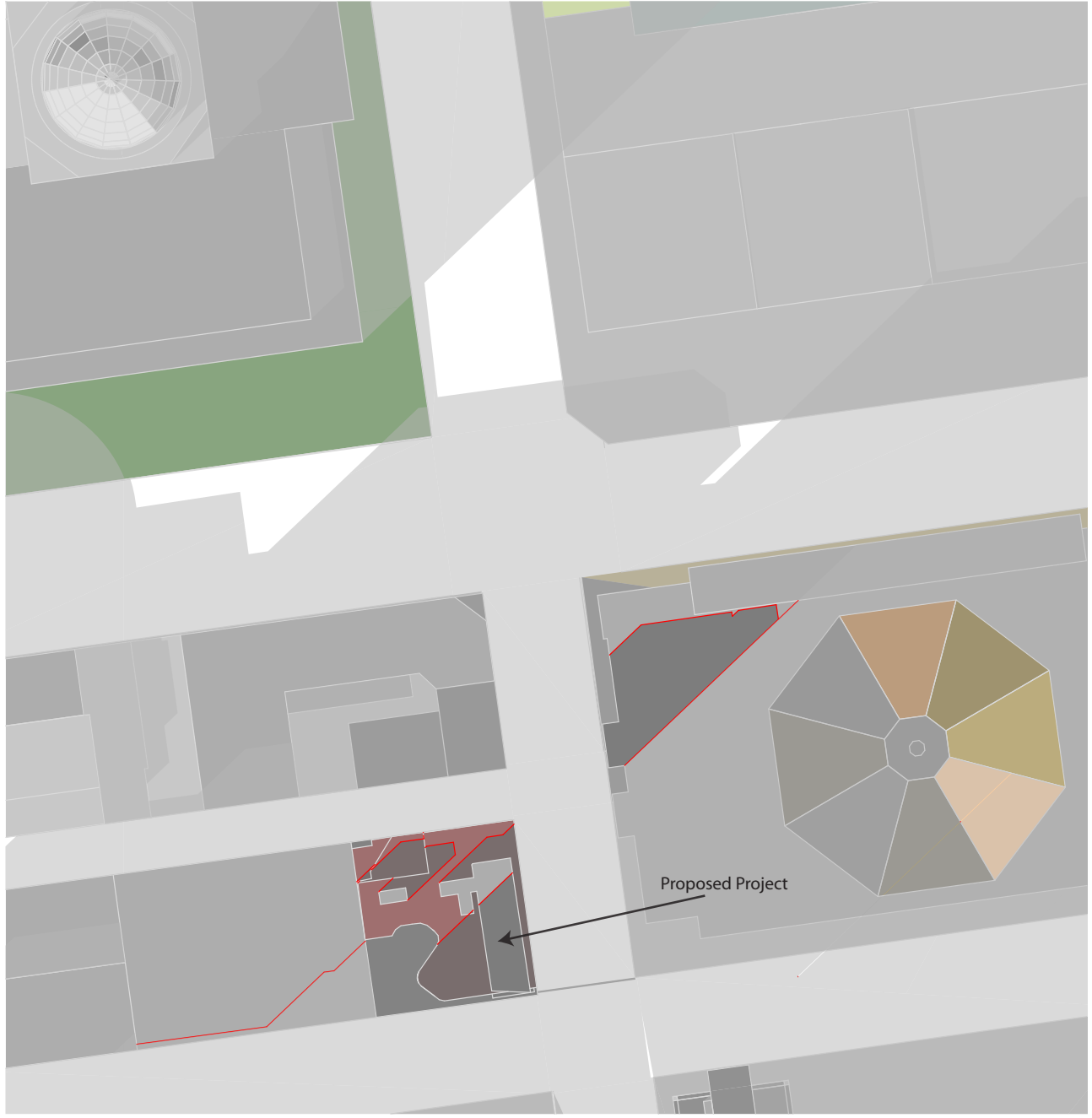


Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13k  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

December 20 Shadows: 3:30 PM



Environmental Science Associates, 2012

- Shadow guidelines (can include overlap with existing shadow)
- New shadow attributable to proposed project

Figure 13I  
Project and Vicinity Shadow  
101 Polk Street, San Francisco  
Case No. 2011.0702E

## 10. RECREATION

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>10. RECREATION—Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would have significant impacts under CEQA if it were to 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; if it were to include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; or if it were to physically degrade existing recreational resources.

The proposed project would develop 162 residential units on an existing surface parking lot. The new residents of the proposed project would be served by the San Francisco Recreation and Parks Department, which administers more than 220 parks, playgrounds, and open spaces throughout the City, as well as recreational facilities including recreation centers, swimming pools, golf courses, and athletic fields, tennis courts, and basketball courts.<sup>88</sup> The project site is in an intensely developed urban neighborhood, and does not contain large regional park facilities, but includes a number of neighborhood parks and open spaces, as well as other recreational facilities. The 2009 Draft Recreation and Open Space Element Update of the San Francisco General Plan has identified high-need areas which are given highest priority for the construction of new parks and recreation improvements. The project site is located in the lowest-need area of the three categories presented, proximate to some medium- and higher- need areas (about one-half mile northwest of the closest high-need area).<sup>89</sup>

<sup>88</sup> San Francisco Recreation and Parks Department. Available online at: [sfrecpark.org](http://sfrecpark.org). Accessed December 17, 2012.

<sup>89</sup> A draft update to the Recreation and Open Space Element of the San Francisco General Plan is available for public review at: <http://openspace.sfplanning.org/>. Accessed December 3, 2012.



**Impact RE-1: The proposed project would not result in substantial increase in the use of existing parks and recreational facilities, the deterioration of such facilities, include recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than significant)**

Parks and recreational facilities in the nearby vicinity include the Joseph L. Alioto Performing Arts Piazza and Civic Center Plaza, James P. Lang Field, Margaret S. Hayward Playground, Father Alfred E. Boeddeker Park, Eugene Friend Recreation Center, Victoria Manalo Draves Park, Hayes Valley Playground, and Tenderloin Recreation Center, as well as a number of other small neighborhood parks such as Hayes Green.<sup>90</sup> Recreation facilities within ½ mile of the project site include the Alioto Performing Arts Piazza and Civic Center Plaza, located one block northwest of the project site, and Hayes Green, located four blocks west of the project site on Octavia Street between Fell and Hayes Streets. James P. Lang Field and Margaret S. Hayward Playground are both located just over ½ mile, or eight blocks, northeast of the project site at the intersection of Golden Gate Avenue and Gough Street. The Tenderloin Recreation Center is also just over ½ mile from the project site, located on Ellis Street near its intersection with Hyde Street, and the Eugene Friend Recreation Center is located one mile from the project site on 6<sup>th</sup> Street between Howard Street and Folsom Street.

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of private balconies, and a common roof terrace, a terrace on the thirteenth floor, and an outer court on the second floor. Accordingly, project residents would have convenient access to private and public open space and recreational facilities in the neighborhood.

Residents of the proposed project would not be expected to increase the use of existing neighborhood parks and recreation facilities to such extent that these facilities would be physically degraded or their substantial physical deterioration would be accelerated. 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 impact on recreational facilities would therefore be *less-than-significant*.

**Impact C-RE-1: The proposed project, in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant impacts to recreational resources. (Less than Significant)**

Recreation facility use in the project area would likely increase with the development of the proposed project, especially in combination with other reasonably foreseeable residential and mixed-use development projects in the vicinity. However, each individual project would be subject to compliance with the City's open space requirements, as defined in the Planning Code. In addition, as described

---

<sup>90</sup> San Francisco Recreation and Parks. Available online at: <http://sfrecpark.org/parks-open-spaces/find-a-destination/>. Accessed December 3, 2012.

above, a number of public open space and recreational facilities exist in the project area. The Market and Octavia Neighborhood Plan EIR, which included analysis of the project site, found that build-out under the Plan would increase demand for or use of existing parks and open space by neighborhood residents due to higher population densities. However, the Plan would create new parks and open space amenities, and would use a number of other measures aimed at improving the quality of residential streets and alleys as neighborhood open spaces or multi-use areas. In sum, this analysis found that implementation of the Plan would not cause a significant impact on parks and recreation facilities. Thus, future impacts to recreational resources would be cumulatively *less than significant*.

## 11. UTILITIES AND SERVICES

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>11. UTILITIES AND SERVICE SYSTEMS—</b>					
<b>Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is served by utility service systems, including water, wastewater and stormwater collection and treatment, and solid waste collection and disposal. The proposed residential building would increase demand for and use of such utilities and services, but not in excess of amounts expected in the area and provided by the existing utility and service systems.

**Impact UT-1: The proposed project would not exceed the wastewater treatment requirements of the Regional Water Quality Control Board, require or result in the construction of new, or expansion of existing, water, wastewater treatment facilities, or stormwater drainage facilities and the proposed project would be adequately served by the City's wastewater treatment provider. (Less than Significant)**

The project site is located within an area that is served by existing utilities and service systems, including solid waste disposal, wastewater, and stormwater collection and treatment, power, water, and communication facilities. The proposed project would add new residential units to the site, as well as a lobby, office, basement/parking garage, and landscaping. These uses would incrementally increase the demand for utilities and service systems, but not in excess of amounts expected and provided for the project area.

With the exception of some landscaped spaces, the proposed project would largely cover the site with impervious surfaces. However, given that the existing site is covered by impervious asphalt paving, the proposed project would not substantially change the amount of impervious coverage and associated volume of stormwater runoff.

Project-related wastewater and stormwater would continue to flow into the City's combined stormwater and sewer system, which handles both sewage and stormwater runoff. This waste and stormwater would be treated by the Southeast Water Pollution Control Plant (Southeast Plant), which provides wastewater and stormwater treatment and management for the east side of San Francisco, including the project site. The proposed project would meet the wastewater pre-treatment requirements of the San Francisco Public Utilities Commission (SFPUC) in order to meet Regional Water Quality Control Board (RWQCB) requirements. No major new sewer or stormwater facilities or construction would be needed to serve the proposed project. The project would meet the Stormwater Design Guidelines and would reduce the total stormwater runoff volume and peak stormwater runoff rate through the use of Low Impact Design approaches and Best Management Practices such as rainwater reuse, landscape planters, swales, rain gardens, and green roofs.

The proposed project, therefore, would not substantially increase the demand for wastewater or stormwater treatment, and would result in a *less than significant* impact on San Francisco's wastewater and stormwater systems.

**Impact UT-2: The proposed project would increase the amount of water used on the site, but would be adequately served by existing entitlements and water resources. (Less than Significant)**

The proposed project would develop new residential uses on the site, as well as a commercial leasing office, and thus would increase the amount of water necessary to serve the site, which is currently a surface parking lot. However, the proposed project would not result in a population increase nor an increase in water use beyond that assumed for planning purposes by the SFPUC's 2010 *Urban Water Management Plan*.<sup>91</sup> In addition, the project would implement 20-percent reduction in potable water for other uses, necessitating the installation of low-flow fixtures, to meet the requirements of the San Francisco Green Building Ordinance. The project site is not located within a designated recycled water use area, as defined in the Recycled Water Ordinances 390-91 and 393-94; thus, the project is not required to install a recycled water system. In summary, the proposed project would have a *less-than-significant* impact on water supply.

**Impact UT-3: The proposed project would increase the amount of solid waste generated on the site, but would be adequately served by the City's landfill and would comply with federal, state and local statutes and regulations related to solid waste. (Less than Significant)**

San Francisco's solid waste is disposed of at the Altamont Landfill in Alameda County and is required to meet federal, State and local solid waste regulations. This landfill has a permitted peak maximum disposal capacity of 11,150 tons per day,<sup>92</sup> and the landfill site has a currently permitted capacity of 87.1 million cubic yards. The site has approximately 45,720,000 cubic yards of its capacity remaining.

San Francisco was required by the California State Integrated Waste Management Act of 1989 to adopt an integrated waste management program, as well as implement a program to reduce waste disposal and to have its waste diversion performance periodically reviewed by the Integrated Waste Management Board. Since 2000, the City has diverted increasing amounts of waste from landfills, with 60 percent of its waste diverted from landfills by 2002.<sup>93</sup> Development of the proposed project would comply with San Francisco Building Code Chapter 13 C, which requires at least 75 percent of all demolition and construction-related solid waste to be recycled and diverted from landfills. In addition, during operation, the proposed project would comply with City Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate recyclable and compostable materials from waste. Residents and employees of the proposed project would comply with this ordinance and participate in San Francisco's recycling and composting programs in order to maximize diversion from the City's solid waste disposal stream.

While the increased use of the site through residential development would add incrementally to total waste generation at the project site, because of the long-term capacity available at the Altamont Landfill

---

<sup>91</sup> The SFPUC's 2010 Urban Water Management Plan includes county-wide demand projections through the year 2035, and compares water supply and demand. Available online at: <http://www.sfwater.org/index.aspx?page=75>. Accessed August 22, 2012.

<sup>92</sup> California Integrated Waste Management Board, Active Landfill Profiles, Altamont Landfill. Available online at: [www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail](http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail). Accessed September 28, 2012.

<sup>93</sup> City of San Francisco Office of the Controller, Community Indicators, May 2004. Accessed August 24, 2012.

and the increasing rate of diversion in San Francisco, the project would be adequately served by the City's landfill and thus would have a *less-than-significant* impact on solid waste facilities.

**Impact UT-4: The construction of the proposed project would comply with all applicable federal, state and local statutes and regulations related to solid waste. (Less than Significant)**

As addressed above, the development of the project would be subject to, and would comply with, San Francisco Building Code Chapter 13 C by diverting at least 75 percent of all demolition and construction-related debris from the landfill. In addition, residents and employees of the proposed project would comply with the City of San Francisco's Ordinance 100-009, the Mandatory Recycling and Composting Ordinance, which requires the separation of recyclables and compostables from solid waste. As such, the project would be in compliance with the requirements of the California Integrated Waste Management Act of 1989, which mandates that cities adopt an Integrated Waste Management Plan to establish policies relative to waste disposal and recycling. Therefore, the proposed project would comply with all applicable regulations related to solid waste, and the impact of the construction of the proposed project on solid waste facilities would be *less than significant*.

**Impact C-UT-1: The proposed project in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant impacts to utilities and service systems (Less than Significant)**

Cumulative development in the project area would incrementally increase demand on citywide utilities and services, although not beyond levels planned for by public service providers. This conclusion is supported by the findings of the Market and Octavia Neighborhood Plan EIR, which included analysis of the project site, and planned for future development and population growth on the project site and within the surrounding area. This EIR found that implementation of the Plan would not result in significant impacts to the water or wastewater services in San Francisco. The City's existing service management plans do expect and address future growth in the region. Thus, this project, in combination with other foreseeable projects, would not be expected to have a substantial effect on utility service provision or facilities. The project-related impacts to public services and utilities under cumulative conditions would therefore be *less than significant*.

## 12. PUBLIC SERVICES

<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>
<b>12. PUBLIC SERVICES— Would the project:</b>					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would have significant impacts under CEQA if it were to result in substantial adverse physical impacts on the provision of, or need for, new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for any public services, especially such that the construction of these facilities could cause significant environmental impacts.

**Impact PS-1: The proposed project would increase the demand for fire protection, but not to an extent that would result in substantial impacts to the provision of fire services. (Less than Significant)**

The project site receives fire protection service from the San Francisco Fire Department. The closest fire station to the project site is Station 36, located at 109 Oak Street at Franklin Street. This fire station is approximately 0.3 mile from the project site, two blocks west and two blocks south of 101 Polk Street. Other proximate stations include Station One at 676 Howard Street, Station Three at 1067 Post Street, Station Five at 1301 Turk Street, and Station Six at 135 Sanchez Street among others.

The project would comply with the regulations of the 2001 California Fire Code, which includes requirements regarding fire protection systems, such as the provision of smoke alarms and fire extinguishers, adequate building access, and emergency response systems.

The proposed project would increase demand for fire protection services at the site by adding 162 residential units. This would increase the number of calls received by the Fire Department or the level of service the Fire Department must provide in this area as a result of higher intensity use of this site; however, this increase in responsibilities would not be substantial compared to existing demand for fire protection services throughout the City, nor would it create the need for new fire protection facilities that could result in environmental impacts. Thus, the proposed project would have a *less-than-significant* impact on fire protection services.

**Impact PS-2: The proposed project would increase the demand for police protection, but not to an extent that would result in substantial impacts to the provision of police services. (Less than Significant)**

The project site receives policing services from the San Francisco Police Department. The site is near four police stations, each approximately one mile away. The closest station is in the Tenderloin District, located at 301 Eddy Street, 0.7 miles northeast from the project site. The Northern, Southern, and Mission District Stations are each approximately one mile of the project site.

The proposed project would bring new residential use to the site, which could incrementally increase service calls to the Police Department and could require additional policing of the vicinity or added crime prevention responsibilities. However this increase would not be substantially greater than the existing demand for police services in the area, and thus meeting this additional demand would not require construction of new police facilities. The project would therefore have a *less-than-significant* impact on police protection services.

**Impact PS-3: The proposed project could generate school students, but these new students could be accommodated with existing public school facilities, and there would not be a substantial impact to schools. (Less than Significant)**

The proposed project could generate school students, as some of the residents of the 162 new units may be families with school-age children. It is anticipated that existing schools in the area could accommodate these new students.

The project site is near a number of public schools. The Tenderloin Community Elementary School is 0.4 miles and four blocks north of the project site. Betsy Carmichael Elementary and John Muir Elementary are both approximately 0.8 mile from the site. Everett Middle School and Mission High School are both public schools approximately 1.2 miles southwest of the project site. Both Gateway High School (a public charter high school) and the Downtown Continuation High School are near the project site, as are a number of private schools and academies.

The San Francisco Unified School District (SFUSD) has experienced overall declines in enrollment in the last decade. However, beginning in 2008, the SFUSD saw kindergarten enrollments begin to increase, and anticipates continued growth of SFUSD enrollment. 2009 SFUSD projections indicate that elementary school enrollment will increase by about 11 percent from 2008 to 2013. Given a small decline in enrollment from 2009 to 2010, and then continued enrollment growth after 2010, the SFUSD projects that enrollment levels in 2013 will still be lower than 2008 levels.<sup>94</sup> Thus, the SFUSD anticipates increases in students, and has adequate capacity for enrollment growth.

---

<sup>94</sup> San Francisco Unified School District, Capital Plan FY 2010-2019, September 2009. Accessed August 24, 2012.

In addition, the proposed project would be subject to a citywide development impact fee, which requires a payment of \$2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.<sup>95</sup>

In summary, the proposed project would not result in a substantially increased demand for school facilities, and would not require new or expanded school facilities. The proposed project would thus result in a *less-than-significant* impact on school facilities.

**Impact PS-4: The proposed project would result in an increase in the use of parks and open spaces in the project vicinity but not to an extent that would cause substantial adverse impacts associated with increased use of public parks and open spaces. (Less than Significant)**

Recreation and Parks Department public parks and recreational facilities in the vicinity of the proposed project include the Joseph L. Alioto Performing Arts Piazza and Civic Center Plaza, James P. Lang Field, Margaret S. Hayward Playground, Father Alfred E. Boeddeker Park, Eugene Friend Recreation Center, Victoria Manalo Draves Park, Hayes Valley Playground, and Tenderloin Recreation Center, as well as a number of other small neighborhood parks such as Hayes Green.<sup>96</sup> Recreation facilities within ½ miles of the project site include the Alioto Performing Arts Piazza and Civic Center Plaza, located one block northwest of the project site, and Hayes Green, located four blocks west of the project site on Octavia Street between Fell and Hayes Streets. James P. Lang Field and Margaret S. Hayward Playground are both located just over ½ mile, or eight blocks, northeast of the project site at the intersection of Golden Gate Avenue and Gough Street. The Tenderloin Recreation Center is also just over ½ mile from the project site, located on Ellis Street near its intersection with Hyde Street. These public facilities provide a range of spaces for recreation and passive uses as well as outdoor activities. As described in the Recreation section, the proposed project would have a *less-than-significant* impact on existing parks, open spaces, and recreational facilities.

**Impact PS-5: The proposed project would increase demand for various governmental services, but not to the extent that would result in significant physical impacts. (Less than Significant)**

The proposed residential project would increase population incrementally, but would not necessitate new or expanded government facilities; therefore, the proposed project's impact on governmental services would be *less than significant*.

---

<sup>95</sup> San Francisco Unified School District, Developer Impact Fee Annual and Five Year Reports for the Fiscal Year Ending June 30 2011, November 2011. Accessed August 24, 2012.

<sup>96</sup> San Francisco Recreation and Parks. Available online at: <http://sfrecpark.org/parks-open-spaces/find-a-destination/>. Accessed August 24, 2012.



**Impact C-PS-1: The proposed project in combination with other past, present or reasonably foreseeable projects would result in less-than-significant public services impacts. (Less than Significant)**

The cumulative development caused by this proposed project in combination with the other residential and mixed-use projects proposed in the area would incrementally increase demand for a variety of public services, including fire protection, police protection, schools, parks, and other governmental services. However, this increase in demand for services would not exceed levels of growth and increased demand for which the City and public service providers have planned. Additionally, the Market and Octavia Neighborhood Plan EIR, within which the project site was analyzed, found that the level of population growth planned for would not require the expansion of existing municipal infrastructure or public services. Thus, the impact of the proposed project on public services in cumulative conditions would be *less than significant*.

**13. BIOLOGICAL RESOURCES**

<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>
<b>13. BIOLOGICAL RESOURCES—</b>					
<b>Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

<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>
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 located in a developed area of San Francisco and is bordered by Hayes Street to the south, Lech Walesa Alley to the north, and Polk Street to the east. There are no existing structures on the property and both parcels are currently covered by asphalt and in use as a surface parking lot. There are no street trees bordering the site. Additionally, analysis completed in the Market and Octavia Neighborhood Plan EIR showed that no known rare, threatened, or endangered animal or plant species are known to exist in that Plan area, which included the project site. Development of the proposed project and its associated street improvements would not affect, or substantially diminish, plant or animal habitats; would not interfere with any resident or migratory species; nor would it require removal of substantial numbers of mature, scenic trees. Given the developed and urbanized nature of the project site and its existing state of being completely covered by impervious surfaces, with no existing street trees that would be effected, there would be no impact on biological resources in regards to Criterion E.13(a) - (e). Criterion E.13(f) is not applicable to the proposed project, as there is not an applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### 14. GEOLOGY AND SOILS

<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>
<b>14. GEOLOGY AND SOILS— Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving :					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.					
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography 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 does not include the installation or use of septic or on-site wastewater disposal systems, and would be connected to City and County of San Francisco sanitary sewer systems. Therefore, initial study Criterion E.14(e) is not applicable.

This section describes the geology, soils, and seismicity characteristics of the project area as they relate to the proposed project. Responses in this section rely on the information and findings provided in the preliminary geotechnical evaluation prepared by Treadwell & Rollo for the project site, unless otherwise noted.<sup>97</sup> Seven borings were done on the project site as part of the evaluation by Treadwell & Rollo. The results of these borings indicate the site is blanketed by about 10 to 14 feet of fill, corresponding to about Elevations 37 to 33 feet. The fill generally consists of silty gravels and sands with varying amounts of brick, ashes and building debris, most likely from the 1906 earthquake and fire. The fill is underlain by poorly graded silty sand to the maximum depths explored of 16 feet bgs.

Geotechnical investigations completed for projects located in the vicinity of this project site included four borings and five Cone Penetration Tests (CPTs) performed at sites located on the south side of Hayes Street and extended to depths beyond 16 feet bgs. The borings completed for these evaluations indicated

<sup>97</sup> Treadwell & Rollo. Preliminary Geotechnical Site Assessment, 101 Polk Street, San Francisco, California. July 26, 2011. This report is available for review at the San Francisco Planning Department as part of Case File No. 2011.0702E.

that the soil encountered below the fill is a loose to dense, poorly graded, fine-grained sand, with variable silt and clay content interbedded with lenses of stiff silt and clay. The sand, commonly referred to as Dune Sand, extends to depths of about 23 to 42 feet bgs, corresponding to Elevations 24 to 5 feet.

The Dune Sand is generally underlain by a medium dense to very dense sand, and clayey sand interbedded with layers of very stiff to hard silt and clay, geologically referred to as the Colma formation. However, in isolated locations, a discontinuous marsh deposit, several inches thick, consisting of clayey sand and organic material was encountered below the Dune Sand layer at depths ranging from about 22 to 24 feet bgs, corresponding to Elevations 25 to 23 feet. The Colma sand, with varying clay and silt content, was encountered to the maximum depth explored of about 101 feet bgs.

**Impact GE-1: The proposed project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides. (Less than Significant)**

#### **Rupture of a Known Earthquake Fault (Less-Than-Significant Impact)**

No portion of the project site is within the established Alquist-Priolo Earthquake Fault Zone (A-PEFZ),<sup>98,99</sup> and no active or potentially active faults have been mapped on the project site by the California Geological Survey (CGS) or the San Francisco General Plan.<sup>100,101</sup> Fault rupture of the surface typically occurs along existing faults that have ruptured the surface in the past. Because faults with known surface rupture have been mapped in California, and none are known to occur at the project site, the risk of surface faulting is low.<sup>102</sup> Therefore, the potential for impacts to the proposed project due to fault rupture are *less-than-significant*.

#### **Strong Seismic Ground shaking (Less than Significant)**

Strong to very strong ground shaking is likely to occur within the life of the project as a result of future earthquakes.<sup>103</sup> The closest known active fault to the project site is the San Andreas Fault (North San Andreas Fault), which has been mapped under the A-PEFZA approximately seven miles southwest of the

---

<sup>98</sup> California Geological Survey, Alquist-Priolo Earthquake Fault Zone Maps. Available online at: [http://www.quake.ca.gov/gmaps/ap/ap\\_maps.htm](http://www.quake.ca.gov/gmaps/ap/ap_maps.htm). Accessed August 14, 2012.

<sup>99</sup> Treadwell & Rollo, 2011, op.cit.

<sup>100</sup> California Geological Survey. 2010 Fault Activity Map of California, Geologic Data Map No. 6. 2010. Available online at: <http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html>. Accessed August 14, 2012).

<sup>101</sup> San Francisco Planning Department. San Francisco General Plan, Community Safety Element. 1996. Available online at: [http://www.sf-planning.org/ftp/general\\_plan/I8\\_Community\\_Safety.htm](http://www.sf-planning.org/ftp/general_plan/I8_Community_Safety.htm). Accessed August 31, 2012.

<sup>102</sup> Treadwell & Rollo, 2011, op.cit.

<sup>103</sup> Ibid.

site. Other active faults within 30 miles of the project site include the San Gregorio, Hayward-Rodgers Creek, Mount Diablo Thrust, Calaveras, Green Valley, Monte Vista-Shannon, and West Napa Faults.<sup>104,105</sup>

In a fact sheet published in 2008, the Working Group on California Earthquake Probabilities and the U.S. Geological Survey estimated that there was a 21 percent probability that between 2008 and 2037, a 6.7 or greater magnitude earthquake will occur along the Northern San Andreas Fault. The probability of a 6.7 magnitude or greater earthquake occurring within the San Francisco Bay Region during that 30-year time period was estimated to be 63 percent.<sup>106</sup>

ABAG has classified the Modified Mercalli Intensity Shaking Severity Level of ground shaking in the proposed project vicinity due to an earthquake on the North San Andreas Fault as “VIII-Very Strong.”<sup>107</sup> Very strong shaking would result in damage to some masonry buildings, fall of stucco and some masonry walls, fall of chimneys and elevated tanks, and shifting of unbolted wood frame structures off their foundations. However, due to the San Francisco Building Code requirement that the project applicant include analysis of the potential for strong seismic shaking as part of the design-level geotechnical investigation, impacts to the proposed project due to strong seismic ground shaking would be *less than significant*.

#### Seismic-Related Ground Failure, Including Liquefaction (Less than Significant)

Liquefaction of soils can occur when ground shaking causes saturated soils to lose strength due to an increase in pore pressure. The San Francisco General Plan identifies the liquefaction hazard within the project site area as “area of liquefaction potential,” and ABAG indicates the liquefaction hazard within the project site area is “moderate.”<sup>108,109</sup> Liquefaction susceptibility depends on the engineering properties of the sediments below individual structures. Review of the official seismic hazard map for this area prepared by the CGS indicates that the site is within a Zone of Required Investigation for which an evaluation of soil liquefaction is required.<sup>110</sup> Based on soil data on the adjacent property south of the project site, the preliminary geotechnical investigation concluded that “potentially liquefiable loose to medium dense granular layers exist below the groundwater table that are susceptible to liquefaction

---

<sup>104</sup> Ibid.

<sup>105</sup> California Geological Survey, 2010, op cit.

<sup>106</sup> USGS. Forecasting California’s Earthquakes – What Can We Expect in the Next 30 Years, USGS Fact Sheet 2008-3027. Available online at: <http://pubs.usgs.gov/fs/2008/3027/>. Accessed August 14, 2012.

<sup>107</sup> Association of Bay Area Governments. Earthquake Hazard Map for San Francisco Scenario: Entire San Andreas Fault System, Model of the 1906 San Francisco Earthquake Magnitude 7.9. 2003. Available online at: <http://quake.abag.ca.gov/shaking/maps/>. Accessed August 14, 2012.

<sup>108</sup> San Francisco Planning Department, 1996, op cit.

<sup>109</sup> Association of Bay Area Governments. Liquefaction Hazard Map for San Francisco, Scenario: 1906 San Francisco Earthquake. 2001. Available online at: <http://www.abag.ca.gov/cgi-bin/pickmapliq.pl>. Accessed August 14, 2012.

<sup>110</sup> California Geological Survey. Seismic Hazard Zones, City and County of San Francisco, 17 November, 2000. Available online at: [http://gmw.consrv.ca.gov/shmp/html/pdf\\_maps\\_no.html](http://gmw.consrv.ca.gov/shmp/html/pdf_maps_no.html). Accessed August 14, 2012.

during a major seismic event.”<sup>111</sup> Therefore, based on the available data, the overall risk of significant liquefaction occurring at the site that would affect the project is high, and the liquefaction hazard is significant.

San Francisco Building Code requirements will ensure that the project applicant include analysis of the potential for liquefaction impacts as part of the design-level geotechnical investigation prepared for the proposed project; therefore, potential impacts of seismic-related ground failure, including liquefaction, would be *less than significant*.

### **Landslides (No Impact)**

Slope stability issues can result in either slow slumping earth movements or rapid landslide events. The project site is nearly level, and there are no adjacent hills.<sup>112</sup> The site is not located within a mapped landslide or landslide hazard area, or within an official Zone of Required Investigation for seismically-induced landsliding.<sup>113,114</sup> Therefore, there is *no potential for impact* related to landslides.

### **Impact GE-2: The proposed project could result in substantial soil erosion or the loss of topsoil (Less than Significant)**

The proposed project would demolish an existing parking lot, and require site grading including extensive excavation for a one-story garage below existing grade. The potential for the project to cause erosion impacts during construction and operations is a significant impact. The project proponent must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project. The potential impact would therefore be *less than significant*.

### **Impact GE-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant)**

The project site has an elevation of approximately 40 feet relative to National Geodetic Vertical Datum and is relatively flat.<sup>115</sup> The area around the project site does not include hills or cutslopes likely to be subject to landslide.<sup>116</sup>

---

<sup>111</sup> Treadwell & Rollo, 2011, op cit.

<sup>112</sup> National Geographic Holdings, Inc. Seamless USGS Topographic Maps on CD-ROM. 2001.

<sup>113</sup> San Francisco Planning Department, 1996, op cit.

<sup>114</sup> California Geological Survey, 2000, op cit.

<sup>115</sup> National Geodetic Vertical Datum of 1929 is, for most purposes, equivalent to Mean Sea Level.

<sup>116</sup> National Geographic Holdings, Inc. op. cit.

Improvements proposed as part of the project include a one-story basement below grade, which would require excavation to a maximum of approximately 18 feet bgs. According to the preliminary geotechnical report, approximately 10 to 14 feet of fill soils consisting of silty gravels, sands, and building debris likely from the 1906 earthquake are present below the project site, and are underlain by poorly graded silty sand. Groundwater was measured at a depth of approximately 17 feet bgs, and excavation of the garage may therefore extend below the groundwater elevation. Considerations affecting excavation at the proposed site include: (1) sufficient space may not be available to slope excavation walls, and temporary shoring and tiebacks may be required; (2) if excavation extends below the groundwater level, dewatering would be required during construction; and (3) dewatering the site could result in subsidence of the surrounding areas as a result of increased stresses in the soil. In addition, potentially liquefiable loose to medium dense granular layers are present below the groundwater table that are susceptible to liquefaction during a major seismic event. These discontinuous, isolated layers are generally ½ to two feet thick, and are typically about 20 to 35 feet bgs.<sup>117</sup>

San Francisco Building Code requirements will ensure that the project applicant include analysis of the potential for unstable soil impacts as part of the design-level geotechnical investigation prepared for the proposed project; therefore, potential impacts of unstable soils would be *less than significant*.

**Impact GE-4: The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. (Less than Significant)**

Expansive soils expand and contract in response to changes in soil moisture, most notably when near surface soils change from saturated to a low-moisture content condition, and back again. The preliminary geotechnical report did not address expansive soils. Anticipated excavation of the basement garage is expected to remove surficial soils, including potentially expansive soils, within the building footprint. Areas not excavated, including sidewalks and other adjacent improvements, may be affected by expansive soils, if present.

Due to the San Francisco Building Code requirement that the project applicant include analysis of the potential for soil expansion impacts as part of the design-level geotechnical investigation prepared for the proposed project, potential impacts related to expansive soils would be *less than significant*.

**Impact GE-5: The proposed project would not substantially change the topography or any unique geologic or physical features of the site. (No Impact)**

The proposed project would not substantially change the topography of the site, with the exception of excavation for the underground garage. There are no unique geologic or physical features of the site. Therefore, *no impact* would occur to topographic or unique geologic or physical features.

---

<sup>117</sup> Treadwell & Rollo, 2011, op. cit. This report is available for review at the San Francisco Planning Department as part of Case File No. 2011.0702E.

**Impact C-GE-1: The proposed project in combination with other past, present or reasonably foreseeable projects would result in less-than-significant impacts to geology and soils. (Less than Significant)**

Geology impacts are generally site-specific and do not have cumulative effects in combination with other projects. The proposed project and all cumulative projects in the in the site vicinity would be subject to the same design review and safety measures as the proposed project. These projects would incorporate appropriate, standard engineering practices to ensure seismic stability, and would thus not be expected to result in cumulative impacts.

**15. HYDROLOGY AND WATER QUALITY**

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>15. HYDROLOGY AND WATER QUALITY—</b>					
<b>Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project would have significant impacts under CEQA if it were to violate any water quality standards or waste discharge requirements, substantially deplete groundwater supplies, alter drainage patterns of the site or area, 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, place housing within a 100-year flood hazard area or place structures within a 100-year flood hazard area that would impede or redirect flood flows, expose people or structures to a significant risk as a result of the failure of a levee or dam; or expose people or structures to a significant risk involving inundation by seiche, tsunami, or mudflow.

The project site is not within a 100-year flood hazard area; it does not propose housing or structures that would impede or redirect flood flows within a 100-year flood hazard area. Therefore, checklist items E.15(g) and E.15(h) do not apply. The project is not located in an area identified as subject to seiche or potential inundation in the event of a tsunami along the San Francisco coast, based on a 20-foot water level rise at the Golden Gate (Maps Six and Seven of the Community Safety Element of the San Francisco General Plan). In addition, the developed area of the project site would not be subject to mudflow. Thus, checklist item E.15(j) does not apply.

**Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements and would result in less-than-significant impacts to water quality. (Less than Significant)**

As discussed in the utilities and services section, the project’s site wastewater and stormwater would continue to flow into the City’s combined stormwater and sewer system and would be treated to the standards contained in the City’s National Pollutant Discharge Elimination System (NPDES) Permit for

the Southeast Water Pollution Control Plant, prior to discharge into the Pacific Ocean. Treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. Additionally, as new construction, the proposed project would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (SFSMO) and meet the SFPUC stormwater management requirements per the Stormwater Design Guidelines. The Project Sponsor would be required to submit and have approved by the SFPUC a Stormwater Control Plan (SCP) that complies with the City's Stormwater Design Guidelines using a variety of best management practices (BMPs). For a project that would disturb over 5,000 square feet of ground surface and that is located in the combined sewer system, the BMPs must meet the SFPUC performance requirements equivalent to LEED 6.1 and reduce the total stormwater runoff volume and peak runoff rate from the project site. The SFPUC emphasizes the use of low-cost, low impact BMPs to meet this requirement. Implementation of the SCP would ensure that the project meets performance measures set by the SFPUC related to stormwater runoff rate and volume. Therefore, the proposed project would not substantially degrade water quality and water quality standards or waste discharge requirements would not be violated. Thus, the project would have a *less-than-significant* impact on water quality resources.

**Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge, or otherwise substantially alter the existing drainage pattern of the site resulting in erosion or flooding on- or off-site. (Less than Significant)**

Construction of the proposed project would retain the impervious surface at the site that could interfere with groundwater recharge; however, this condition would be similar to historic conditions at the site. Groundwater was encountered in the boring undertaken for the site at a depth of 17 feet.<sup>118</sup> However, the groundwater level would likely fluctuate with the season, and possibly with the tide in the Bay. Groundwater is not used as a drinking water supply in the City and County of San Francisco. The proposed development would necessitate excavation to a depth of approximately 18 feet bgs. If groundwater were encountered on-site, then dewatering activities would be necessary. The Bureau of Systems Planning, Environment, and Compliance of the SFPUC must be notified of projects necessitating dewatering. The SFPUC may require water analysis before discharge. The project would be required to obtain a Batch Wastewater Discharge Permit from the SFPUC Wastewater Enterprise Collection System Division (WWE/CSD) prior to any dewatering activities. Groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199.77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. These measures would ensure protection of water quality during construction of the proposed project. Therefore, groundwater resources would not be substantially

---

<sup>118</sup> Phase II Environmental Site Assessment 101 Polk Street San Francisco, California, pg 4, Treadwell & Rollo, August 11, 2011. This report is available for review at the San Francisco Planning Department as part of Case File No. 2011.0702E.

degraded or depleted, and the proposed project would not substantially interfere with groundwater recharge. Thus, the proposed project would have a *less-than-significant* impact on groundwater.

**Impact HY-4: The proposed project would not result in an increase in risks from flooding. (Less than Significant)**

The ground surface elevation at the site and vicinity is about five feet San Francisco City Datum. The project site is not within a flood hazard area as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Maps; however the project site is identified by the SFPUC as an area prone to flooding. As such, prior to receiving a building permit, the SFPUC and/or its delegate (San Francisco Department of Hydraulics Section) would review the building permit application to determine the potential for flooding during wet weather, and may impose requirements such as the provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. Compliance with SFPUC requirements would minimize flood hazard impacts to a *less-than-significant* level.

**Impact C-HY-1: The proposed project in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant hydrology and water quality impacts. (Less than Significant)**

As stated above, the proposed project would result in less-than-significant impacts to groundwater levels and existing drainage patterns. Therefore, it would not considerably contribute to cumulative impacts, if any, from cumulative development projects. Cumulative development projects also fall outside the flood plain designated on the City’s interim flood plain maps. Therefore, cumulative impacts related to flooding would be less than significant. Finally, cumulative development projects would be required to follow dust control and dewatering water quality regulations, similar to the proposed project. Thus, cumulative hydrology and water quality impacts would be *less than significant*.

**16. HAZARDS AND HAZARDOUS MATERIALS**

<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>
<b>16. HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area or a private airstrip. Therefore, initial study criterion E.16(e) and E.16(f) are not applicable.

**Impact HZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant)**

Development of the project site with 13-story-over-basement residential building would not involve the routine transport, use, or disposal of significant quantities of hazardous materials. The project would routinely handle and use small quantities of commercially-available hazardous materials, such as household cleaning and landscaping supplies. However, these materials would not be expected to be used in sufficient quantities or contrary to normal use to pose a threat to human health or the environment. Development of the project site would therefore have a less-than-significant impact on the public and the environment related to the routine transport, use, and handling of hazardous materials.

**Impact HZ-2: The proposed project could 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. (Less than Significant with Mitigation)**

The project site is located in an area of downtown San Francisco that has been developed since the late 1800s. Historical uses on the project site before 1906, as described in the Phase I and Phase II

Environmental Site Assessments (ESAs)<sup>119,120</sup> included a children's school, residences, and stores. These buildings were likely destroyed by the 1906 earthquake and fire. Project site uses between 1940 and 1974 included gasoline and oil service stations, and the project site has been used as a commercial parking lot from at least 1986 to the present.

The Phase I ESA identified three Recognized Environmental Conditions (RECs)<sup>121</sup> as defined by ASTM Method E1527-05<sup>122</sup> on the project site: 1) former use of the project site as a gasoline and oil service station in the 1940s through 1970s; 2) the presence of several former gasoline stations or repair facilities in the 1920s through 1950s near the project site in the assumed up- gradient groundwater flow direction; and 3) the presence of earthquake fill (brick, ash, and debris from the 1906 earthquake and fire) on the project site which typically contains elevated concentrations of hazardous materials, including metals and petroleum hydrocarbons.

The Phase II ESA was conducted to evaluate the potential for soil and/or groundwater contamination from the RECs. Seven borings were drilled to collect soil and groundwater samples to evaluate metal and petroleum hydrocarbon concentrations in the fill below the project site. Laboratory results indicated fill between 2.5 feet and 12.5 feet bgs would be considered either a California or Federal Resource Conservation Recovery Act (RCRA) waste for off-site disposal based on lead concentrations. The Phase II ESA concluded that soils in the areas of samples EB-1-10ft, EB-1-12.5 ft, EB-4-2.5 ft, EB-4-5 ft, EB-5-2.5 ft, EB-6-7.5 ft, and EB-7-10 ft would be a California hazardous wastes and soil in the area of samples EB-1-2.5 ft., EB-2-2.5 ft., EB-3-5 ft., and EB-7-12.5 ft. would be RCRA or federal hazardous wastes. Proposed development includes excavation of the project site to a depth of 18 feet bgs and construction of an underground garage. Therefore, this fill would be excavated as part of development.

Petroleum hydrocarbons were elevated above residential environmental screening levels ("ESLs") developed by the Regional Water Quality Control Board ("Regional Board") in groundwater from two borings. Based on evaluation of all the groundwater data, the Phase II ESA concluded that groundwater pumped during excavation dewatering could likely be disposed of into the combined San Francisco Public Utilities Commission ("SFPUC") sanitary sewer and storm water system without any pretreatment for chemicals. The SFPUC may require effluent sampling of the dewatering system.

---

<sup>119</sup> Treadwell & Rollo, 2011a. Phase I Environmental Site Assessment, 101 Polk Street, San Francisco, California, 2011. August 11. This report is available for review at the San Francisco Planning Department as part of Case File No. 2011.0702E.

<sup>120</sup> Treadwell & Rollo, 2011b, Phase II Environmental Site Assessment, 101 Polk Street, San Francisco, California, 2011. August 11. This report is available for review at the San Francisco Planning Department as part of Case File No. 2011.0702E.

<sup>121</sup> RECs are defined in ASTM E1527-05 as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property." According to ASTM E1527-05, the term "REC" is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental authorities.

<sup>122</sup> ASTM International, 2005, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, Method E1527-05.

The Phase II ESA reported one to two USTs associated with the former gasoline station were likely present in the southeast corner of the project site. The Phase II ESA recommended removal of these USTs under permit from the San Francisco Department of Public Health and the San Francisco Fire Department.

Following construction, the project is not expected to generate or use significant quantities of hazardous materials. In addition, on-site handling and storage of hazardous materials would be undertaken according to all applicable local, state, and federal regulations. No upset or accident conditions resulting in the release of hazardous material into the environment can be reasonably expected to occur during operation of the project following construction.

## Summary

Hazardous materials from previous land uses, including metals and petroleum hydrocarbons, have been reported to be present in shallow soils and groundwater at the project site. Direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers, nearby residents, and future site users. However, compliance with applicable statutes and regulations regarding remediation requirements would render potentially significant impacts associated with hazardous materials in soil and groundwater at the project site less than significant .

### *Mitigation Measure M-HZ-2: Preparation of Site Mitigation Plan*

Construction at the project site shall be conducted under a project-specific Site Mitigation Plan (SMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified in the Phase II investigation and to address the possibility of encountering unknown contamination or hazards in the subsurface. The SMP shall identify soil and groundwater analytical data collected on the project site during the past Phase II investigation and identify soil and groundwater management options for excavated soil and groundwater, if encountered, during deep excavations in compliance with local, state, and federal statutes and regulations. The SMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The SMP shall be approved by the San Francisco Department of Public Health (DPH) six weeks prior to construction activities.

A draft SMP was submitted to the DPH in September 2012, and included definition of areas proposed for excavation and preliminary waste disposal classifications for subareas.<sup>123</sup> Soils would be stockpiled and sampled as needed to meet the requirements of the disposal facilities.

---

<sup>121</sup> Treadwell & Rollo, 2012, Site Mitigation Plan, 101 Polk Street, San Francisco, California, September 14, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.0702E.

The draft SMP shall be revised to include the following information or requirements as specified by the DPH in their letter dated 9 November 2012:<sup>124</sup>

- Identify the proposed soil transporter and disposal locations.
- Collect confirmation samples in the excavation area following excavation.
- Include a figure showing the approximate number and proposed locations for confirmation sampling.
- If confirmation samples exceed residential clean-up guidelines, additional excavation shall be performed or other mitigating measures as required by DPH should be implemented.
- Confirmation soil samples shall be analyzed for the metals, particularly lead.
- A chemical vapor barrier beneath the building foundation and along the basement sidewalls is required to control health hazards and odors. Include design and materials specifications for the chemical vapor barrier and mechanical ventilation system. Preliminary designs (~50 percent design) will be accepted if final designs are not available. The design documents must be stamped and signed by an appropriately licensed and experienced engineer, and must be submitted to and approved by DPH at least four weeks prior to installation.
- Include a commitment to submit below-grade basement ventilation designs suitable for chemical vapor control. The designs shall be stamped by a registered mechanical engineer and submitted to DPH four weeks prior to installation.
- As built drawings and a letter stating that the vapor collection system was installed per design requirements, signed by an appropriately trained and experienced engineer, must be submitted to DPH within four weeks of system installation.
- Include storm water control and noise control protocols as applicable.
- A Certification Report shall be prepared that shall include the following: copies of permits (including dewatering permit); manifests or bills of lading for removed soil and/or water; and laboratory reports for soil disposal profiling and water samples, if not previously submitted to DPH.
- Contingency procedures, should an underground storage tank (UST), other item of environmental concern, or contamination be encountered, shall be included in the Health and Safety Plan or other documentation provided to and discussed with the contractor. These procedures shall clearly state that the site owner shall notify the DPH of the situation and of the proposed response actions including acquisition of required permits, if any.

---

<sup>124</sup> San Francisco Department of Public Health, Environmental Health, Contaminated Sites Assessment and Mitigation Program, 2012, Site Mitigation Plan Review, 101 Polk Street, San Francisco, California, November 6, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.0702E.

- Any UST shall be removed under permit with the San Francisco Department of Public Health Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. The DPH shall be sent a copy of any documents received from or prepared for HMWP or the Fire Department.
- The Health and Safety Plan shall be prepared and shall include safety measures such as worker training, site fencing, covering soil piles, misting exposed soil and other site-specific measures. The Health and Safety officer shall be identified in the Health and Safety Plan.

**Impact HZ-3: The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. (Less than Significant with Mitigation)**

Multiple schools are located within 0.25 miles of the project site, including the following: two San Francisco Unified School District schools (about 400 feet southwest and 1,100 feet northwest); the San Francisco Conservatory of Music (about 900 feet southwest); the French American K-8 School (about 1,100 feet southwest); and the C5 Children’s School (about 1,100 feet north). However, implementation of Mitigation Measure M-HZ-2, above, would prevent any potential contamination from the project site from migrating off-site during construction and reduce the potential impact to a less-than-significant level.

**Impact HZ-4: The proposed project is not 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, could create a significant hazard to the public or the environment. (Less than Significant)**

The provisions of Government Code 65962.5 require the DTSC, the State Water Resources Control Board, the California Department of Health Services, and the California Integrated Waste Management Board to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, and/or hazardous materials releases to the Secretary of Cal/EPA. Based on a review of regulatory databases, including listed hazardous materials release sites compiled pursuant to Government Code 65962.5, the project site is not listed as a hazardous materials site.<sup>125</sup>

**Impact HZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)**

The proposed project would be an infill development, and would not alter or impede access to existing roads. As discussed in the transportation and circulation section, construction-related traffic is not expected to pose an obstacle to emergency response vehicles in the project area. Therefore, the proposed

---

<sup>125</sup> Treadwell & Rollo, 2011a, op. cit.



project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Impact HZ-6: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires. (Less than Significant)**

The proposed project would comply with the San Francisco Building and Fire Codes which require life-safety protection for high-rise buildings, including establishment of procedures to be followed in case of fire or other emergencies. The final building plans would be reviewed by the Department of Building Inspection and the San Francisco Fire Department. Therefore, the proposed project would not expose people or structures to a significant impact related to loss, injury or death involving fires.

**Impact C-HZ-1: The proposed project would not result in cumulative impacts.**

Based on the analysis above, implementation of Mitigation Measure M-HZ-2 and compliance with existing local, State, and federal hazardous materials laws and regulations would keep the proposed project’s potential impact associated with hazards and hazardous materials to a less-than-significant level. No known or potential hazardous materials sites in the project area or vicinity have been identified that would be additive to the potential impacts evaluated in this section.<sup>126</sup> In addition, any future development in the project vicinity would be subject to these same laws and regulations. Therefore, development of the proposed project would not be expected to create a significant cumulative impact to public health and safety and the environment.

**17. MINERAL AND ENERGY 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>
<b>17. MINERAL AND ENERGY RESOURCES— Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>126</sup> State of California Water Resources Control Board, Geotracker. Available at <http://www.envirostor.dtsc.ca.gov/public/map/asp>. Accessed March 14, 2013.

<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>
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"/>

The proposed project would have significant impacts under CEQA if it were to result in the loss of availability of a known mineral resource of value to the region and California residents, if it were to result in the loss of availability of a locally important mineral resource recovery site delineated in a plan, or if it were to encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. The project site is within a developed area of San Francisco, and includes no mineral resources, and would increase the use of fuel, water, or energy, but not to a significant extent and not in a wasteful manner.

**Impact ME-1: The proposed project would have no impact on mineral resources. (No Impact)**

All land in the City of San Francisco, including the project site, is designated by the California Geological Survey (CGS) as Mineral Resource Zone (MRZ) Four under the Surface Mining and Reclamation Act of 1975.<sup>127</sup> The MRZ-4 designation indicates that adequate information does not exist to assign the area to any other MRZ; thus, the area is not one designated to have significant mineral deposits. The project site has previously been developed, and future evaluations of the presence of minerals at this site would therefore not be affected by the proposed project. Further, the development and operation of the proposed project would not have an impact on any off-site operational mineral resource recovery sites.

In addition, because the site has been designated as having no known mineral deposits, the proposed project would not result in the loss of availability of a locally- or regionally- important mineral resource, and would have *no impact* on mineral resources.

**Impact ME-2: The proposed project would result in increased energy consumption, but not in large amounts or in a wasteful manner. (Less than Significant)**

The proposed project would add new residential uses, and an increased intensity of use, to the project site, although, not to an extent that exceeds anticipated growth in the area. As a new building in San Francisco, the proposed project would be subject to the energy conservation standards included in the San Francisco Green Building Ordinance (SFGBO), which would require the project to meet a number of conservation standards. Documentation showing compliance with the SFGBO would be submitted with the application of the building permit, and would be enforced by the Department of Building Inspection.

<sup>127</sup> California Division of Mines and Geology. Open File Report 96-03 and Special Report 146 Parts I and II.

In summary, the proposed project would not cause a wasteful use of energy, and effects related to use of fuel, water, or energy would be *less than significant*.

**Impact C-ME-1: The proposed project in combination with other past, present or reasonably foreseeable projects would result in less-than significant impacts to mineral and energy resources. (Less than Significant)**

No known minerals exist in the project site or in the vicinity, as all of the City of San Francisco falls within MRZ-4, as described above. Therefore, the proposed project would not contribute to any cumulative impact on mineral resources.

While statewide efforts are being made to increase power supply and to encourage energy conservation, the demand for energy created by the proposed project would be insubstantial in the context of the total demand within San Francisco and the state, and would not require a major expansion of power facilities. Thus, the energy demand that would be created by the proposed project would not contribute to a cumulative impact, and in cumulative conditions the proposed project would result in *less-than-significant* impacts on mineral and energy resources.

**18. AGRICULTURE AND FOREST RESOURCES**

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
----------------	---------------------------------------	---	-------------------------------------	------------------	-----------------------

**18. AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**—Would the project**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact AF-1: The proposed project would not convert farmland, conflict with existing zoning for agricultural uses or forest land, and would not result in the loss or conversion of forest land. (No Impact)**

The project site is located within an urbanized area of San Francisco. No land in San Francisco County has been designated by the California Department of Conservation’s Farmland Mapping and Monitoring Program as agricultural land. Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not require the conversion of any land designated as prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed project would not conflict with any existing agricultural zoning or Williamson Act contracts.<sup>128</sup> No land in San Francisco is designated as forest land or timberland by the State Public Resource Code. Therefore, the proposed project would not conflict with zoning for forest land, cause a loss of forest land, or convert forest land to a different use. The proposed project would therefore have *no impact* on agricultural and forest resources.

**Impact C-AF-1: The proposed project in combination with other past, present or reasonably foreseeable projects would not result in impacts to agricultural and forest resources. (No Impact)**

As described above, the proposed project would have no impact with respect to agriculture and forestry resources; therefore, the proposed project would not contribute to any cumulatively considerable impact to agricultural and forest resources.

<sup>128</sup> San Francisco is identified as “Urban and Built-Up Land” on the California Department of Conservation Important Farmland in California Map, 2008. Available online at: [www.consrv.ca.gov](http://www.consrv.ca.gov). Accessed August 30, 2012.

## F. MANDATORY FINDINGS OF SIGNIFICANCE

<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>
<b>19. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:</b>					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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"/>

The foregoing analysis identifies potentially significant impacts to archeological resources, air quality, and hazards and hazardous materials, which would all be mitigated through implementation of mitigation measures identified below and described within Section E.

- a. As discussed in the various topics in this Initial Study, the proposed project is anticipated to have only less-than-significant impacts on the environmental topics discussed. The project, however, could have potentially significant impacts resulting from disturbance of archeological resources or exposure to people to substantial pollutant concentrations in the air during construction and operation, and exposure to hazardous soils during excavation. These impacts would be mitigated through implementation of Mitigation Measures M-CP-2, M-AQ-2, M-AQ-4a, M-AQ-4b, and M-HZ-2 to less-than-significant levels, as described within Section E.

As discussed in Impact CP-2, it is possible that below-ground archeological resources (including human remains) may be present. Any potential adverse effect to CEQA-significant archeological resources resulting from soils disturbance from the proposed project would be reduced to a less-than-significant level by implementation of Mitigation Measure M-CP-2 described within Section E of this Initial Study. Accordingly, the proposed project would not result in a significant impact to

archeological resources through the elimination of examples of major periods of California history or prehistory.

- b. The proposed project in combination with the past, present and foreseeable projects as described in Section E, Land Use and Land Use Planning, would not result in cumulative impacts to land use, aesthetics, population and housing, cultural and paleontological resources, transportation and circulation, noise, air quality, GHG emissions, wind and shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, mineral and energy resources, and agricultural and forest resources. The proposed project's contributions to cumulative traffic at some intersections in the vicinity would be considerable, but those impacts were determined to be significant and unavoidable in the Market and Octavia Neighborhood Plan EIR. The proposed project would not be considered to contribute incrementally to cumulative regional air quality conditions, or to contribute to significant cumulative noise impacts. 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 impacts. No other significant cumulative impacts are anticipated. In summary, the proposed project would not have unavoidable environmental effects that are cumulatively considerable.
- c. The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) and Topic E.1 (Land Use and Land Use Planning), would be generally consistent with local land use and zoning requirements. Mitigation Measure M-CP-2, described within Section E, has been incorporated into the proposed project to address potential adverse effect on accidentally discovered buried or submerged archeological resources. The actions in Mitigation Measure M-NO-1, described within Section E, have been incorporated into the proposed project to address potential exposure of sensitive receptors to excessive noise and to reduce this impact to a less-than-significant level. The actions in Mitigation Measures M-AQ-2, and M-AQ-4a and 4b, described within Section E, have been incorporated into the proposed project. Particulates and emissions during construction, control technology for diesel generators and air filtration measures will reduce this impact to a *less-than-significant* level. Mitigation Measure M-HZ-2, described within Section E, has been incorporated into the proposed project to address potential hazards and hazardous materials effects in order to reduce these impacts to a less-than-significant level.

## G. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation and improvement measures have been identified to reduce potentially significant and less than significant environmental impacts resulting from the proposed project to less-than-significant levels. Accordingly, the project sponsor has agreed to implement all mitigation and improvement measures described below.

## MITIGATION MEASURES

### Cultural and Paleontological Resources

#### *Mitigation Measure M-CP-2: Accidental Discovery Measures*

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources, including human remains, as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the

archeological and historical research methods employed in the archeological 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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California 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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

## Air Quality

### *Mitigation Measure M-AQ-2: Construction Emissions Minimization*

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
  - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
  - b) All off-road equipment shall have:
    - i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, *and*
    - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>129</sup>
  - c) Exceptions:
    - i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision

---

<sup>129</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.



apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.

- ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to (A)(1)(b)(ii), the project sponsor must comply with the requirements of (A)(1)(c)(iii).
- iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

**Off-Road Equipment Compliance Step Down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

**How to use the schedule:** If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met. \* Alternative fuels are not a VDECS.

- 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
- 3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
- 4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier

rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.

5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.
- B. *Reporting.* Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.
- C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

***Mitigation Measure M-AQ-4a. Best Available Control Technology for Diesel Generators.***

All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards, or (2) meet Tier 2 emission standards and are equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS).

***Mitigation Measure M-AQ-4b: Air Filtration Measures.***

Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor PM<sub>2.5</sub> concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.

*Maintenance Plan.* Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

*Disclosure to buyers and renters.* The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building

includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

## Hazards and Hazardous Materials

### *Mitigation Measure M-HZ-2: Preparation of Site Mitigation Plan*

Construction at the project site shall be conducted under a project-specific Site Mitigation Plan (SMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified in the Phase II investigation and to address the possibility of encountering unknown contamination or hazards in the subsurface. The SMP shall identify soil and groundwater analytical data collected on the project site during the past Phase II investigation and identify soil and groundwater management options for excavated soil and groundwater, if encountered, during deep excavations in compliance with local, state, and federal statutes and regulations. The SMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The SMP shall be approved by the San Francisco Department of Public Health (DPH) six weeks prior to construction activities.

A draft SMP was submitted to the DPH in September 2012, and included definition of areas proposed for excavation and preliminary waste disposal classifications for subareas.<sup>130</sup> Soils would be stockpiled and sampled as needed to meet the requirements of the disposal facilities. The draft SMP shall be revised to include the following information or requirements as specified by the DPH in their letter dated 9 November 2012:<sup>131</sup>

- Identify the proposed soil transporter and disposal locations.
- Collect confirmation samples in the excavation area following excavation.
- Include a figure showing the approximate number and proposed locations for confirmation sampling.
- If confirmation samples exceed residential clean-up guidelines, additional excavation shall be performed or other mitigating measures as required by DPH should be implemented.
- Confirmation soil samples shall be analyzed for the metals, particularly lead.
- A chemical vapor barrier beneath the building foundation and along the basement sidewalls is required to control health hazards and odors. Include design and materials specifications for the chemical vapor barrier and mechanical ventilation system. Preliminary designs (~50 percent design)

---

<sup>130</sup> Treadwell & Rollo, 2012, Site Mitigation Plan, 101 Polk Street, San Francisco, California, September 14, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0093E.

<sup>131</sup> San Francisco Department of Public Health, Environmental Health, Contaminated Sites Assessment and Mitigation Program, 2012, Site Mitigation Plan Review, 101 Polk Street, San Francisco, California, November 6, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0093E.

will be accepted if final designs are not available. The design documents must be stamped and signed by an appropriately licensed and experienced engineer, and must be submitted to and approved by DPH at least four weeks prior to installation.

- Include a commitment to submit below-grade basement ventilation designs suitable for chemical vapor control. The designs shall be stamped by a registered mechanical engineer and submitted to DPH four weeks prior to installation.
- As built drawings and a letter stating that the vapor collection system was installed per design requirements, signed by an appropriately trained and experienced engineer, must be submitted to DPH within four weeks of system installation.
- Include storm water control and noise control protocols as applicable.
- A Certification Report shall be prepared that shall include the following: copies of permits (including dewatering permit); manifests or bills of lading for removed soil and/or water; and laboratory reports for soil disposal profiling and water samples, if not previously submitted to DPH.
- Contingency procedures, should an underground storage tank (UST), other item of environmental concern, or contamination be encountered, shall be included in the Health and Safety Plan or other documentation provided to and discussed with the contractor. These procedures shall clearly state that the site owner shall notify the DPH of the situation and of the proposed response actions including acquisition of required permits, if any.
- Any UST shall be removed under permit with the San Francisco Department of Public Health Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. The DPH shall be sent a copy of any documents received from or prepared for HMWP or the Fire Department.
- The Health and Safety Plan shall be prepared and shall include safety measures such as worker training, site fencing, covering soil piles, misting exposed soil and other site-specific measures. The Health and Safety officer shall be identified in the Health and Safety Plan.

## **IMPROVEMENT MEASURES**

### **Transportation and Circulation**

#### ***Improvement Measure I-TR-1a: Queue Abatement***

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the

characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

***Improvement Measure I-TR-1b: Transportation (Construction Activities)***

Construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although this would not be considered a significant impact. The Project Sponsor will require the construction contractor to limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the San Francisco Municipal Transportation Authority, or SFMTA) in order to minimize the disruption of the general traffic flow on adjacent streets during the AM and PM peak periods. The Project Sponsor and construction contractor will meet with the Traffic Engineering Division of the SFMTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion and other potential transit and pedestrian circulation effects during construction of the proposed project.

---

## **H. PUBLIC NOTICE AND COMMENT**

On August 16, 2012, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. No comments were received.

No comments were received during the 20-day comment period. The changes reflected in this document using strikethrough/double-underline to the physical characteristics of the project described in the Project Description (pp. 1-14) and analyzed in the topical sections (Section E) in this MND. The project sponsor has updated the project's residential use program, reflecting a change in unit mix from 124 studios/one

bedroom units and 38 two bedroom units to 100 studios/one bedroom units and 62 two bedroom units. This programmatic update does not alter the physical characteristics (e.g., building envelope, height, setbacks, depth of excavation, etc.) of the project envelope analyzed and the analytical conclusions reached in the MND do not differ from those in the PMND (March 27, 2013).

## I. 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.



Sarah B. Jones

Acting Environmental Review Officer

for

John Rahaim

Director of Planning

DATE

3-26-13

## **J. INITIAL STUDY AUTHORS AND PROJECT SPONSOR**

### **INITIAL STUDY AUTHORS**

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

Acting Environmental Review Officer: Sarah B. Jones  
Senior Environmental Planner: Nannie Turrell  
Environmental Planner: Andrea Contreras  
Transportation Planner: Rachel Schuett  
Archeologist: Randall Dean  
Preservation Planner: Pilar LaValley  
Air Quality Specialist: Jessica Range  
Current Planner: Aaron Hollister

### **Consultants**

Urban Planning Partners  
Principal: Lynette Dias, AICP  
Planner: Kathrin Gladstein  
Editor: Laura Brewer

### **Subconsultants**

Baseline  
Bruce Abelli-Amen  
JRP Historical Consulting  
Chris McMorris  
Environmental Science Associates  
Charles Bennett  
Charles M. Salter Associates  
Eric L. Broadhurst

### **PROJECT SPONSOR**

Marc Babsin  
Emerald Fund, Inc.  
532 Folsom Street, Suite 400  
San Francisco, CA 94105





# SAN FRANCISCO PLANNING DEPARTMENT

---

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Residential Pipeline

### ENTITLED HOUSING UNITS 2007 TO Q1 2012

State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need Allocation (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents all development projects adding residential units that have been entitled since January 2007. The total number of entitled units is tracked by the San Francisco Planning Department, and is updated quarterly in coordination with the Pipeline Report. Subsidized housing units, including moderate and low income units, are tracked by the Mayor's Office of Housing, and are also updated quarterly.

2012 - QUARTER 1	RHNA Allocation 2007-2014	Units Entitled To Date	Percent Entitled
<b>Total Units Entitled<sup>1</sup></b>	<b>31,193</b>	<b>11,130</b>	<b>35.7%</b>
Above Moderate (> 120% AMI)	12,315	7,457	60.6%
Moderate Income (80-120% AMI)	6,754	360	5.3%
Low Income (< 80% AMI)	12,124	3,313	27.3%

---

<sup>1</sup> Total does not include entitled major development projects such as Treasure Island, Candlestick, and Park Merced. While entitled, these projects are not projected to be completed within the current RHNA reporting period (through June 2014).



SPUR URBAN CENTER  
654 Mission Street  
San Francisco, California  
94105  
415.781.8726  
[www.spur.org](http://www.spur.org)

SPUR SAN JOSE  
38 West Santa Clara Street  
San Jose, California  
95113  
408.510.5688  
[www.spur.org/sanjose](http://www.spur.org/sanjose)

**Chair**  
Linda Jo Fitz

**Executive Director**  
Gabriel Metcalf

**Urban Center Director**  
Diane Filippi

**Executive Vice Chair**  
Anne Halsted

**Vice Chairs**  
Alexa Arena  
Emilio Cruz  
David Friedman  
Bill Rosetti  
Lydia Tan  
V. Fei Tsen

**Secretary**  
Mary McCue

**Treasurer**  
Bob Gamble

**Immediate Past Chair**  
Lee Blitch

**Advisory Council  
Co-Chairs**  
Michael Alexander  
Paul Sedway

**Board Members**  
Carl Anthony  
Andy Barnes  
Veronica Bell  
Chris Block  
Larry Burnett  
Michaela Cassidy  
Michael Cohen  
Madeline Chun  
Charmaine Curtis  
Gia Daniller-Katz  
Kelly Dearman  
Oz Erickson  
Manny Flores  
Gillian Gillett  
Chris Gruwell  
Dave Hartley  
Aidan Hughes  
Mary Huss  
Chris Iglesias  
Laurie Johnson  
Ken Kirkey  
Richard Loneragan  
Ellen Lou  
Janis MacKenzie  
John Madden  
Jacinta McCann  
Chris Meany  
Ezra Mersey  
Terry Micheau  
Mary Murphy  
Jeanne Myerson  
Adhi Nagraj  
Brad Paul  
Chris Poland  
Teresa Rea  
Byron Rhett  
Victor Seeto  
Elizabeth Seifel  
Carl Shannon  
Chi-Hsin Shao  
Ontario Smith  
Bill Stotler  
Stuart Sunshine  
Michael Theriault  
Michael Teitz  
James Tracy  
Will Travis  
Jeff Tumlin  
Steve Vettel  
Debra Walker  
Cynthia Wilusz-Lovell  
Cindy Wu

April 15, 2013

Mr. Marc Babsin  
Emerald Fund  
532 Folsom Street, Suite 400  
San Francisco, CA 94105

## RE: SPUR Endorsement 101 Polk St. Project

Dear Mr. Babsin:

Thank you for submitting the proposed residential project at 101 Polk Street to our group for consideration by SPUR's Endorsement Subcommittee. We are pleased to inform you that we have endorsed this project.

SPUR's endorsement is reserved for projects of citywide importance. In all cases, we are seeking a combination of excellent planning and design solutions that will ensure the positive contribution of each project to a safe, comfortable, visually appealing and useful urban setting for the people who live and work in San Francisco.

### Land Use

The project proposes a residential development at 101 Polk Street, on a site currently being used as a surface parking lot. Because the site was previously used as a gas station, it will require environmental clean-up. At the northwest corner of Polk and Hayes streets, the project area is adjacent to the Civic Center but is not part of the Civic Center Historic zone, nor is it within the Market/Octavia Plan. The parcel is zoned C-32 and is approved for residential use.

The proposed development is composed of 13-stories and 162 units, with an overall height of 120 feet. Inclusionary housing will be included onsite in the proposed mix of 23% 2-bedroom and 15% 1+ bedroom units. One level of parking will provide a ratio of 0.3:1 in a stacking configuration. The project faces the side of The Bill Graham Auditorium to the east. Though there is currently no residential use in the immediate area, the project sponsor also controls parcels directly across Hayes Street and on Van Ness, with the potential for the development of an additional 900 residential units.

The committee is supportive of the introduction of residential-use buildings in the busy Civic Center. We agree that this development has the potential to spark interest in the Civic Center as a nucleus of urban living. The prospect of reviving round-the-clock energy in the Civic Center and along Market Street with the commitment full-time residents will bring to the area is exciting and welcome.

The site is exceptionally well served by public transit, near the Market Street streetcar and bus lines and the Van Ness transit corridor and this, as well as access to jobs in the immediate vicinity, justifies the low parking ratio. The committee is very pleased to see the inclusionary housing on-site. We agree that the buildings are appropriately scaled and consider the unit mix and project density to be appropriate for this location.

### **Public Realm Interface and the Promotion of a Pedestrian-Oriented Environment**

The 101 Polk Street project will include residential townhouse units along Polk and Hayes, parking access on Lech Walesea alley, and a 2<sup>nd</sup>-floor public terrace above a solarium. The introduction of a private, residential building into what is, currently, a predominantly public-serving area of the City requires a delicate design balance. The committee agrees that this challenge has been met by the proposed project. The echo of classical forms in the strong corners, base, and cornice line are softened by the setbacks of the private entryways and the added texture of the balconies along Polk.

The committee agrees that proposed improvements along Lech Walesea alley, setbacks for private entryways and well-considered landscaping introduce a transition from the powerful edifices of the Civic Center into the vibrant activity Hayes Street and the Market/Octavia corridor.

An especially attractive feature of the proposed development is the Public Arts Component. The committee was pleased with the project sponsor's acknowledgement of City efforts toward developing the Mid-Market Arts and Entertainment District. The suggestion that some of the \$400K fund be earmarked for public art projects which engage the utilitarian west-façade of the Bill Graham Auditorium was met with enthusiastic approval by committee members.

### **Building & Landscape Design**

Though it is not included in the Civic Center Historic zone, the committee was very impressed by the commitment on the part of the project sponsors to respond both visually and formally to the Civic Center historic context. The near-perfect cubic form, three distinct horizontal levels, the punched-back windows, and glass/metal/stone materials proposed present a beautifully modern interpretation of the surrounding classical forms. At the same time, staggered balconies along Polk Street and the unusual, undulating setback on the Hayes Street façade are clear but subtle indicators of the residential use.

The committee applauds the creative approach to open space in this most urban of environments. The inclusion of private balconies, the ground-floor solarium and the open, curve-linear form above it, present an intriguing juxtaposition to the overall cubic-form, while contributing to open space requirements. We stress that the success of the project will depend on the use of high-quality materials and attention to detail – especially the detail of the balcony railings.

### **Environmental Effects**

SPUR believes it is essential for projects to build environmental sustainability into their design and function. In all instances, the committee encourages project sponsors to incorporate sustainability early in the design process and we look forward to seeing more specific information regarding sustainable features as the project evolves. We encourage the exploration all avenues for the highest certification possible.

### **Conclusion**

The SPUR Project Review Committee finds the proposed project at 101 Polk Street to be an appropriate use of the site and endorses this project. The dense residential development will energize and enhance this transit-rich neighborhood. We thank you for committing your time and resources to the presentation at SPUR.

Sincerely,

Charmaine Curtis    Mary Beth Sanders    Reuben Schwartz  
SPUR Project Review Committee Co-Chairs

cc: SPUR Board of Directors



San Francisco Bicycle Coalition  
833 Market Street, 10<sup>th</sup> Floor  
San Francisco CA 94103

T 415.431.BIKE  
F 415.431.2468

[sfbike.org](http://sfbike.org)

April 17, 2013

Mr. Aaron Hollister  
San Francisco Planning Department  
1650 Mission St., 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Re: Support of 101 Polk**

Dear Mr. Hollister,

On behalf of the 12,000 members of the San Francisco Bicycle Coalition, I'd like to send my support for the proposed development at 101 Polk Street. This project proposes to replace the existing 58-space, surface parking lot with a 13-story, 162-unit apartment building.

As called for in the Downtown Plan and the Market Octavia Area Plan, the repurposing of parking lots into dense residential development in an effort to create a vibrant, pedestrian oriented, 24/7 neighborhood is beneficial to the neighborhood and to the entire city. The proposed 101 Polk project is precisely the type of development anticipated by both plans.

The project capitalizes on the massive investment in transit infrastructure which has occurred, and is still occurring, in this neighborhood. The project is located on one of the most transit-rich sites in the Western United States. The project is within a ¼ mile of seven Muni Metro & light rail lines, six BART lines, 16 Muni bus routes, six Golden Gate Transit bus routes, and four Sam Trans bus routes. The project is also one block from the much anticipated Van Ness Avenue Bus Rapid Transit line. Developing housing near this much transit is a prime example of smart development.

The project also offers immediate access to a planned contra-flow Class II bike lane in San Francisco. The lane is a northbound, contra-flow lane on the east side of Polk Street between Market Street and Grove Street. The SF Bicycle Coalition has long worked to make this lane a reality.

101 Polk is also an extremely walkable site. Within a few blocks of the project, there are thousands of jobs (Twitter, Square, Dolby, King's Lane, government), cultural facilities (Ballet, Symphony, Opera, SF Jazz, SF Public Library, Asian Art Museum, Bill Graham Civic Auditorium), neighborhood amenities, and the retail shopping district of Hayes Street.

The SF Bicycle Coalition also salutes the project sponsor's decision to provide 12% inclusionary units on-site (19 apartments), and we look forward to the \$400,000 public art investment that the project will make.

Sincerely,

A handwritten signature in black ink that reads "Neal Patel". The signature is written in a cursive, flowing style.

Neal Patel  
Planning Director



January 25, 2013

Mr. Marc Babsin  
Emerald Fund  
532 Folsom Street  
San Francisco, CA 94105

Re: 101 Polk Street Project

Dear Mr. Babsin,

On behalf of the San Francisco Housing Action Coalition (SFHAC), I am pleased to inform you of our enthusiastic endorsement of your 101 Polk Street project. Following review and discussion, our Endorsement Committee believes the project has many merits and will make a substantial contribution to SFHAC's mission of increasing the supply of well-designed, well-located housing in San Francisco. We believe that it embodies appropriate urban design principles and meets the needs of both present and future San Franciscans.

A copy of the endorsement guidelines we applied in reviewing your project is attached. The proposed project meets our guidelines in the following ways:

Project Description

The project proposes a 13-story building, with 162 residential units, including 23 percent two-bedrooms, 15 percent one-bedroom-plus-dens, 47 percent one-bedrooms, and 15 percent studios. A single level, subterranean garage will provide the site's parking.

Land Use:

This project is consistent with the objectives of both the Downtown Area Plan and the adjacent Market-Octavia Area Plan. It is clearly an appropriate use of the land and is similar in scale to the surrounding neighborhood. Its location is transit rich with multiple transit stops including the bicycle boulevard, Muni lines, BART and the future Van Ness Rapid Transit within easy walking distance. The project is close to Civic Center as an employment node and many emerging high-tech job centers. It also meets Objective 7 of the Downtown Area Plan to expand the supply of housing adjacent to downtown.

Density:

The project maximizes the allowable density on the site. The proposed building will be an infill, transit-oriented development of appropriate urban density.

Affordability:

SFHAC commends the project sponsor for building 19 BMR units on-site to satisfy the inclusionary Ordinance requirement.

Alternative Transportation and Parking:

The proposed project meets the SFHAC guidelines with an overall parking ratio of 0.31 to 1 with 51 parking spaces that will employ parking stackers. While SFHAC applauds your inclusion of 62 bicycle parking spaces and one City CarShare space, we recommend that you consider adding more bicycle parking and car share.

Mr. Marc Babsin  
Page 2

Historic Preservation:

There are no designated historic buildings or structures of cultural merit on the site. The site is currently a surface parking lot.

Urban Design:

The SFHAC believes the proposal promotes the principles of excellent urban design. The project will be compatible with the adjacent streetscape and provide a creative open space as a ground floor solarium with a landscaped central element that is open to the sky and visible from Polk Street.

Environmental Features:

Your project complies with the City's Green Point standards and we applaud your willingness to exceed California's Title 24 energy efficiency standards. We urge you to also consider individual water metering and additional water conservation measures where feasible.

Community Input:

The SFHAC applauds the project sponsor for beginning the entitlement process by reaching out to SFHAC; San Francisco Planning and Urban Research (SPUR); neighboring property owners; the Hayes Valley Neighborhood Association; the Civic Center Stakeholder's Group; and several other local interest groups. The SFHAC always encourages project sponsors to meet with as many surrounding neighbors and other community groups as possible and listen to their views as the project moves forward. We commend your efforts to date.

Thank you for submitting this project to the SFHAC Endorsements Committee for our review. Please keep us abreast of any changes or updates with this project. We are pleased to support your excellent project as it moves forward. Let us know how we may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Colen', with a long horizontal flourish extending to the right.

Tim Colen, Executive Director



## ENDORSEMENT GUIDELINES

Adopted January 2010

The SFHAC will consider endorsing housing developments and mixed-use projects with a housing component. The following guidelines will be used to evaluate the project:

Land Use: Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

Density: The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

Affordability: The need for affordable housing, including middle income (120-150 of median) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

Parking and Alternative Transportation: SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

Preservation: If there are structures of significant historic or cultural merit on the site, their retention and/ or incorporation into the project is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

Urban Design: The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent streetscape and existing neighborhood character while at the same time utilizing allowable unit density; pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided.

Mr. Marc Babsin  
January 25, 2013  
Page 4

Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

Environmental Features: SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

Community Input: Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.

March 15<sup>th</sup>, 2013

Aaron Hollister  
San Francisco Planning Department  
1650 Mission Street Suite 400  
San Francisco, CA 94103

**RE: 101 Polk Street, Planning Department Case No. 2011.0702C**

Dear Mr. Hollister,

The Hayes Valley Neighborhood Association (HVNA) supports Emerald Fund's proposed development at 101 Polk Street – but with reservations about the design.

While the proposed development is just outside of Hayes Valley but adjacent to the Market and Octavia Plan, HVNA appreciates the effort that Emerald Fund has taken to align the project with the Market and Octavia Plan. Emerald Fund proposes to build a 13-story, 162-unit residential building at 101 Polk Street. HVNA is pleased that the developer intends to provide 19 inclusionary units (12%) on site.

Significantly, we are enthusiastic that the developer will only provide a single level, subterranean garage with 51 car parking spaces that will be dependently accessible. This 0.31:1 parking ratio is slightly higher than that permitted in the C-3-G zoning and in the adjacent downtown residential portion of the Market and Octavia Plan, which permits 0.25:1 spaces per unit. However, using mechanical stackers may be sufficient to mitigate this slight increase in the parking ratio. It should be noted that we'd prefer zero parking as this development is three blocks from Civic Center BART, one block from high frequency bus and Muni Metro service on Van Ness and Market Street. It is also centrally located for walking and bicycling and the much anticipated Van Ness BRT line will be one block away.

As part of the project, Emerald Fund plans to make improvements to Lech Walesa Street, and intends to use the 1% public art requirement funds to create an innovative art piece on the West side of the Bill Graham Civic Auditorium. This might be interesting.

HVNA does have reservations about the design for 101 Polk. The use of limestone and the more substantial "base" to the building is appreciated, but the midsection and top portions are rather uninspired. The idea of breaking-up the building to reduce the mass is somewhat misguided to the historic Civic Center area where strong, unified and symmetrical buildings are the standard. Rather than have the odd glass vertical row breaking up the building, a unified statement would be more appropriate. The top/crown could also be substantially improved, and the balconies appear out of keeping with the area. The successful new building at 77 Van Ness (and Fell) works well at presenting a new but contextual building between two very strong landmark properties on Van Ness. Using that as a guide, a more appropriate "body and crown" for the building might be developed.

In summary, this is a good project moving in a positive direction and is appropriate for the area, but we ask that the developer reconsider some of the design. We also ask that Emerald Fund work with the city and HVNA to complete the 2-way Hayes Street between Van Ness and Market Street, an important goal of the Market and Octavia Plan.

Sincerely,

Jason Henderson  
Chair, Transportation and Planning Committee,  
The Hayes Valley Neighborhood Association  
300 Buchanan Street, #503  
San Francisco, CA, 94102  
(415)-255-8136  
[jhenders@sbcglobal.net](mailto:jhenderson@sbcglobal.net)



3/28/2013

**Re: 101 Polk Street [ Emerald Fund Residential Development Project ]**

To Who It May Concern-

I am writing on behalf of the Community Leadership Alliance [CLA], a city wide neighborhood services-community outreach organization made up of residents and merchants. Our organization now serves the residents and merchants of San Francisco's city district three's Nob Hill and Polk Corridor. We facilitate each month a community outreach-informational forum for the Nob Hill-Polk Corridor residents-merchants.

At our special community outreach meeting of March 26, 2013 we heard a very thorough presentation by a representative of **Emerald Fund 101 Polk Street Project**. We were particularly impressed with the project's exterior design, generous number of affordable units.

On Wednesday, March 27, 2013 our board met to discuss and to thoughtfully consider the **Emerald Fund's 101 Polk Street project**. Our board unanimously voted to support, and feels that this proposed residential development project would be a great asset to the community, contributing greatly to the revitalization and public safety enhancement efforts of the Polk corridor and Civic Center/Market street.

If you should require any further information please do not hesitate in contacting us.

Sincerely

David J. Villa-Lobos, Executive Director  
[www.communityleadershipalliance.net](http://www.communityleadershipalliance.net)  
415-921-4192



**Michael Tilson Thomas**  
Music Director

**John D. Goldman**  
President

**Herbert Blomstedt**  
Conductor Laureate

**Brent Assink**  
Executive Director



December 5, 2012

Mr. Tim Vrabel  
Chief Financial Officer  
Emerald Fund, Inc.  
532 Folsom St, Suite 400  
San Francisco, CA 94105

Dear Tim,

We want to welcome the 101 Polk Street project to our Hayes Valley neighborhood. We very much appreciated you and Strachan Forgan of Solomon Cordwell Buenz giving us a presentation of the project on November 19<sup>th</sup>. Please let us know if the San Francisco Symphony can serve as a partner in your endeavors. We wish you the best on your development.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Keeton".

Nan Keeton  
Director, External Affairs

cc: Katie Nicely, Acting Director of Development

# ANOTHER PLANET ENTERTAINMENT

1815 Fourth Street, Suite C • Berkeley, CA 94710  
T: (510) 548-3010 F: (510) 548-3031  
www.apeconcerts.com

April 14<sup>th</sup>, 2013

Marc Babsin  
Principal  
Emerald Fund, Inc  
532 Folsom Street, Suite 400  
San Francisco, CA 94105

RE: 101 Polk Multifamily Residential Project

Dear Marc,

On behalf of Another Planet Entertainment, I am writing in support of Emerald Fund's 101 Polk project. Another Planet Entertainment is the exclusive operator of the Bill Graham Civic Auditorium, an 8,500 person concert venue and multi-use event space that is directly across the street from the 101 Polk project site.


Historically, the Civic Center neighborhood has long had a dearth of residents. Government and office workers commute into the neighborhood during the work day and the performing arts venues attract patrons on performance nights, but the area lacks the vitality of a traditional 24/7 neighborhood. Your project will bring approximately 250 much needed residents to our surrounding streets thereby enhancing neighborhood safety, deterring vagrancy, supporting neighborhood-serving retail, and creating an overarching sense of place. Furthermore, we appreciate that the 162 new housing units, including 19 units affordable to low-income residents, will add a diversified housing mix to the neighborhood.

We understand that the 101 Polk project is not technically in the Civic Center Historic District. However, the project sponsor has taken great efforts to ensure that the exterior design of 101 Polk is compatible with neighboring, Beaux-Arts, Civic Center buildings. We believe the end result is a very attractive building that is a good, contextual neighbor without becoming a faux historic knock off.

The sponsor also proposes to improve Lech Walesa alley and incorporate a public art element to the project. Both of these aspects will help clean up and add much needed vitality to the neighborhood.

We look forward to this project coming to fruition.

Sincerely,



Mary Conde  
Vice President, Director of Production  
Another Planet Entertainment



RE: Support for 101 Polk Project

Dear Tim,

Thank you for presenting your plans for 101 Polk Street and answering questions about the project. On behalf of the property management (or ownership) of the Argenta, I am writing in support of the Emerald Fund's proposed project at 101 Polk Street, consisting of 162 multi-family residential units.

The Argenta is a multi-family residential building exactly one block south of the 101 Polk site. Like 101 Polk, the Argenta is also located on the border of the Civic Center and Mid-Market neighborhoods. These neighborhoods have historically not had that many residential buildings. By creating more housing options, this area can be transformed into a more traditional 24/7 neighborhood. More full-time residents will also help increase safety, deter vagrancy, and support more neighborhood-serving retail.

The 101 Polk project looks to be well-designed with an attractive façade that fits in with the surround neighborhood context. As part of the development, we also understand that the project plans to provide funding for a public art installation and also to improve Lech Walesa alley. We believe both of these planned capital improvements will help beautify the area.

We look forward to this project and the continued transformation of the Civic Center and Mid Market neighborhoods.

Respectfully,

**Marlon Layug** | Community Director

**Argenta**

415.621.4000 main | 415.200.0050 direct | 415.621.1413 fax

1 Polk St., San Francisco, CA 94102



**[BHRes.com](http://BHRes.com)**



April 24, 2013

Dear Tim,

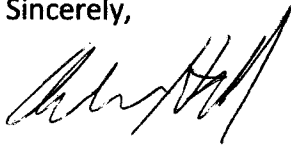
As the owner of The Beer Hall, I am writing this letter to support the proposed development by Emerald Fund of 101 Polk Street into a 162-unit, 13-story, multi-family building. The Beer Hall is a new family-owned craft beer and wine establishment located at 1 Polk Street. Our retail location is on the ground floor of the Argenta building, approximately a half a block away from the 101 Polk site, and thus we are a neighbor.

We chose our retail location because of the revitalization that is going on in the Civic Center and Mid-Market areas. We're excited by the proposed additional housing that 101 Polk would provide, as more residents in the area will help make the area safer. Replacing a surface parking lot that is inactive at night with a productive multi-family building will also help deter vagrancy in the area. In addition, more residents help support neighborhood serving retail like ours and other retail establishments that are contemplating coming to the neighborhood. All of these are very positive benefits that are helping to improve the neighborhood.

The 101 Polk design looks like a very attractive building that fits in with the surrounding context. We also appreciate that the project sponsors will contribute funding to some kind of public art, which will also help beautify the area. These efforts will help attract more visitors to the neighborhood.

This location is incredibly well-served by multiple forms of mass transit (BART, Muni Metro, and Muni Bus), and the location is also very walkable. It seems like a perfect fit for dense housing, and we are very much in support of this project moving forward. This residential building is another indication that San Francisco is committed to the revitalization of this neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Hall", written in a cursive style.

Andrew Hall  
Owner of The Beer Hall  
1 Polk Street, SF 94102

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

April 25, 2013  
Date

I, Marc Babson, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

101 Polk Street  
Address

0811/2-3  
Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2011.0702C  
Planning Case Number

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)  
 This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Aaron Hollister  
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier) \_\_\_\_\_  
 No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.  
 This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).  
 On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Affidavit for Compliance with the Inclusionary Affordable Housing Program

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site or Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
  - Direct financial contribution from a public entity.
  - Development or density bonus or other public form of assistance.
  - Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on this day in:

San Francisco, CA  
Location

4-25-13  
Date

Marc Babson  
Signature  
Marc Babson, Principal  
Name (Print), Title

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

415-489-1313  
Contact Phone Number

<sup>2</sup> California Civil Code Section 1954.50 and following.

Affidavit for Compliance with the Inclusionary Affordable Housing Program

## Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
162		13	87	62	0

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

On-site Affordable Housing Alternative (Planning Code Section 415.6): calculated at 15% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
19		2	10	7	0

Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)		Off-Site Project Address			
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)		Motion No. (if applicable)		Number of Market-Rate Units in the Off-site Project	

Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee \_\_\_\_\_ % of affordable housing requirement.

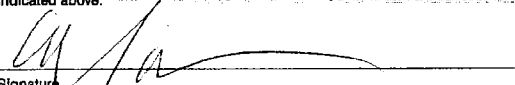
2. On-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)		Off-Site Project Address			
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)		Motion No. (if applicable)		Number of Market-Rate Units in the Off-site Project	

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name Emerald Bolk LLC	Company Name
Print Name of Contact Person Marc Babson	Print Name of Contact Person
Address 532 Folsom St Ste 400	Address
City, State, Zip San Francisco, CA 94105	City, State, Zip
Phone, Fax 415-489-1333	Phone, Fax
Email marc@emerald-fund.com	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
 Signature	_____ Signature
Marc Babson, Principal Name (Print), Title	_____ Name (Print), Title

Free Recording Requested Pursuant to  
Government Code Section 27383

When recorded, mail to:  
San Francisco Planning Department  
1650 Mission Street, Room 400  
San Francisco, California 94103  
Attn: Director

Lots 002 and 003 in Assessor's Block 0811

---

**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN  
THE CITY AND COUNTY OF SAN FRANCISCO AND  
EMERALD POLK LLC, RELATIVE TO THE  
DEVELOPMENT KNOWN AS 101 POLK STREET**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this \_\_\_ day of \_\_\_\_\_, 2013, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the “City”), acting by and through its Planning Department, and EMERALD POLK LLC, a California limited liability company (“Developer”) with respect to the project approved for 101 Polk Street (the “Project”). City and Developer are also sometimes referred to individually as a “Party” and together as the “Parties.”

**RECITALS**

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter “Costa-Hawkins Act”) imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City’s Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in the developer’s project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 101 Polk Street, Lots 002 and 003 in Assessor’s Block 0811 and located at the northwest corner of Polk and Hayes Streets (hereinafter “Property”). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to merge the two adjacent parcels that comprise the Property, remove the existing surface parking lot and construct a new 13-story, 162 unit residential building on the Property that would include a subterranean garage with 52 off-street parking spaces, loading space for two service vehicles and 62 Class I bicycle parking stalls. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site. The Project would fulfill its inclusionary affordable housing requirement by providing 12% of the dwelling units, or 19 below-market rate (BMR) units, on-site, assuming that 162 residential units are constructed.

On \_\_\_\_\_, 2013, pursuant to Motion Nos. \_\_\_\_\_ and \_\_\_\_\_, the Planning Commission approved (i) Section 309 Review with Exceptions under Section 309 (“Section 309 Approval”) from Planning Code requirements related to off-street residential parking in excess of accessory amounts, the applicable rear yard requirement and to the ground-level comfort wind current requirements; and (ii) a conditional use authorization under Section 303 (“Conditional Use Authorization”) to allow a residential density ratio that is greater than one unit per 125 square feet of lot area in the C-3-G zoning district pursuant to Section 215(b) and to develop up to an additional 15,435 square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the on-site Inclusionary Units pursuant to Section 124(f).

The Section 309 Approval and the Conditional Use Authorization are collectively referred to herein as the “Project Approvals”. The dwelling units that are the subject of this Agreement are the Project’s on-site inclusionary units representing twelve percent (12%) of the Project’s dwelling units, which assuming that 162 dwelling are constructed, would total 19 inclusionary units (the “Inclusionary Units”). The dwelling units in the Project that are not Inclusionary Units, representing eighty-eight percent (88%) of the Project’s dwelling units, which assuming that 162 units are constructed would total 143 units, are referred to herein as the “Market Rate Units”. This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the "Affordable Housing Program") provides that developers of any housing project consisting of five or more units to pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City’s concessions and incentives.

E. Developer’s Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project’s Compliance with CEQA. Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the potential significant environmental impacts associated with the Project were described and analyzed, and mitigation measures that would avoid or reduce those impacts to less than significant levels were discussed in the Mitigated Negative Declaration (“MND”) for the Project (Case No. 2011.0702E). The information in the MND was considered by the Planning Department and the Planning Department adopted and published the MND on \_\_\_\_\_, 2013, in accordance with Section 15070 of the CEQA Guidelines.

H. General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in Planning Commission Motions No. 18682.

## **AGREEMENT**

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

### **1. GENERAL PROVISIONS**

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

### **2. CITY’S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.**

2.1 Exceptions, Concessions and Incentives. The Developer has received the following exceptions, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approvals and Density Bonus. The Project Approvals included the Conditional Use Authorization to permit a residential density ratio that is greater than one unit per 125 square feet of lot area that would allow 106 units as of right in the C-3-G zoning district pursuant to Section 215(b) and to develop up to an additional 15,435 square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the Inclusionary Units pursuant to Section 124(f). The Conditional Use Authorization granted a density bonus of approximately 56 units and 15,435 square feet of additional residential square footage. The Project Approvals also included the Section 309 Approval to provide concessions and incentives to the Developer including (1) modification of the rear yard requirement (pursuant to Planning Code Section 134(d)); (2) modification of the residential accessory off-street parking requirements (pursuant to Planning Code



Section 151.1(e)); and (3) modification of the comfort level wind speeds (pursuant to Planning Code Section 148).

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

## 2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

## 3. **COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide twelve percent (12%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 162 units comprising the Project, a total of 19 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for

a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

#### **4. MUTUAL OBLIGATIONS**

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approvals.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approvals, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

#### **5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.**

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Inclusionary Units to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement.

Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement or law in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. No consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

## **6. AMENDMENT; TERMINATION**

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of a Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement and any amendment to a Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

## **7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE**

7.1 Agreement Runs With The Land. Developer may assign or transfer its duties and obligations under this Agreement to another entity, provided such entity is the legal and equitable fee owner of the Property ("Transferee"). As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived

by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer's obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an "Assignment and Assumption Agreement"). The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City's enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this

Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. The foregoing provisions shall not be applicable to any other party who, after such foreclosure, conveyance, or other action in lieu thereof, or other remedial action, obtains title to the Property or a portion thereof from or through the Mortgagee or any other purchaser at a foreclosure sale other than the Mortgagee itself. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of the first sentence of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approvals and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a "Request for Special Notice") with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction

already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

## **8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION**

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to

the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

## 9. MISCELLANEOUS PROVISIONS

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, all provisions of this Agreement shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.



9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approvals.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

**To City:**

John Rahaim  
Director of Planning  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Evan A. Gross, Dep. City Attorney

**To Developer:**

Emerald Polk, LLC  
c/o Emerald Fund, Inc.  
Attn: Marc Babsin  
532 Folsom Street, Suite 400  
San Francisco, CA 94105

and a copy to:

Steven L. Vettel  
Farella Braun + Martel LLP  
235 Montgomery Street  
San Francisco, CA 94104

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.


IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**CITY**

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation

Approved as to form:  
Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
John Rahaim  
Director of Planning

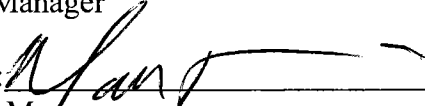
By:  \_\_\_\_\_  
Evan A. Gross  
Deputy City Attorney

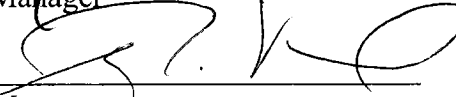
**DEVELOPER**

EMERALD POLK LLC,  
a California limited liability company

By: City Hall Ventures, LLC,  
a California limited liability company  
Its: Manager

By: Emerald Fund II, LLC,  
a California limited liability company  
Its: Manager

By:  \_\_\_\_\_  
Manager

By:  \_\_\_\_\_  
Manager

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Francisco

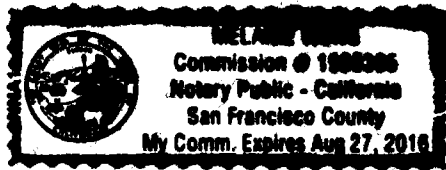
On 4/29/13 before me, Melanie Wong, Notary Public, personally appeared Marc Babsin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Melanie Wong  
Signature of Notary Public

(Notary Seal)



State of California

County of San Francisco

On 4/29/13 before me, Melanie Wong, Notary Public, personally appeared Tim Vrabel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Melanie Wong  
Signature of Notary Public

(Notary Seal)





**Revised 309 & Conditional Use Submittal**  
**101 Polk Street, San Francisco**

Emerald Fund, Inc.

# Revised 309 & Conditional Use Submittal

## Sheet List:

- 2 Area Summary / Drawing Index
- 3 Plot Plan
- 4 Site Photos
- 5 -6 Landscape Plans
- 7-13 Floor Plans
- 14 Open Space Diagram
- 15-18 Sections & Elevations
- 19-21 Perspectives
- 22-23 Contextual Precedents
- 24-28 Addendum

Residential Apartments		units/ flr.	2 Bedroom	1 Bedroom + Den	1 Bedroom	Large Studio	Small Studio	Residential NSF	Residential GSF	Market Rate GSF (Attrib. to FAR)	Mechanical Space	Parking	Retail (Leasing Office)	Loading Spaces	Circulation	GSF	
FFL Elevation (ft)	Flr.																
Average sf			1035sf	767sf	622sf	512SF	411SF										
135.00	15	Roof															
120.00	14	MECH/OPEN SPACE									2,703					2,703	
111.00	13		5		5		1	7,977	9,300	9,300						9,300	
102.00	12		5		6		2	8,892	10,190	10,190						10,190	
93.00	11		5		7		1	9,391	10,665	10,665						10,665	
84.00	10		5		7		1	9,258	10,540	10,540						10,540	
75.00	09		5		7		1	9,391	10,665	10,665						10,665	
66.00	08		5		7		1	9,258	10,540	10,540						10,540	
57.00	07		5		7		1	9,391	10,665	10,665						10,665	
48.00	06		5		7		1	9,258	10,540	9,003						10,540	
39.00	05		5		7		1	9,391	10,665	8,654						10,665	
30.00	04		5		7		1	9,258	10,540	8,351						10,540	
21.00	03		5		7		1	9,391	10,815	7,568						10,815	
12.00	02		4		8		1	9,299	10,815	8,149						10,815	
3.00	01		3		5		0	5,936	8,260	4,472		783	0		3,387	12,430	
-14.00	B1		0		0		0					11,294		320	1,509	13,123	
			162	62	0	87	0	13	116,091	134,200	118,761	2,703	12,077	0	320	4,896	154,196
				38%	0%	54%	0%	8%									

### Notes:

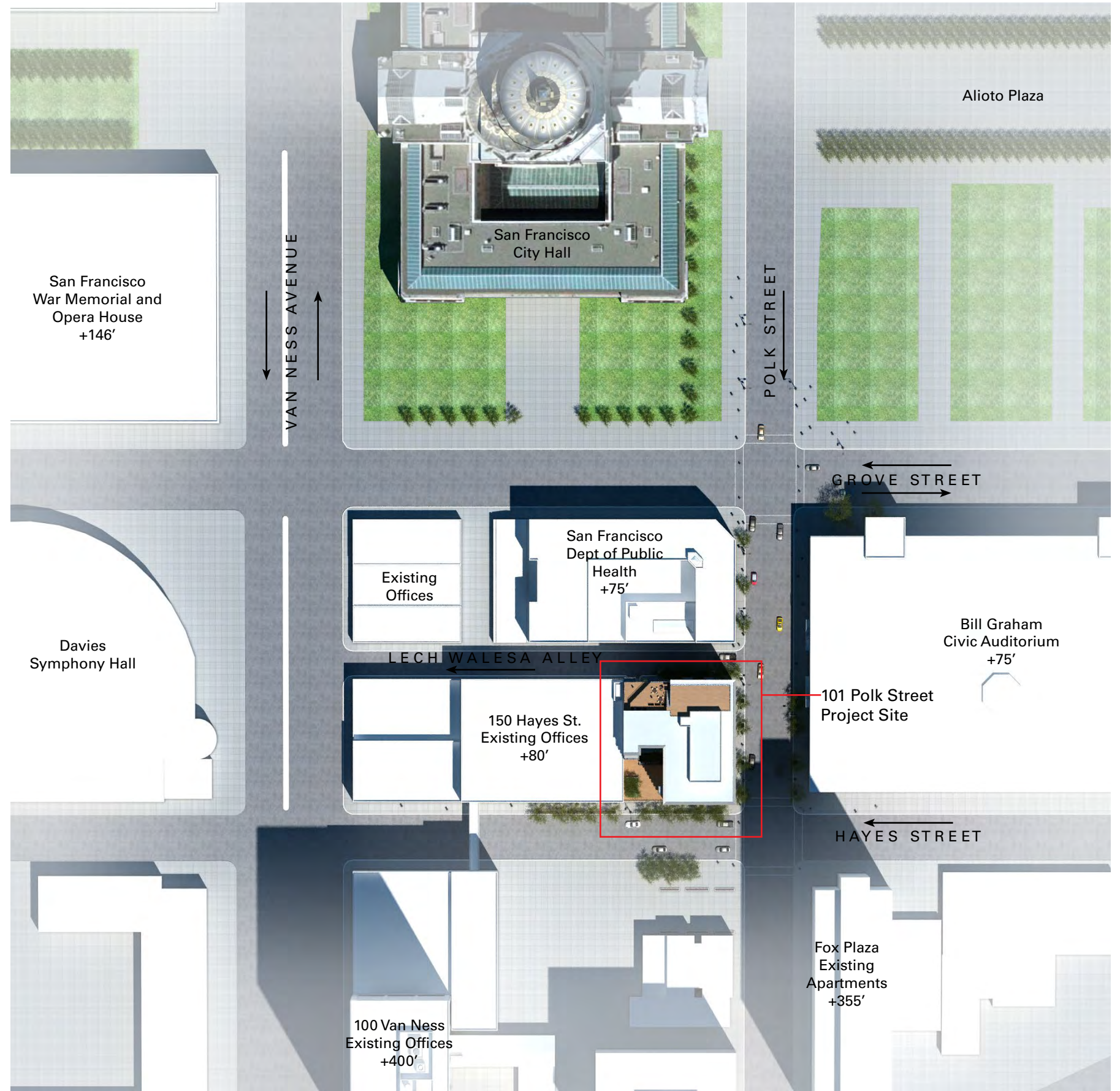
1. Parking @ 0.30 stalls/unit 51 stalls (using puzzler)
2. Site Area: 13,200 gsf
- 3a. FAR Limit: 6-9
- 3b. FAR Limit at 9:1 118,800 sf
- 3c. Total Residential Gross sf 134,200 sf
- 3d. BMR net sf excluded 13,356 sf
- 3e. BMR load excluded 2,083 sf
- 3f. Gross SF Mkt Rate Area 118,761 sf
- 3g. FAR Mkt Rate 9.00
4. Average Unit Size 717 sf
5. Project Load Factor 0.87 residential NSF/GSF
6. Bicycle Parking 53 Required 62 Provided
7. Car Share Parking 1 Required 1 Provided

### BMR Summary - 12%

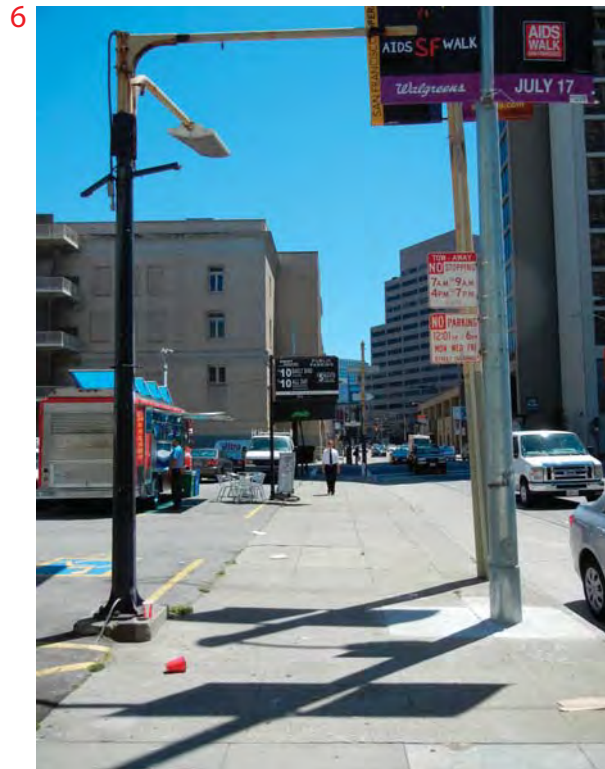
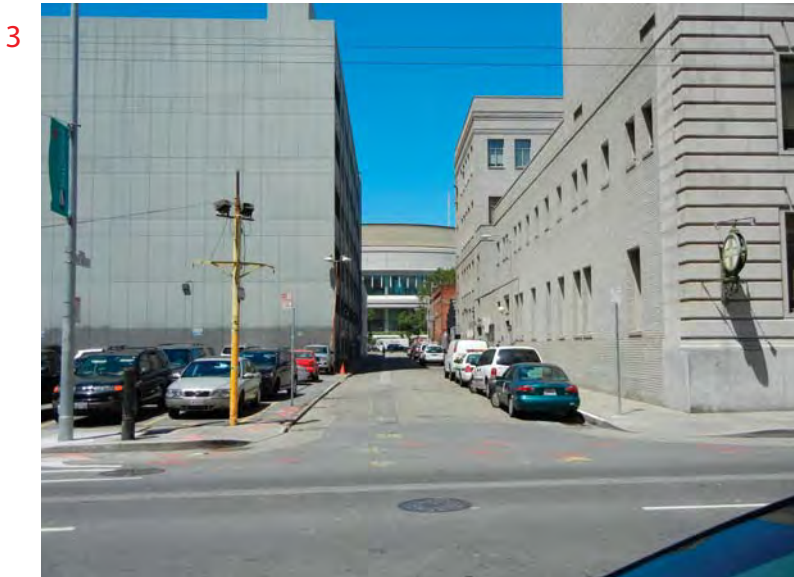
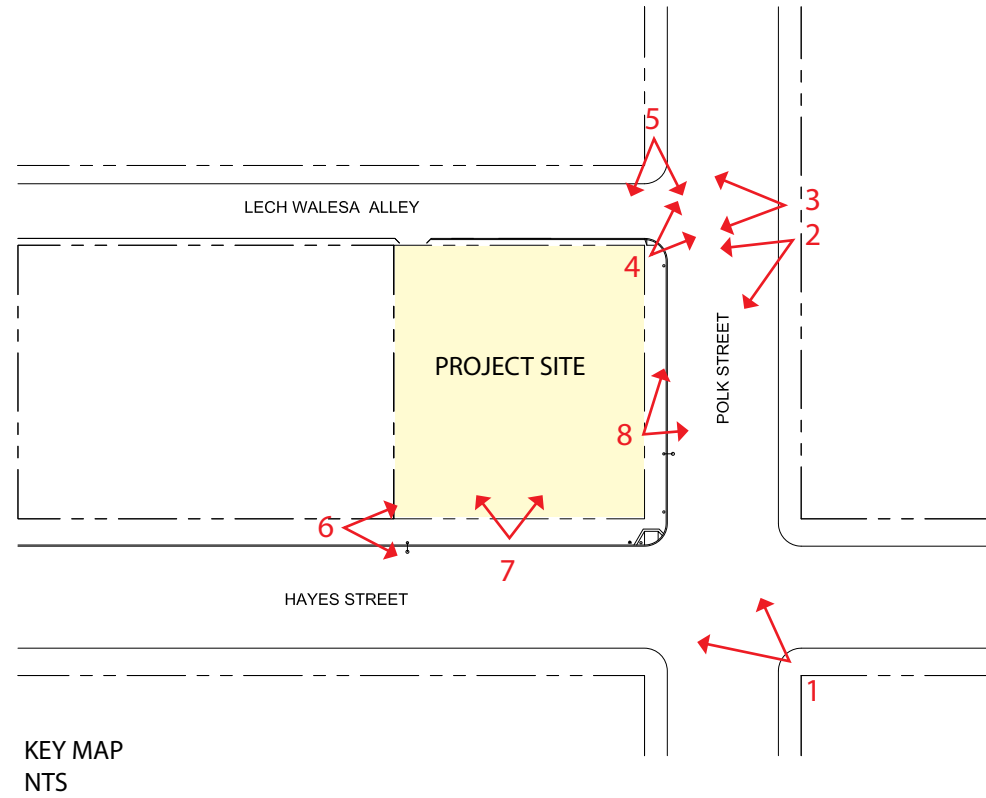
Unit Type	Unit Count	Avg Sq Ft	Total Sq Ft
Studio	2	455	910
1 Bed	10	597	5,971
2 Bed	7	925	6,475
<b>Total</b>	<b>19</b>	<b>703</b>	<b>13,356</b>

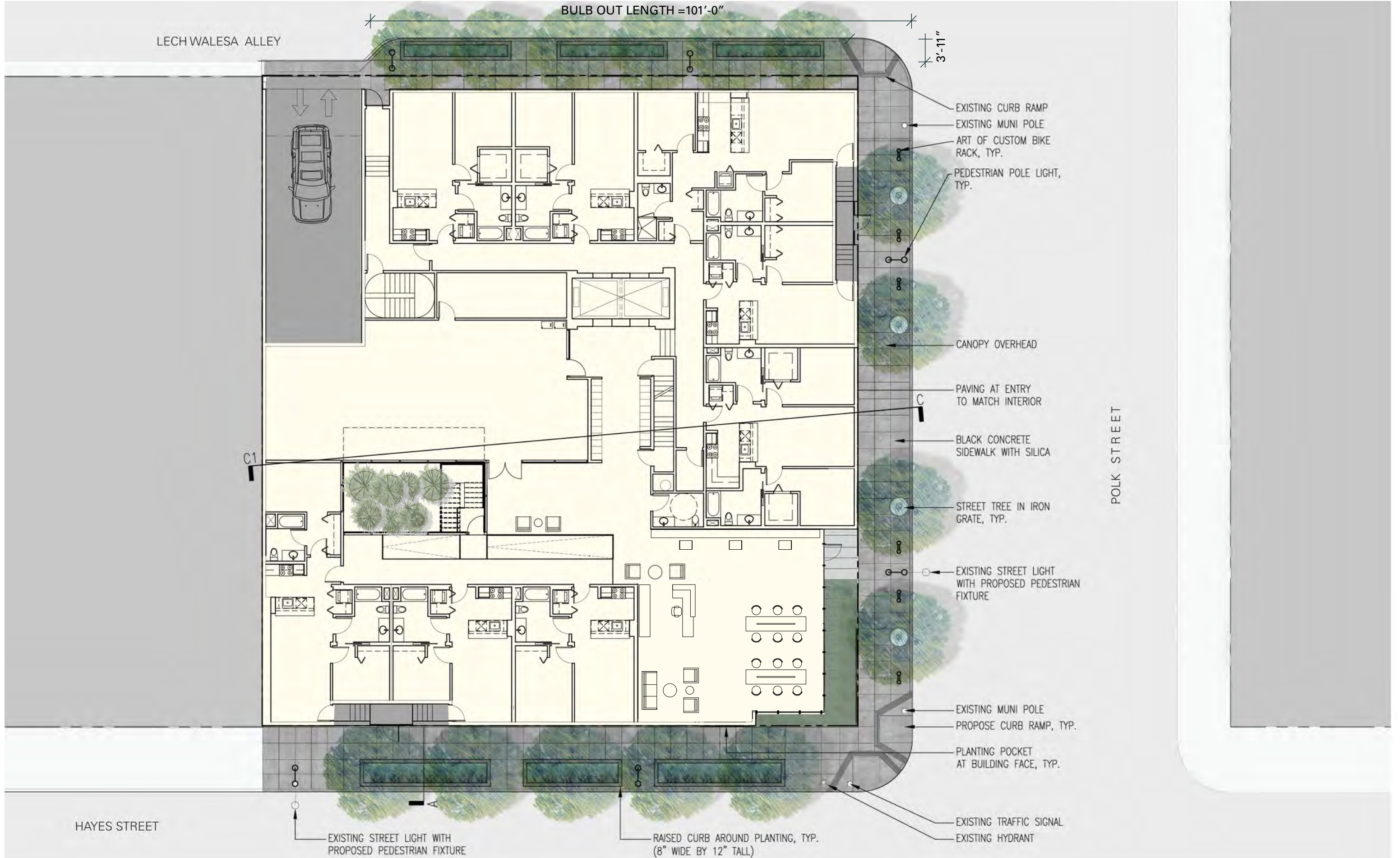
Open Space Summary			
	sf/unit	units	sf
Private Open Space Provided (balconies)		80	5,552
Common Open Space Required	48	82	3,936
Common Open Space Provided:			
Level 02 Outer court terrace			1,510
Level 13 Terrace			915
Level 14 Roof Terrace			1,575
<b>Total Common Open Space Provided</b>			<b>4,000</b>











LECH WALES A ALLEY

BULB OUT LENGTH = 101'-0"

3'-11"

- EXISTING CURB RAMP
- EXISTING MUNI POLE
- ART OF CUSTOM BIKE RACK, TYP.
- PEDESTRIAN POLE LIGHT, TYP.

CANOPY OVERHEAD

PAVING AT ENTRY TO MATCH INTERIOR

BLACK CONCRETE SIDEWALK WITH SILICA

STREET TREE IN IRON GRATE, TYP.

EXISTING STREET LIGHT WITH PROPOSED PEDESTRIAN FIXTURE

EXISTING MUNI POLE  
PROPOSE CURB RAMP, TYP.

PLANTING POCKET AT BUILDING FACE, TYP.

EXISTING TRAFFIC SIGNAL  
EXISTING HYDRANT

POLK STREET

HAYES STREET

EXISTING STREET LIGHT WITH PROPOSED PEDESTRIAN FIXTURE

RAISED CURB AROUND PLANTING, TYP. (8" WIDE BY 12" TALL)

**Ground Floor Landscape**  
**101 Polk Street, San Francisco**  
Emerald Fund, Inc.

04.25.2013

2013005.000

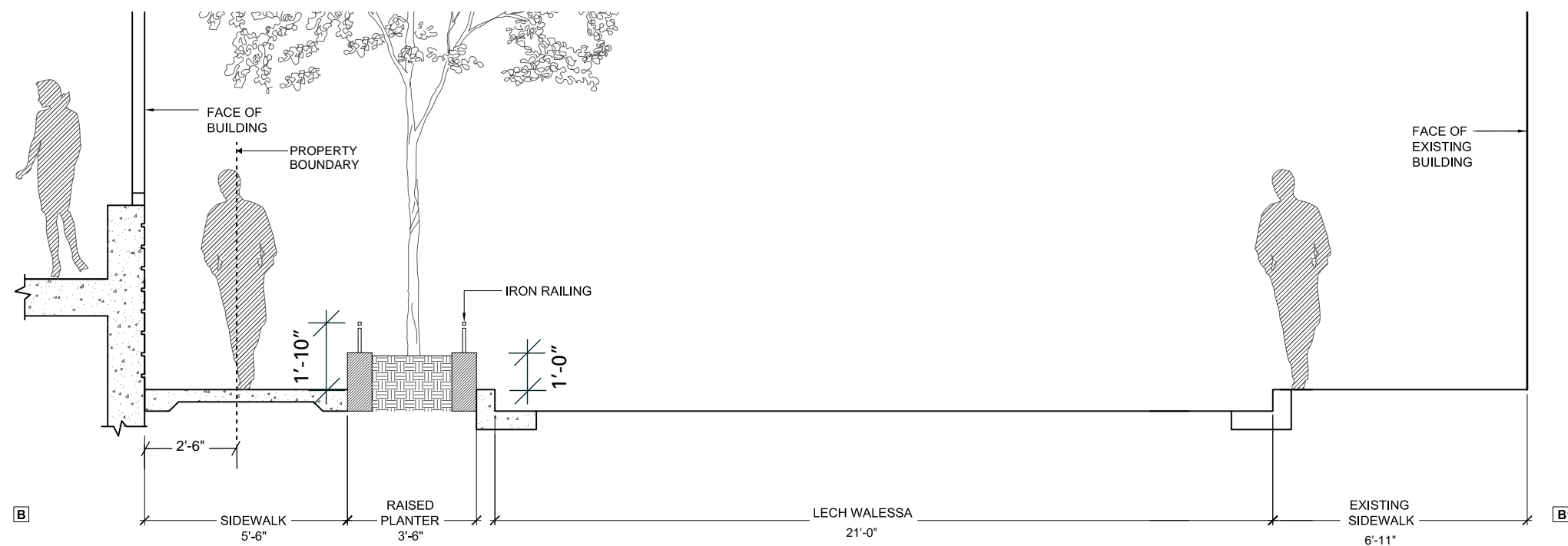


© 2013 Solomon Cordwell Buenz



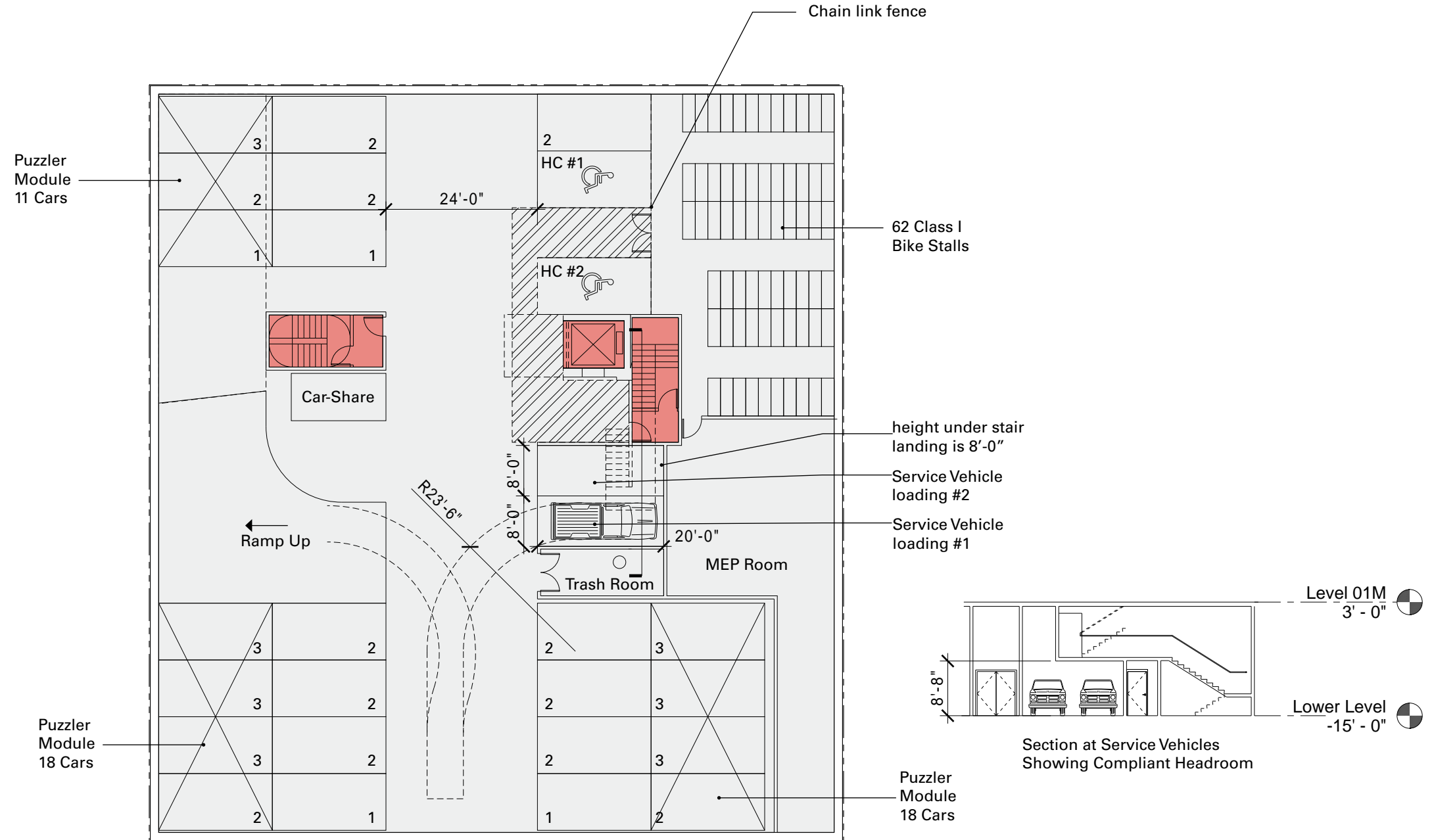


SCALE: 3/32" = 1'-0"



SCALE: 1/4" = 1'-0"

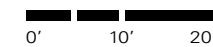
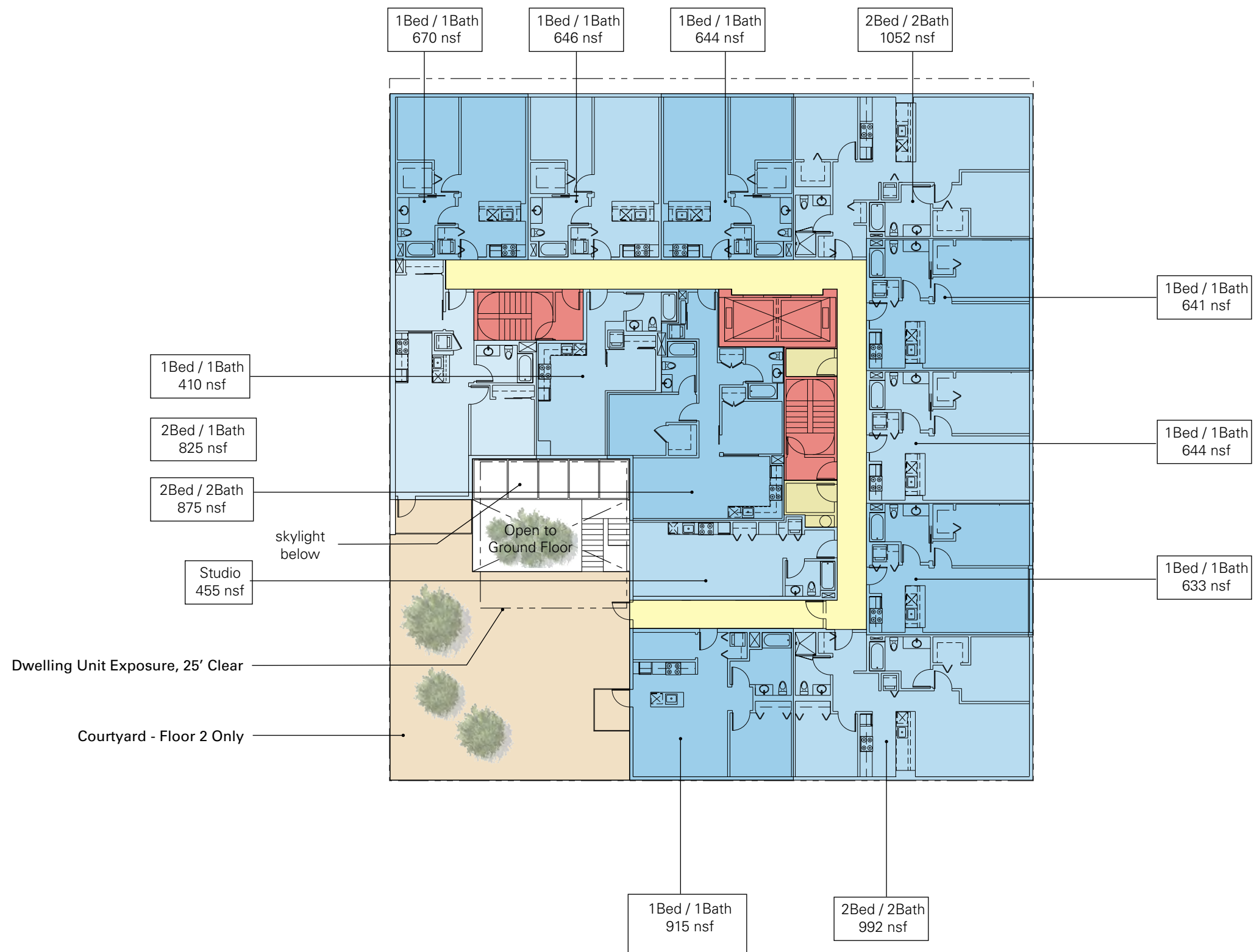


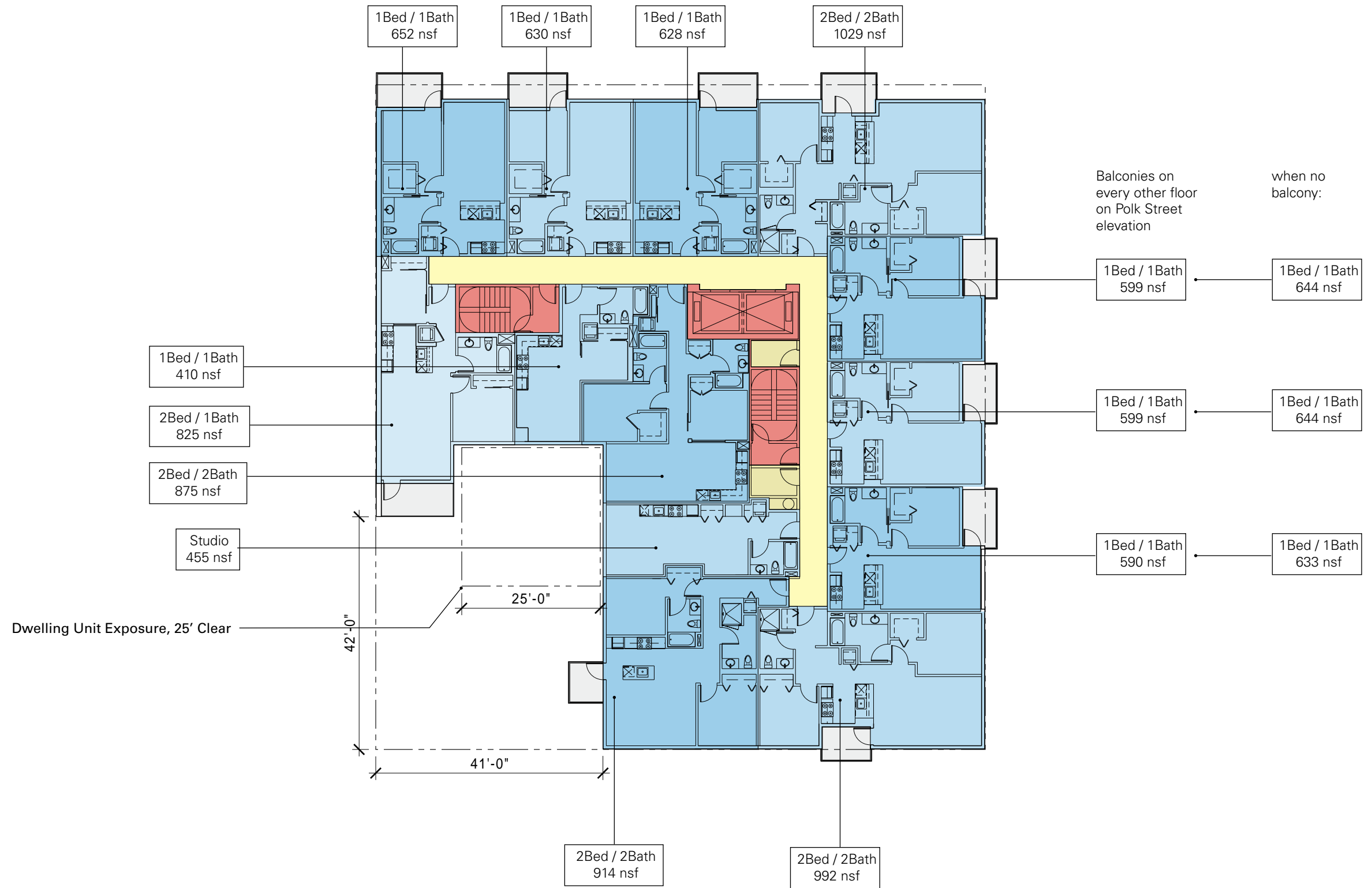


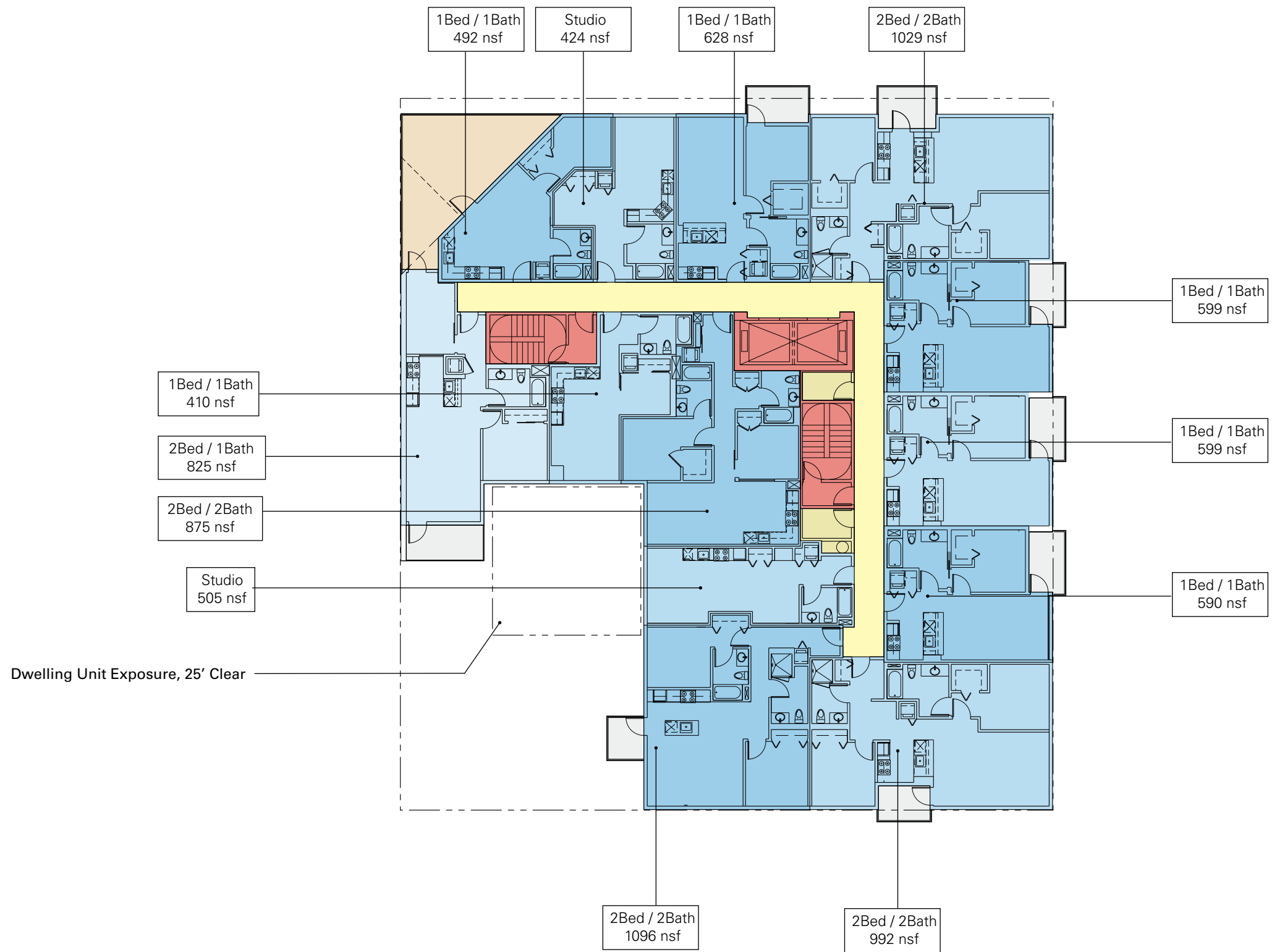
Parking for 51 Cars,  
2 Service Vehicles & 1 Car Share  
-15'-0" (14' Clear Headroom)



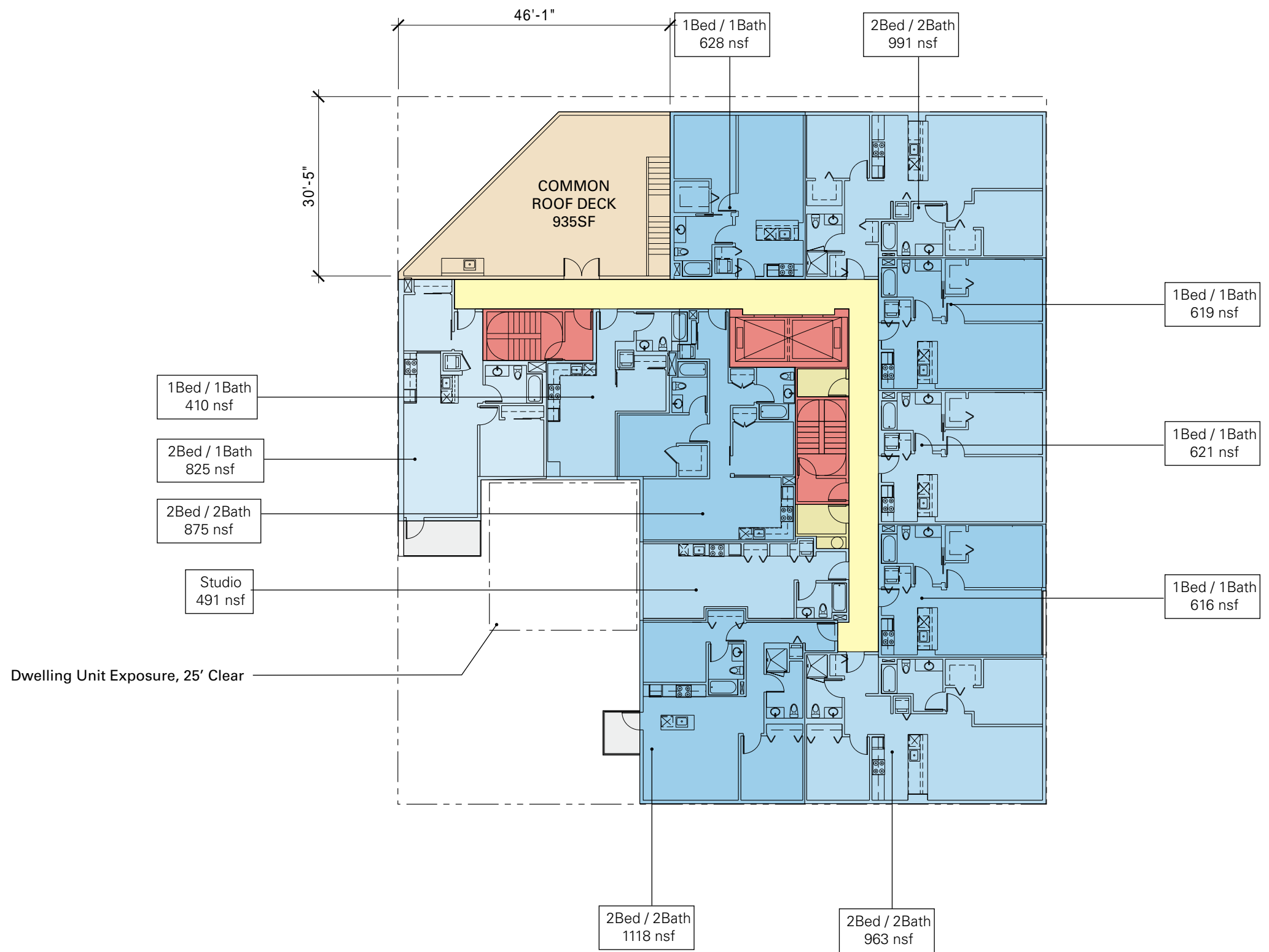


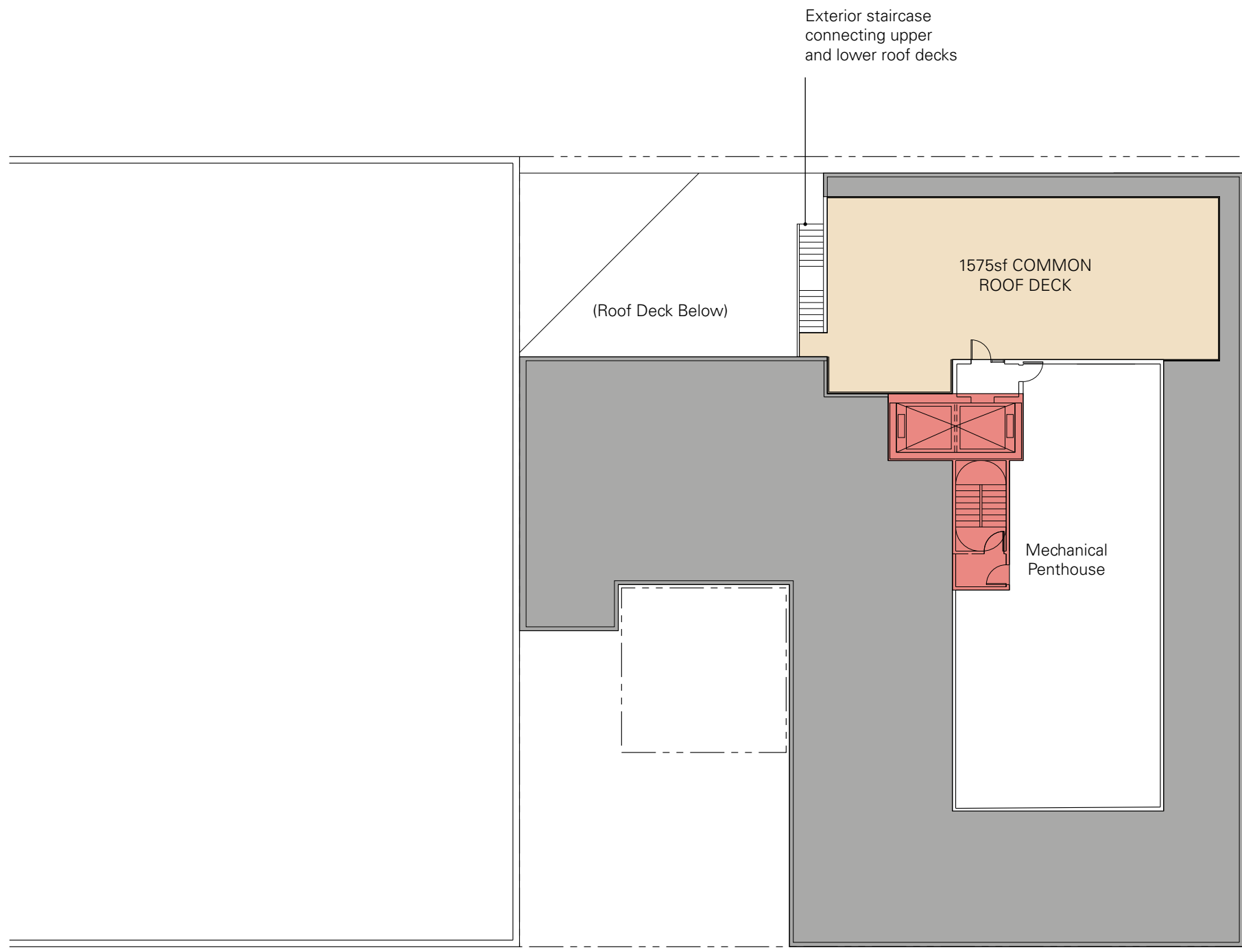


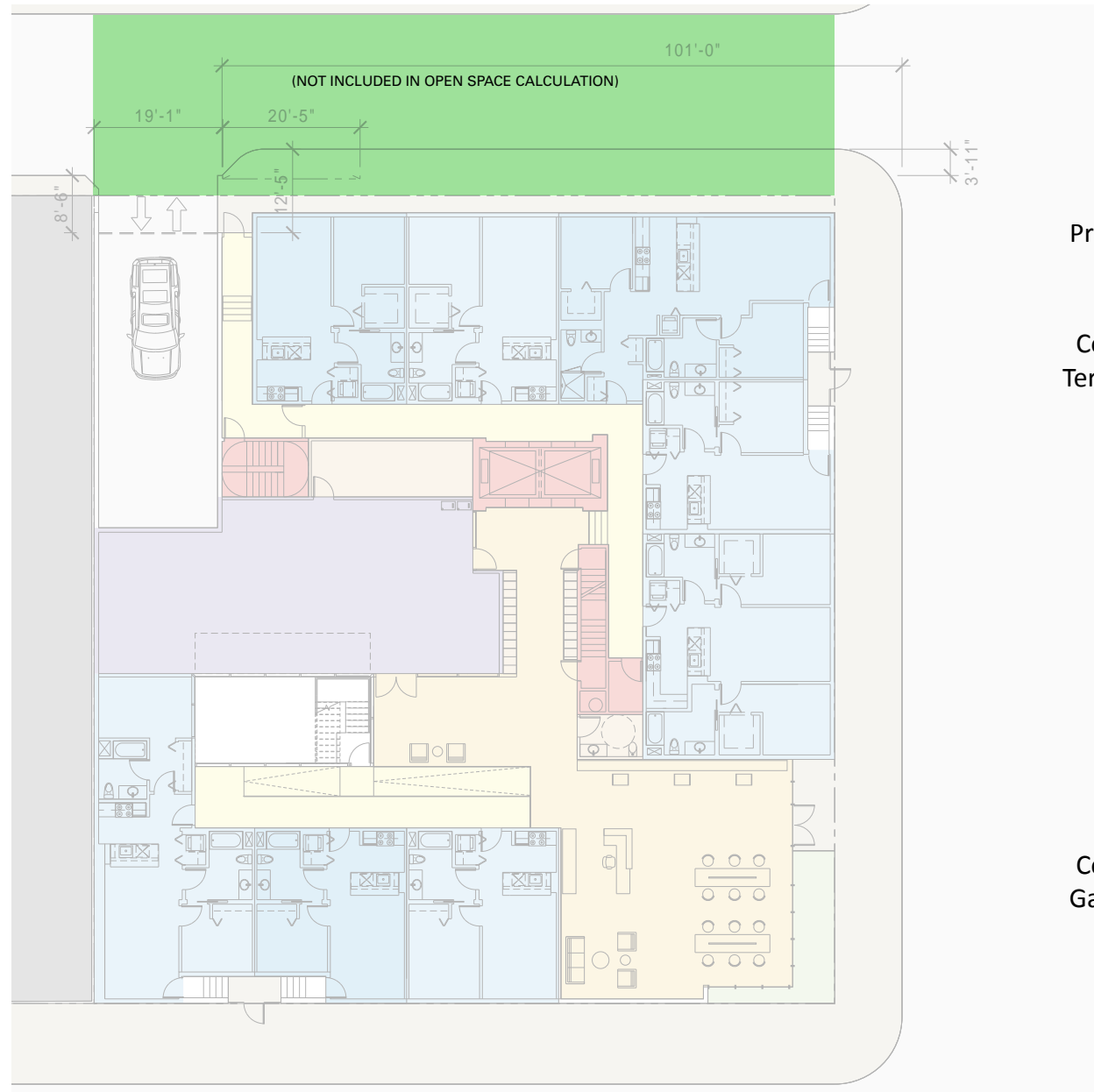






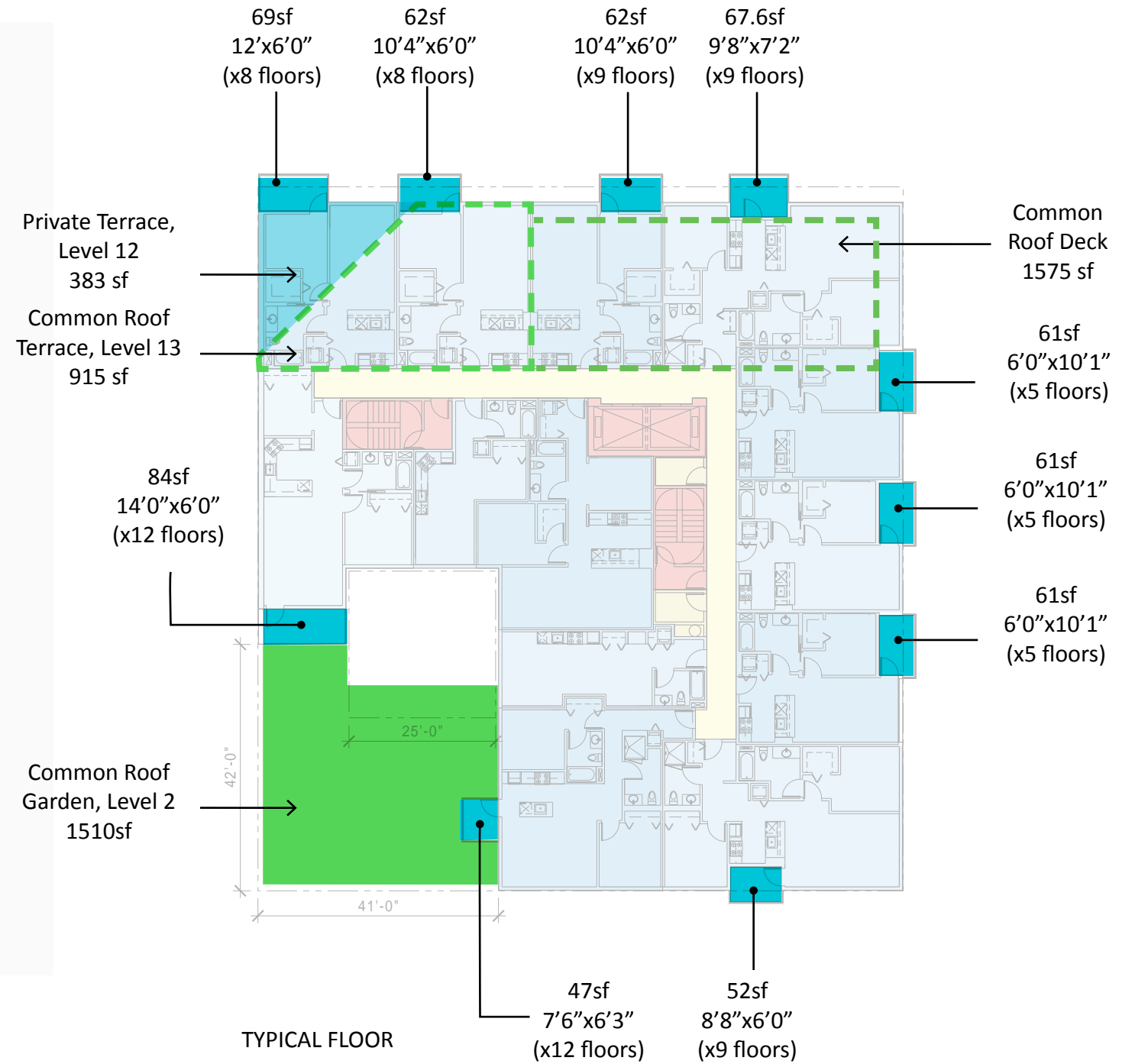






GROUND FLOOR

Open Space Summary			
	sf/unit	units	sf
Private Open Space Provided (balconies)		80	5,552
Common Open Space Required	48	82	3,936
Common Open Space Provided:			
Level 02 Outer court terrace			1,510
Level 13 Terrace			915
Level 14 Roof Terrace			1,575
<b>Total Common Open Space Provided</b>			<b>4,000</b>

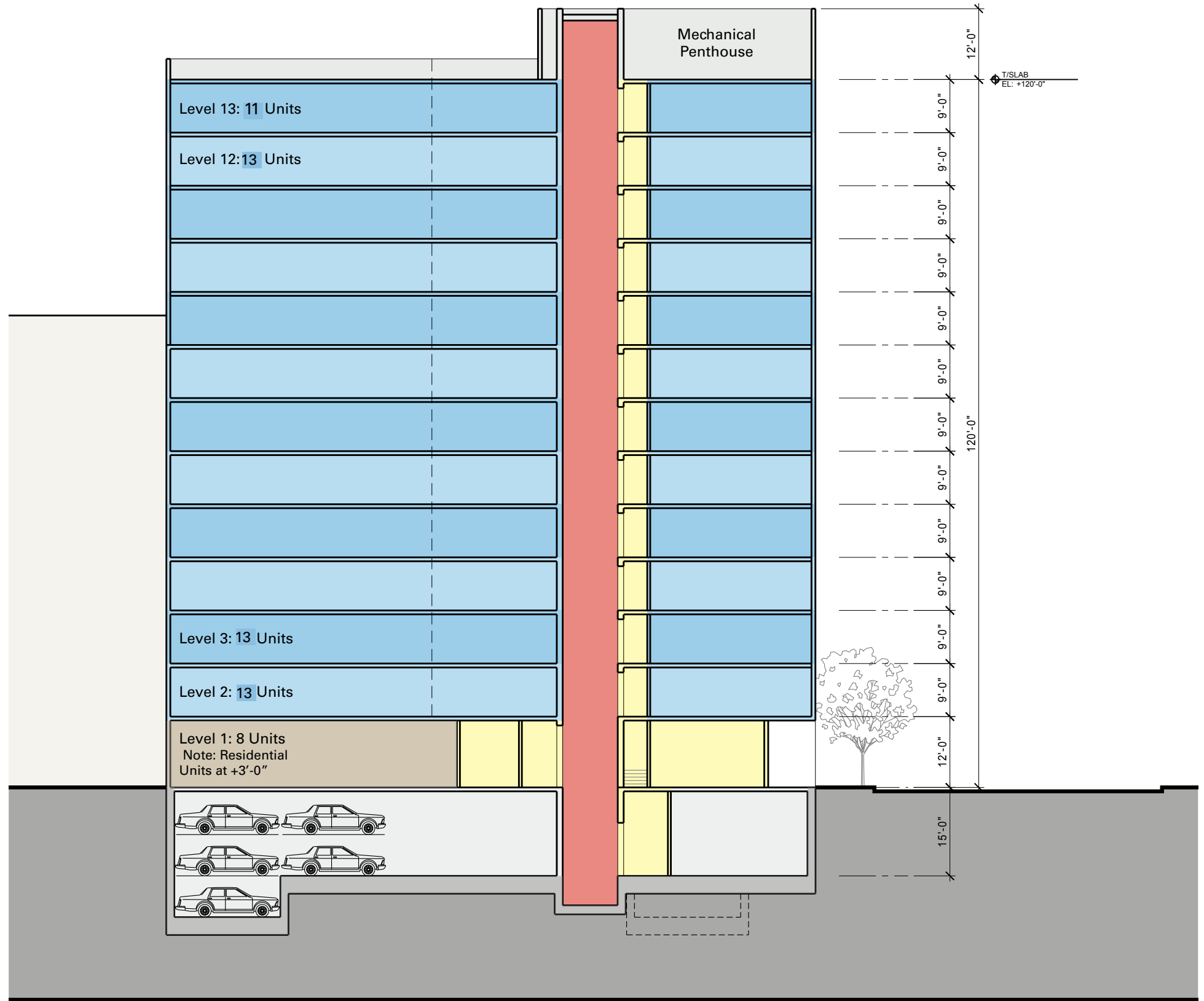


TYPICAL FLOOR

SUMMARY

<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span> COMMON OPEN SPACE	4,000sf
<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> PRIVATE OPEN SPACE	5,552sf









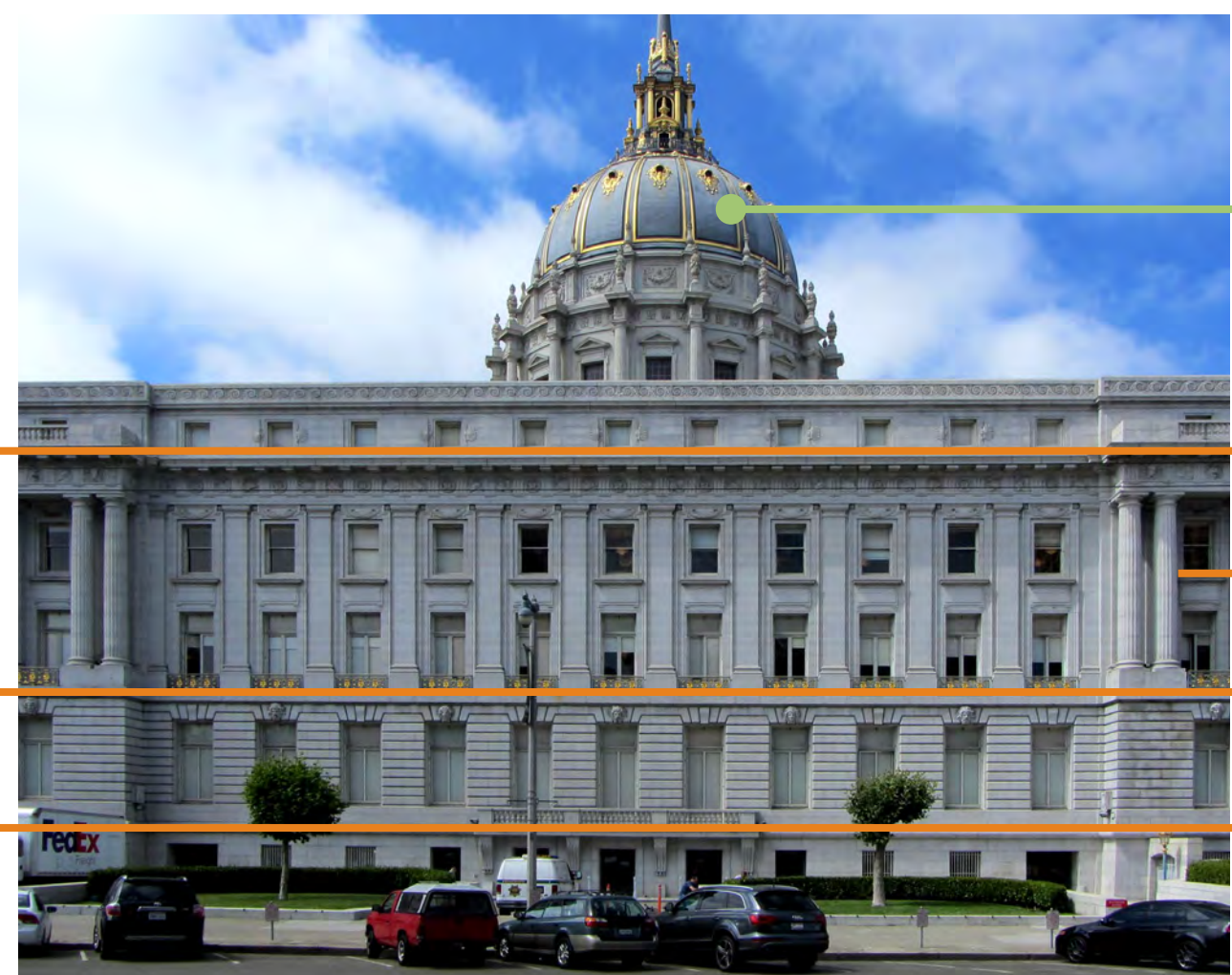












Metal Accents

Strong Cornice Line

2 Story Facade Rhythm

Top of Base Defined by Change of Materials

Subtle Change of Material Scale within the Base



Strong Cornice Line

Individual Balconies with Metalwork

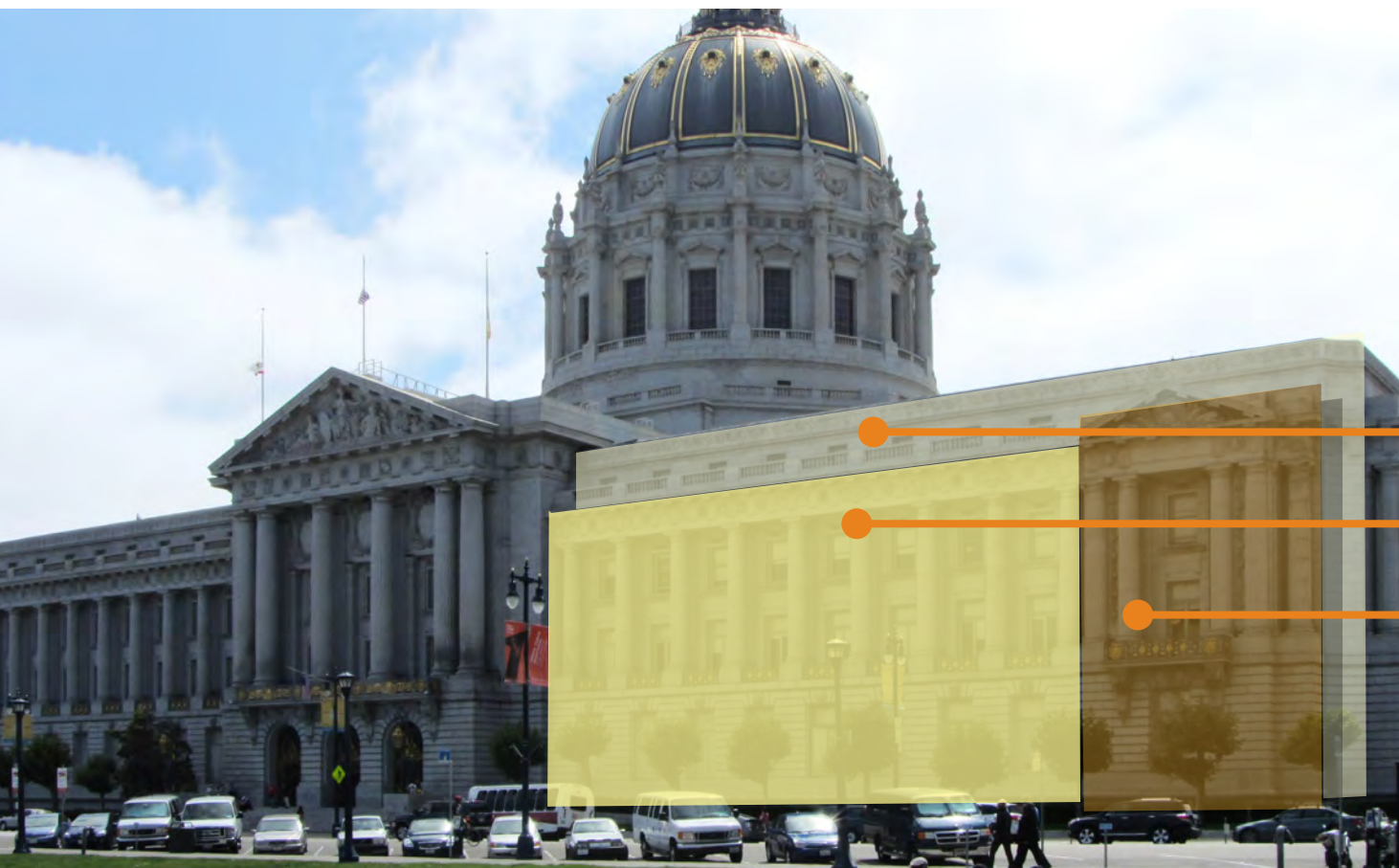
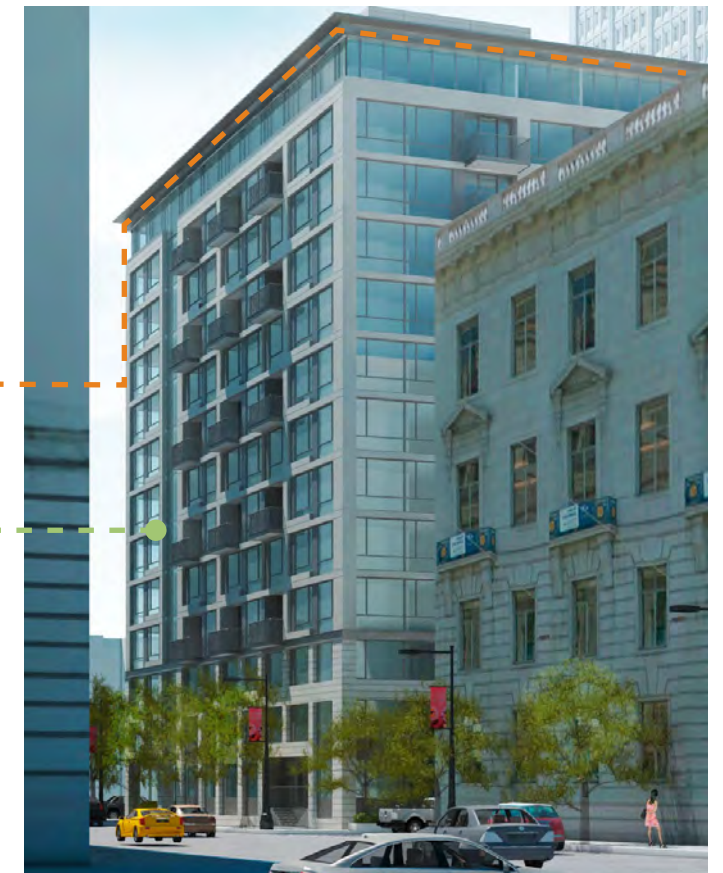
Subtle Change of Material Scale within the Base





Cornice Line Continues Around the Building

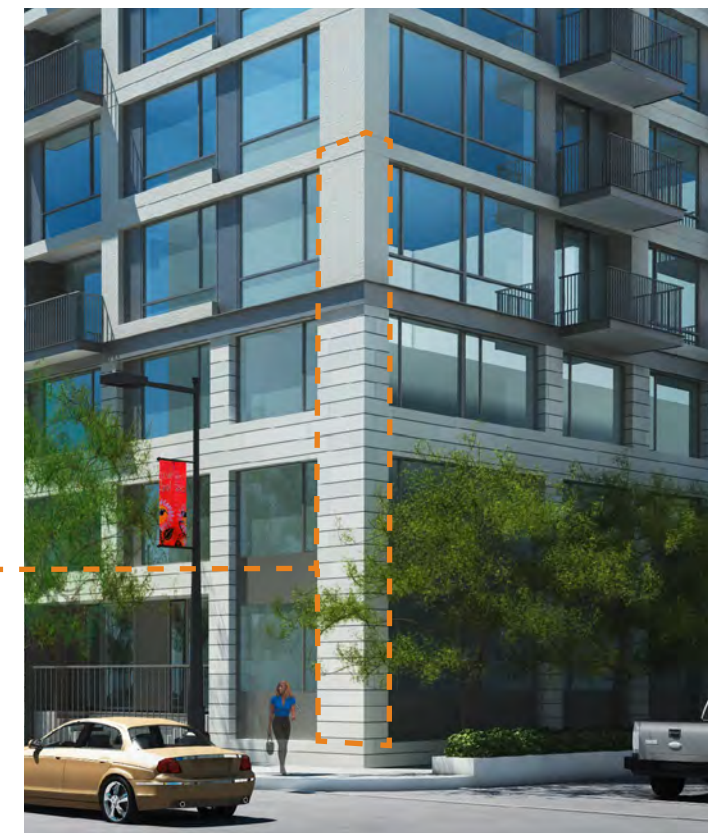
Metal Accents



Attic Story

Building Mass Grouping Breaks Down Building Scale

Solid Corners



# ADDENDUM

## Unit Mix Alternate Scenario

Sheet List:

Alternate Area Summary / Drawing Index

Alternate Level 2 plan

Alternate Typical Plan

Alternate Level 12 Plan

Alternate Level 13 Plan

Residential Apartments								Residential NSF	Residential GSF	Market Rate GSF (Attrib. to FAR)	Mechanical Space	Parking	Retail (Leasing Office)	Loading Spaces	Circulation	GSF
FFL Elevation (ft)	Fir.	units/ flr.	2 Bedroom	1 Bedroom + Den	1 Bedroom	Large Studio	Small Studio									
Average sf			1035sf	767sf	622sf	512SF	411SF									
135.00	15	Roof														
120.00	14	MECH/OPEN SPACE									2,703					2,703
111.00	13	11	3	2	4	1	1	7,977	9,300	9,300						9,300
102.00	12	13	3	2	5	1	2	8,892	10,190	10,190						10,190
93.00	11	13	3	2	6	1	1	9,391	10,665	10,665						10,665
84.00	10	13	3	2	6	1	1	9,258	10,540	10,540						10,540
75.00	09	13	3	2	6	1	1	9,391	10,665	10,665						10,665
66.00	08	13	3	2	6	1	1	9,258	10,540	10,540						10,540
57.00	07	13	3	2	6	1	1	9,391	10,665	10,665						10,665
48.00	06	13	3	2	6	1	1	9,258	10,540	9,103						10,540
39.00	05	13	3	2	6	1	1	9,391	10,665	8,754						10,665
30.00	04	13	3	2	6	1	1	9,258	10,540	9,848						10,540
21.00	03	13	3	2	6	1	1	9,391	10,815	7,808						10,815
12.00	02	13	2	3	6	1	1	9,299	10,815	6,215						10,815
3.00	01	8	3	0	5	0	0	5,936	8,260	4,472		783	0		3,387	12,430
-14.00	B1	0	0	0	0	0	0					11,294		320	1,509	13,123
		162	38	25	74	12	13	116,091	134,200	118,765	2,703	12,077	0	320	4,896	154,196
			23%	15%	46%	7%	8%									

Notes:

- Parking @ 0.30 stalls/unit 51 stalls (using puzzler)
- Site Area: 13,200 gsf
- a. FAR Limit: 6-9
- b. FAR Limit at 9:1 118,800 sf
- c. Total Residential Gross sf 134,200 sf
- d. BMR net sf excluded 13,352 sf
- e. BMR load excluded 2,083 sf
- f. Gross SF Mkt Rate Area 118,765 sf
- g. FAR Mkt Rate 9.00
4. Average Unit Size 717 sf
5. Project Load Factor 0.87 residential NSF/GSF
6. Bicycle Parking 53 Required 62 Provided
7. Car Share Parking 1 Required 1 Provided

BMR Summary - 12%

Unit Type	Unit Count	Avg Sq Ft	Total Sq Ft
Studio	3	473	1,420
1 Bed	12	661	7,930
2 Bed	4	1001	4,002
<b>Total</b>	<b>19</b>	<b>703</b>	<b>13,352</b>

Open Space Summary			
	sf/unit	units	sf
Private Open Space Provided (balconies)		80	5,552
Common Open Space Required	48	82	3,936
Common Open Space Provided:			
Level 02 Outer court terrace			1,510
Level 13 Terrace			915
Level 14 Roof Terrace			1,575
Total Common Open Space Provided			4,000



