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# Executive Summary
## DOWNTOWN PROJECT AUTHORIZATION
## OFFICE ALLOCATION
HEARING DATE: AUGUST 15, 2013

| | |
|---|---|
| *Date:* | August 1, 2013 |
| *Case No.:* | **2013.0276BX** |
| *Project Address:* | **350 MISSION STREET** |
| *Zoning:* | C-3-O(SD) (Downtown Office Special Development)<br>Transit Center C-3-O (SD) Commercial Special Use District<br>700-S-2 Height and Bulk District |
| *Block/Lot:* | 3710/017 |
| *Project Sponsor:* | KR 350 Mission, LLC<br>c/o Daniel Frattin of Reuben, Junius & Rose LLP<br>One Bush Street, Suite 600<br>San Francisco, CA 94104 |
| *Staff Contact:* | Kevin Guy – (415) 558-6163<br>*Kevin.Guy@sfgov.org* |
| *Recommendation:* | **Approval with Conditions** |

## PROJECT DESCRIPTION

On February 10, 2011, the Planning Commission approved a Downtown Project Authorization and Requests for Exceptions pursuant to Planning Code Section ("Section") 309 (Motion No. 18268), and an allocation of office space pursuant to Sections 320 through 325 (Annual Office Development Limitation Program, Motion No. 18267), in connection with a proposal to demolish an existing four-story building containing office and retail uses and construct a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space. At the same hearing, the Zoning Administrator indicated an intent to grant a requested Variance from Section 155(s)(5)(A) to allow a garage entry width measuring approximately 33 fee, where the Planning Code limits the maximum permitted width of a shared parking and loading garage opening to 27 feet. On April 14, 2011, the Zoning Administrator issued a Variance Decision Letter formally granting the requested Variance (collectively, "Previous Project", Case No. 2006.1524EBKXV). Building permits have been issued for the Previous Project, which is currently under construction.

The Project proposes to amend the Previous Project to add up to six additional floors of office space. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, and approximately 23,500 square feet of subterranean parking area. The precise amount of additional floor area that would be developed beyond the Previous Approved Project would be based upon the anticipated needs of the building's sole tenant ("Salesforce.com, Inc.").

Aside from the proposed height increase and additional square footage, the basic form and design of the building would not change. However, the revisions to the Previous Project trigger the requirement that the Commission reconsider the previously-granted exceptions for "Separation of Towers", "Ground-level Wind Currents", and "Bulk Limitations". In addition, the Project Sponsor is requesting that the Commission grant a new exception for the number of freight loading spaces which was not required under the Previous Project.

## SITE DESCRIPTION AND PRESENT USE

The Project Site is an 18,909 sq. ft., roughly square parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O(SD) District, the Transit Center C-3-O(SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Previous Project, as approved by the Commission and the Zoning Administrator in 2011, is currently under construction.

## SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50 Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the future Transit Center (currently under construction), as well as the approved Transbay Tower, is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

The Project Site is located within the Transit Center District Plan (TCDP) area. The City adopted the TCDP and related implementing ordinances in August 2012. Initiated by a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown. Broadly stated, the goals of the TCDP are to focus regional growth (particularly employment growth) toward downtown San Francisco in a sustainable, transit-oriented manner, sculpt the downtown skyline, invest in substantial transportation infrastructure and improvements to streets and open spaces, and expand protection of historic resources.

## ENVIRONMENTAL REVIEW

On September 28, 2011, the Department published a draft Environmental Impact Report (EIR) for the TCDP for public review. The draft EIR was available for public comment until November 28, 2011. On November 3, 2011, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On May 10, 2012 the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project. On May 24, 2012, the Commission reviewed and certified the Final EIR. The Board of Supervisors affirmed this certification on July 24, 2012.

On July 30, 2013, the Planning Department, in a Community Plan Exemption certificate, determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan Final EIR.

## HEARING NOTIFICATION REQUIREMENTS

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|---|---|---|---|---|
| Classified News Ad | 20 days | July 26, 2013 | July 26, 2013 | 34 days |
| Posted Notice | 20 days | July 26, 2013 | July 26, 2013 | 20 days |
| Mailed Notice | 10 days | August 5, 2013 | July 26, 2013 | 20 days |

## PUBLIC COMMENT

To date, staff has received no correspondence regarding the Project.

## ISSUES AND OTHER CONSIDERATIONS

- **Bulk:** The Project Site is located in an "S-2" Bulk District, which provides the following bulk controls for the lower tower of the building: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, a maximum floor size of 20,000 sq. ft., a maximum average floor size of 17,000 sq. ft. The lower tower of the Previous Project complied with the applicable bulk controls. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The upper tower of the Previous Project exceeded the specified bulk controls for maximum diagonal dimension (each floor proposed at approximately 178 feet), and for the maximum average floor size (each floor proposed at approximately 15,020 square feet). As part of the approval for the Previous Project, the Commission granted an exception for the specified bulk limitations. The additional floors proposed as part of the current request match the dimensions and area of the floors of the Previous Project. However, because the additional floors would exceed the bulk limitations, an exception is required for these floors.

  Pursuant to Planning Code Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five specified criteria is met. The manner in which the building is separated into base, lower and upper tower divides the mass of the building into distinct elements. The base of the building is defined by a tall expanse of clear glass which provide a gracious pedestrian realm and offer views into the interior public open space and retail areas. The top of the building is finished by a tall mechanical screen that echoes the use of tilting glass panels and the remainder of the facade, but is distinguished by the added height of these modules. At a detailed level, the tilting glass panels create a woven texture that provides depth and shadow to the building, and creates a dynamically shifting appearance to the building the changes depending on the orientation of the viewer. The added bulk is not anticipated to significantly affect light and air to adjacent buildings. The Project fronts on two wide public streets (Fremont and Mission Streets). These streets serve to

maintain a separation and openness along these frontages. In addition, the building is lower in scale than many existing and planned buildings in the vicinity, including the future Transit Tower, and is proposed at a height that is approximately 270 feet lower than the height permitted by the 700-S-2 Height and Bulk District. The scale of the project is compatible with other buildings in the vicinity, and will also be compatible within the skyline from distant vantage points.

- **Separation of Towers:** In order to preserve the openness of the street to the sky and avoid the perception of overwhelming mass, or to maintain the predominant street wall, an upper-level setback may be required pursuant to Section 132.1. Section 132.1(c)(1) requires all structures in the "S-2" Bulk District provide a minimum setback of 15 feet from the interior property lines that do not abut public sidewalks and from the property lines abutting a public street or alley. This setback increases along a sloping line for building heights above 300 feet.

  The Mission Street and Fremont Street elevations comply with the tower separation requirement, with both elevations set back from the centerline of the abutting streets by approximately 41 feet. The required setback from the abutting interior property lines at the top of the parapet (at a height of approximately 455 feet) would be 27.4 feet. Along the north elevation, the building will be set back approximately 6.5 feet from the property line. Along the east elevation, the building will be set back approximately 14 feet from the property line. Because the new floors would not provide a complying setback from interior property lines, an exception is required. Per Section 132.1(c)(2), exceptions to the requirements for separation of towers may be granted if it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

  The Project Site occupies a corner lot fronting on two wide streets, creating ample distance between it and the buildings to the south and west of the Project Site. The southwest corner of Mission and Fremont Street will be developed as a public plaza with the low-rise Transit Center beyond. The future condition of these adjacent properties will maintain openness, light, and air to nearby blocks to the south. The building to the north (45 Fremont Street) is set back from the shared property line, leaving a total of approximately 45 feet of separation between the two buildings. This separation will preserve the appearance of tower separation and provide light and air. Along the east façade, the building wall would encroach minimally into the required setback. However, the highest occupied floor of the adjacent building at 50 Beale Street is approximately 300 feet tall, and this building is unlikely to be redeveloped at a greater height. Thus, the setbacks provided would be sufficient to maintain light and air, as well as separation between towers.

- **Ground-Level Wind Currents.** Pursuant to Planning Code Section 148, 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, eight out of 70 test points in the vicinity currently exceed the pedestrian comfort level. Construction of the project would add one new exceedance. An exception to the requirements of Section 148 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, and the additional exceedances are insubstantial.

The wind analysis prepared for the Previous Project determined that the increase in wind speeds would be minimal, ranging the maximum wind speed by two miles per hour. The percent of time that the comfort level is exceeded would remain the same (at six percent), and wind speeds would not exceed the hazard criterion of 26 miles per hour. According to a memorandum prepared by RWDI Consultants (dated March 19, 2013), the height resulting from the additional proposed floors would not substantially affect ground-level wind conditions, compared to height analyzed for the Previous Project.

- **Section 152.1: Freight Loading.** 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. For the Previous Project, three loading spaces were required. The Previous Project complied with these requirements by providing two full-size loading spaces and two service vehicle spaces (which qualify as the equivalent of one full-size loading space, as allowed by the Planning Code). With the additional floors proposed as part of the current request, the Project requires four loading spaces. However, no additional loading spaces are proposed beyond those identified in the Previous Project. Therefore, an exception is required that was not granted for the Previous Project.

  In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the loading required may be granted if certain criteria are met. To summarize, these criteria specify that providing additional loading spaces would sacrifice ground-floor area that would be devoted to other desirable uses, that it is impractical to provide joint loading facilities serving multiple buildings, and that curbside delivery would not adversely affect pedestrian, vehicular, and transit circulation

  The Project Site is relatively small for a development site within a C-3 District, leaving a compact ground-floor that must accommodate multiple operational functions to serve the needs of an intense office development. The Project utilizes a truck turntable to maximize the space efficiency of the freight-loading functions at the ground floor, freeing up space for retail, open space, public art, and other street-activating uses along the Mission and Fremont Street frontages. Providing an additional freight loading space would sacrifice additional ground-floor area that would otherwise be used for such desirable functions. The building would be constructed and operated independently from adjacent existing buildings, precluding the possibility of a jointly-used freight loading facility. The mitigation measures for the Project include numerous measures to ensure safe and efficient delivery of goods, including limitations on loading dock hours, limitations on maximum truck length, and requiring a loading dock attendant to coordinate deliveries and direct truck turning movements.

## REQUIRED ACTIONS

In order for the project to proceed, the Commission must determine that the revised project complies with Planning Code Section 309, granting requests for exceptions regarding Separation of Towers (Section 132.1), Ground-Level Wind Currents (Section 148), Off-Street Freight Loading (Section 152), and Bulk Limits (Planning Code Sections 270, 272). The Commission must also allocate square footage under the Annual Office Development Limitation Program (Sections 320-325).

## BASIS FOR RECOMMENDATION

- The project will add office and retail space that will contribute to the employment base of the City and bolster the viability of the Financial District as the center of commerce for the City.
- The new employees within the building would support commercial establishments in the surounding area.
- The ground-floor retail spaces and views of the interior public open space will enliven the streetscape.
- Public transit and neighborhood-serving commercial establishments are abundant in the area. Employees would be able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile. This pedestrian traffic will activate the sidewalks and open space areas in the vicinity.
- The project meets the goals and objectives of the draft Transit Center District Plan to concentrate office development near the future Transit Center and other high-level transit service.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Section 309.

| **RECOMMENDATION:** | **Approval with Conditions** |
|---|---|

**Attachments:**
Draft Motions
Previous Motions
Community Plan Exemption
Mitigation, Monitoring, and Reporting Program
Block Book Map
Sanborn Map
Aerial Photograph
Zoning District Map
Graphics Package from Project Sponsor

# Exhibit Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Environmental Determination
- ☒ Zoning District Map
- ☒ Height & Bulk Map
- ☒ Parcel Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context Photos
- ☒ Site Photos

- ☒ Project sponsor submittal

Drawings: Existing Conditions

- ☒ Check for legibility

Drawings: Proposed Project

- ☒ Check for legibility

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

Planner's Initials

SAN FRANCISCO
**PLANNING DEPARTMENT**

*Subject to: (Select only if applicable)*
☐ Inclusionary Housing
☑Childcare Requirement
☑ Jobs Housing Linkage Program
☑Downtown Park Fee
☑ Public Art
☑ Public Open Space
☑ First Source Hiring (Admin. Code)
☑Transit Impact Development Fee
☐ Other

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# Planning Commission Draft Motion
# Section 309

HEARING DATE: AUGUST 15, 2013

| | |
|---|---|
| *Date:* | August 1, 2013 |
| *Case No.:* | **2013.0276BX** |
| *Project Address:* | **350 MISSION STREET** |
| *Zoning:* | C-3-O(SD) (Downtown Office Special Development)<br>Transit Center C-3-O (SD) Commercial Special Use District<br>700-S-2 Height and Bulk District |
| *Block/Lot:* | 3710/017 |
| *Project Sponsor:* | KR 350 Mission, LLC<br>c/o Daniel Frattin of Reuben, Junius & Rose LLP<br>One Bush Street, Suite 600<br>San Francisco, CA 94104 |
| *Staff Contact:* | Kevin Guy – (415) 558-6163<br>*Kevin.Guy@sfgov.org* |

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR SEPARATION OF TOWERS UNDER PLANNING CODE SECTION 132.1, GROUND-LEVEL WIND CURRENTS UNDER PLANNING CODE SECTION 148, FREIGHT LOADING UNDER PLANNING CODE SECTION 152.1, AND BULK REQUIREMENTS UNDER PLANNING CODE SECTIONS 270 AND 272 TO CONSTRUCT UP TO SIX ADDITIONAL STORIES ATOP A PREVIOUSLY APPROVED, 24-STORY TOWER, RESULTING IN A NEW BUILDING OF UP TO 30 STORIES, AT A ROOF HEIGHT OF UP TO APPROXIMATELY 424 FEET, WITH A MECHANICAL PARAPET REACHING A HEIGHT OF UP TO APPROXIMATELY 455 FEET, CONTAINING UP TO APPROXIMATELY 420,000 SQUARE FEET OF OFFICE USES, APPROXIMATELY 5,400 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 23,500 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 9,650 SQUARE FEET OF PUBLICLY-ACCESSIBLE INTERIOR OPEN SPACE, LOCATED AT 350 MISSION STREET (ASSESSOR'S BLOCK 3710, LOT 017), WITHIN THE C-3-O (SD) (DOWNTOWN OFFICE-SPECIAL DEVELOPMENT) DISTRICT, THE TRANSIT CENTER C-3-O (SD) COMMERCIAL SPECIAL USE DISTRICT, AND THE 700-S-2 HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 10, 2011, the Planning Commission ("Commission) conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Downtown Project Authorization and Requests for Exceptions pursuant to Planning Code Section ("Section") 309 (Motion No. 18268), and an allocation of office space pursuant to Sections 320 through 325 (Annual Office Development Limitation Program, Motion No. 18267), in connection with a proposal to demolish an existing four-story building containing office and retail uses and construct a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space, on a property located at 350 Mission Street, Lot 017 of Assessor's Block 3710 ("Project Site"). At the same hearing on February 10, 2011, the Zoning Administrator indicated an intent to grant a requested Variance from Section 155(s)(5)(A), to allow a garage entry width measuring approximately 33 fee, where the Planning Code limits the maximum permitted width of a shared parking and loading garage opening to 27 feet. On April 14, 2011, the Zoning Administrator issued a Variance Decision Letter formally granting the requested Variance (collectively, "Previous Project", Case No. 2006.1524EBKXV). The Planning Commission approvals and related building permits for the Previous Project are vested, and the building is currently under construction.

On March 14, 2013, Daniel Frattin, acting on behalf of KR 350 Mission, LLC ("Project Sponsor") applied for an allocation of up to 80,000 square feet of office space in order to amend the Previous Project to add up to six additional floors of office space, pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2013.0276B). On April 25, 2013, the Project Sponsor applied for a Downtown Project Authorization and Requests for Exceptions, pursuant to Section 309, in order to amend the Previous Project to add up to six additional floors of office space, make minor changes to the configuration of ground-floor retail space, and create a 4,300 gross square foot restaurant at the second floor. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0 (SD) (Downtown Office-Special Development) District, the Transit Center C-3-0 (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District (collectively, "Project", Case No. 2013.0276BX).

On May 24, 2012, the Planning Commission held a duly advertised public hearing and recommended approval of the Transit Center District Plan ("TCDP" or "Plan") and related implementing Ordinances to the Board of Supervisors. The result of a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. Implementation of the Plan would result in generation of up to $590 million for public infrastructure, including over $400 million for the Downtown Rail Extension. Adoption of the Plan included height reclassification of numerous parcels in the area to increase height

limits, including a landmark tower site in front of the Transit Center with a height limit of 1,000 feet and several other nearby sites with height limits ranging from 600 to 850 feet.

On July 24, 2012, the Board of Supervisors held a duly noticed public hearing, affirmed the Final EIR and approved the Plan, as well as the associated ordinances to implement the Plan on first reading.

On July 31, 2012, the Board of Supervisors held a duly noticed public hearing, and approved the Plan, as well as the associated ordinances to implement the Plan on final reading.

On August 8, 2012, Mayor Edwin Lee signed into law the ordinances approving and implementing the Plan, which subsequently became effective on September 7, 2012.

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 24, 2012, by Motion No. 18628, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Transit Center District Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Transit Center District Plan, the Commission adopted CEQA Findings in its Motion No. 18629 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project–specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off–site and cumulative impacts which were not discussed in the underlying EIR, or(d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On July 30, 2013, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan Final EIR. Since the Transit Center District Plan Final EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to

the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Transit Center District Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On February 10, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0276BX. 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, the Planning Department staff, and other interested parties.

**MOVED,** that the Commission hereby approves the Section 309 Determination of Compliance and Request for Exceptions requested in Application No. 2013.0276X for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, 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. **Site Description and Present Use.** The Project Site is an 18,909 sq. ft., roughly square parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O(SD) District, the Transit Center C-3-O(SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Previous Project, as approved by the Commission and the Zoning Administrator in 2011, is currently under construction.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50 Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the future Transit Center (currently under construction), as well as the approved Transbay Tower, is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

The Project Site is located within the Transit Center District Plan (TCDP) area. The City adopted the TCDP and related implementing ordinances in August 2012. Initiated by a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown. Broadly stated, the goals of the TCDP are to focus regional growth (particularly employment growth) toward downtown San Francisco in a sustainable, transit-oriented manner, sculpt the downtown skyline, invest in substantial transportation infrastructure and improvements to streets and open spaces, and expand protection of historic resources.

4. **Proposed Project.** The Project proposes to amend the Previous Project to add up to six additional floors of office space. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, and approximately 23,500 square feet of subterranean parking area. The precise amount of additional floor area that would be developed beyond the Previous Project would be based upon the anticipated needs of the building's sole tenant ("Salesforce.com, Inc.").

   Aside from the proposed height increase and additional square footage, the basic form and design of the building would not change. However, the revisions to the Previous Project trigger the requirement that the Commission reconsider the previously-granted exceptions for "Separation of Towers", "Ground-level Wind Currents", and "Bulk Limitations". In addition, the Project Sponsor is requesting that the Commission grant a new exception for the number of freight loading spaces which was not required under the Previous Project.

5. **Public Comment.** To date, the Planning Department has received no communications regarding the proposed Project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **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-O (SD) District is 6.0 to 1. Under Sections 123 and 128, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (TDR), and may exceed 9.0 to 1 without FAR limitations through participation in the Transit Center District Mello-Roos Community Facilities District, pursuant to Section 424.8.

      *The Project Site has a lot area of approximately 18,909 square feet. The Approved Project is under construction with an FAR of 18-to-1, which is vested under the pre- TCDP entitlements. The pre-TCDP zoning established a base FAR of 9-to-1, allowing up to 170,181 square feet of Gross Floor Area ("GFA") without the purchase of TDR. With TDR, up to 340,362 square feet of GFA was permitted. The Sponsor purchased and recorded Notices of Use for the amount of TDR required to build the Approved Project.*

*As shown in the conceptual plans for the Project, the building with the Addition would include approximately 432,457 square feet of GFA (an FAR of approximately 22.9 to 1). Conditions of approval are included to require the Sponsor to participate in the Transit Center District Mello-Roos Community Facilities District to pursue development above an FAR of 9.0 to 1.*

B. **Section 132.1(c): Streetwall Base.** In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures, and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, new buildings taller than 150 feet within the C-3-O(SD) District must establish a streetwall height between 50 and 110 feet, through the use of a horizontal relief totaling at least 10 feet for a minimum of 40 percent of the linear frontage.

*The streetwall base requirements of Section 132.1(c) were included with the Planning Code amendments associated with the TCDP that were adopted following the entitlement of the Previous Project. These requirements apply to the portion of the building between 50 and 110 feet in height. The additional stories proposed as part of the Project would not affect the applicable heights of the building between 50 and 100 feet. Therefore, the Project is not subject to the streetwall base requirements of Section 132.1(c).*

C. **Open Space (Section 138).** New buildings in the C-3-O Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

*The building includes up to approximately 420,000 gross sq. ft. of new office space, and shown in the conceptual plans for the Project. At a ratio of 1:50, 8,400 sq. ft. of open space is required. The Project would comply with the requirement by including approximately 9,650 square feet of interior public open space on the ground and mezzanine levels. The proposed open space is enclosed, and is designed in a manner that generally complies with the adopted Guidelines for Downtown Open Space. The design of the open space will be further refined throughout the building permit review process.*

D. **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. Subject to approval by other city bodies, these improvements would incorporate the recommendations of the Transit Center District Plan by widening the*

*sidewalk along the Mission Street frontage to 19 feet, and along a portion of the Fremont Street frontage to 24.5 feet.*

E. **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 Fremont Street or Mission Street, and therefore does not apply to the Project. The Project is surrounded by a number of existing and planned buildings at taller heights. These buildings would mask and subsume the shadows cast by the Project onto surrounding sidewalks. In addition, the Project is proposed at a height (with an addition of six stories) that is approximately 270 feet lower than the height permitted by the 700-S-2 Height and Bulk District, thereby casting substantially less shadow than a building constructed to the height limit for the property. The Project will not create substantial shadow impacts to public sidewalks.*

F. **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.

*The Project is subject to Section 147, because it would be approximately 455 feet tall to the top of the mechanical screen. The Project would cast shadow on two privately owned, publicly accessible open spaces (POPOS). However, the shadow would be insubstantial due to its limited duration and the character of the spaces affected by it. The POPOS in question are both relatively narrow and tucked away between existing buildings. Although both have seating, they are used primarily as mid-block pedestrian walkways and are already heavily shaded by existing high-rise development.*

*The first such space is located immediately to the north of the Project Site, between 350 Mission Street, 45 Fremont Street, and 50 Beale Street. Seating at the southern end of this POPOS is located immediately adjacent to the existing 350 Mission Street building. With the exception of about 90 minutes during mid-to-late afternoon around the summer solstice, when the sun shines through a narrow gap between buildings to the west-northwest of the Project, this seating is fully shaded under existing conditions. The northern portion is similarly shaded but for a one-hour period around mid-day from late spring to early summer. During this time, the sun shines through a gap between the Millennium Tower, 50 Beale Street and 350 Mission Street.*

*The Project would obscure the mid-day sunlight available to the POPOS to the north, but would not affect sunlight later in the afternoon. This additional shadow would be insubstantial, because it would be limited to a brief time during late spring to early summer. The POPOS is already heavily shaded and its primary use as mid-block pedestrian circulation would not be adversely affected by the incremental additional shadow.*

*The second POPOS that would be affected by the Project is located across Fremont Street to the west, between the loading dock for the 43-story 50 Fremont Street building to the south and the 425 Market Street building to the north. This space is used primarily as a mid-block pedestrian passage. It attracts a small number of lunchtime users, although it is shaded by existing development at mid-day throughout the year. The space is generally shaded during the morning, though it does receive some morning sun in late spring and early summer.*

*Project shadow would fall on this POPOS between about 9:30 a.m. and 10:30 a.m. in late spring and early summer. This shadow would be insubstantial as it would be limited in duration, would resemble conditions prevailing at other times of the year and would not adversely affect the primary use of the POPOS as a mid-block pedestrian corridor.*

*Further, it is not feasible to redesign the Project to avoid these insubstantial effects without unduly restricting the development potential of the Project Site. Virtually any high-rise development would result in additional shadow on the POPOS to the north or west. Significant reductions in floorplate size would unduly restrict development potential, and would not substantially increase sunlight to the POPOS.*

*Although Section 147 does not apply to planned open spaces, the Project is not expected to cast shadow on the planned City Park atop the new Transit Center. City Park would be located due south of the Project, and the existing Millennium Tower would mask any shadow generated by the Project that could potentially reach the park.*

G. **Parking (Section 151.1).** Prior to the adoption of the Planning Code amendments associated with the TCDP, Section 151.1 specified that non-residential uses in C-3-O Districts are not required to provide off-street parking, but a parking area not to exceed 7% of the gross floor area of the building is permitted as accessory. The Planning Code amendments associated with the TCDP further restricted the parking areas for non-residential uses to a maximum of 3.5% of the gross floor area of the building.

*The Previous Project was entitled with 340,362 gross square feet of office uses, and approximately 23,428 square feet of gross parking area. At the time of entitlement, the Previous Project complied with the seven percent maximum allowance for accessory parking. The Project as proposed would not create any new parking area beyond that approved for the Previous Project, and is not subject to the revised parking limitations associated with the TCDP.*

H. **Shower and Locker Facilities (Section 155.3).** New commercial buildings whose primary use consists of offices require four showers and eight lockers when the gross floor area exceeds 50,000 square feet.

*The Project would provide the required shower and locker facilities on the lower garage level, and therefore complies with this requirement.*

I. **Bicycle Parking (Section 155.4).** Prior to the adoption of the Planning Code amendments associated with the TCDP, Section 155.4 specified that new commercial buildings whose primary use consists of offices require 12 Class 1 bicycle parking spaces when the gross floor area exceeds 50,000 square feet. The Planning Code amendments associated with the TCDP require that, for new commercial buildings whose primary use consists of offices exceeding 75,000 gross square feet, 20 Class 1 bicycle parking spaces are required, plus one Class 1 space for each 5,000 square feet in excess of 75,000 square feet. In addition, one Class 2 bicycle parking space is required for each 50,000 gross square feet.

*The Project includes 160 bicycle parking spaces, and therefore complies with this requirement.*

J. **Height (Section 260).** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within the 700-S-2 Height and Bulk District.

*The Project would reach a height of up to approximately 424 feet to the roof (with a six story addition), with rooftop mechanical structures and screening reaching a maximum height of approximately 455 feet. The Project therefore complies with the 700-foot height limit.*

K. **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.

*The Department conducted a shadow analysis and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.*

L. **Downtown Park Fund (Section 412).** A project in a C-3 District that proposes a net addition of office space is required to pay a fee which will be deposited in the Downtown Park Fund. The fee is jointly established by the Planning Commission and the Recreation and Park Commission. The purpose of the Downtown Park Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees and visitors in downtown San Francisco.

*The Project Sponsor would comply with this requirement by contributing the required amount.*

M. **Jobs-Housing Linkage Program (Section 413).** Large-scale development projects that contain entertainment, hotel, office, research and development, or retail/personal services uses create jobs as well as an increased demand for housing. Under Section

413, these large-scale development projects are required to pay a fee to a designated housing developer or to the City in order to help offset the cost of building additional housing. The Section 413 housing requirements apply to office projects proposing at least 25,000 square feet of new use.

*The Project is subject to Section 413, because it proposes up to approximately 420,000 square feet of office uses. The Project Sponsor would comply with Section 413 either by construction of the units or by payment of an in-lieu fee.*

N. **Childcare Requirement (Section 414).** Large-scale office and hotel developments create jobs as well as an increased demand for childcare services for the employees who fill those jobs. Under Section 414, these large-scale development projects are required to (1) provide on-site childcare, (2) provide off-site childcare, (3) pay an in-lieu fee, or (4) combine the provision of on-site or off-site childcare with the payment of an in-lieu fee. This requirement applies to office development projects proposing the net addition of 50,000 or more gross square feet.

*The Project proposes up to approximately 420,000 sq. ft. of office uses and is subject to Section 414. The Project Sponsor would either provide the facility itself, make arrangements with an appropriate organization to do so, or pay the in-lieu fee.*

O. **Transit Center District Open Space Fee (Section 424.6).** A project in the C-3-O(SD) District that proposes a net addition of residential or non-residential use is required to pay a fee which will be deposited in the Transit Center District Open Space Fund. The purpose of this Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees, residents, and visitors in downtown San Francisco.

*The requirements of Section 424.6 were included with the Planning Code amendments associated with the TCDP that were adopted following the entitlement of the Previous Project. Therefore, the Transit Center District Open Space Fee is only applicable to the additional floor area that is proposed for the Project. The Project includes up to approximately 112,095 square feet of additional floor area that will be subject to Section 424.6.*

P. **Transit Center District Transportation and Street Improvement Fee (Section 424.7).** A project in the C-3-O(SD) District that proposes a net addition of residential or non-residential use is required to pay a fee which will be deposited in the Transit Center District Transportation and Street Improvement Fund. The purpose of this Fund is to provide the City with the financial resources to design and implement transportation improvements in downtown San Francisco.

*The requirements of Section 424.7 were included with the Planning Code amendments associated with the TCDP that were adopted following the entitlement of the Previous Project. Therefore, the Transit Center Transportation and Street Improvement Fee is only applicable to the additional floor area that is proposed for the Project. The Project includes up to*

*approximately 112,095 square feet of additional floor area that will be subject to Section 424.7.*

Q. **Transit Center District Mello Roos Community Facilities District Program (Section 424.8).** A project in the C-3-O(SD) District that exceeds an FAR of 9.0 to 1 is required to participate in a Mello Roos Community Facilities District in order to help fund infrastructure, improvements, and services described in the Transit Center District Implementation Document.

*The Project Site has a lot area of approximately 18,909 square feet. Therefore, up to 113,454 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 170,181 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include approximately 432,457 square feet of GFA (an FAR of approximately 22.9 to 1). Conditions of approval are included to require the Project Sponsor to participate in the Transit Center District Mello-Roos Community Facilities District to pursue development above an FAR of 9.0 to 1.*

R. **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 would comply by dedicating one percent of construction cost to works of art. The conceptual plans for the Project show artwork located in the interior open space and lobby. It would consist of a "digital canvas" on the building's core wall and ceiling, where it could be viewed by persons inside the building, as well as those on the street. The digital canvas would display alternating works of art on-screen by local artists. In addition, the digital canvas is planned to incorporate a camera system to capture images from the exterior of the building, which could then reflect and transpose passing foot traffic as a live or time-lapsed visual graphic.*

7. **Exceptions Requested Pursuant to Section 309.** The proposed Project is required to meet all applicable Code requirements or request exceptions as permitted by Section 309. In approving the previous Motion No. 18268, the Planning Commission granted specific exceptions regarding Setbacks and Separation of Towers (Section 132.1), Ground-Level Wind Currents (Section 148), Parking and Loading Design to allow vehicular and loading access via Fremont Street (Section 155(r)), and Bulk Limits (Section 270, 272). The additional floor area proposed for the Project would not affect the previously-granted exception to allow vehicular and loading access via Fremont Street. The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings, and grants modifications to the previously-granted exception to Setbacks and Separation of Towers, Ground-Level Wind Currents, and Bulk Limits. The Commission further grants a newly-requested exception regarding Freight Loading (Section 152.1). These exceptions are further described below:

A. **Section 132.1: Setbacks and Separation of Towers in C-3 Districts.** In order to preserve the openness of the street to the sky and avoid the perception of overwhelming mass, or to maintain the predominant street wall, an upper-level setback may be required pursuant to Section 132.1. Section 132.1(c)(1) requires all structures in the "S-2" Bulk District provide a minimum setback of 15 feet from the interior property lines that do not abut public sidewalks and from the property lines abutting a public street or alley. This setback increases along a sloping line for building heights above 300 feet.

*The tower separation requirement applies beginning at a height that is equal to 1.25 times the width of the principal street on which the building faces. The Project fronts on Fremont and Mission Streets, which each measure 82.5 feet in width. Therefore, the 15-foot setback requirement begins at a height of approximately 103 feet. Above 300-feet in height, the setback for those elevations fronting on a public street is measured from the centerline of the abutting street, gradually increasing to a maximum of 70 feet at a building height of 1,000 feet. For the Project, the required setback from the abutting streets at the top of the parapet (at a height of approximately 455 feet) would be 27.4 feet. The Mission Street and Fremont Street elevations comply with the tower separation requirement, with both elevations set back from the centerline of the abutting streets by approximately 41 feet.*

*Above 300-feet in height, the setback for those elevations fronting an abutting interior property line is measured from the abutting property line, gradually increasing to a maximum of 35 feet above a building height of 550 feet. For the Project, the required setback from the abutting property lines at the top of the parapet (at a height of approximately 455 feet) would be 27.4 feet. Along the north elevation, the building will be set back approximately 6.5 feet from the property line. Along the east elevation, the building will be set back approximately 14 feet from the property line. Because the Project would not provide a 15-foot setback at the lower portion of the building, or the full 27.4-foot setback at the top of the building, an exception is required.*

Per Section 132.1(c)(2)(B), exceptions to the tower separation setback requirements may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

*Overall, access to light and air or the appearance of tower separation would not be impaired by the Project or by granting the exception. The Project Site occupies a corner lot fronting on two wide streets, creating ample distance between it and the buildings to the south and west of the Project Site. The Transbay Joint Power Authority ("TJPA") has proposed to develop the southwest corner of Mission and Fremont Street as a public plaza with the low-rise Transit Center beyond. These future TJPA developments will maintain openness, light, and air to nearby blocks.*

*Adjacent and to the north of the Project Site is 45 Fremont Street, a 34-story building, that is set back from the shared property line by approximately 39 feet. The setback area is used as a courtyard. Combined with the setback proposed for the Project, there would be approximately 45 feet of separation between the two buildings, leaving sufficient distance to preserve the appearance of tower separation and provide light and air.*

*Along the east façade, the building wall would encroach minimally into the required setback, by approximately one foot at the lower portions of the building, and approximately 12 feet at the uppermost portion of the building. However, the highest occupied floor of the adjacent building at 50 Beale Street is approximately 300 feet tall, and this building is unlikely to be redeveloped at a greater height. Thus, the setbacks provided would be sufficient to maintain light and air, as well as separation between towers.*

B. **Section 148: Ground-Level Wind Currents.** 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. A wind tunnel analysis, the results of which are included in the EIR prepared for the Previous Project, was conducted using a scale model of the Project Site and its immediate vicinity. Measurements were taken at 70 test points. According to a memorandum prepared*

*by RWDI Consultants (dated March 19, 2013), the additional height proposed for the Project would not substantially affect ground-level wind conditions, compared to height analyzed for the Previous Project.*

***Comfort Criterion***

*Without the Project, eight of the 70 test points currently exceed the pedestrian comfort level of 11 mph, and ten of the test points in seating areas exceed the seven mph threshold. The average wind speed was approximately 9 mph, and winds exceeded the comfort criterion roughly six percent of the time. Wind speeds ranged from four to 18 mph.*

*With the Project, wind conditions would change only minimally. The average wind speed would remain approximately nine mph, and winds would exceed the comfort criterion approximately six percent of the time. In total, nine test points would exceed the pedestrian criterion, an increase of one above existing conditions, and ten test points would exceed the criterion for seating areas. An exception under Section 148 (a) is therefore required.*

*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. In the aggregate, the average wind speed across all test points (nine mph) would not change, nor would the amount of time (six percent) during which winds exceed the applicable criterion. Wind speeds would range from four to 20 mph. The foregoing results indicate that the comfort- level criterion would be exceeded by limited amounts with wind speeds up to 20 mph as opposed to 18 mph under existing conditions. The areal extent of winds above the threshold would remain limited, with an increase of one location over existing conditions. Winds would remain under the threshold roughly 94 percent of the time.*

*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 to reduce wind are not available.*

*For these reasons, an exception from the comfort criterion is appropriate and hereby granted.*

***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 70 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 152.1: Freight Loading.** 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. Table 152.1 requires off-street freight loading spaces to be provided at a ratio of 0.1 spaces per 10,000 square feet of gross office floor area. Section 153(a)(6) allows two service vehicle spaces to be substituted for one freight loading space provided that at least 50% of the total required number of spaces are provided.

*With approximately 420,000 square feet of office uses (with a six-story addition), the Project requires four loading spaces. The Project would provide two full-size off-street loading spaces and two service vehicle spaces, providing the equivalent of three loading spaces.*

In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

(1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

(2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

(3) A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

*The Project Site is relatively small for a development site within a C-3 District, leaving a compact ground-floor that must accommodate multiple operational functions to serve the needs of an intense office development. The Project utilizes a truck turntable to maximize the space efficiency of the freight-loading functions at the ground floor, freeing up space for retail,*

*open space, public art, and other street-activating uses along the Mission and Fremont Street frontages. Providing an additional freight loading space would sacrifice additional ground-floor area that would otherwise be used for such desirable functions. The building would be constructed and operated independently from adjacent existing buildings, precluding the possibility of a jointly-used freight loading facility. The mitigation measures for the Project include numerous measures to ensure safe and efficient delivery of goods, including limitations on loading dock hours, limitations on maximum truck length, and requiring a loading dock attendant to coordinate deliveries and direct truck turning movements.*

D. **Section 270: Bulk Limits.** Section 270 establishes bulk controls by district. For buildings lower than 650 feet in the "S-2" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, a maximum floor size of 20,000 sq. ft., and a maximum average floor size of 17,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 sq. ft. Exceptions to the Section 270 bulk limits are permitted by Section 309(a)(12).

*The property fronts on Mission and Fremont Streets, which measure 82.5 feet in width. Therefore, the lower tower controls apply above 103 feet, or starting at the eighth floor. Based on the Project's roof height of approximately 424 feet, the upper tower controls apply above 260 feet, or starting at the 21st floor. Based on the 15,020 sq. ft. average floor plate size in the lower tower, a 20 percent upper floor volume reduction requirement applies to the upper tower.*

*The lower tower complies with the bulk controls. The floors in the lower tower have a maximum length of approximately 129 feet, and a maximum diagonal dimension of approximately 178 feet. The floor plates in the lower tower measure approximately 15,020 sq. ft., which is substantially less than the 17,000 average floor size, or 20,000 sq. ft. maximum floor size allowed by the Planning Code.*

*The floors in the upper tower match the dimensions of those in the lower tower, with a length of approximately 129 feet and a maximum floor plate size of approximately 15,020 sq. ft. These aspects of the upper tower comply with the specified bulk controls. However, an exception is required for the diagonal dimension of approximately 178 feet, and the average floor size of 15,020 sq. ft. An exception is also required for the upper tower volume reduction requirement.*

Per Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five listed criteria is met. The Project meets the following criteria:

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

*The Project would be consistent with the intent of the bulk limits and policies of the General Plan. The lower tower floor plates are 25 percent smaller than permitted by Section 270. Therefore, the lower tower would have substantially less bulk than is allowed by the Code. The requested exceptions for the upper tower are minor in nature and would be compatible with the prevailing scale of development in the vicinity. The Project's silhouette would harmonize well with surrounding buildings. It would not, however, significantly affect light and air to adjacent structures.*

*The proposed design adheres to the intent of the Downtown Plan to foster sculpting of building form, less overpowering buildings and more interesting building tops. The overall design of the exterior fenestration, materials, and surfaces would include variations that ameliorate the apparent mass of the tower.*

*The lower and upper towers have been designed to emphasize the Project's verticality, and their massing would be reflective of and compatible with other surrounding development. Decreasing the floor size of the upper tower to conform to the bulk limitations, while increasing the building height by several floors to maintain the equivalent square footage, would result in an awkward structure with an unbalanced relationship between the upper and lower floors. Under these circumstances, strict application of the bulk controls would unnecessarily prescribe the building form and undermine the viability of the development, without producing any corresponding public benefit.*

(3) The added bulk does not significantly affect light and air to adjacent buildings;

*The added bulk would not significantly affect light and air to the adjacent buildings. The Millennium Tower, located south of the Project across Mission Street, is the only residential building in the immediate area. As a tall development spanning two corners and towering over many nearby buildings, the Millennium has ample exposure to light and air.*

*The added bulk would not significantly light or air to the adjacent commercial buildings at 50 Beale Street and 45 Fremont Street, neither of which utilize operable windows for ventilation. 50 Beale Street is located at the corner of Mission and Beale Streets, and a large mid-block plaza (Bechtel Plaza) adjoins it to the north. After construction of the Project, these three frontages would remain open, providing large amounts of natural light to the building. 45 Fremont Street will continue to receive light from its primary façade on Fremont Street, from its rear façade on Bechtel Plaza, and from a wide courtyard located between it and the Project. The small amount of added bulk above the Project's 21st floor would not significantly affect the*

*substantial amounts of light both adjacent buildings will receive from surrounding streets and open spaces.*

(4) If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass,

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,

(C) Differences in materials, colors or scales of the facades that produce separate major elements,

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers;

*The overall design of the exterior fenestration, materials, and surfaces would include variations which ameliorate the apparent mass of the tower. The 50-foot-tall base of the building would be set off from the tower by the use of clear glass and expansive connections to the street that emphasize the public nature of the Project's ground floor. Although the Project would slightly exceed the upper tower bulk limit, it would be approximately 276 feet shorter than allowed by the height limit. Thus, substantial volumes permitted to be developed under the bulk limit would be left open.*

(5) The building, structure or development is made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits,

*The immediate vicinity is primarily built out with high-rise structures, ranging generally from 300 to 600 feet in height. The Project Site is ringed with such buildings, including the 330-foot tall-building at 50 Beale Street and the 476-foot-tall building at 45 Fremont Street. In addition, numerous taller buildings of up to 1,000 feet in height are envisioned in the vicinity by the TCDP. The Project's rectilinear form would create a silhouette that is*

*harmonious with the building pattern in the area. Because the Project Site is flat and surrounded by dense urban development, the Project would have no discernible effect on the relationship between the downtown skyline and natural landforms, nor will it obscure scenic views thereof.*

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character,

*The Project reaches a height of approximately 455 feet to the top of the mechanical screen, which is similar to, or shorter than, that of surrounding development, including 45 Fremont Street (476 feet), the Millennium Tower (645 feet), 50 Beale Street (330 feet), and 50 Fremont Street (600 feet). The TCDP envisions a number of taller buildings in the vicinity, including the approved Transbay Tower, which reaches a height of 1,070 feet to the top of its decorative crown.*

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development, and

*The Project's glass façade would be compatible in color and material with that of other buildings nearby, including the Millennium Tower and the Transbay Tower. The scale of the building would be similar to others in the vicinity, albeit somewhat smaller due to the size of the Project Site. A metal clad cornice line would visually separate the lobby from the tower above, defining a street-level pedestrian scale consistent with adjacent high rise buildings on Mission and Fremont Streets.*

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

*The Project would enhance the pedestrian environment. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a comfortably-scaled environment for pedestrians while inviting the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space, where seating, restrooms and other amenities would be provided for public use. The design of the interior open space, including works of art, as well as activities within it, would create visual interest for passersby.*

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

## COMMERCE ELEMENT

### Objectives and Policies

The **Commerce Element** of the General Plan contains the following relevant objectives and policies:

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

**Policy 1.1:**
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The Project would provide significant benefits by increasing the supply of office space in the Downtown area, and thus would create new jobs in a location that is easily accessible by a multitude of transit services. It would result in an increase in tax revenue for the City and an increase in retail/personal services activity in the immediate neighborhood. The Project Sponsor would contribute funds for new park spaces, affordable housing, transportation improvements, and other public services. The Project would also create a large interior open space which would be accessible to the general public.*

**Policy 1.3:**
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project Site is in the C-3-O(SD) (Downtown Office-Special Development) District, which principally permits office and retail/personal services uses. The City's General Plan, including the Downtown Plan and the Transit Center District Plan, encourages the concentration of commercial office development near transit in the downtown core.*

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

**Policy 2.1**:
Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project supports this Policy. Due to its location in the Transit Center District Plan area, the Project Site is in a suitable location to attract and retain commercial entities. It is centrally located and is close to many jobs, services, and transit lines. The Project would enhance the existing business climate by offering new office space in a structure that is designed to achieve LEED Platinum Certification.*

## URBAN DESIGN ELEMENT
## Objectives and Policies

The **Urban Design Element** of the General Plan contains the following relevant 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.

*Most buildings in the immediate area are high-rises. The Project would not dominate or otherwise overwhelm the area, as many existing and proposed buildings are substantially taller than the proposed Project. The Project's contemporary design would complement existing and planned development in the area.*

## DOWNTOWN PLAN ELEMENT
## Objectives and Policies

The **Downtown Plan Element** of the General Plan contains the following relevant objectives and policies:

**OBJECTIVE 2:**
MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

**Policy 2.1:**
Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

**Policy 2.2:**
Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

*The Project would add office space to a location that is well-served by transit, and is within walking distance of substantial retail goods and services. Employees of the building would be able to walk, bike, or utilize transit to commute and access services in the vicinity. The Project replaces the four-story office structure which previously occupied the site with a structure of up to 30 stories, thereby supporting a compact downtown core.*

**OBJECTIVE 5:**
RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

**Policy 5.1:**

Provide space for support commercial activities within the downtown and in adjacent areas.
*With a significant addition of new commercial space, the Project supports this Policy.*

## TRANSIT CENTER DISTRICT PLAN

The **Transit Center District Plan** of the General Plan contains the following relevant objectives and policies:

### Objectives and Policies

**OBJECTIVE 1.1:**
MAINTAIN DOWNTOWN SAN FRANCISCO AS THE REGION'S PREMIER LOCATION FOR TRANSIT-ORIENTED JOB GROWTH WITHIN THE BAY AREA.

**OBJECTIVE 1.2**
REINFORCE THE ROLE OF DOWNTOWN WITHIN THE CITY AS ITS MAJOR JOB CENTER BY PROTECTING AND ENHANCING THE CENTRAL DISTRICT'S REMAINING CAPACITY, PRINCIPALLY FOR EMPLOYMENT GROWTH.

**OBJECTIVE 1.3:**
CONTINUE TO FOSTER A MIX OF LAND USES TO REINFORCE THE 24-HOUR CHARACTER OF THE AREA.

**Policy 1.1:**
Increase the overall capacity of the Transit Center District for additional growth.

**Policy 1.3:**
Reserve the bulk of remaining space in the core Transit Center District for job growth, by limiting the amount of non-commercial uses on major opportunity sites.

*In general, the downtown core of San Francisco offers relatively few remaining opportunity sites for employment growth. The TCDP seeks to maximize development intensity at these remaining opportunity sites, and to preserve such sites primarily for employment uses. The Plan seeks to address issues of regional sustainability and traffic congestion by focusing job growth within an intense, urban context in an area supported by abundant existing and planned transit services, as well as retail and service amenities. The Project implements this vision through the development of approximately 420,000 square feet of office space, located immediately adjacent to the future Transit Center, and within one block of the Market Street transit spine.*

**OBJECTIVE 4.1:**
THE DISTRICT'S TRANSPORTATION SYSTEM WILL PRIORITIZE AND INCENTIVIZE THE USE OF TRANSIT. PUBLIC TRANSPORTATION WILL BE THE MAIN, NON-PEDESTRIAN MODE FOR MOVING INTO AND BETWEEN DESTINATIONS IN THE TRANSIT CENTER DISTRICT.

**Policy 4.5:**
Support funding and construction of the Transit Center project to further goals of the District Plan, including completion of the Downtown Extension for Caltrain and High Speed Rail.

*One of the goals of the Plan is to leverage increased development intensity to generate revenue that will enable the construction of new transportation facilities, including support for the new Transit Center, including the Downtown Rail Extension. These revenues will also be directed toward improvements to sidewalks and other important pedestrian infrastructure to create a public realm that is conducive to, and supportive of pedestrian travel. For the increment of additional floor area that exceeds the square footage of the Previous Project, the Project will contribute financial resources toward these improvements, and will also serve to leverage these investments by focusing intense employment growth within the core of planned transportation services.*

## TRANSPORTATION ELEMENT
## Objectives and Policies

The **Transportation Element** of the General Plan contains the following relevant 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 Downtown Core has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, the Transbay Terminal, and the Ferry Building, 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.*

9. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

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

      *The Project would include approximately 5,400 sq. ft. of retail/personal services uses at the ground-floor and mezzanine level. These uses would provide goods and services to downtown workers, residents, and visitors, while creating ownership and employment opportunities for*

*San Francisco residents. The addition of office uses would bring new employees and visitors to area, strengthening the customer base of other businesses.*

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 Site was previously occupied by a four-story office building with ground-floor formula-retail/personal uses, therefore, no housing is being removed by the Project. The Project Site is located in an area where high-rise office development predominates and is explicitly encouraged by the Downtown Plan and the Transit Center District Plan. The Project would be compatible with the character of the area.*

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

*The Project would enhance the City's supply of affordable housing by participating in the Jobs-Housing Linkage Program pursuant to Planning Code Section 413.*

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

*The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located one block from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the future Transit Center, providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.*

*The EIR prepared for the Previous Project concludes that commuter traffic associated with the Project would not result in significant congestion on surrounding streets. The Project would incorporate measures related to the operation of the garage to ensure that entering and exiting vehicles do not impede transit service. Neighborhood parking would not be overburdened.*

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 Site does not contain any industrial or service sector uses, and thus none would be displaced by the Project. The Project Site was previously occupied by a four-story office and retail/personal services building. The Project would continue the same types of uses, albeit at an increased intensity suitable for its location within the Transit Center District Plan area.*

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

*The Project would help the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake by replacing an older building with one that will meet or exceed all current structural and seismic requirements under the San Francisco Building Code.*

G. That landmarks and historic buildings be preserved.

*The project would not affect any landmark or historic building. The EIR prepared for the Previous Project concludes that the building which formerly occupied the site had been heavily altered and was ineligible for listing in the California Register. That building has since been demolished to allow for new construction to proceed.*

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

*The EIR prepared for the Previous Project evaluated potential impacts of the building on parks and other open spaces, and determined that it would not significantly increase shadows on them or impede views from them. Because the Project Site is level and is largely surrounded by high-rise development, the Project would not impede views from parks and open spaces. A shadow study confirmed that no public parks protected by Section 295 would be shaded by the Project, and additional shadow cast on nearby private open spaces would be minor and limited in duration. The additional height proposed for the Project would not substantially affect shadow conditions in the vicinity, compared with the Previous Project.*

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 Section 309 Determination of Compliance and 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. 2013.0276X**, and grants exceptions to Sections 132.1, 148, 152.1, 270, and 272 pursuant to Section 309, subject to the following conditions attached hereto as "EXHIBIT A", in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2013.0276X.

**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 this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.**

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 15, 2013

# EXHIBIT A

## AUTHORIZATION

This authorization is to grant a Downtown Project Authorization and Request for Exceptions pursuant to Planning Code Section 309, in connection with a proposal to amend a previously-approved project (Case No. 2006.1524X, Motion No. 18268) to add up to six additional floors containing up to approximately 80,000 square feet of office uses. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0 (SD) (Downtown Office-Special Development) District, the Transit Center C-3-0 (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Project shall be constructed in general conformance with plans dated August 15, 2013 and stamped "EXHIBIT B" included in the docket for Case No. 2013.0276X, and subject to conditions of approval reviewed and approved by the Commission on August 15, 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 **XXXXXX** 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

**Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Additional Project Authorization**. The Project Sponsor must obtain a Project authorization under Sections 321 and 322 to allocate office square footage and satisfy all the conditions thereof. 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*

**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. Their implementation is a condition of project approval.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

## DESIGN – COMPLIANCE AT PLAN STAGE

**Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, 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 415-558-6378, www.sf-planning.org*

**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 415-558-6378, www.sf-planning.org*

**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 building permit application. 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 415-558-6378, www.sf-planning.org*

**Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Streetscape Plan.** Pursuant to Planning Code Section 138.1, 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 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. The Streetscape Plan shall include widening of the sidewalks along the Mission and Fremont Street frontages, in accordance with the Transit Center District Plan.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Food Service in Open Spaces - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall make food service available during the hours that the open space is accessible to the public. In the event that the Project Sponsor is unable to lease a retail space to a food service, food service shall be provided by a kiosk, or a cart or similar portable device within the open space.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on Mission and Fremont Streets and shall indicate that the open space is accessible to the public via the elevators in the lobby. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. 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 415-558-6378, www.sf-planning.org*

**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*

**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*

**Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), 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 415-558-6378, www.sf-planning.org*

## PARKING AND TRAFFIC

**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*

**Bicycle Parking**. Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 28 Class 1 bicycle parking spaces and one Class 2 bicycle parking space.

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

**Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than four showers and eight clothes lockers.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 23,428 square feet of off-street parking area.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide two full size off-street loading spaces and two service vehicle spaces.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**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*

## PROVISIONS

**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*

**Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Employment Brokerage Services - C-3 District.** Pursuant to Planning Code Section 164, the Project Sponsor shall provide employment brokerage services for the actual lifetime of the project. Prior to the

issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's local employment program, subject to the approval of the Planning Director.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Child Care Brokerage Services - C-3 District.** Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Downtown Park Fee - C-3 District.** Pursuant to Planning Code Section 412 (formerly 139), the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and shall be paid prior to the issuance of a temporary certificate of occupancy.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Jobs Housing Linkage**. Pursuant to Planning Code Section 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Childcare Requirements for Office and Hotel Development Projects**. Pursuant to Section 414 (formerly 314), the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

**Transit Center District Open Space Fee**. Pursuant to Section 424.6, the Project Sponsor shall pay a fee of to be deposited in the Transit Center District Open Space Fund. The purpose of this Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees, residents, and visitors in downtown San Francisco. The net addition of gross floor area subject to the fee shall be the increment of additional gross floor area beyond the gross floor area approved for the Previous Project (Case No. 2006.1524X, Motion No. 18268), as determined based on drawings submitted with the Building Permit Application.
*For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org*

**Transit Center District Transportation and Street Improvement Fee**. Pursuant to Section 424.7, the Project Sponsor shall pay a fee which will be deposited in the Transit Center District Transportation and Street Improvement Fund. The purpose of this Fund is to provide the City with the financial resources to design and implement transportation improvements in downtown San Francisco. The net addition of gross floor area subject to the fee shall be the increment of additional gross floor area beyond the gross floor area approved for the Previous Project project (Case No. 2006.1524X, Motion No. 18268), as determined based on drawings submitted with the Building Permit Application.
*For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org*

**Transit Center District Mello Roos Community Facilities District Program**. Pursuant to Section 424.8, the Project Sponsor is required to participate in a Transit Center District Mello Roos Community Facilities District (CFD) and to include the area of the increment of additional gross floor area beyond the gross floor area approved for the Previous Project in the CFD prior to issuance of the First Temporary Certificate of Occupancy for the Project. The Project Sponsor must demonstrate compliance with this requirement prior to approval of the site permit by the Planning Department.
*For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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*

**Art Plaques - C-3 District.** Pursuant to Planning Code Section 429(b) (formerly 149(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*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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*

## MONITORING - AFTER ENTITLEMENT

**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*

**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*

**Priority Processing.** The Project Sponsor shall, within six months of a first Certificate of Occupancy, provide the Zoning Administrator verification that the project has achieved a Gold Rating plus fifteen percent using the LEED Building Rating System® adopted under the Leadership in Energy and Environmental Design program of the U.S. Green Building Council (or that achieve equivalent high sustainability standards under other "green building" rating systems approved by the Director), as approved by the Director of the Department of Building Inspection. Failure to achieve sustainability standards will result in a hearing before the Planning Commission to assess offsets that will ameliorate the sustainability shortfalls caused by noncompliance with this condition.
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

## OPERATION

**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*

**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*

**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*

| **EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM** | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **1. Cultural Resources—Archeology** | | | | |
| **Transit Center District Plan (TCDP) Final Environmental Impact Report (FEIR) Mitigation Measure M-CP-1 Subsequent Archeological Testing Program (Approved Project Mitigation Measure M-CP-2):** Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan (Far Western Anthropological Research Group, Inc., Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California, February 2010) at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c). | Project Sponsor, Archeologist. | Prior to any soil-disturbing activities. | See individual components below. | See individual components below. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **1. Cultural Resources—Archeology** (continued) | | | | |
| *Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.<br><br>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:<br><br>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or<br><br>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. | No action required; see following component. | | | |

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

| Mitigation Measures Adopted As Conditions of Approval | Responsibility for Implementation | Mitigation Schedule | Monitoring/Report Responsibility | Status/Date Completed |
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| **1. Cultural Resources—Archeology** (continued) | | | | |
| *Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program (AMP) shall minimally include the following provisions:<br><br>The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;<br>• The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;<br>• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;<br>• The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; | ERO and archeological consultant. | Ongoing during all soil-disturbing activities: training for Construction Manager to be completed prior to start of soil-disturbing activity. | ERO and archeological consultant. | Considered complete upon end of excavation activities. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **1. Cultural Resources—Archeology** (continued) | | | | |
| • If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.<br><br>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. | Construction manager and archeological consultant and monitor(s). | During excavation and other soil-disturbing activities. | Archeological monitor to evaluate any buried cultural material encountered during construction to determine significance, and shall report findings to ERO. | Upon discovery. |

| **EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM** | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **1. Cultural Resources—Archeology** (continued) | | | | |
| *Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.<br><br>The scope of the ADRP shall include the following elements:<br><br>▪ *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.<br>▪ *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.<br>▪ *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.<br>▪ *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.<br>▪ *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.<br>▪ *Final Report.* Description of proposed report format and distribution of results. | Project sponsor and archeological consultant, in consultation with ERO. | Upon discovery of significant archeological resources. | Data recovery program to be described in Final Archeological Resources Report (see below). | Considered complete upon ERO approval of Draft FARR (see below). |

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| **1. Cultural Resources—Archeology** (continued) | | | | |
| Curation. *Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.* | | | | |
| *Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. | Project sponsor and archeological consultant; coroner, and Most Likely Descendant, if applicable. | During archeological field program. | Archeological monitor to notify coroner and, if appropriate, NAHC, and shall provide written report of such notification to ERO. | Considered complete upon receipt by ERO of any notification, if applicable. |
| *Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report. | Project sponsor and archeological consultant. | Following completion of any archeological field program. | ERO to review Draft FARR. | Considered complete upon ERO approval of Draft FARR. |

| **EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM** | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **1. Cultural Resources—Archeology** (continued) | | | | |
| Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above. | Project sponsor. | Upon ERO approval of Draft FARR. | Project sponsor to provide ERO with copies of transmittals of FARR distribution. | Considered complete upon receipt by ERO of evidence of distribution, and three copies of the FARR. |
| **2. Transportation** | | | | |
| **TCPD FEIR Mitigation Measure M-TR-3c Transit Improvements on Plan Area Streets (Approved Project Mitigation Measure M-TR-4a):** The project sponsor would work with the Golden Gate Bridge, Highway, and Transportation District and the San Francisco Municipal Transportation Authority Sustainable Streets Division to relocate the bus stop for Golden Gate Transit lines 26, 27, and 44 by 20 feet south of its existing location, and to relocate the bus stop for line 38 by 20 feet north of its existing location. The project sponsor would pay any resulting costs, such as for new signage, engineering drawings, and the like. | SFMTA, Sustainable Streets Division; Golden Gate Bridge, Highway, and Transportation District; Project sponsor. | Prior to issuance of final Certificate of Occupancy, or as determined appropriate by SFMTA. | SFMTA, Sustainable Streets Division. | Considered complete upon relocation of bus stops. |
| **TCDP FEIR Mitigation Measure M-TR-5 Garage/Loading Dock Attendant (Approved Project Mitigation Measure M-TR-4b):** The project sponsor shall ensure that building management employs an attendant for the parking garage, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with Golden Gate Transit buses and Fremont Street traffic during afternoon periods of Golden Gate Transit use of the site frontage—at a minimum, from 3:00 p.m. to 7:15 p.m., or as required based on Golden Gate Transit schedules. (See also Mitigation Measure M-TR-5a, below.) | Project sponsor | To be included as condition of project approval | Planning Department; SFMTA, Sustainable Streets Division (complaint basis only) | Considered complete upon project approval with condition. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **2. Transportation** (continued) | | | | |
| **TCDP FEIR Mitigation Measure M-TR-5 Garage/Loading Dock Attendant (Approved Project Mitigation Measure M-TR-5a):** The project sponsor shall ensure that building management employs an attendant for the parking garage and loading dock, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with pedestrians on the sidewalk during the a.m. and p.m. peak periods of traffic and pedestrian activity—at a minimum, from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 7:15 p.m., with extended hours as dictated by traffic and pedestrian conditions and by activity in the project garage and loading dock. (See also Mitigation Measure M-TR-4b, above.) | Project sponsor. | To be included as condition of project approval. | Planning Department; SFMTA, Sustainable Streets Division (complaint basis only). | Considered complete upon project approval with condition. |
| **TCDP FEIR Mitigation Measure M-TR-5 Garage/Loading Dock Attendant (Approved Project Mitigation Measure M-TR-5b):** The project sponsor shall install audible and visible warning devices to alert pedestrians of the outbound vehicles from the parking garage and loading dock. | Project sponsor. | Prior to issuance of Certificate of Occupancy. | Department of Building Inspection. | Considered complete upon plan check. |
| **TCDP FEIR Mitigation Measure M-TR-5 Garage/Loading Dock Attendant (Approved Project Mitigation Measure M-TR-5c):** The project sponsor shall ensure that building management prohibits use of the loading dock during hours when the adjacent curb lane is used by Golden Gate Transit buses (currently, 3:00 p.m. to 7:15 p.m.). | Project sponsor. | To be included as condition of project approval. | Planning Department; SFMTA, Sustainable Streets Division (complaint basis only). | Considered complete upon project approval with condition. |
| **TCDP FEIR Mitigation Measure M-TR-7a Loading Dock Management (Approved Project Mitigation Measure M-TR-7):** To ensure that trucks longer than 30 feet in length are not permitted to use the loading dock, the project sponsor would ensure that office and retail tenants in the building are informed of truck size limitations. In the event that trucks larger than 30 feet in length attempt to access the loading dock, the garage/loading dock attendant (see Mitigation Measure M-TR-5a) would direct these trucks to use on-street loading zones (if available) or off-load deliveries to smaller trucks off-site and return to use the loading dock. | Project sponsor. | To be included as condition of project approval. | Planning Department; SFMTA, Sustainable Streets Division (complaint basis only). | Considered complete upon project approval with condition. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **2. Transportation** (continued) | | | | |
| **TCDP FEIR Mitigation Measure M-TR-9 Construction Coordination (Approved Project Mitigation Measure M-TR-9a):** To minimize potential disruptions to Golden Gate Transit during project construction, Golden Gate Transit buses would use the existing boarding island adjacent to the left lane of Fremont Street during construction of the proposed project, assuming Golden Gate Transit determines that this location is the most feasible choice and the Municipal Transportation Agency concurs with use of the island. | SFMTA, Sustainable Streets Division; Golden Gate Bridge, Highway, and Transportation District; Project sponsor. | During construction. | Golden Gate Transit. | Considered complete upon completion of project construction. |
| **TCDP FEIR Mitigation Measure M-TR-9 Construction Coordination (Approved Project Mitigation Measure M-TR-9b):** To minimize potential disruptions to Golden Gate Transit (and other transit operators), the project sponsor and/or construction contractor would coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers Authority, and construction manager(s)/contractor(s) for the Transit Center project, and with Golden Gate Transit, as well as Muni, AC Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic. | Project sponsor: SFMTA; TJPA Sustainable Streets Division; All relevant transit operators and other project sponsors. | Ongoing during construction of Transit Center. | All entities listed under Implementation. | Ongoing during construction of Transit Center. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **3. Noise** | | | | |
| **TCDP FEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment.** The Planning Department shall require, as part of subsequent project-specific review under CEQA, that effects of mechanical equipment noise on adjacent and nearby noise-sensitive uses be evaluated by a qualified acoustic consultant and that control of mechanical noise, as specified by the acoustical consultant, be incorporated into the final project design of new buildings to achieve the maximum feasible reduction of building equipment noise, consistent with Building Code and Noise Ordinance requirements and CEQA thresholds, such as through the use of quieter equipment, fully noise-insulated enclosures around rooftop equipment, and/or incorporation of mechanical equipment into intermediate building floor(s). | Project sponsor, architect, acoustical consultant and construction contractor. | Findings of acoustical study to be incorporated into building plans prior to issuance of final building permit. | Planning Department and Department of Building Inspection. | Considered complete upon approval of final construction plan set. |
| **TCDP FEIR Mitigation Measure M-NO-2a Noise Control Measures During Pile Driving (Approved Project Mitigation Measure M-NO-2a):** Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.<br><br>Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908. | Project sponsor and construction contractor(s). | In the event pile driving is to be undertaken. | Project sponsor and construction contractor(s). | The project sponsor shall submit a report to the ERO documenting measures implemented if pile driving is undertaken. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **3. Noise** (continued) | | | | |
| **TCDP FEIR Mitigation Measure M-NO-2b General Construction Noise Control Measures (Approved Project Mitigation Measure M-NO-2b):** To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:<br>• The project sponsor would require the general contractor ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).<br>• The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.<br>• The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA. | Project sponsor and construction contractor(s). | During project construction. | The project sponsor or construction contractor shall make available a contact number for noise complaints during the construction period and shall file a report with the Planning Department at the conclusion of construction as to the number and nature of such complaints received and the means of resolving each such complaint. | The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **3. Noise** (continued) | | | | |
| • The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.<br>• Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity. | | | | |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **3. Noise** (continued) | | | | |
| **TCDP FEIR Mitigation Measure M-C-NO Cumulative Construction Noise Control Measures (Approved Project Mitigation Measure M-NO-2c):** In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive. | Project sponsor and construction contractor(s), along with Planning Department, SFMTA, and other applicable City departments. | During project construction. | Project sponsor and construction contractor(s). | The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **4. Air Quality** | | | | |
| **TCDP FEIR Mitigation Measure M-AQ-5 Construction Vehicle Emissions Evaluation and Minimization (Approved Project Mitigation Measure M-AQ-1):** To reduce the potential health risk resulting from project construction activities, the project sponsor shall include in contract specifications a requirement the following BAAQMD-recommended measures:<br>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (less than the five minutes identified above in Improvement Measure I-AQ-1b);<br>• The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include, as the primary option, use of Interim Tier 4 equipment where such equipment is available and feasible for use, the use of other late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available;<br>• All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM, including Tier 3 or alternative fuel engines where such equipment is available and feasible for use;<br>• All contractors shall use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines; and<br>• The project construction contractor shall not use diesel generators for construction purposes where feasible alternative sources of power are available. | Project sponsor. | Prior to issuance of request for construction bids. | Project sponsor and Planning Department | The project sponsor shall submit a copy of the relevant portion(s) of the construction bid package to the Planning Department for inclusion in the project file. |

| EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM | | | | |
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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **5. Hazards and Hazardous Materials** | | | | |
| **TCDP FEIR Mitigation Measure M-HZ-2b Site Assessment and Corrective Action for Projects Landward of the Historic High Tide Line (Approved Project Mitigation Measure M-HZ-2a):** The project sponsor shall cause to have implemented a Work Plan for the Characterization of Subsurface Soils and Groundwater for the project site. The Work Plan as approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) includes the following.<br><br>Once the existing building has been demolished and debris removed from the site, subsurface investigation of the site will be undertaken. The proposed subsurface investigation will consist of the following:<br>• Obtain a soil boring permit from DPH;<br>• Notify Underground Service Alert and a private utility locating service a minimum of 48 hours prior to conducting the field investigation;<br>• Complete a minimum of three soil borings (two to a depth of 10 feet below the existing basement slab and one to the proposed depth of excavation, approximately 50 feet below grade) in the area proposed to be excavated and to the depth of proposed excavation, at locations to be reviewed and accepted by DPH;<br>• Collect soil samples in the two shallow borings at depths of approximately 1.5, 3, 5, 7.5, and 10 feet below the basement slab, and in the deeper boring at depths of 1.5, 3, 5, 7.5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 feet below street grade;<br>• After the deep boring has been advanced to the maximum depth, collect a grab groundwater sample through a slotted, one-inch diameter PVC temporary casing, using a disposable bailer and decanted into appropriately preserved containers;<br>• Screen all soil samples in the filed for organic vapor and transport all soil and groundwater samples to a laboratory for analysis using chain-of-custody procedures; and<br>• Prepare a report of the findings. | Project sponsor. | Following demolition of existing building and prior to ground-disturbing activities (other than such activities required to implement Work Plan). | Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH). | Considered complete upon submittal to DPH (with copy to Planning Department, Major Environmental Analysis division) of report documenting findings. |

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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **5. Hazards and Hazardous Materials** (continued) | | | | |
| The soil samples will be analyzed for total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons (TPH) as gasoline and diesel, volatile organic compounds (VOCS), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), California assessment manual (CAM) 17 metals, leaking underground fuel tank (LUFT) S metals, total lead, asbestos, pH, cyanide, and sulfides. The groundwater sample will be analyzed for the following San Francisco Public Utilities Commission (SFPUC) discharge permit requirements: pH, dissolved sulfides, hydrocarbon oil and grease, total recoverable oil and grease, VOCs, SVOCs, total suspended solids, chemical oxygen demand, CAM 17 metals, phenols, and cyanide.<br><br>If the test results indicate elevated total metal concentrations, additional testing for soluble metals, using the California waste extraction test (WET) may be required to assess whether the material is a California hazardous waste. If significant levels of soluble metals are detected, additional analyses using toxicity characteristic leaching procedure (TCLP) may be necessary to determine if the material is a Federal hazardous waste. | | | | |
| **TCDP FEIR Mitigation Measure M-HZ-2b Site Assessment and Corrective Action for Projects Landward of the Historic High Tide Line (Approved Project Mitigation Measure M-HZ-2b):** If elevated concentrations of heavy metals and/or petroleum hydrocarbons are detected at the Site, prepare a site mitigation plan (SMP) that outlines specific soil handling procedures to be followed during construction. The SMP would also specify basic health and safety concerns to be addressed by the site contractor or subcontractor responsible for worker and public health and safety, through the preparation of a detailed health and safety plan by the project contractor. The SMP would be sent to DPH for approval prior to any excavation activities. | Project sponsor. | During construction, if applicable based on results of Work Plan investigation. | Department of Public Health, through review of SMP (if applicable). | Considered complete upon submittal of SMP, if applicable. |

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| **Mitigation Measures Adopted As Conditions of Approval** | **Responsibility for Implementation** | **Mitigation Schedule** | **Monitoring/Report Responsibility** | **Status/Date Completed** |
| **5. Hazards and Hazardous Materials** (continued) | | | | |
| **TCDP FEIR Mitigation Measure M-HZ-3 Hazardous Building Materials Abatement (Approved Project Mitigation Measure M-HZ-2c):** The project sponsor shall ensure that PCB-containing equipment such as fluorescent light ballasts are removed and properly disposed of prior to the start of renovation. Old light ballasts that would be removed during renovation would be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast could not be verified, then they would be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous materials identified either before or during renovation would be abated according to federal, state, and local laws and regulations. | Project sponsor. | Prior to demolition of existing building. | Demolition contractor and (on complaint basis only) Department of Public Health. | Considered complete at completion of building demolition. |

| Improvement Measures | Responsibility for Implementation | Mitigation Schedule | Monitoring/Report Responsibility | Status/Date Completed |
|---|---|---|---|---|
| **Air Quality** | | | | |
| **I-AQ-1a—Dust Control Plan:** To reduce construction-related dust emissions, the project sponsor shall incorporate into construction specifications the requirement for development and implementation of a site-specific Dust Control Plan as set forth in Article 22B of the San Francisco Health Code. The Dust Control Plan shall require the project sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and secure soils with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements. | Project sponsor. | Prior to issuance of request for construction bids. | Project sponsor and Planning Department. | The project sponsor shall submit a copy of the relevant portion(s) of the construction bid package to the Planning Department for inclusion in the project file. |

| Improvement Measures | Responsibility for Implementation | Mitigation Schedule | Monitoring/Report Responsibility | Status/Date Completed |
|---|---|---|---|---|
| **Air Quality** (continued) | | | | |
| **I-AQ-1b—Construction Vehicle Emissions Minimization:** To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:<br>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.<br>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. | Project sponsor. | Prior to issuance of request for construction bids. | Project sponsor and Planning Department. | The project sponsor shall submit a copy of the relevant portion(s) of the construction bid package to the Planning Department for inclusion in the project file. |

SAN FRANCISCO
**PLANNING DEPARTMENT**

*Subject to: (Select only if applicable)*
☐ Inclusionary Housing
☑ Childcare Requirement
☑ Jobs Housing Linkage Program
☑ Downtown Park Fee
☑ Public Art
☑ Public Open Space
☑ First Source Hiring (Admin. Code)
☑ Transit Impact Development Fee
☐ Other

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Planning
Information:
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# Planning Commission Draft Motion
# Office Allocation

HEARING DATE: AUGUST 15, 2013

| | |
|---|---|
| *Date:* | August 1, 2013 |
| *Case No.:* | **2013.0276BX** |
| *Project Address:* | **350 MISSION STREET** |
| *Zoning:* | C-3-O(SD) (Downtown Office Special Development)<br>Transit Center C-3-O (SD) Commercial Special Use District<br>700-S-2 Height and Bulk District |
| *Block/Lot:* | 3710/017 |
| *Project Sponsor:* | KR 350 Mission, LLC<br>c/o Daniel Frattin of Reuben, Junius & Rose LLP<br>One Bush Street, Suite 600<br>San Francisco, CA 94104 |
| *Staff Contact:* | Kevin Guy – (415) 558-6163<br>*Kevin.Guy@sfgov.org* |

ADOPTING FINDINGS RELATING TO THE APPROVAL OF ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2012-2013 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO SECTIONS 320 THROUGH 325 OF THE PLANNING CODE FOR A PROPOSED PROJECT TO CONSTRUCT UP TO SIX ADDITIONAL STORIES ATOP A PREVIOUSLY APPROVED, 24-STORY TOWER, RESULTING IN A NEW BUILDING OF UP TO 30 STORIES, AT A ROOF HEIGHT OF UP TO APPROXIMATELY 424 FEET, WITH A MECHANICAL PARAPET REACHING A HEIGHT OF UP TO APPROXIMATELY 455 FEET, CONTAINING UP TO APPROXIMATELY 420,000 SQUARE FEET OF OFFICE USES, APPROXIMATELY 5,400 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 23,500 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 9,650 SQUARE FEET OF PUBLICLY-ACCESSIBLE INTERIOR OPEN SPACE, LOCATED AT 350 MISSION STREET (ASSESSOR'S BLOCK 3710, LOT 017), WITHIN THE C-3-O (SD) (DOWNTOWN OFFICE-SPECIAL DEVELOPMENT) DISTRICT, THE TRANSIT CENTER C-3-O (SD) COMMERCIAL SPECIAL USE DISTRICT, AND THE 700-S-2 HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 10, 2011, the Planning Commission ("Commission) conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Downtown Project Authorization and Requests for Exceptions pursuant to Planning Code Section ("Section") 309 (Motion No. 18268), and an allocation of off space pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Motion No. 18267), in connection with a proposal to demolish an existing four-story building containing office and retail uses and construct a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space, on a property located at 350 Mission Street, Lot 017 of Assessor's Block 3710 ("Project Site"). At the same hearing on February 10, 2011, the Zoning Administrator indicated an intent to grant a requested Variance from Section 155(s)(5)(A), to allow a garage entry width measuring approximately 33 fee, where the Planning Code limits the maximum permitted width of a shared parking and loading garage opening to 27 feet. On April 14, 2011, the Zoning Administrator issued a Variance Decision Letter formally granting the requested Variance (collectively, "Previous Project", Case No. 2006.1524EBKXV). The Planning Commission approvals and related building permits for the Previous Project are vested, and the building is currently under construction.

On March 14, 2013, Daniel Frattin, acting on behalf of KR 350 Mission, LLC ("Project Sponsor") applied for an allocation of up to 80,000 square feet of office space in order to amend the Previous Project to add up to six additional floors of office space, pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2013.0276B). On April 25, 2013, the Project Sponsor applied for a Downtown Project Authorization and Requests for Exceptions, pursuant to Section 309, in order to amend the Previous Project to add up to six additional floors of office space, make minor changes to the configuration of ground-floor retail space, and create a 4,300 gross square foot restaurant at the second floor. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0 (SD) (Downtown Office-Special Development) District, the Transit Center C-3-0 (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District (collectively, "Project", Case No. 2013.0276BX).

On May 24, 2012, the Planning Commission held a duly advertised public hearing and recommended approval of the Transit Center District Plan ("TCDP" or "Plan") and related implementing Ordinances to the Board of Supervisors. The result of a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. Implementation of the Plan would result in generation of up to $590 million for public infrastructure, including over $400 million for the Downtown Rail Extension. Adoption of the Plan included height reclassification of numerous parcels in the area to increase height

limits, including a landmark tower site in front of the Transit Center with a height limit of 1,000 feet and several other nearby sites with height limits ranging from 600 to 850 feet.

On July 24, 2012, the Board of Supervisors held a duly noticed public hearing, affirmed the Final EIR and approved the Plan, as well as the associated ordinances to implement the Plan on first reading.

On July 31, 2012, the Board of Supervisors held a duly noticed public hearing, and approved the Plan, as well as the associated ordinances to implement the Plan on final reading.

On August 8, 2012, Mayor Edwin Lee signed into law the ordinances approving and implementing the Plan, which subsequently became effective on September 7, 2012.

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 24, 2012, by Motion No. 18628, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Transit Center District Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Transit Center District Plan, the Commission adopted CEQA Findings in its Motion No. 18629 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project–specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off–site and cumulative impacts which were not discussed in the underlying EIR, or(d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On July 30, 2013, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan Final EIR. Since the Transit Center District Plan Final EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to

the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Transit Center District Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On February 10, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0276BX. 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, the Planning Department staff, and other interested parties.

**MOVED,** that the Commission hereby approves the Section 309 Determination of Compliance and Request for Exceptions requested in Application No. 2013.0276B for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, 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. **Site Description and Present Use.** The Project Site is an 18,909 sq. ft., roughly square, parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O (SD) District, the Transit Center C-3-O (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Previous Project, as approved by the Commission and the Zoning Administrator in 2011, is currently under construction.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50 Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the former Transbay Terminal and proposed Transit Center is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

The Project Site is located within the Transit Center District Plan (TCDP) area. The City adopted the TCDP and related implementing ordinances in August 2012. Initiated by a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown. Broadly stated, the goals of the TCDP are to focus regional growth (particularly employment growth) toward downtown San Francisco in a sustainable, transit-oriented manner, sculpt the downtown skyline, invest in substantial transportation infrastructure and improvements to streets and open spaces, and expand protection of historic resources.

4. **Proposed Project.** The Project proposes to amend the Previous Project to add up to six additional floors of office space. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area. The precise amount of additional floor area that would be developed beyond the Previous Project would be based upon the anticipated needs of the building's sole tenant ("Salesforce.com, Inc.").

   Aside from the proposed height increase and additional square footage, the basic form and design of the building would not change. However, the revisions to the Previous Project trigger the requirement that the Commission reconsider the previously-granted exceptions for "Separation of Towers", "Ground-level Wind Currents", and "Bulk Limitations". In addition, the Project Sponsor is requesting that the Commission grant a new exception for the number of freight loading spaces which was not required under the Previous Project.

5. **Public Comment.** To date, the Planning Department has received no communications regarding the proposed Project.

6. **Office Allocation.** Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

   I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

   *There currently exists 2,233,922 square feet of office space available for allocation to office buildings of more than 49,999 square feet of office space ("Large Buildings") during this Approval Period, which ends October 16, 2013. On October 17, 2013 and October 17 of each succeeding year, an additional 875,000 square feet of office space will become available for allocation to buildings of greater than 49,999 square feet of office space.*

   *The Project would improve the balance between San Francisco's economic growth and its housing supply, by contributing to the affordable housing fund pursuant to Planning Code Section 413. The*

*Project is also subject to the Transportation Impact Development Fee, Child Care In-Lieu Fee, and Downtown Parks Special Fund Fee, all of which will contribute to maintaining a balance between economic growth and housing, transportation and public services. The increment of additional office space beyond the Previous Project is also subject to the Transit Center District Plan Open Space Fee, and the Transit Center Transportation and Street Improvement Fee. Additionally, the Project would create both construction period and permanent new jobs and comply with all the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and Section 164 of the Planning Code to maximize employment opportunities for local residents.*

*Few significant office developments in the downtown area have been constructed in recent years. The Project would furnish new class-A office space, which would draw more commercial and professional services into the vicinity and further encourage economic growth.*

*Therefore, the Project and the allocation of square footage would provide additional resources and help maintain the balance between economic growth, housing, transportation and public services.*

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

*The Project is consistent with the General Plan, as discussed in Section #8 of Motion No. _____, Case 2013.0276X (Downtown Project Authorization and Granting of Exceptions Under Planning Code Section 309). Overall, the Project would advance the objectives and policies of the Commerce, Urban Design, Downtown Plan, Transit Center District Plan, Transportation, and Environmental Protection Elements of the General Plan, and presents no significant conflicts with other elements.*

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

*The Project Site is surrounded by existing high-rise development, and the Project is compatible with this context. The exterior of the building would be finished with tilting glazing that conveys a woven pattern. This configuration would capture and reflect light in a dynamic manner that would shift depending on the perspective of the viewer. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a pedestrian-scaled environment that visually and functionally draws the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space. The Project's retail spaces and art program would help activate its interior open space and create visual interest for passersby.*

*The Project has been design to target LEED Platinum certification, incorporating numerous sustainable features to enhance efficiency and environmental performance.*

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

*a) Use. The Project's proposed office and retail uses are permitted uses in the C-3-O(SD) District. The site lies one block south of Market Street and one block north of the future Transit Center, providing direct access to abundant existing and planned transit, as well as retail goods and services. Numerous*

*office buildings exist within the immediate vicinity of the Project site and the greater Downtown area. The Project furthers the goals and objectives of the Downtown Plan and the Transit Center District Plan to concentrate office uses into a compact Downtown Core.*

*b) Transit Accessibility. The area is served by a variety of transit options. The Project site is two blocks from the Montgomery Street MUNI and BART station, approximately six blocks from the Ferry Building, and one block away from the future Transit Center.*

*c) Open Space Accessibility. The ground-floor open space will be easily accessible to the public as well as tenants of the Project site, and will be a desirable addition to the City's open space. It will be accessible, well designed and comfortable, providing a variety of experiences and fulfilling all requirements of the Downtown Plan and the Downtown Streetscape Plan.*

*d) Urban Design. The Project would replace a relatively low-intensity four-story building with a new office tower that includes publicly accessible open space and retail/restaurant uses on the ground floor. The tower's overall height and volumetric composition relate well to neighboring buildings. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a comfortably-scaled environment for pedestrians while inviting the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space, where seating, restrooms and other amenities would be provided for public use. The Project's retail spaces and public art program would help activate the interior open space and create visual interest for passersby.*

*e) Seismic Safety. The Project would improve seismic safety, because it would be constructed to meet or exceed the latest seismic standards of the California Building Code. The soil beneath the Project Site is subject to liquefaction and ground settlement during a major earthquake. However, most of the liquifiable soil would be excavated during construction, and liquefaction induced settlement will be negligible below foundation level. The Project's concrete mat foundation would be founded upon Colma Sand formation, which have sufficient relative densities and/or clay contents to resist liquefaction. Due to the nature of soil conditions at the project site, a mat foundation would be sufficient to support the proposed structure.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

*a) Anticipated Employment Opportunities. The Project would contribute to the employment of economically disadvantaged persons by its participation in San Francisco's First Source Hiring Program ("FSHP"). During the construction period, the Project will employ up to 300 union laborers per day with an average of 150 laborers per day over the two-year construction period. Available entry-level construction jobs would be processed through the FSHP and would benefit economically disadvantaged persons. Upon completion of construction, the Project would be occupied by commercial tenants that would create over 1,000 new jobs. Available entry level jobs offered by these businesses must be processed through the FSHP and would benefit economically disadvantaged persons. Because of the size of the development, the Project has the potential to create significant employment opportunities.*

*The Project will also comply with the requirements of Planning Code Section 164, which includes city resident employment and training requirements.*

*b) Needs of Existing Businesses. With up to approximately 420,000 gross square feet of new office space (up to approximately 80,000 square feet of additional office space beyond the Previous Project), the Project is anticipated to provide for a great variety and number of tenants, thereby better serving the needs of the business community. The building's floor plates are flexible and can accommodate both small and large businesses. The Project Site is well-served by transit, and is in close proximity to other firms consolidated within the Downtown Core.*

*c) Available Supply of Space Suitable for Such Anticipated Uses. The project will provide office space that is suitable for a variety of office uses and sizes in a Downtown location. The anticipated office uses and tenants will strengthen the City's economy and the City's position as a business hub and regional employment center.*

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

*The site is currently under single ownership. The anticipated tenant or tenants will be determined at a later date. However, it is not known whether the Project will be occupied by a single entity.*

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

*The Project Sponsor has secured the required TDR to construct the Project and shall secure a Notice of Use of TDR as a condition of approval.*

7. **General Plan Conformity.** The General Plan Consistency Findings set forth in Section #8 of Motion No. _____, Case No. 2013.0276X (Downtown Project Authorization and Granting of Exceptions Under Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

8. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

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

*The Project would include approximately 5,400 sq. ft. of retail/personal services uses at the ground-floor and mezzanine level. These uses would provide goods and services to downtown workers, residents, and visitors, while creating ownership and employment opportunities for San Francisco residents. The addition of office uses would bring new employees and visitors to area, strengthening the customer base of other businesses.*

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 Site was previously occupied by a four-story office building with ground-floor formula-retail/personal uses, therefore, no housing is being removed by the Project. The Project Site is located in an area where high-rise office development predominates and is explicitly encouraged by the Downtown Plan and the Transit Center District Plan. The Project would be compatible with the character of the area.*

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

*The Project would enhance the City's supply of affordable housing by participating in the Jobs-Housing Linkage Program pursuant to Planning Code Section 413.*

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

*The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located one block from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the future Transit Center, providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.*

*The EIR prepared for the Previous Project concludes that commuter traffic associated with the Project would not result in significant congestion on surrounding streets. The Project would incorporate measures related to the operation of the garage to ensure that entering and exiting vehicles do not impede transit service. Neighborhood parking would not be overburdened.*

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 Site does not contain any industrial or service sector uses, and thus none would be displaced by the Project. The Project Site was previously occupied by a four-story office and retail/personal services building. The Project would continue the same types of uses, albeit at an increased intensity suitable for its location within the Transit Center District Plan area.*

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

*The Project would help the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake by replacing an older building with one that will meet or exceed all current structural and seismic requirements under the San Francisco Building Code.*

G. That landmarks and historic buildings be preserved.

*The project would not affect any landmark or historic building. The EIR prepared for the Previous Project concludes that the building which formerly occupied the site had been heavily altered and was ineligible for listing in the California Register. That building has since been demolished to allow for new construction to proceed.*

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

*The EIR prepared for the Previous Project evaluated potential impacts of the building on parks and other open spaces, and determined that it would not significantly increase shadows on them or impede views from them. Because the Project Site is level and is largely surrounded by high-rise development, the Project would not impede views from parks and open spaces. A shadow study confirmed that no public parks protected by Section 295 would be shaded by the Project, and additional shadow cast on nearby private open spaces would be minor and limited in duration. The additional height proposed for the Project would not substantially affect shadow conditions in the vicinity, compared with the Previous Project.*

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

10. The Commission hereby finds that granting the Project Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

## 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 Office Allocation Application No. 2013.0276B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated August 15, 2013, on file in Case Docket No. 2013.0276B.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (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, Room 304 or call (415) 575-6880.**

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 15, 2013

# EXHIBIT A

## AUTHORIZATION

This authorization is to grant an allocation of office square footage under the Annual Office Development Limitation Program, pursuant to Planning Code Sections 320 through 325, in connection with a proposal to amend a previously-approved project (Case No. 2006.1524B, Motion No. 18267) to add up to six additional floors containing up to approximately 80,000 square feet of office uses. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0(SD) (Downtown Office-Special Development) District, the Transit Center C-3-0(SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Project shall be constructed in general conformance with plans dated August 15, 2013 and stamped "EXHIBIT B" included in the docket for Case No. 2013.0276B, and subject to conditions of approval reviewed and approved by the Commission on August 15, 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 **XXXXXX** 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

**Development Timeline - Office**. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this conditional use authorization.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**Allocation Amount.** The precise area of office square footage authorized for allocation shall be identified on plans submitted with the Site Permit application, and shall be finalized prior to site permit issuance. The area authorized for allocation shall not exceed 80,000 sqaure feet.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**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 perform said tenant improvements 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 .*

SAN FRANCISCO
**PLANNING DEPARTMENT**

*Subject to: (Select only if applicable)*
☐ Inclusionary Housing
☑ Childcare Requirement
☑ Jobs Housing Linkage Program
☑ Downtown Park Fee
☑ Public Art
☑ Public Open Space
☑ First Source Hiring (Admin. Code)
☑ Transit Impact Development Fee
☐ 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 Motion 18268
# Section 309

HEARING DATE: FEBRUARY 10, 2011

| | |
|---|---|
| *Date:* | January 27 , 2011 |
| *Case No.:* | **2006.1524EBKXV** |
| *Project Address:* | **350 MISSION STREET** |
| *Existing Zoning:* | C-3-O(SD) (Downtown Office Special Development)<br>350-S/150-S Height and Bulk District |
| *Block/Lot:* | 3710/017 |
| *Project Sponsor:* | GLL US Office, LP<br>c/o James Reuben of Reuben & Junius, LLP<br>One Bush Street, Suite 600<br>San Francisco, CA 94104 |
| *Staff Contact:* | Kevin Guy – (415) 558-6163<br>*Kevin.Guy@sfgov.org* |

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR SEPARATION OF TOWERS UNDER PLANNING CODE SECTION 132.1(c), GROUND-LEVEL WIND CURRENTS UNDER SECTION 148, GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING UNDER SECTION 155(r), AND BULK REQUIREMENTS UNDER PLANNING CODE SECTIONS 270 AND 272, FOR A PROJECT TO DEMOLISH AN EXISTING FOUR STORY BUILDING CONTAINING OFFICE SPACE AND RETAIL USES, AND CONSTRUCT A NEW 24-STORY, 350-FOOT TALL BUILDING CONTAINING APPROXIMATELY 340,000 SQUARE FEET OF OFFICE USES, APPROXIMATELY 1,000 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 23,500 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 12,700 SQUARE FEET OF PUBLICLY-ACCESSIBLE INTERIOR OPEN SPACE, LOCATED AT 350 MISSION STREET (ASSESSOR'S BLOCK 3710, LOT 017), WITHIN THE C-3-O (DOWNTOWN OFFICE) DISTRICT AND THE 550-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On December 21, 2006, GLL US Office, LP ("Project Sponsor") submitted an Environmental Evaluation Application with the Planning Department ("Department"), Case No. 2006.1524E.

The Department issued a Notice of Preparation of Environmental Review on June 2, 2010, to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.

On November 19, 2008, the Project Sponsor applied for a Planning Code Section ("Section") 309 Determination of Compliance and Request for Exceptions, Application No. 2006.1106X, on the property at 350 Mission Street (Assessor's Block 3710, Lot 017, "Project Site"), in connection with a proposal to demolish an existing four-story building contain office and retail uses, and build a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space ("Project"), in general conformity with plans dated February 10, 2011 and labeled Exhibit B.

On September 13, 2006, the Project Sponsor applied for an allocation of 340,362 square feet of office space to the project pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2006.1524B).

On May 2, 2008, the Project Sponsor submitted a request for review of a proposed development on the Project Site exceeding 40 feet in height, pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks (Case No. 2006.1524K). Department staff prepared a shadow fan depicting the potential shadow cast by the development, which indicated that the project could potentially cast shadows on Justin Herman Plaza/Embarcadero Plaza. After reviewing and analyzing the a secondary shadow analysis prepared by CADP, Inc, dated April 5, 2010, the Department concluded that no new, net potential shadow will be cast upon Justin Herman Plaza/Embarcadero Plaza, because intervening buildings located between the project site and Justin Herman Plaza/Embarcadero Plaza will intercept potential shadows cast by the project. Therefore, the Project would have no impact to properties subject to Section 295.

On January 6, 2011, the Project Sponsor applied for a Variance from the requirements of Section 155(s)(5)(A) (Off-Street Parking and Loading in C-3 Districts), to allow a shared parking and loading garage opening with a width of 33 feet, exceeding the maximum permitted width of 27 feet.

On September 15, 2010, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until November 1, 2010. On October 21, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On January 27, 2011, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.

On February 10, 2011, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.1524E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On February 10, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2006.1524EBKXV. 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, the Planning Department staff, and other interested parties.

**MOVED,** that the Commission hereby approves the Section 309 Determination of Compliance and Request for Exceptions requested in Application No. 2006.1524X for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, 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 also constitute findings of this Commission.

2. **Site Description and Present Use.** The Project Site is an 18,909 sq. ft., roughly square, parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O District and the 550-S Height and Bulk District, and is also within the proposed Transit Center District Plan ("TCDP") Area.

   At present, the Project Site is four-story building containing approximately 95,000 sq. ft. of office and retail/personal services uses. The three upper floors are currently vacant. They were previously occupied by Heald College, which recently moved its San Francisco campus to a new location at 875 Howard Street. The ground-floor is presently occupied by several retail tenants.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50

Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the former Transbay Terminal and proposed Transit Center is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

4. **Proposed Project.** The Project would entail the demolition of the existing four-story building at the Project Site and construction of a new 24-story, tall office building, reaching a roof height of 350 feet, with a mechanical screen reaching a height of approximately 374 feet. The building would include approximately 340,000 square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space. The Project is designed to achieve LEED Platinum certification.

5. **Public Comment.** To date, Department staff has received no comments on the proposed project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **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-O District is 9.0 to 1. Under Sections 123 and 128, the FAR can be increased to a maximum of 18.0 to 1 with the purchase of transferable development rights (TDR).

   *The Project Site has a lot area of approximately 18,909 square feet. Therefore, up to 170,181 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 340,362 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include up to 340,362 square feet of GFA, and therefore complies with the maximum FAR limit. The Project Sponsor has purchased TDR pursuant to Section 128.*

   B. **Open Space (Section 138).** New buildings in the C-3-O Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

   *The building includes approximately 340,362 gross sq. ft. of new office space, and shown in the conceptual plans for the Project. At a ratio of 1:50, 6,807 sq. ft. of open space is required. The Project would comply with the requirement by including approximately 6,960 square feet of interior public open space on the ground and mezzanine levels. The proposed open space is enclosed, and is designed in a manner that generally complies with the adopted Guidelines for Downtown Open Space. The*

*design of the open space will be further refined throughout the building permit review process.*

C. **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*

E. **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 Fremont Street or Mission Street, and therefore does not apply to the Project. The Project is surrounded by a number of existing and planned building at taller heights. These buildings would mask and subsume the shadows cast by the Project onto surrounding sidewalks. In addition, the Project is proposed at a height that is approximately 200 feet lower than the height permitted by the 550-S Height and Bulk District, thereby casting substantially less shadow than a building constructed to the height limit for the property. The Project will not create substantial shadow impacts to public sidewalks.*

F. **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.

*The Project is subject to Section 147, because it would be approximately 374'-4" tall to the top of the mechanical screen. The Project would cast shadow on two privately owned, publicly accessible open spaces (POPOS). However, the shadow would be insubstantial due to its limited duration and the character of the spaces affected by it. The POPOS in question are both relatively narrow and tucked away between existing buildings. Although both have seating, they are used primarily as mid-block*

*pedestrian walkways and are already heavily shaded by existing high-rise development.*

*The first such space is located immediately to the north of the Project Site, between 350 Mission Street, 45 Fremont Street, and 50 Beale Street. Seating at the southern end of this POPOS is located immediately adjacent to the existing 350 Mission Street building. With the exception of about 90 minutes during mid-to-late afternoon around the summer solstice, when the sun shines through a narrow gap between buildings to the west-northwest of the Project, this seating is fully shaded under existing conditions. The northern portion is similarly shaded but for a one-hour period around mid-day from late spring to early summer. During this time, the sun shines through a gap between the Millennium Tower, 50 Beale Street and 350 Mission Street.*

*The Project would obscure the mid-day sunlight available to the POPOS to the north, but would not affect sunlight later in the afternoon. This additional shadow would be insubstantial, because it would be limited to a brief time during late spring to early summer. The POPOS is already heavily shaded and its primary use as mid-block pedestrian circulation would not be adversely affected by the incremental additional shadow.*

*The second POPOS that would be affected by the Project is located across Fremont Street to the west, between the loading dock for the 43-story 50 Fremont Street building to the south and the 425 Market Street building to the north. This space is used primarily as a mid-block pedestrian passage. It attracts a small number of lunchtime users, although it is shaded by existing development at mid-day throughout the year. The space is generally shaded during the morning, though it does receive some morning sun in late spring and early summer.*

*Project shadow would fall on this POPOS between about 9:30 a.m. and 10:30 a.m. in late spring and early summer. This shadow would be insubstantial as it would be limited in duration, would resemble conditions prevailing at other times of the year and would not adversely affect the primary use of the POPOS as a mid-block pedestrian corridor.*

*Further, it is not feasible to redesign the Project to avoid these insubstantial effects without unduly restricting the development potential of the Project Site. Virtually any high-rise development would result in additional shadow on the POPOS to the north or west. Significant reductions in floorplate size would unduly restrict development potential, and would not substantially increase sunlight to the POPOS.*

*Although Section 147 does not apply to planned open spaces, the Project is not expected to cast shadow on the planned City Park atop the new Transit Center. City Park would be located due south of the Project, and the existing Millennium Tower would mask any shadow generated by the Project that could potentially reach the park.*

G. **Parking (Section 151.1).** Pursuant to Section 151.1, non-residential uses in C-3 Districts are not required to provide off-street parking, but a parking area

not to exceed 7% of the gross floor area of the building is permitted as accessory. Section 161(c) exempts non-residential uses in C-3 Districts from providing parking.

*With 340,362 gross square feet of office uses, the Project may include up to 23,825 gross square feet of accessory off-street parking. The Project would three below-grade parking levels with 23,428 square feet of gross parking area and complies with the seven percent maximum allowance for accessory parking.*

H. **Loading (Section 152.1).** 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. Table 152.1 requires off-street freight loading spaces to be provided at a ratio of 0.1 spaces per 10,000 square feet of gross office floor area. Section 153(a)(6) allows two service vehicle spaces to be substituted for one freight loading space provided that at least 50% of the total required number of spaces are provided.

*With 340,362 square feet of office use, the Project requires three loading spaces. The Project would provide two full-size off-street loading spaces and two service vehicle spaces. The Project complies with the loading requirement.*

I. **Shower and Locker Facilities (Section 155.3).** New commercial buildings whose primary use consists of offices require four showers and eight lockers when the gross floor area exceeds 50,000 square feet.

*The Project would provide the required shower and locker facilities on the lower garage level, and therefore complies with this requirement.*

J. **Bicycle Parking (Section 155.4).** New commercial buildings whose primary use consists of offices require 12 Class 1 bicycle parking spaces when the gross floor area exceeds 50,000 square feet.

*The Project proposes 64 bicycle stalls on the lower garage level, and therefore complies with this requirement.*

K. **Height (Section 260).** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within the 550-S Height and Bulk District.

*The Project would reach a height of 344 feet to the roof, with rooftop mechanical structures and screening reaching a maximum height of approximately 37 feet. The Project therefore complies with the 550-foot height limit.*

L. **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.

*The Department conducted a shadow analysis and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.*

M. **Downtown Park Fund (Section 412:).** A project in a C-3 District that proposes a net addition of office space is required to pay a $2 per square foot fee which will be deposited in the Downtown Park Fund. The fee is jointly established by the Planning Commission and the Recreation and Park Commission. The purpose of the Downtown Park Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees and visitors in downtown San Francisco.

*The Project Sponsor would comply with this requirement by contributing the required amount.*

N. **Jobs-Housing Linkage Program (Section 413).** Large-scale development projects that contain entertainment, hotel, office, research and development, or retail/personal services uses create jobs as well as an increased demand for housing. Under Section 413, these large-scale development projects are required to pay a fee to a designated housing developer or to the City in order to help offset the cost of building additional housing. The Section 413 housing requirements apply to office projects proposing at least 25,000 square feet of new use.

*The Project is subject to Section 413, because it proposes approximately 340,362 square feet of new office use. The Project Sponsor would comply with Section 413 either by construction of the units or by payment of an in-lieu fee.*

O. **Childcare Requirement (Section 414).** Large-scale office and hotel developments create jobs as well as an increased demand for childcare services for the employees who fill those jobs. Under Section 414, these large-scale development projects are required to (1) provide on-site childcare, (2) provide off-site childcare, (3) pay an in-lieu fee, or (4) combine the provision of on-site or off-site childcare with the payment of an in-lieu fee. This requirement applies to office development projects proposing the net addition of 50,000 or more gross square feet.

*The Project proposes approximately 340,362 sq. ft. of new office use and is subject to Section 414. The Project Sponsor would either provide the facility itself, make arrangements with an appropriate organization to do so, or pay the in-lieu fee.*

P. **Street Trees (Section 428).** Section 428 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 428 may be waived or modified by the Zoning Administrator where DPW cannot grant approval due to practical difficulties.

*Conditions of approval have to been added to require the project to provide streetscape improvements, including the planting of street trees. Should the draft*

*TCDP be adopted prior to construction of the Project, the sidewalks fronting the Project Site would need to be constructed to the standards of the TCDP, and street trees would need to be planted at the revised curb line.*

Q. **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 would comply by dedicating one percent of construction cost to works of art. The conceptual plans for the Project show artwork located in the interior open space and lobby. It would consist of a "digital canvas" on the building's core wall and ceiling, where it could be viewed by persons inside the building, as well as those on the street. The digital canvas would display alternating works of art on-screen by local artists. In addition, the digital canvas is planned to incorporate a camera system to capture images from the exterior of the building, which could then reflect and transpose passing foot traffic as a live or time-lapsed visual graphic.*

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 132.1: Setbacks and Separation of Towers in C-3 Districts.** In order to preserve the openness of the street to the sky and avoid the perception of overwhelming mass, or to maintain the predominant street wall, an upper-level setback may be required pursuant to Section 132.1. Section 132.1(c)(1) requires all structures in the "S" Bulk District provide a minimum setback of 15 feet from the interior property lines that do not abut public sidewalks and from the property lines abutting a public street or alley. This setback increases along a sloping line for building heights above 300 feet.

*The tower separation requirement applies beginning at a height that is equal to 1.25 times the width of the principal street on which the building face. The Project fronts on both Mission and Fremont Streets, which measure 82.5 feet in width. Therefore, the 15-foot setback requirement begins at a height of approximately 103 feet. Above 300-feet in height, the setback gradually increases to a maximum of 21 feet at the top of the mechanical screen.*

*The Mission Street and Fremont Street facades comply with the tower separation requirement at both the upper and lower portions of the tower. Both facades are set back from the centerline of the abutting streets by approximately 41 feet.*

*Along the east façade, the glazed exterior wall would be set back approximately 14 feet from the side property line. The core wall, comprising about one-third of the east wall's length, would be set back approximately 6.5 feet from the property line. Along the north façade, the building will be set back approximately 6.5 feet from the property line. Because the Project would not provide a 15-foot setback at the lower portion of the building, or the or the full 21-foot setback at the top of the building, an exception is required.*

Per Section 132.1(c)(2)(B), exceptions to the tower separation setback requirements may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

*Overall, access to light and air or the appearance of tower separation would not be impaired by the Project or by granting the exception. The Project Site occupies a corner lot fronting on two wide streets, creating ample distance between it and the buildings to the south and west of the Project Site. The Transbay Joint Power Authority ("TJPA") has proposed to develop the southwest corner of Mission and Fremont Street as a public plaza with the low-rise Transit Center beyond. These future TJPA developments will maintain openness, light, and air to nearby blocks.*

*Adjacent and to the north of the Project Site is 45 Fremont Street, a 34-story building, that is set back from the shared property line by approximately 39 feet. The set back area is used as a courtyard. Combined with the setback proposed for the Project, there would be approximately 45 feet of separation between the two buildings, leaving sufficient distance to preserve the appearance of tower separation and provide light and air.*

*Along the east façade, the majority of the wall would encroach minimally into the required setback, approximately one foot. The remaining one-third of the east wall houses a mechanical room that is integral to the Project's energy-efficient ventilation system. This room encroaches up to approximately 8 feet into the setback. However, the mechanical room would be located in the center of the wall, which would minimize its visibility from the street and preserve the appearance of tower separation, as well as light and air to the adjacent property.*

*At the upper portion of the building (above 300 feet in height), the two-thirds glazed portion of the east wall would encroach into the required setback up to a maximum of approximately 4.5 fee. The portion of the wall housing the mechanical room would encroach by a maximum of approximately 12 feet. However, the highest occupied floor of the adjacent building at 50 Beale Street is approximately 300 feet tall, and this building is unlikely to be redeveloped at a greater height. Thus, the setbacks provided would be sufficient to maintain light and air, as well as separation between towers.*

B. **Section 155: Parking and Loading Design.** Section 155 regulates the design of parking and loading facilities. Section 155(r) specifies that, in C-3 Districts, where alternative frontages are available, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified as a Transit Preferential, Citywide Pedestrian Network, or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or designated an official City bicycle route or lane. Where no alternative frontage is available, curb cuts may be approved as an exception pursuant to Section 309 where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

*The Project includes vehicular and loading access via Fremont Street, which is designated as a Transit Preferential Street in the General Plan. However, Mission Street is not a suitable alternative for vehicular access, due to heavy volumes of transit and pedestrian activity. Mission Street is designated as a Transit Preferential Street and a Citywide Pedestrian Network Street in the General Plan, and Conditional Use Authorization would be required to install a curb cut. Numerous mitigation measures are included in the MMRP to minimize impacts of the curb cut to transit, pedestrians, and cyclists. These measures include a stationed attendant, audible and visible warning devices, limitations on loading hours, and limiting the maximum length of loading vehicles.*

C. **Section 270: Bulk Limits.** Section 270 establishes bulk controls by district. In the "S" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, a maximum floor size of 20,000 sq. ft., and a maximum average floor size of 17,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 sq. ft. Exceptions to the Section 270 bulk limits are permitted by Section 309(a)(12).

*The property fronts on Mission and Fremont Streets, which measure 82.5 feet in width. Therefore, the lower tower controls apply above 103 feet, or starting at the eighth floor. Based on the Project's roof height of approximately 350 feet, the upper tower controls apply above 220 feet, or starting at the 18th floor. Based on the 15,020 sq. ft. average floor plate size in the lower tower, a 20 percent upper floor volume reduction requirement applies to the upper tower.*

*The lower tower complies with the bulk controls. The floors in the lower tower have a maximum length of approximately 129 feet, and a maximum diagonal dimension of approximately 178. The floor plates in the lower tower measure approximately 15,020 sq. ft., which is floor plates would be substantially less than the 17,000 average floor size, or 20,000 sq. ft. maximum floor size allowed by the Planning Code.*

*The floors in the upper tower match the dimensions of those in the lower tower, with a length of approximately 129 feet and a maximum floor plate size of approximately 15,020 sq. ft. These aspects of the upper tower comply with the specified bulk controls. However, an exception is required for it's the diagonal dimension of approximately 178 feet, and the average floor size of 15,020 sq. ft. An exception is also required for the upper tower volume reduction requirement.*

Per Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five listed criteria is met. The Project meets the following criteria:

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

*The Project would be consistent with the intent of the bulk limits and policies of the General Plan. The lower tower floor plates are 25 percent smaller than permitted by Section 270. Therefore, the lower tower would have substantially less bulk than is allowed by the Code. The requested exceptions for the upper tower are minor in nature and would be compatible with the prevailing scale of development in the vicinity. The Project's silhouette would harmonize well with surrounding buildings. It would not, however, significantly affect light and air to adjacent structures.*

*The proposed design adheres to the intent of the Downtown Plan to foster sculpting of building form, less overpowering buildings and more interesting building tops. The overall design of the exterior fenestration, materials, and surfaces would include variations that ameliorate the apparent mass of the tower.*

*The lower and upper towers have been designed to emphasize the Project's verticality, and their massing would be reflective of and compatible with other surrounding development. Decreasing the floor size of the upper tower to conform to the bulk limitations, while increasing the building height by several floors to maintain the equivalent square footage would result in an awkward structure with an unbalanced relationship between the upper and lower floors. Under these circumstances, strict application of the bulk controls would unnecessarily prescribe the building form and undermine the viability of the development, without producing any corresponding public benefit.*

(3) The added bulk does not significantly affect light and air to adjacent buildings;

*The added bulk would not significantly affect light and air to the adjacent buildings. The Millennium Tower, located south of the Project across Mission Street, is the only residential building in the immediate area. As a tall development spanning two corners and towering over many nearby buildings, the Millennium has ample exposure to light and air.*

*The added bulk would not significantly light or air to the adjacent commercial buildings at 50 Beale Street and 45 Fremont Street, neither of which utilize operable windows for ventilation. 50 Beale Street is located at the corner of Mission and Beale Streets, and a large mid-block plaza (Bechtel Plaza) adjoins it to the north. After construction of the Project, these three frontages would remain open, providing large amounts of natural light to the building. 45 Fremont Street will continue to receive light from its primary façade on Fremont Street, from its rear façade on Bechtel Plaza, and from a wide courtyard located between it and the Project. The small amount of added bulk above the Project's 18th floor would not significantly affect the substantial amounts of light both adjacent buildings will receive from surrounding streets and open spaces.*

(4) If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass,

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,

(C) Differences in materials, colors or scales of the facades that produce separate major elements,

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers;

*The overall design of the exterior fenestration, materials, and surfaces would include variations which ameliorate the apparent mass of the tower. The 50-foot-tall base of the building would be set off from the tower by the use of clear glass and expansive connections to the street that emphasize the public nature of the Project's ground floor. Although the Project would slightly exceed the upper tower bulk limit, it would be 230 feet shorter than allowed by the height limit. Thus, substantial volumes permitted to be developed under the bulk limit would be left open.*

(5) The building, structure or development is made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits,

*The immediate vicinity is primarily built out with high-rise structures, ranging generally from 300 to 600 feet in height. The Project Site is ringed with such buildings, including the 330-foot tall-building at 50 Beale Street and the 476-foot-tall building at 45 Fremont Street. The Project's rectilinear form would create a silhouette that is harmonious with the building pattern in the area. Because the Project Site is flat and surrounded by dense urban development, the Project would have no discernable effect on the relationship between the downtown skyline and natural landforms, nor will it obscure scenic views thereof.*

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character,

*The Project reaches a height of approximately 374 feet to the top of the mechanical screen, which is similar to, or shorter than, that of surrounding development, including 45 Fremont Street (476 feet), the Millennium Tower (645 feet), 50 Beale Street (330 feet), and 50 Fremont Street (600 feet). The draft TCDP envisions a number of taller buildings in the vicinity, including the Transit Tower, may be reach up to 1,000 feet in height.*

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development, and

*The Project's glass façade would be compatible in color and material with that of other buildings nearby, including the Millennium Tower and the Transit Center. The scale of the building would be similar to others in the vicinity, albeit somewhat smaller due to the size of the Project Site. A metal clad cornice line would visually separate the lobby from the tower above, defining a street-level pedestrian scale consistent with adjacent high rise buildings on Mission and Fremont Streets.*

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

*The Project would enhance the pedestrian environment. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a comfortably-scaled environment for pedestrians while inviting the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space, where seating, restrooms and other amenities would be provided for public use. The design of the interior open space, including works of art, as well as activities within it, would create visual interest for passersby.*

B. **Section 148: Ground-Level Wind Currents.** 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. A wind tunnel analysis, the results of which are included in the EIR, was conducted using a scale model of the Project Site and its immediate vicinity. Measurements were taken at 70 test points.*

***Comfort Criterion***

*Without the Project, eight of the 70 test points currently exceed the pedestrian comfort level of 11 mph, and ten of the test points in seating areas exceed the seven mph threshold. The average wind speed was approximately 9 mph, and winds exceeded the comfort criterion roughly six percent of the time. Wind speeds ranged from four to 18 mph.*

*With the Project, wind conditions would change only minimally. The average wind speed would remain approximately nine mph, and winds would exceed the comfort criterion approximately six percent of the time. In total, nine test points would exceed the pedestrian criterion, an increase of one above existing conditions, and ten test points would exceed the criterion for seating areas. An exception under Section 148 (a) is therefore required.*

*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. In the aggregate, the average wind speed across all test points (nine mph) would not change, nor would the amount of time (six percent) during which winds exceed the applicable criterion. Wind speeds would range from four to 20 mph. The foregoing results indicate that the comfort- level criterion would be exceeded by limited amounts with wind speeds up to 20 mph as opposed to 18 mph under existing conditions. The areal extent of winds above the threshold would remain limited, with an increase of one location over existing conditions. Winds would remain under the threshold roughly 94 percent of the time.*

*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 affect 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 to reduce wind are not available.*

*For these reasons, an exception from the comfort criterion is appropriate and hereby granted.*

***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 70 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.*

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

## COMMERCE ELEMENT

## Objectives and Policies

The **Commerce Element** of the General Plan contains the following relevant objectives and policies:

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

**Policy 1.1:**
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The Project would provide significant benefits by increasing the supply of office space in the Downtown area, and thus would create new jobs in a location that is easily accessible by a multitude of transit services. It would result in an increase in tax revenue for the City and an increase in retail/personal services activity in the immediate neighborhood. The Project Sponsor would contribute funds for new park spaces, affordable housing, transit improvements, and other public services. The Project would also create a large interior open space which would be accessible to the general public.*

**Policy 1.3:**
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project Site is in the C-3-O (Downtown Office) District, which principally permits office and retail/personal services uses. The City's General Plan, including the Downtown Plan, encourages the concentration of commercial office development near transit in the downtown core.*

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

**Policy 2.1**:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project supports this Policy. Due to its location in the Downtown Core area, the Project Site is in a suitable location to attract and retain commercial entities. It is centrally located and is close to many jobs, services, and transit lines. The Project would enhance the existing business climate by offering new office space in a structure that is designed to achieve LEED Platinum Certification..*

## URBAN DESIGN ELEMENT

### Objectives and Policies

The **Urban Design Element** of the General Plan contains the following relevant 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.

*Most buildings in the immediate area are high-rises. The Project would not dominate or otherwise overwhelm the area, as many existing and proposed buildings are substantially taller than the proposed Project. The Project's contemporary design would complement existing and planned development in the area.*

## DOWNTOWN PLAN ELEMENT

### Objectives and Policies

The **Downtown Plan Element** of the General Plan contains the following relevant objectives and policies:

**OBJECTIVE 2:**
MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

**Policy 2.1:**
Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

**Policy 2.2:**
Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

*The Project would add office space to a location that is well-served by transit, and is within walking distance of substantial retail goods and services. Employees of the building would be able to walk, bike, or utilize transit to commute and access services in the vicinity. The Project is currently occupied by a four-story office structure which the Sponsor proposes to demolish and replace with a 24-story structure thereby supporting a compact downtown core.*

**OBJECTIVE 5:**
RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

**Policy 5.1:**
Provide space for support commercial activities within the downtown and in adjacent areas.

*With a significant addition of new commercial space, the Project supports this Policy.*

## TRANSPORTATION ELEMENT

### Objectives and Policies

The **Transportation Element** of the General Plan contains the following relevant 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 Downtown Core has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and the Transbay Terminal, and the Ferry Building, 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.*

## ENVIRONMENTAL PROTECTION ELEMENT

### Objectives and Policies

The **Environmental Protection Element** of the General Plan contains the following relevant objectives and policies:

**OBJECTIVE 12:**
ESTABLISH THE CITY AND COUNTY OF SAN FRANCISCO AS A MODEL FOR ENERGY MANAGEMENT.

**Policy 12.1:**

Incorporate energy management practices into building, facility, and fleet maintenance and operations.

**OBJECTIVE 14:**
PROMOTE EFFECTIVE ENERGY MANAGEMENT PRACTICES TO MAINTAIN THE ECONOMIC VITALITY OF COMMERCE AND INDUSTRY.

*The Project has been design to attain LEED Platinum standards established by the U.S. Green Building Council, promoting energy conservation and resource efficiency.*

9. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

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

   *The Project would include approximately 1,000 sq. ft. of retail/personal services uses at the ground-floor and mezzanine level. These uses would provide goods and services to downtown workers, residents, and visitors, while creating ownership and employment opportunities for San Francisco residents. The addition of office uses would bring new employees and visitors to area, strengthening the customer base of other businesses.*

   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 Site is currently occupied by a four-story office building with ground-floor formula-retail/personal uses, therefore, no housing would be removed by the Project. The Project Site is located in an area where high-rise office development predominates and is explicitly encouraged by the Downtown Plan. The Project would be compatible with the character of the downtown area.*

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

   *The Project would enhance the City's supply of affordable housing by participating in the Jobs-Housing Linkage Program pursuant to Planning Code Section 413.*

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

   *The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing*

*convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.*

*The EIR prepared for the Project concludes that commuter traffic associated with the Project would not result in significant congestion on surrounding streets. The Project would incorporate measures related to the operation of the garage to ensure that entering and exiting vehicles do not impede transit service. Neighborhood parking would not be overburdened.*

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 Site does not contain any industrial or service sector uses, and thus none would be displaced by the Project. The Project Site is currently occupied by a four-story office and retail/personal services building. The Project would continue the same types of uses.*

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

*The Project would help the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake by replacing an older building with one that will meet or exceed all current structural and seismic requirements under the San Francisco Building Code.*

G. That landmarks and historic buildings be preserved.
*The project would not affect any landmark or historic building. The EIR prepared for the project concludes that the existing building, constructed in 1923, has been heavily altered and is ineligible for listing in the California Register. The Project Site is not located within in a designated or proposed historic district.*

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

*The Project's EIR evaluated potential impacts of the Project on parks and other open spaces, and determined that it would not significantly increase shadows on them or impede views from them. Because the Project Site is level and is largely surrounded by high-rise development, the Project would not impede views from parks and open spaces. A shadow study confirmed that no public parks protected by Section 295 would be shaded by the Project, and additional shadow cast on nearby private open spaces would be minor and limited in duration.*

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 Section 309 Determination of Compliance and 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. 2006.1524X** and grants exceptions to Sections 132.1, 148, 155(r), 270, and 272 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. 2006.1106X.

**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 this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.**

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on February 10, 2011.

Linda D. Avery
Commission Secretary

AYES: Olague, Antonini, Borden, Fong, Miguel, Moore, Sugaya

NOES:

ABSENT:

ADOPTED: February 10, 2011

# 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 demolish an existing four-story building containing office and retail uses, and build a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017,), within the C-3-O (Downtown Office) District and the 550-S Height and Bulk District, in general conformance with plans dated February 10, 2011 and stamped "EXHIBIT B" included in the docket for Case No. 2006.1524X and subject to conditions of approval reviewed and approved by the Commission on February 10, 2011 under Motion No. **18268**. 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 February 10, 2011 under Motion No **18268**.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18268** 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 Planning Code Section 309 Determination of Compliance and any subsequent amendments or modifications.

## SEVERABILITY

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

## CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Planning Code Section 309 Determination of Compliance.

## Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE (5)

**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 Planning Code Section 309 Determination of Compliance is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

**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 perform said tenant improvements 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 .*

**Additional Project Authorization**. The Project Sponsor must obtain a Project authorization under Sections 321 and 322 to allocate office square footage, as well a Variance from the requirements of Section 155(s)(5)(A) (Off-Street Parking and Loading in C-3 Districts), to allow a shared parking and loading garage opening with a width of 33 feet, exceeding the maximum permitted width of 27 feet. 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 .*

**Development Timeline - Office**. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this conditional use authorization.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

## DESIGN – COMPLIANCE AT PLAN STAGE

**Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**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 architectural addenda. 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**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 building permit application. 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Downtown Streetscape Plan - C-3 Districts.** Pursuant to Planning Code Section 138.1 and the Downtown Streetscape Plan, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance. *For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Food Service in Open Spaces - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall make food service available during the hours that the open space is accessible to the public. In the event that the Project Sponsor is unable to lease a retail space to a food service, food service shall

be provided by a kiosk, or a cart or similar portable device at the rooftop open space. [*Planner should insert project specific language ….]*
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on Fremont and Mission Streets and shall indicate that the open space is accessible to the public via the elevators in the lobby. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org .*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts 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 impacts 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/.*

**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.*

**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.*

**Street Trees.** Pursuant to Planning Code Section 428 (formerly 143), 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. The Project Sponsor may elect to defer installation of the street trees for up for three (3) years following the issuance of a temporary certificate of occupancy, in order to locate the trees in a manner compatible with the public realm improvements (including sidewalk widening) anticipated in the draft Transit Center District Plan.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Additional Retail Space.** The Project Sponsor and the Project architect shall continue to work with Planning Department staff to refine the final design of the interior open space. The Project provides approximately 5,923 sq. ft. more interior open space than required by the Planning Code, as well as an exterior terrace at the second level. Subject to review and approval by Planning Department staff, the exterior terrace and interior open space in excess of the required amount may be converted to retail/personal service use, including restaurant use, without further review by the Commission, provided (1) such converted interior open space is located generally at the northeast corner of the building or on the elliptical pavilion above the lobby and (2) that such conversion is consistent with the FAR limit.

## PARKING AND TRAFFIC

**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 .*

**Bicycle Parking .** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 12 Class 1 or Class 2 bicycle parking spaces.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than four showers and eight clothes lockers.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**Parking Maximum.** Pursuant to Planning Code Section 151.1, the size of the parking area shall not exceed seven percent of the Gross Floor Area of the Project. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide two full size off-street loading spaces and two service vehicle spaces.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**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 impacts during construction of the Project.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

## PROVISIONS

**Downtown Park Fee - C-3 District.** Pursuant to Planning Code Section 412 (formerly 139), the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and shall be paid prior to the issuance of a temporary certificate of occupancy.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Art Plaques - C-3 District.** Pursuant to Planning Code Section 429(b) (formerly 149(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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), 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 Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Jobs Housing Linkage**. Pursuant to Planning Code Section 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The

Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Employment Brokerage Services - C-3 District.** Pursuant to Planning Code Section 164, the Project Sponsor shall provide employment brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's local employment program, subject to the approval of the Planning Director.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Child Care - C-3 District.** Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and 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 415-401-4960, www.onestopSF.org*

**Childcare Requirements for Office and Hotel Development Projects**. Pursuant to Section 414 (formerly 314), the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

**Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit A to Motion No. **18266** are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

## MONITORING - AFTER ENTITLEMENT

**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*

**Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

**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*.

**Priority Processing.** The Project Sponsor shall, within six months of a first Certificate of Occupancy, provide the Zoning Administrator verification that the project has achieved a Gold Rating plus fifteen percent using the LEED Building Rating System® adopted under the Leadership in Energy and Environmental Design program of the U.S. Green Building Council (or that achieve equivalent high sustainability standards under other "green building" rating systems approved by the Director), as approved by the Director of the Department of Building Inspection. Failure to achieve sustainability standards will result in a hearing before the Planning Commission to assess offsets that will ameliorate the sustainability shortfalls caused by noncompliance with this condition.
*For information about compliance, contact Kevin Guy, Planning Department at 415-558-6378, www.sf-planning.org*

## OPERATION

**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 off 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/ .*

**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/*

**Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.*
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org.*
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org*

**Community Liaison.** Prior to issuance of a building permit application 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 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*

**Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

SAN FRANCISCO
**PLANNING DEPARTMENT**

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*Subject to: (Select only if applicable)*

☐ Inclusionary Housing
☑ Childcare Requirement
☑ Jobs Housing Linkage Program
☑ Downtown Park Fee
☑ Public Art
☑ Public Open Space
☑ First Source Hiring (Admin. Code)
☑ Transit Impact Development Fee
☐ Other

# Planning Commission Motion 18267
# Section 321/322

HEARING DATE: FEBRUARY 10, 2011

| | |
|---|---|
| *Date:* | January 27, 2011 |
| *Case No.:* | **2006.1524E!KBXV** |
| *Project Address:* | **350 MISSION STREET** |
| *Zoning:* | C-3-O (Downtown Office)<br>550-S Height and Bulk District |
| *Block/Lot:* | 3710/017 |
| *Project Sponsor:* | GLL US Office, LP<br>c/o James Reuben of Reuben & Junius, LLP<br>One Bush Street, Suite 600<br>San Francisco, CA 94104 |
| *Staff Contact:* | Kevin Guy – (415) 558-6163<br>*Kevin.Guy@sfgov.org* |

ADOPTING FINDINGS RELATING TO THE APPROVAL OF ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2010-2011 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO SECTIONS 321 AND 322 OF THE PLANNING CODE FOR A PROPOSED PROJECT LOCATED AT 350 MISSION STREET THAT WOULD AUTHORIZE THE CONSTRUCTION OF A 350-FOOT TALL OFFICE DEVELOPMENT WITH A TOTAL OF 340,320 GROSS SQUARE FEET OF OFFICE USE ON ASSESSOR'S BLOCK 3710, LOT 017, IN THE C-3-O (DOWNTOWN OFFICE) DISTRICT AND WITHIN THE 550-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On December 21, 2006, GLL US Office, LP ("Project Sponsor") submitted an Environmental Evaluation Application with the Planning Department ("Department"), Case No. 2006.1524E. The Department issued a Notice of Preparation of Environmental Review on June 2, 2010, to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.

On November 19, 2008, the Project Sponsor applied for a Planning Code Section ("Section") 309 Determination of Compliance and Request for Exceptions, Application No. 2006.1106X, on the property at 350 Mission Street (Assessor's Block 3710, Lot 017, "Project Site"), in connection with a proposal to demolish an existing four-story building contain office and retail uses, and build a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space ("Project"), in general conformity with plans dated February 10, 2011 and labeled Exhibit B.

On September 13, 2006, the Project Sponsor applied for an allocation of 340,320 square feet of office space to the project pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2006.1524B).

On May 2, 2008, the Project Sponsor submitted a request for review of a proposed development on the Project Site exceeding 40 feet in height, pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks (Case No. 2006.1524K). Department staff prepared a shadow fan depicting the potential shadow cast by the development, which indicated that the project could potentially cast shadows on Justin Herman Plaza/Embarcadero Plaza. After reviewing and analyzing the a secondary shadow analysis prepared by CADP, Inc, dated April 5, 2010, the Department concluded that no new, net potential shadow will be cast upon Justin Herman Plaza/Embarcadero Plaza, because intervening buildings located between the project site and Justin Herman Plaza/Embarcadero Plaza will intercept potential shadows cast by the project. Therefore, the Project would have no impact to properties subject to Section 295.

On January 6, 2011, the Project Sponsor applied for a Variance from the requirements of Section 155(s)(5)(A) (Off-Street Parking and Loading in C-3 Districts), to allow a shared parking and loading garage opening with a width of 33 feet, exceeding the maximum permitted width of 27 feet.

On September 15, 2010, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until November 1, 2010. On October 21, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On January 27, 2011, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.

On February 10, 2011, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.1524E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On February 10, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2006.1524EBKXV. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Office Allocation requested in Application No. 2006.1524B, 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 also constitute findings of this Commission.

2. **Site Description and Present Use.** The Project Site is an 18,909 sq. ft., roughly square, parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O District and the 550-S Height and Bulk District, and is also within the proposed Transit Center District Plan ("TCDP") Area.

   At present, the Project Site is four-story building containing approximately 95,000 sq. ft. of office and retail/personal services uses. The three upper floors are currently vacant. They were previously occupied by Heald College, which recently moved its San Francisco campus to a new location at 875 Howard Street. The ground-floor is presently occupied by several retail tenants.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50

Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the former Transbay Terminal and proposed Transit Center is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

4. **Proposed Project.** The Project would entail the demolition of the existing four-story building at the Project Site and construction of a new 24-story, tall office building, reaching a roof height of 350 feet, with a mechanical screen reaching a height of approximately 374 feet. The building would include approximately 340,000 square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space. The Project is designed to achieve LEED Gold or Platinum certification.

5. **Public Comment.** To date, Department staff has received no comments on the proposed project.

6. **Office Allocation.** Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

*There currently exists 3,351,993 square feet of office space available for allocation to office buildings of more than 49,999 square feet of office space ("Large Buildings") during this Approval Period, which ends October 16, 2010. If the Planning Commission approves the Project with up to 340,320 square feet of office space, there would be 3,011,673 square feet of office space available for allocation. On October 17, 2011 and October 17 of each succeeding year, an additional 875,000 square feet of office space will become available for allocation to buildings of greater than 49,999 square feet of office space.*

*The Project would improve the balance between San Francisco's economic growth and its housing supply, by contributing to the affordable housing fund pursuant to Planning Code Section 413. The Project is also subject to the Transportation Impact Development Fee, Child Care In-Lieu Fee, and Downtown Parks Special Fund Fee, all of which will contribute to maintaining a balance between economic growth and housing, transportation and public services. Additionally, the Project would create both construction period and permanent new jobs and comply with all the requirements of the First Source Hiring Program (Chapter 83 of*

*the Administrative Code) and Section 164 of the Planning Code to maximize employment opportunities for local residents.*

*Few significant office developments in the downtown area have been constructed in recent years. The Project would furnish new class-A office space, which would draw more commercial and professional services into the vicinity and further encourage economic growth.*

*Therefore, the Project and the allocation of square footage would provide additional resources and help maintain the balance between economic growth, housing, transportation and public services.*

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

*The Project is consistent with the General Plan, as discussed in Section #8 of Motion No. 18268, Case 2006.11524X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309). Overall, the Project would advance the objectives and policies of the Commerce, Urban Design, Downtown Plan, Transportation, and Environmental Protection Elements of the General Plan, and presents no significant conflicts with other elements.*

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

*The Project Site is surrounded by existing high-rise development, and the Project is compatible with this context. The exterior of the building would be finished with tilting glazing that conveys a woven pattern. This configuration would capture and reflect light in a dynamic manner that would shift depending on the perspective of the viewer. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a pedestrian-scaled environment that visually and functionally draws the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space. The Project's retail spaces and art program would help activate its interior open space and create visual interest for passersby.*

*The Project has been design to target LEED Platinum certification, incorporating numerous sustainable features to enhance efficiency and environmental performance.*

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

*a) Use. The Project's proposed office and retail uses are permitted uses in the C-3-O District. The site lies one block south of Market Street and one block north of the future Transit Center, providing direct access to abundant existing and planned transit, as well as retail*

*goods and services. Numerous office buildings exist within the immediate vicinity of the Project site and the greater Downtown area. The Project furthers the Downtown Plan's goals and objectives of concentrating office uses into a compact Downtown Core.*

*b) Transit Accessibility. The area is served by a variety of transit options. The Project site is two blocks from the Montgomery Street MUNI and BART station, approximately six blocks from the Ferry Building, and one block away from the future Transit Center.*

*c) Open Space Accessibility. The ground-floor open space will be easily accessible to the public as well as tenants of the Project site, and will be a desirable addition to the City's open space. It will be accessible, well designed and comfortable, providing a variety of experiences and fulfilling all requirements of the Downtown Plan and the Downtown Streetscape Plan.*

*d) Urban Design. The Project would replace a relatively low-intensity four-story building with a new office tower that includes publicly accessible open space and retail/restaurant uses on the ground floor. The tower's overall height and volumetric composition relate well to neighboring buildings. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a comfortably-scaled environment for pedestrians while inviting the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space, where seating, restrooms and other amenities would be provided for public use. The Project's retail spaces and public art program would help activate the interior open space and create visual interest for passersby.*

*e) Seismic Safety. The Project would improve seismic safety, because it would be constructed to meet or exceed the latest seismic standards of the California Building Code. The soil beneath the Project Site is subject to liquefaction and ground settlement during a major earthquake. However, most of the liquifiable soil would be excavated during construction, and liquefaction induced settlement will be negligible below foundation level. The Project's concrete mat foundation would be founded upon Colma Sand formation, which have sufficient relative densities and/or clay contents to resist liquefaction. Due to the nature of soil conditions at the project site, a mat foundation would be sufficient to support the proposed structure.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

*a) Anticipated Employment Opportunities. The Project would contribute to the employment of economically disadvantaged persons by its participation in San Francisco's First Source Hiring Program ("FSHP"). During the construction period, the Project will employ up to 300 union laborers per day with an average of 150 laborers per day over the two-year construction period. Available entry-level construction jobs would be processed through the FSHP and would benefit economically disadvantaged persons. Upon completion of construction, the Project would be occupied by commercial tenants that would create over 1,000 new jobs. Available entry level jobs offered by these businesses must be processed*

*through the FSHP and would benefit economically disadvantaged persons. Because of the size of the development, the Project has the potential to create significant employment opportunities.*

*The Project will also comply with the requirements of Planning Code Section 164, which includes city resident employment and training requirements.*

*b) Needs of Existing Businesses. With approximately 340,320 gross square feet of new office space, the Project is anticipated to provide for a great variety and number of tenants, thereby better serving the needs of the business community. The building's floor plates are flexible and can accommodate both small and large businesses. The Project Site is well-served by transit, and is in close proximity to other firms consolidated within the Downtown Core.*

*c) Available Supply of Space Suitable for Such Anticipated Uses. The project will provide office space that is suitable for a variety of office uses and sizes in a Downtown location. The anticipated office uses and tenants will strengthen the City's economy and the City's position as a business hub and regional employment center.*

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

*The site is currently under single ownership. The anticipated tenant or tenants will be determined at a later date. However, it is not known whether the Project will be occupied by a single entity.*

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

*The Project Sponsor has secured the required TDR to construct the Project and shall secure a Notice of Use of TDR as a condition of approval.*

7. **General Plan Conformity.** The General Plan Consistency Findings set forth in Section #8 of Motion No. 18268, Case #2006.1524X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

8. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

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

*The Project Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project*

*Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.*

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

*The Site is currently occupied by a four-story building containing office space and retail uses. Therefore, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is generally defined by intense urban development.*

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

*The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 414 Jobs-Housing Linkage Program.*

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

*The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located one block from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the future Transit Center, providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.*

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 Site does not contain any industrial uses, therefore, none will be displaced by the Project. The Project will continue to offer service sector employment opportunities associated with the proposed retail and office uses.*

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

*The Project will conform to the structural and seismic requirements of the San Francisco Building Code.*

G. That landmarks and historic buildings be preserved.

*The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.*

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

*The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. The Project will not cast shadows on any properties protected by Section 295.*

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

10. The Commission hereby finds that granting the Project Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

## 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 Office Allocation Application No. 2006.1524B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated February 10, 2011, on file in Case Docket No. 2006.1524B.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (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, Room 304 or call (415) 575-6880.**

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on February 10, 2011.

Linda D. Avery
Commission Secretary

AYES: Olague, Antonini, Borden, Fong, Miguel, Moore, Sugaya

NOES:

ABSENT:

ADOPTED: February 10, 2011

# EXHIBIT A

## AUTHORIZATION

This authorization is to grant an allocation of office square footage under the 2010-2011 Annual Office Development Limitation Program, pursuant to Planning Code Sections 321 and 322, in connection with a proposal to demolish an existing four-story building containing office and retail uses, and build a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017,), within the C-3-O (Downtown Office) District and the 550-S Height and Bulk District, in general conformance with plans dated February 10, 2011 and stamped "EXHIBIT B" included in the docket for Case No. 2006.1524X and subject to conditions of approval reviewed and approved by the Commission on February 10, 2011 under Motion No. **18267**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. **18268**, Case #2006.1524X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309), and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit A to Planning Commission Motion 18266, Case #2006.1524E apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

## 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 February 10, 2011 under Motion No. **18267**.

## 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 (5)

**Development Timeline - Office**. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this conditional use authorization.
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org .*

**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 perform said tenant improvements 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 .*

# SAN FRANCISCO
# PLANNING DEPARTMENT

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

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

## Certificate of Determination
## EXEMPTION FROM ENVIRONMENTAL REVIEW

| | |
|---|---|
| *Case No.:* | **2013.0276E** |
| *Project Title:* | **350 Mission Street** |
| *Zoning/Plan Area:* | C-3-O (SD) Downtown Office Commercial Special Development District; Transit Center Commercial Special Use District; 700-S-2 Height and Bulk District; Transit Center District Plan |
| *Block/Lot:* | 3710/017 |
| *Lot Size:* | 18,909 square feet |
| *Project Sponsor:* | KR 350 Mission, LLC |
| *Contact:* | Daniel Frattin, Reuben, Junius, & Rose, LLP – (415) 567-9000<br>(415) 421-8200 |
| *Staff Contact:* | Brett Bollinger – (415) 575-9024<br>brett.bollinger@sfgov.org |

### PROJECT DESCRIPTION:

The project sponsor, KR 350 Mission, LLC, proposes to construct a 30-story, approximately 455-foot-tall office tower (including 30-foot-tall rooftop mechanical area) with office uses occupying approximately 420,000 gross square feet. The 50-foot-tall ground floor, incorporating a mezzanine, would provide about 5,400 square feet of retail and restaurant space, along with 9,650 square feet (continued on next page).

### EXEMPT STATUS:

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines California.

### REMARKS:

(see page 14, below)

### DETERMINATION:

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

Sarah Jones
Environmental Review Officer

July 30, 2013
Date

cc: Daniel Frattin, Reuben, Junius, & Rose, LLP
Brett Bollinger, Environmental Planning Division
Kevin Guy, Neighborhood Planning Division
Supervisor Jane Kim, District 6
Virna Byrd, M.D.F.
Exclusion/Exemption Distribution List

## PROJECT DESCRIPTION (CONTINUED FROM COVER PAGE):

of publicly accessible indoor and outdoor open space. Vehicle and freight loading access would be via a driveway on Fremont Street on the northwest corner of the site. The project garage would include two full-size and two service-vehicle loading spaces; 60 parking spaces on three basement levels (including two spaces for shared electric vehicles with battery charging capability and one space for a low-emitting vehicle); and 64 bicycle parking spaces. Rooftop mechanical equipment, including a diesel-powered emergency generator rated at 800 kilowatts, would be enclosed within a 30-foot tall mechanical penthouse, included within the 455-foot building height.

On February 10, 2011, the San Francisco Planning Commission certified an Environmental Impact Report (Approved Project FEIR) for construction of a new office building at the project site. That project consisted of a 24-story, approximately 375-foot-tall office tower with office uses occupying approximately 356,000 square feet, about 6,600 square feet of retail and restaurant space and 6,960 square feet of publicly accessible indoor open space.

In 2011, the Planning Commission and Zoning Administrator granted approvals for construction of a new office building (Approved Project) at the project site. The Approved Project included slightly modified square footage totals from those in the FEIR because the restaurant space analyzed in the FEIR was determined to exceed the then-applicable floor-area-ratio (FAR) limit. The Approved Project included a 24-story office building reaching to a height of about 375 feet, with mechanical equipment. It comprised about 340,000 square feet of office space, 1,000 square feet of retail space, and 12,700 square feet of publicly accessible interior open space. These entitlements were granted prior to the adoption of the Transit Center District Plan. The EIR for the Transit Center District Plan is discussed below. The Approved Project is currently under construction. The former building on the project site has been demolished.

### Project Overview and Major Components

This Community Plan Exemption (CPE) analyzes the entirety of environmental impacts of the proposed project (i.e., demolition of former structure on the project site; construction of the 24 floors of the Approved Project; plus the construction of the incremental 6 floors of office space, removal of the exterior mechanical element from the Approved Project, and other minor modifications to the Approved Project). Therefore, the "proposed project" as described here, and in analyses in other locations in this CPE, comprises the entirety of expected development at the project site. In some cases, the description and analyses distinguish between the Approved Project and the proposed project for purposes of clarification.

In addition, the entitlements of the Approved Project remain valid. The approvals required for the proposed project are only related to the incremental changes from the Approved Project that require review and approval under applicable sections of the Planning Code. Additional environmental review is required for the proposed project due to cumulative impacts identified in the TCDP EIR subsequent to 350 Mission Street project EIR approval. Please see "Approvals Required," below, for more information.

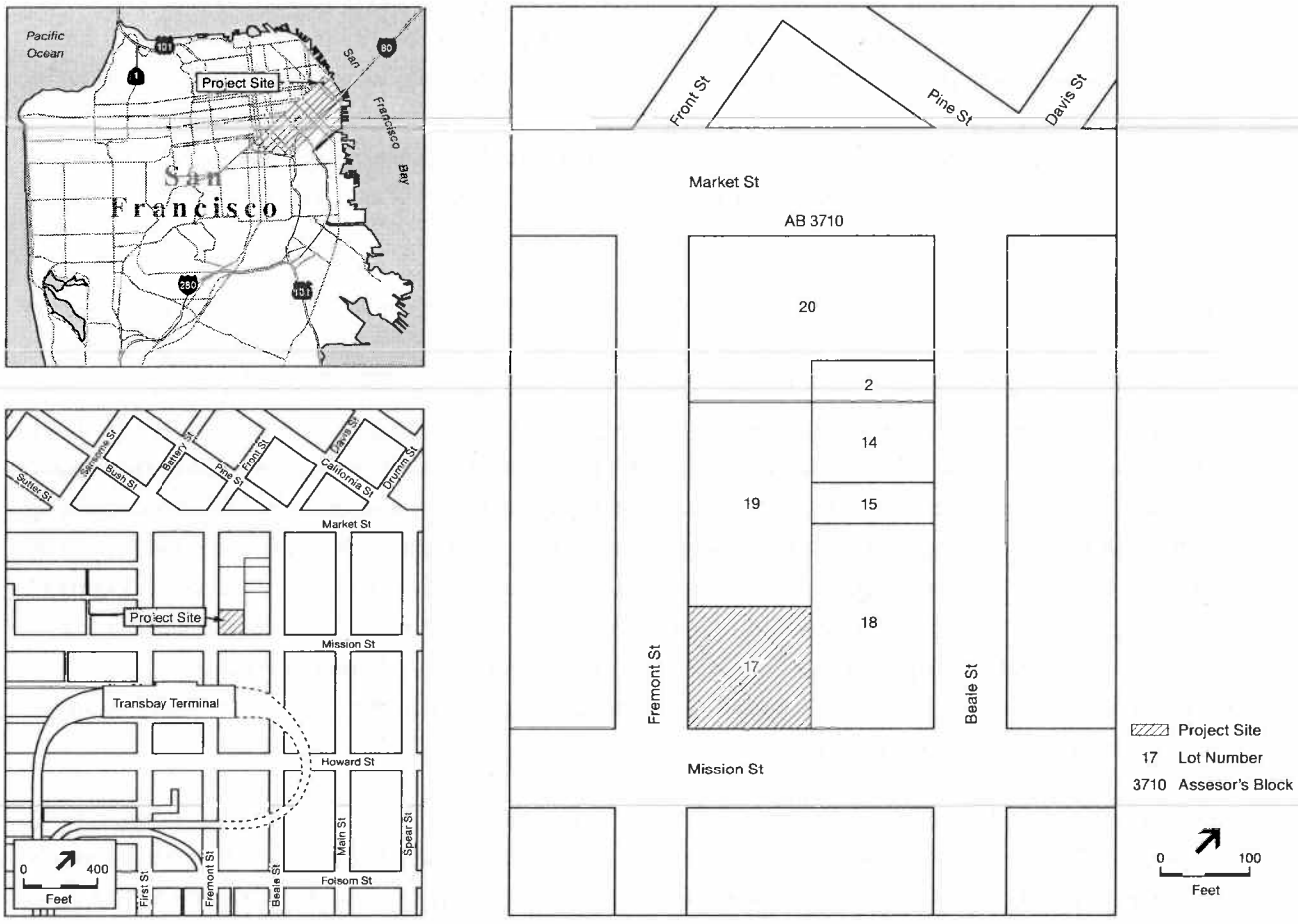
### *Components*

The proposed project would consist of a 30-story, approximately 455-foot-tall office tower with office uses occupying approximately 420,000 square feet on floors 5 through 30 (the building would have no floor 3, 4, or 5). The ground floor would have a height of about 50 feet, equaling approximately 3 to 4 stories, and a mezzanine level would be incorporated within this space. The 50-foot-tall ground floor, incorporating a mezzanine, would provide about 5,400 square feet of retail and restaurant space, along with about 9,650 square feet of publicly accessible indoor and outdoor open space. Pedestrian entrances would be located on the Fremont and Mission Street frontages and would open to a 50-foot-tall lobby, which would include part of the mezzanine floor that would be open to the ground floor. The lobby would function, in part, as an enclosed publicly accessible open space, including internal access to the retail space and a wide stairway to the mezzanine that would double as public amphitheater style seating. The mezzanine level would cover the north and east portion of the ground floor and leave the southwest lobby space open to the entire 50-foot-tall volume.

Vehicle and freight loading access would be via an approximately 33-foot-wide two-way driveway on Fremont Street on the northwest corner of the project site. The northern portion of the ground floor would include four off-street freight loading spaces (two truck and two service van), a 30-foot-diameter turntable for large vehicle turnaround, and building service spaces including trash and storage facilities. Three basement levels would provide 60 independently accessed parking spaces, including two spaces dedicated to shared electric vehicles (with battery charging capability) and one space for a low-emitting vehicle; 64 bicycle parking spaces; building services and mechanical space; and a fitness center for use by building tenants, along with eight showers and lockers that could also be used by bicyclists. **Figures 2 and 3**, pp. 5 and 6, depict the proposed ground floor and mezzanine plans, respectively. **Figure 4**, p. 7, depicts a representative upper-story floor plan. The rooftop mechanical space would contain elevator machinery, building heating and cooling equipment, electrical equipment, and a diesel-powered emergency generator, rated at 800 kilowatts.

The building would contain approximately 425,400 "gross square feet" (square feet of gross floor area), as measured in accordance with the *San Francisco Planning Code*, Section 102.9, consisting almost entirely of office space. The *Planning Code* open space requirement of one square foot per 50 square feet of gross floor area in the C-3 District would be met through provision of the enclosed lobby and public seating areas, as well as the second floor terrace The *Planning Code* (Section 138) and Downtown Plan element of the *San Francisco General Plan* consider an enclosed indoor park to be one form of "open space" that may be used for the purposes of satisfying this requirement, assuming applicable guidelines are met.[1] The project would provide about 9,650 square feet of publicly accessible indoor and outdoor open space. **Table 1**, on page 3, summarizes the changes between the project analyzed in the Approved Project FEIR and the proposed project.

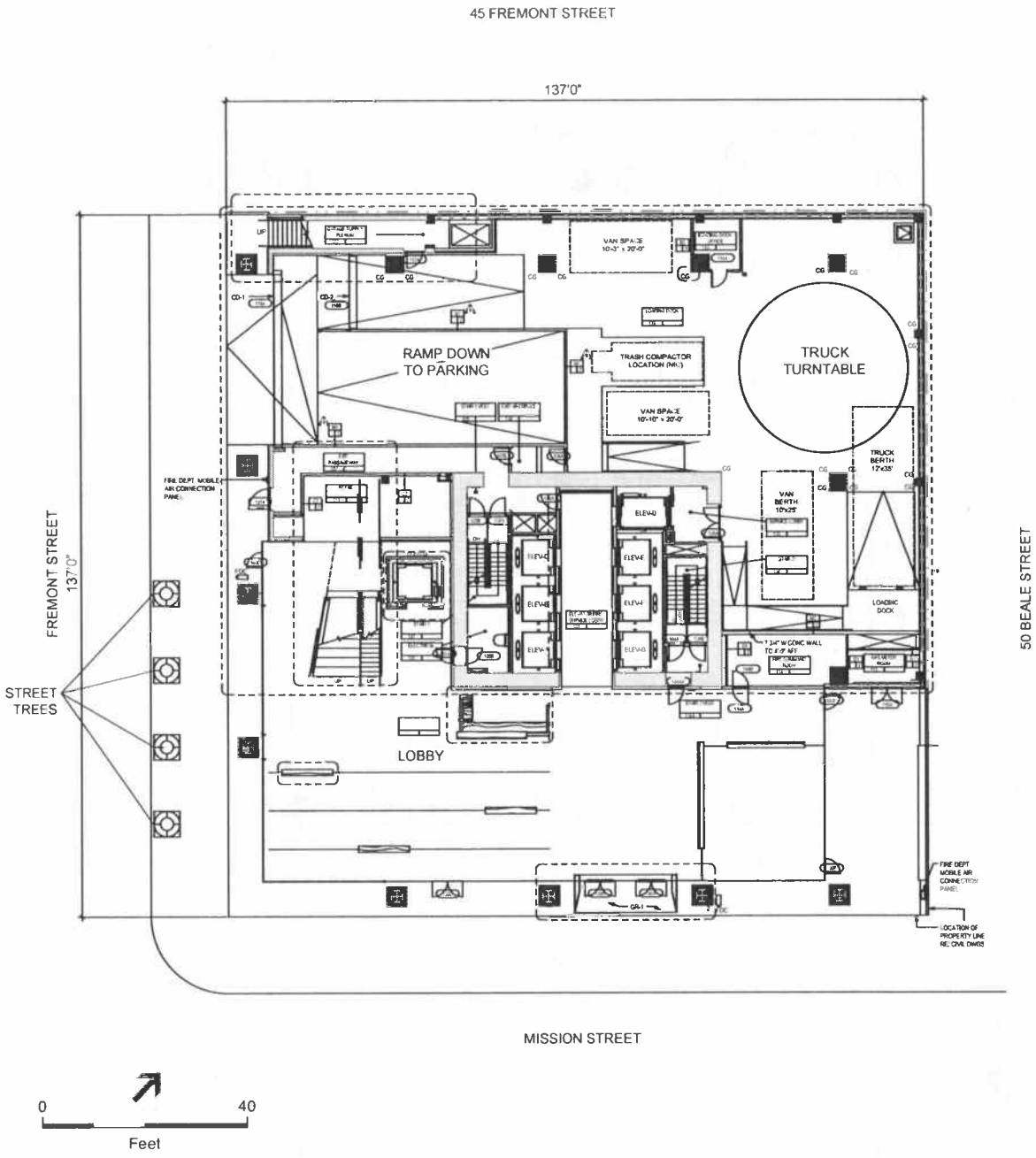
[1] The Downtown Plan (Table 1, Guidelines for Downtown Open Space) states that an Indoor Park should have, among other qualities, at least one street-facing glass wall and be accessible from street level; contain at least 1,000 sq. ft. and be at least 20 feet tall; provide food service and adequate seating, sunlight, and ventilation; and include design features.




SOURCE: ESA

Case No. 2013.0276E: 350 Mission Street

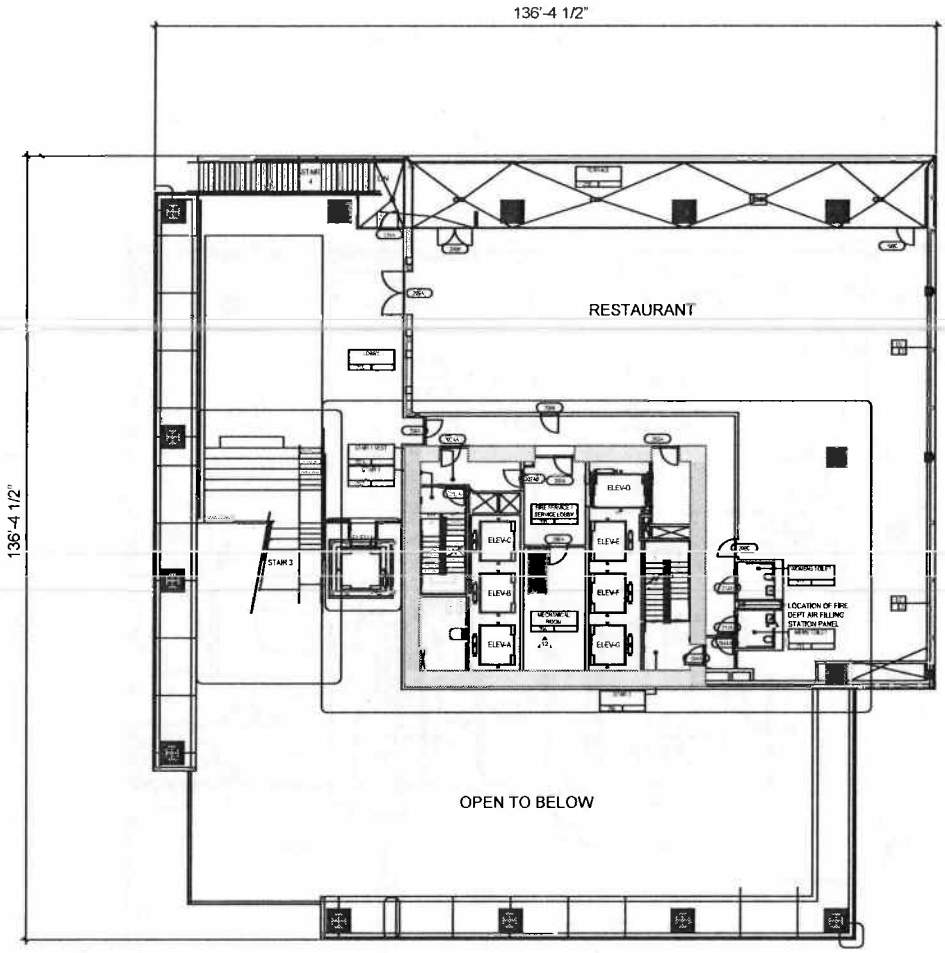
**Figure 1**
Project Location

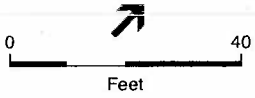



SOURCE: Skidmore, Owings & Merrill LLP

Case No. 2013.0276E: 350 Mission Street

**Figure 2**
Ground Floor Plan



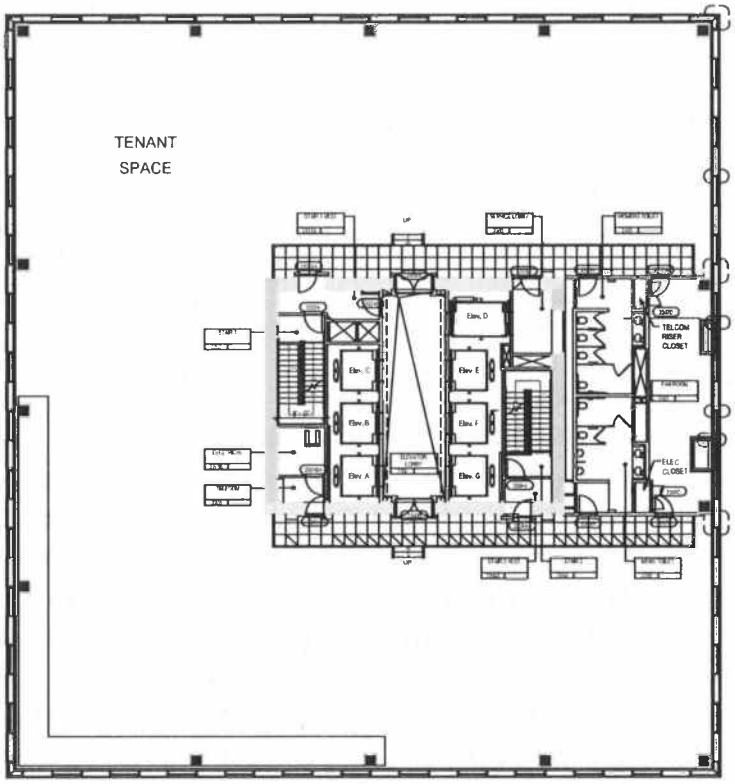




SOURCE: Skidmore, Owings & Merrill LLP

Case No. 2013.0276E: 350 Mission Street

**Figure 3**

Mezzanine (Second Floor) Plan




0 40
Feet

SOURCE: Skidmore, Owings & Merrill LLP

Case No. 2013.0276E: 350 Mission Street

**Figure 4**
Typical Upper Level Plan

TABLE 1
APPROVED PROJECT, PROPOSED MODIFICATIONS AND PROJECT TOTAL SQUARE FOOTAGE

| Characteristic | Project Analyzed in Approved Project FEIR | Proposed Project | Project Totals |
|---|---|---|---|
| Office | 356,000 sq. ft. | 64,000 sq. ft. | 420,000 sq. ft. |
| Retail / Restaurant | 6,600 sq. ft. | -1,200 sq. ft. | 5,400 sq. ft. |
| Parking | 23,500 sq. ft. | - | 23,500 sq. ft. |
| Other [a] | 87,500 sq. ft. | 6,750 sq. ft. | 94,250 sq. ft. |
| **TOTAL** | **452,000 sq. ft.** | **91,150 sq. ft.** | **543,150 sq. ft.** |
| Parking Spaces [b] | 61 | -1 | 60 |
| Height [c] | 375 feet | 80 feet | 455 feet |

NOTE: All figures rounded.

[a] Other spaces include loading, garage circulation, a fitness room, interior open space, and mechanical space

[b] Space for approximately 80 vehicles would be provided if valet parking were offered.

[c] Proposed height includes mechanical penthouse and screen (approximately 20 feet for Approved Project and 30 feet for proposed project).

SOURCE: Skidmore, Owings & Merrill LLP

The second and third basement levels would include approximately 55 marked parking spaces (capacity for about 80 vehicles with valet parking operations). The first basement level would have two dedicated parking spaces for electric vehicles (with battery charging capability) and one space reserved for a low-emitting vehicle. A total of three disabled-accessible spaces would be provided across the first and second basement levels (which would meet the requirement of *Planning Code* Section 155(i)), for a total of 60 marked spaces. The project would provide a minimum of 64 stalls for bicycle parking, which would exceed the requirement of *Planning Code* Section 155.4(d). The proposed floor area devoted to off-street parking (approximately 23,500 square feet) would be within the maximum permitted of seven (7) percent of building gross floor area pursuant to *Planning Code* Section 151.1. For purposes of this calculation, parking area includes spaces and aisles and excludes entrance and exit driveways and ramps. Therefore, the proposed project would comply with Section 151.1. Four off-street loading spaces (two truck and two service van), also accessible from Fremont Street, would meet the *Planning Code* requirement under Section 152.1 (see Approvals Required, below). The Planning Commission granted an exception to the Approved Project, pursuant to *Planning Code* Section 309, from the *Code's* prohibition on curb cuts along Transit Preferential Streets where an alternative frontage is available (Section 155(r)(4)), for the proposed garage/loading dock curb cut on Fremont Street. (Both Fremont and Mission Streets are identified as Transit Preferential Streets in the *General Plan* Transportation Element.)

According to *Planning Code* Section 270, which implements the direction for building massing contained in the Downtown Plan element of the *San Francisco General Plan*, buildings more than 160 feet in height are considered to have a base, lower tower and upper tower. The base, which may not exceed a height of 1.25 times the width of the principal adjacent street, has no plan or area restrictions under this section but is required to be visually delineated from the lower and upper towers through a setback, cornice line, or other means. As Mission Street is the principal adjacent street and is 82.5 feet wide, the base height for this project is considered to be a maximum of 103 feet tall. As proposed, the project building would be

generally rectilinear in shape with an approximately 55-foot-tall building base physically distinguished from the remaining 370-foot-tall office tower (plus 30-foot-tall mechanical space).

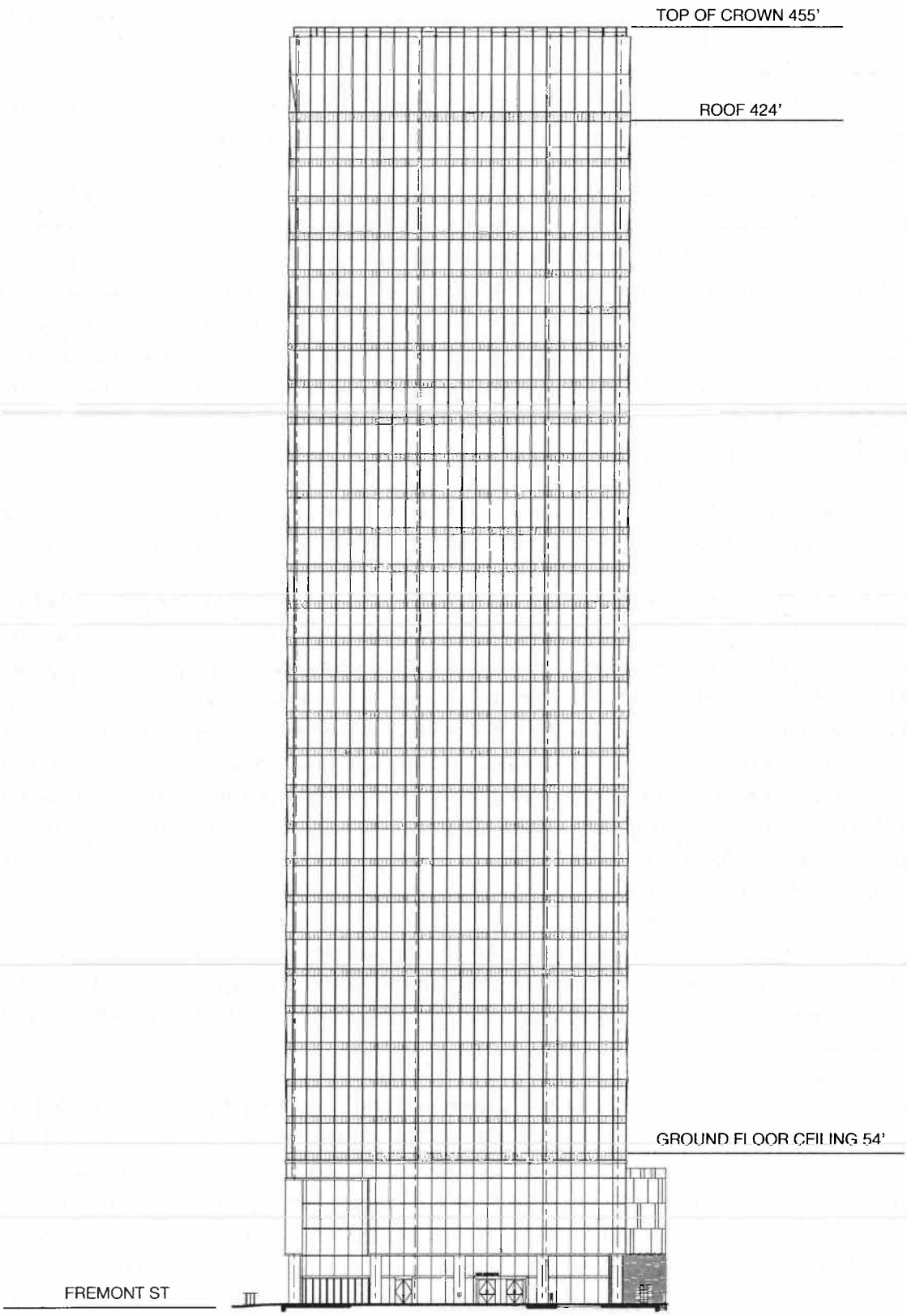
The combined ground floor and mezzanine levels would be the project's primary distinguishing feature in terms of articulation and materials. In particular, at the corner of Mission and Fremont Streets, the ground floor and mezzanine together would serve as an approximately 50-foot-tall atrium, accessible via doors on Mission and Fremont Streets, and through a folding glass-panel door system, also on both facades near the corner of Mission and Fremont Streets; large portions of the atrium would be open to the sidewalk in good weather, as the folding panel doors would remain open, providing pedestrian access along almost 75 feet of sidewalk frontage. Publicly accessible open space would be located on both the ground floor and mezzanine, and the atrium would have large expanses of clear glass. Behind the glass, columns would rise the full height of the atrium.

Above the atrium, the project's façade would be clad in an energy-efficient glass curtain wall. **Figure 5** and **Figure 6** present the principal Mission and Fremont Street elevations of the proposed project.

The project's office component (spanning from approximately 55 to 425 feet in height) would have no setbacks from the property line along the west (Fremont Street) and south (Mission Street) façades. The east façade would generally be set back approximately 14 feet from the east property line. The adjacent building at 50 Beale Street is about 6 feet from the property line, meaning the separation between the two buildings would be about 18 feet. Also, the north façade would be set back approximately 6.5 feet from the northern property line. *Planning Code* Section 132.1(d) requires a 15-foot setback from the top of the building base to a height of 300 feet, increasing to 35 feet at a height of 550 feet. Therefore, the project would not conform to the required setback from the east and north property lines pursuant to Section 132.1(d). The Planning Commission granted an exception to the tower separation requirements of the Approved Project, as is permitted under *Planning Code* Section 309.

Note that the Approved Project included a 40-foot-wide mechanical element on the east side of the building running from levels three through 24. That element would have extended approximately 7.5 feet into the tower separation space. This element has been removed from both the Approved Project and the proposed project.

The proposed project tower would have a maximum plan length of approximately 130 feet and a maximum diagonal dimension approximately 180 feet. The average floor size, as measured in accordance with the *Planning Code* Section 102.9, would be about 15,000 square feet. These dimensions would be consistent with the bulk limits of *Planning Code* Section 270 for the building base (up to 103 feet in height) and lower tower (103 feet to 220 feet in height), but would exceed the permitted diagonal dimension and average floor area for the upper tower (above 220 feet in height). Accordingly, the Planning Commission granted an exception to these bulk controls for the Approved Project, as is permitted under Section 309.

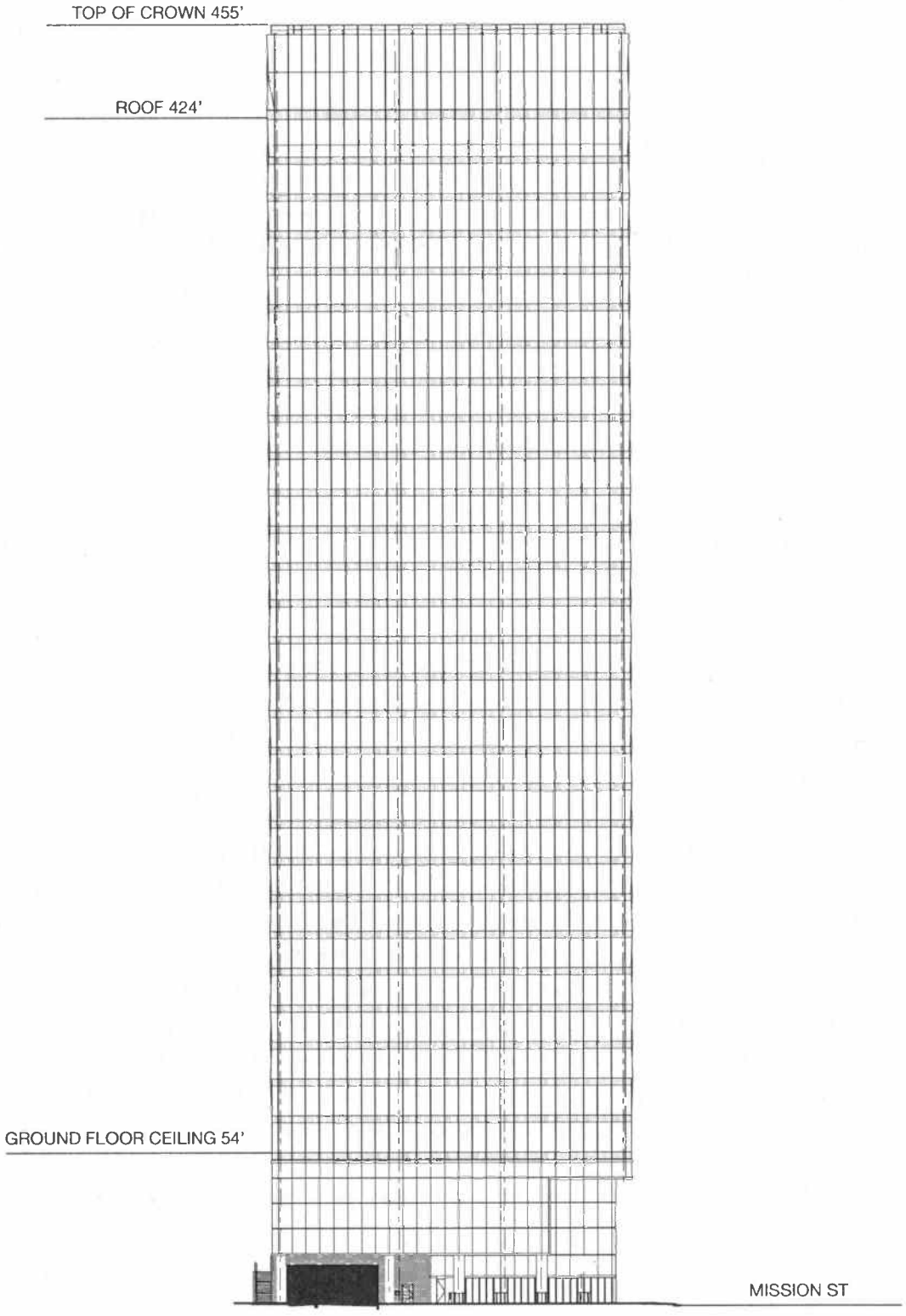



SOURCE: Skidmore, Owings & Merrill, LLP

Case No. 2013.0276E: 350 Mission Street

**Figure 5**

Mission Street (South) Elevation




SOURCE: Skidmore, Owings & Merrill, LLP

Case No. 2013.0276E: 350 Mission Street

**Figure 6**

Fremont Street (West) Elevation

The Approved Project included demolition of a four-story building occupying the project site; this demolition occurred in early 2013. The building contained approximately 95,000 square feet of office (occupied with educational uses), retail and accessory uses, including a basement. It contained no parking facilities and fully occupied the lot. The building, which was built in 1923, was not listed in the California Register of Historical Resources nor was it identified as significant in a local register, such as Article 10 and Article 11 of the *Planning Code.*

The proposed project would be constructed atop a mat foundation, and is proposed to be constructed as a poured-in-place, reinforced concrete building. Excavation for the three basement levels and the foundation of the Approved Project is under way. It will extend to approximately 50 feet below grade, and will require removal of approximately 35,000 cubic yards of soil.

The proposed project would include planting of new street trees on the Fremont and Mission Street project frontages, in compliance with *Planning Code* Section 143, which requires planting a minimum of one 24-inch-box tree for every 20 feet of project frontage. (Any existing street trees removed for construction would be replaced at the same ratio.)

Project construction would take approximately 22 months, and occupancy is anticipated in 2014. Construction costs are currently estimated at approximately $85 million. The project architect is Skidmore, Owings & Merrill LLP.

## Project Site

The project site, located at 350 Mission Street, on the northeast corner of Mission and Fremont Streets, is on Assessor's Block 3710, Lot 17.[2] The site is within the C-3-O (SD) Downtown Office (Special Development) Use District and the 700-S-2 Height and Bulk District (700 foot height limit; setbacks required for floors above building "base"). The approximately 19,000-square-foot project site is generally flat with an elevation of three (3) feet, SFD, at the corner of Mission and Fremont Streets.[3] The site, which has frontages on Mission and Fremont Streets, was fully occupied by a four-story, approximately 60-foot-tall building providing about 95,000 square feet of floor area, including the 13,000-square-foot basement. Prior to demolition under the Approved Project, approximately 72,000 square feet of office space in educational use by Heald College, and 10,000 square feet of retail space occupied the building. No off-street parking spaces or loading spaces were provided. The building was built in 1923 and was not historically significant. There were nine existing street trees along the Fremont and Mission Street frontages.

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[2] Consistent with San Francisco practice, Market Street and streets parallel are considered east-west streets. Thus, Mission Street runs east-west, and Fremont Street runs north-south.

[3] San Francisco City Datum (SFD) establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level established by 1929 U.S. Geological Survey datum. In San Francisco, elevation in the 1929 USGS datum is approximately 2.7 feet lower than the corresponding elevation current 1988 North American Vertical Datum.

## Project Vicinity

The project site is within the Transit Center District Plan area, which is centered on the new Transbay Transit Center site. The Plan is a comprehensive plan for a portion of the southern downtown financial district and contains the overarching premise that to accommodate projected office-related job growth in the City, additional office development capacity must be provided in proximity to the City's greatest concentration of public transit service. The Plan, which was adopted and became effective in September 2012, includes a comprehensive program of zoning changes, including elimination of the floor area ratio (FAR) maximums and increased height limits on certain parcels, including the project site. The Plan's policies and land use controls allow for increased development and improved public amenities in the project area, with the intention of creating a dense transit-oriented district.

The project site is within the C-3-O (SD) Downtown Office Special Development use district, and is also within the Transit Center Commercial Special Use District (SUD), identified in the Plan, in which the limits on non-commercial space apply (*Planning Code* Section 248). The Plan establishes new development impact fees to be collected from almost all development projects within the C-3-O (SD) District. These include the Transit Center District Open Space Impact Fee and Fund, Transit Center District Transportation and Street Improvement Impact Fee and Fund, and the Transit Center District Mello Roos Community Facilities District Program. The Transbay Transit Center building site would be located half a block south of the project site and extend from Beale Street westward almost to Second Street. Anticipated for completion in 2017, the five-story (three above ground) Transbay Transit Center will provide a one-million-square-foot regional bus and rail station with a 5-acre public park atop the building.

Development in the vicinity consists primarily of office space above ground-floor retail stores. The block on which the project site is located contains three high-rise office buildings, in addition to the four-story office and retail building demolished under the Approved Project. There are also office towers to the west. Immediately south of the site, across Mission Street, is the Millennium residential tower. The Transbay Joint Powers Authority (TJPA) proposed to construct an approximately 1,070 foot-tall tower adjacent to the planned new Transbay Transit Center (replacement terminal) on Mission Street. This "Transbay Tower" was approved by the Planning Commission in October 2012.

The nearest open spaces to the project site include Justin Herman Plaza (on the Embarcadero to the north and south of Market Streets), Sue Bierman Park and Maritime Plaza (extending west from Justin Herman Plaza between Clay and Washington Streets), Yerba Buena Gardens (a Successor Agency to the San Francisco Redevelopment Agency property at Third and Mission Streets), and Rincon Park (a Redevelopment Agency property along the Embarcadero). There are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby, including on the project block and the block immediately to the west.

## Remarks (continued from cover page):

Section 15183 of the State California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an Environmental Impact Report was certified shall not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic, plan area EIR. The Planning Department reviewed the proposed project for consistency with the Transit Center District Plan and for the potential for the proposed project to result in significant impacts not identified in the Transit Center District Plan and Transit Tower Environmental Impact Report ("Transit Center District Plan FEIR" or "Plan FEIR"), certified on May 24, 2012.[4]

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of substantially greater severity than were already analyzed and disclosed in the Plan FEIR. This determination does not identify new or additional information that would alter the conclusions of the Plan FEIR. Relevant information pertaining to prior environmental review conducted for the Plan FEIR is included below, as well as an evaluation of the potential environmental effect of the proposed project. The full text of applicable mitigation measures from the Approved Project FEIR is included below (p. 73), as well.

All items for which the Plan FEIR did not identify a significant impact and the project would not have a significant peculiar impact addressed in the CPE Checklist included as **Attachment A**.

## Approvals Required

The description of approvals is divided into two sections. The first section is a description of approvals for the Approved Project, which the Planning Commission granted on February 10, 2011. These approvals remain valid. The second section is a description of required approvals for the incremental addition of the proposed project.

### *Approved Project*

The Approved Project's uses were principally permitted uses in the C-3-O District that regulated the site at the time of approval. At 375 feet in height (including 20-foot mechanical penthouse), the Approved Project was found to be consistent with the site's then-height limit of 550 feet. Therefore, no special approvals were required with respect to land use or building height.

The Planning Commission allocated 340,320 square feet of office space under the Annual Office Development Limitation Program (Planning Code Sections 321 and 322). Pursuant to Planning Code Section 309, the Commission granted requests for three exceptions regarding:

[4] San Francisco Planning Department, *Transit Center District Plan Final EIR*, Case No. 2007.0558E, State Clearinghouse No. 2008072073, May 24, 2012. This material is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2007.0558E.

- General Standards for Off-Street Parking and Loading (Section 155(r));
- Reduction of Ground-Level Wind Currents in C-3 Districts (Planning Code Section 148) because the project would not reduce all existing exceedances of the wind speed criteria for pedestrian and seating comfort, as well as result in a net increase of one exceedance of the pedestrian comfort criterion; and
- Bulk Limits (Planning Code Sections 270, 272) because the project upper portion of the building would exceed the maximum permitted floor area and diagonal plan dimension, as well as the separate of towers (Planning Code Section 132.1(c)) then-required minimum tower setback of 21 feet from the centerline of adjacent streets and interior property lines.
- The *Code's* prohibition on curb cuts along Transit Preferential Streets where an alternative frontage is available (Section 155(r)(4)), for the proposed garage/loading dock curb cut on Fremont Street.

The Zoning Administrator granted a variance from the requirements for Off-Street Parking and Loading in C-3 Districts (Planning Code Section 155(s)(5)(A)), to allow a shared parking and loading garage opening with a width of 33 feet, exceeding the maximum permitted width of 27 feet.

The Approved Project was required to comply with the Jobs-Housing Linkage Program (*Planning Code* Secs. 313 *et. seq.*), which required that the project sponsor either fund the construction of 92 affordable housing units[5] or pay an in-lieu fee to the City in the amount of $19.89 per gross square foot of office space.

The Approved Project also required building permits, which required review and approval by the Planning Department and Department of Building Inspection (DBI). The site permit was issued on September 5, 2012, and the demolition permit was issued on November 30, 2012.

### *Proposed Project*

The approvals required for the proposed project are only related to the incremental changes from the Approved Project that require review under applicable sections of the Planning Code.

Given that the Transit Center District Plan was approved, and the rezoning implemented, after approval of the Approved Project but prior to submittal of the Environmental Evaluation Application for the proposed project, the changes to the Approved Project will be evaluated under zoning requirements intended to implement the Transit Center District Plan. The project site is within the 700-S-2 Height and Bulk District (700-foot maximum rooftop elevation; limits on tower plan dimensions and on tower separation in accordance with *San Francisco Planning Code* Section 132.1). The incremental addition to the Approved Project would fit within that height.

The incremental addition of the proposed project would require review and amendments to the existing exceptions granted to the Approved Project under *Planning Code* Section 309, which is the Approval

[5] Based on 0.00027 housing units per gross square foot of office development and a project of 340,000 square feet of gross floor area of office space, per *Planning Code* Section 313.5.

Action for the proposed project. Exceptions granted under Section 309 also include exceptions (under *Planning Code* provisions), with regard to tower separation and upper story setbacks (Section 132.1), ground-level winds (Section 148); and potentially other exceptions to be determined. The project would also require Planning Commission allocation of office space under *Planning Code* Section 321 (Office Development Annual Limit), and a revision to the building permit from the Department of Building Inspection.

## Consistency with *General Plan* and Zoning

### *San Francisco General Plan*

The *San Francisco General Plan* contains 10 elements (Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that provide goals, policies, and objectives for the physical development of the City. In addition, the *General Plan* includes area plans that outline goals and objectives for specific geographic planning areas, such as Downtown and the Transit Center District. Policies for the Transit Center District, including the project site, are contained in the Transit Center District Plan, a Sub-Area Plan to the Downtown Plan within the *General Plan*.

A conflict between a proposed project and a *General Plan* policy does not, in itself, indicate a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). Any physical environmental impacts that could result from such conflicts are analyzed in this CPE. In general, potential conflicts with the *General Plan* are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process. Thus, in addition to considering inconsistencies that affect environmental issues, the Planning Commission considers other potential inconsistencies with the *General Plan* as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document would be considered in that context and would not alter the physical environmental effects of the proposed project that are analyzed in this CPE.

### *Transit Center District Plan*

The Transit Center District Plan (Plan) is the primary planning policy document for the Transit Center District—including the project site—and the project's consistency with those policies is described below.

The Plan includes Policy 1.1 to "Increase the overall capacity of the Transit Center District for additional growth." Policy 1.3 states that the remaining space in the core Transit Center District should be reserved for job growth by limiting the amount of non-commercial uses on major opportunity sites. Policy 1.4 calls for minimum building intensities on major development sites. The proposed project would adhere to these policies by providing office uses occupying approximately 420,000 gross square feet.

Regarding Urban Form and the Public Realm, Policy 2.9 recommends a reduction in the footplate and diagonal dimension of the upper tower, and Policy 2.10 states that 35-foot tower separation rules should

be maintained up to 550 feet, as well as extended above 550 feet. The proposed project would not include a tapered design; the Planning Commission, however, approved exceptions to Planning Code bulk requirements for the Approved Project, as discussed above. The proposed project would require amendment to these exceptions.

Policies 2.16 through 2.18 encourage establishment of a pedestrian-oriented area through façade treatments, clearly articulated features, and overhead projections. Policies 2.18 and 2.19 encourage pedestrian-oriented design by discouraging large lobby entrances and arcades, and Policy 2.20 seeks to encourage inviting street-level facades with maximum ground floor transparency. The proposed project would be consistent with these policies by providing a ground floor interior public open space viewable from the street. Policy 2.22 prohibits, where feasible, access to off-street parking and loading on key street frontages. Similarly, Policy 3.8 calls for prohibiting curb cuts on Mission Street, as well discouraging curb cuts on Fremont Street (except where no other frontage exists). The proposed project would adhere to this policy because the parking garage access would be on Fremont Street, which is the more preferential location than Mission Street for the project's curb cut.

Policy 3.21 states that projects with interior open spaces should have a distinct street presence separate from the buildings primary entrance and lobby functions. Policy 4.62 states that the City shall maintain off-street loading requirements for major developments. The 350 Mission Street project would adhere to these policies.

Regarding sustainability, the 350 Mission Street project would follow Plan sustainability policies, such as Policy 6.8 that requires all major buildings to produce a detailed strategy document outlining how the design minimizes use of fossil fuel driven heating, cooling, and power.

The Planning Department's Citywide Planning and Current Planning Divisions have determined that the proposed project is consistent with the Transit Center District Plan and satisfies the requirements of the *San Francisco General Plan* and the *Planning Code*. Therefore, the project is eligible for a CPE.

### *Sustainability Plan*

In 1993, the San Francisco Board of Supervisors established the Commission on San Francisco's Environment, charged with, among other things, drafting and implementing a plan for San Francisco's long-term environmental sustainability. The notion of sustainability is based on the United Nations definition that "a sustainable society meets the needs of the present without sacrificing the ability of future generations and non-human forms of life to meet their own needs." The *Sustainability Plan for the City of San Francisco* was a result of community collaboration with the intent of establishing sustainable development as a fundamental goal of municipal public policy.

The *Sustainability Plan* is divided into 15 topic areas, 10 that address specific environmental issues (air quality; biodiversity; energy, climate change and ozone depletion; food and agriculture; hazardous materials; human health; parks, open spaces, and streetscapes; solid waste; transportation; and water and

wastewater), and five that are broader in scope and cover many issues (economy and economic development, environmental justice, municipal expenditures, public information and education, and risk management). Additionally, the *Sustainability Plan* contains indicators designed to create a base of objective information on local conditions and to illustrate trends toward or away from sustainability. Although the *Sustainability Plan* became official City policy in July 1997, the Board of Supervisors has not committed the City to perform all of the actions addressed in the Plan. The *Sustainability Plan* serves as a blueprint, with many of its individual proposals requiring further development and public comment.

### *Climate Action Plan*

In February 2002, the San Francisco Board of Supervisors passed the *Greenhouse Gas Emissions Reduction Resolution* (Number 158-02) committing the City and County of San Francisco to a greenhouse gas (GHG) emissions reductions goal of 20 percent below 1990 levels by the year 2012. The resolution also directs the San Francisco Department of the Environment, the San Francisco Public Utilities Commission, and other appropriate City agencies to complete and coordinate the analysis and planning of a local action plan targeting GHG emission reduction activities. In September 2004, the Department of the Environment and the Public Utilities Commission published the *Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions*. The *Climate Action Plan* (CAP) examines the causes of global climate change and human activities that contribute to global warming and provides projections of climate change impacts on California and San Francisco from recent scientific reports; presents estimates of San Francisco's baseline greenhouse gas emissions inventory and reduction targets; describes recommended emissions reduction actions in the key target sectors – transportation, energy efficiency, renewable energy, and solid waste management – to meet stated goals by 2012; and presents next steps required over the near term to implement the CAP. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the CAP, and many of the actions require further development and commitment of resources, the CAP serves as a blueprint for GHG emission reductions, and several actions are now in progress.

The *Climate Action Plan* cites an array of potential environmental impacts to San Francisco from climate change, including rising sea levels which could threaten coastal wetlands, infrastructure, and property; increased storm activity that could increase beach erosion and cliff undercutting; warmer temperatures that could result in more frequent El Niño storms causing more rain than snow in the Sierra, reducing snow pack that is an important source of the region's water supply; decreased summer runoff and warming ocean temperatures that could affect salinity, water circulation, and nutrients in the Bay, potentially altering Bay ecosystems; as well as other possible effects to food supply and the viability of the state's agricultural system; possible public health effects related to degraded air quality and changes in disease vectors; as well as other social and economic impacts.

The CAP presents estimates of San Francisco's baseline GHG emissions inventory and reduction targets. It states that burning fossil fuels in vehicles and for energy use in buildings and facilities are the major contributors to San Francisco's GHG emissions. The *Climate Action Plan* seeks to reduce annual carbon

dioxide emissions, by 2012, by 20 percent from 1990 emissions levels. Reduction strategies include targeting emission reductions from burning fossil fuels in cars, power plants and commercial buildings; developing renewable energy technologies like solar, wind, fuel cells and tidal power; and expanding residential and commercial recycling programs. According to the CAP, achieving these goals will require the cooperation of a number of different City agencies. An analysis of the proposed project's effects on global warming and GHGs is presented in the Greenhouse Gas section in **Attachment B**.

### *Bicycle Plan*

In August 2009, the Board of Supervisors approved the San Francisco Bicycle Plan, which was re-approved in 2013. The Bicycle Plan updates the 1997 San Francisco Bicycle Plan and includes a citywide bicycle transportation plan (comprising a "Policy Framework" and a "Network Improvement" document) and implementation strategies for specific bicycle improvements identified within the Bicycle Plan. The Bicycle Plan includes objectives and identifies policy changes that would enhance the City's bike-ability. It also describes the existing bicycle route network (a series of interconnected streets on which bicycling is encouraged), and identifies gaps within the citywide bicycle route network that require improvement. The Final Environmental Impact Report for the Bicycle Plan assessed a total of 56 short-term and long-term bicycle improvement projects. As described in the project description, the project would provide 64 spaces of bicycle parking.

### *Transit First Policy*

The City of San Francisco's Transit First policy, adopted by the Board of Supervisors in 1973, was developed in response to the damaging impacts over previous decades of freeways on the City's urban character. The policy is aimed at restoring balance to a transportation system long dominated by the automobile, and improving overall mobility for residents and visitors whose reliance chiefly on the automobile would result in severe transportation deficiencies. It encourages multi-modalism, the use of transit and other alternatives to the single-occupant vehicle as modes of transportation, and gives priority to the maintenance and expansion of the local transit system and the improvement of regional transit coordination.

The following ten principles constitute the City's Transit First policy:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.

3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce and improve public health and safety.

4. Transit policy improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve public safety.

5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.

6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.

8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

9. The ability of the City and County of San Francisco to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.

10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway. (Added November 1999).

The proposed project would result in infill development in an existing urban area and would increase proximity of jobs to housing within the City. The proposed project's proximity to the Transbay Terminal, BART, and SFMTA transit lines would encourage the use of transit and alternative transportation modes. These factors would be expected to help minimize single-person auto travel in the future, which would be consistent with the intent of the Transit First Policy, and further address other citywide goals, such as those within the Climate Action Plan.

### *Planning Code*

The CPE Project Description describes the project's consistency with the *Planning Code* provisions that implement the *General Plan* and Transit Center District Plan land use designations and policies.

## Area Plan FEIR Impacts, and Approved Project FEIR Impacts and Mitigation Measures

The Transit Center District Plan FEIR (Plan FEIR) analyzed environmental issues including Land Use; Aesthetics; Population and Housing, Business Activity and Employment; Cultural Resources; Transportation; Noise; Air Quality; Wind; Shadow; Recreation and Public Space; Utilities and Service Systems; Public Services; Biological Resources; Geology, Soils, and Seismicity; Hydrology and Water Quality; Hazards and Hazardous Materials; Mineral and Energy Resources; and Agriculture and Forestry Resources.

The Transit Center District Plan identified a 700-foot height limit for the project site. Construction to this height limit would result in a project both taller and with more total square footage than either the

Approved Project or the proposed project. Except where noted below under Shadow analysis, the Plan FEIR analyzed the 700-foot height limit and associated incremental impacts as a part of the Transit Center District Plan (Plan). Environmental issues for which the Plan FEIR identified significant program-level impacts are addressed in this Certification of Determination; all other environmental issues are discussed in the CPE Checklist (see Attachment A).

Each analysis below first references the Plan FEIR analysis and the names of the mitigation measures identified in the Plan FEIR. The text of these Plan FEIR mitigation measures is provided if they are applicable to the Approved Project or the proposed project. As described in the Project Description, the Approved Project was subject to a separate environmental review prior to certification of the Plan FEIR. In this CPE, the Approved Project Final Environmental Impact Report is designated as the "Approved Project FEIR" to distinguish it from the Plan EIR.

After each description of Plan FEIR analysis, the Approved Project FEIR analysis is also described, and the proposed project's impacts relative to the Approved Project are documented. Given the relatively minor differences between the Approved Project and the proposed project, most of the impacts and mitigation measures of the proposed project would be identical to those covered under the Approved Project FEIR. Given that the Approved Project FEIR mitigation measures are applicable to the proposed project, the full text of these mitigation measures is provided.

## *Aesthetics*

### *Visual Character, Views, and Scenic Resources*

#### Plan FEIR

The Plan FEIR analysis of Plan impacts on visual character (pp. 91–175) draws on the policies set forth in the *San Francisco General Plan* Urban Design Element (Urban Design Element), with a focus on the height and massing of potential new buildings and their effect on the City's skyline. The existing visual character and quality of the Plan are described in the setting section of the Plan FEIR. The project block is within a portion of the Plan area consistent with the overall built-up vertically-oriented character. The Plan area, including the project site, does not contain built features or remarkable vegetation with high scenic resource value. No streets in the project vicinity are characterized in the Urban Design Element as a street important to urban design and views.

Long-range public views are generally unavailable from within the project vicinity due to intervening buildings. However, long-range views of the Plan area are available from surrounding publicly accessible vantage points. To analyze changes to long-range views, the Plan FEIR included an analysis of simulations presenting the height and general massing of proposed and potential allowable development, including a 700-foot-tall building at the project site. The Plan FEIR simulations (pp. 130–155) did not illustrate fenestration (windows) or cladding materials, nor did they represent in detail the massing that is proposed for approved projects in the Plan Area or projects with applications on file with the Planning Department, other than the current design of the proposed Transit Tower.

The Plan FEIR concluded (pp. 116-129) that although implementation of the Plan would result in changes within the Plan area that could alter the way it is perceived from certain public vantage points, it would not have a substantial adverse effect on publicly accessible views of and through the project vicinity from short-range and mid-range viewpoints. The Plan FEIR (pp. 109-116) also determined that, while development under the Plan would result in noticeable changes to the existing visual character, these changes would not necessarily be considered adverse, as they would serve to intensify the existing pattern of closely spaced high-rise buildings that is characteristic of the San Francisco Financial District.

Regarding cumulative effects, the Plan FEIR concluded (p. 144) that the net effect of the newly formed urban peak that would result from Plan implementation and other cumulative development largely would be to further fill in the existing densely developed Downtown (see Figure 16). Development under the Plan would reduce the visual prominence of the Bay Bridge, Yerba Buena Island and the East Bay Hills from specific vantage points, including Twin Peaks, and that a significant and unavoidable impact would result (pp. 129–156).

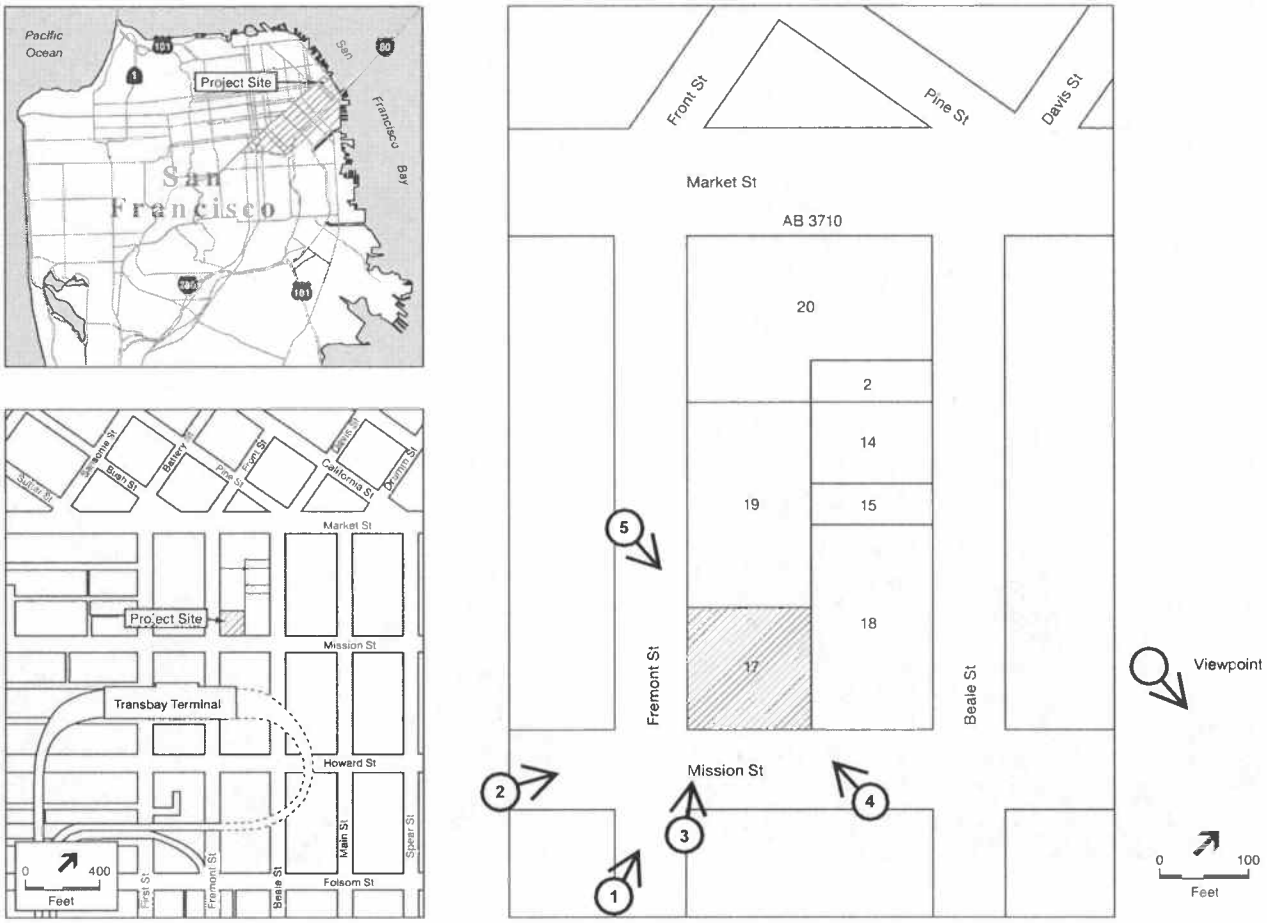
**Approved Project FEIR**

The Approved Project FEIR (Appendix A, Initial Study, pp. 20–21) concluded that the Approved Project, a 24-story building, would not be tall enough to be visible over existing buildings surrounding the site. Together, buildings at 50 Beale Street, 45 Fremont Street, 50 Fremont Street, and the Millennium Tower would obstruct the Approved Project in most mid- and long-range views. The Approved Project would be clearly visible, however, on Howard Street between Beale and Main Streets. It would be visible over the mid-rise Millennium building (and, near Beale Street, between the two Millennium buildings).

To demonstrate potential project-specific impacts related to short-range views, the Approved Project FEIR (Appendix A, Initial Study, pp. 22–27) presented visual simulations (photomontages) of the project from five public vantage points. These simulations were prepared to show the project site under existing conditions and with the Approved Project in place. These visual simulations, along with a map indicating the view points, are shown below in **Figures 7 through 12**.

**Proposed Project**

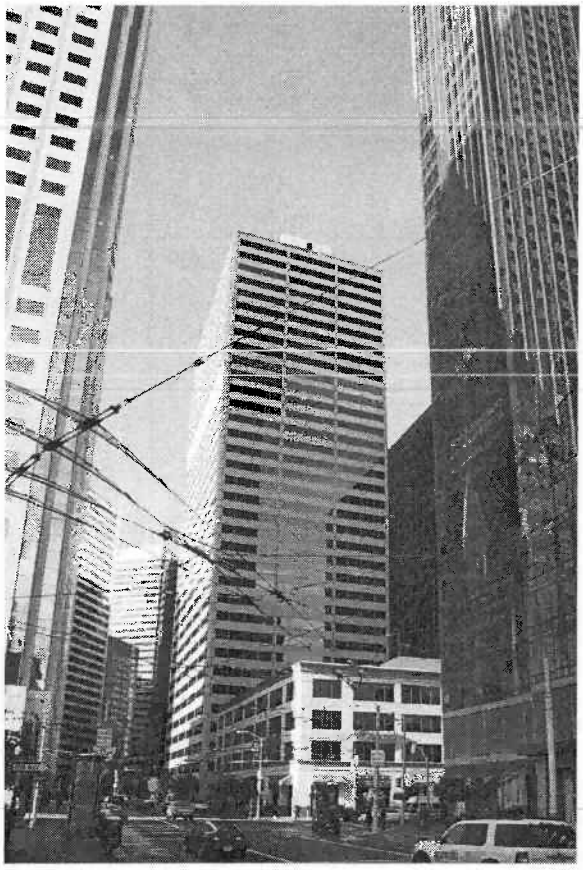
As discussed in the Project Description, the 350 Mission Street project would be a 30-story, approximately 455-foot-tall commercial office building at the northeast corner of Mission Street and Fremont Street. The approximately 55-foot-tall ground floor and mezzanine (second level) would, together, present the equivalent, in volume, of a five-story atrium that would provide a neighborhood amenity. The public open space and retail uses on the inside would increase the level of pedestrian activity at the ground-level along the block, as would the project's approximately 420,000-square-feet of office uses. The change would not result in a negative impact to existing visual character that would be considered adverse. Above the five-story atrium, the project's façade would be clad in a glass curtain wall, similar to many structures in the vicinity.



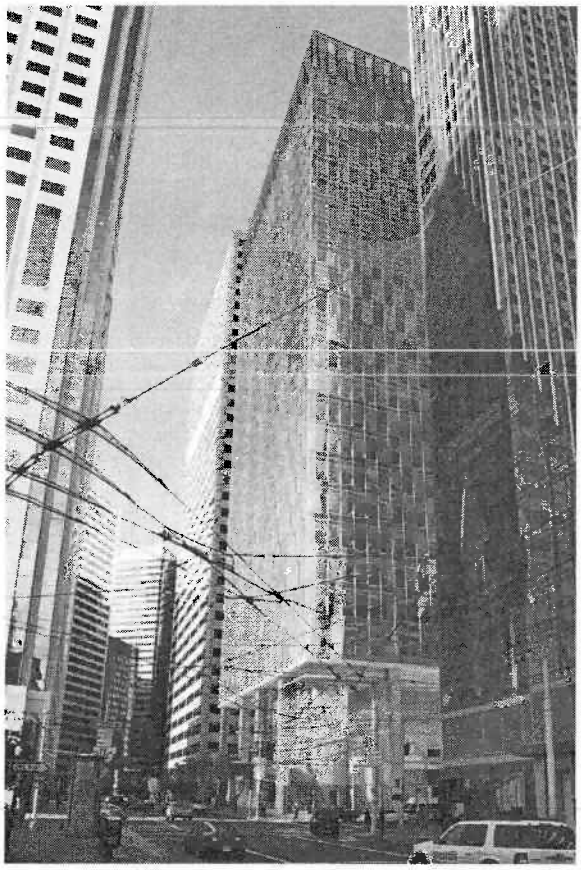

SOURCE: ESA

Case No. 2013.0276E: 350 Mission Street

**Figure 7**
Viewpoint Map



Previous Condition (Building on site has been demolished)



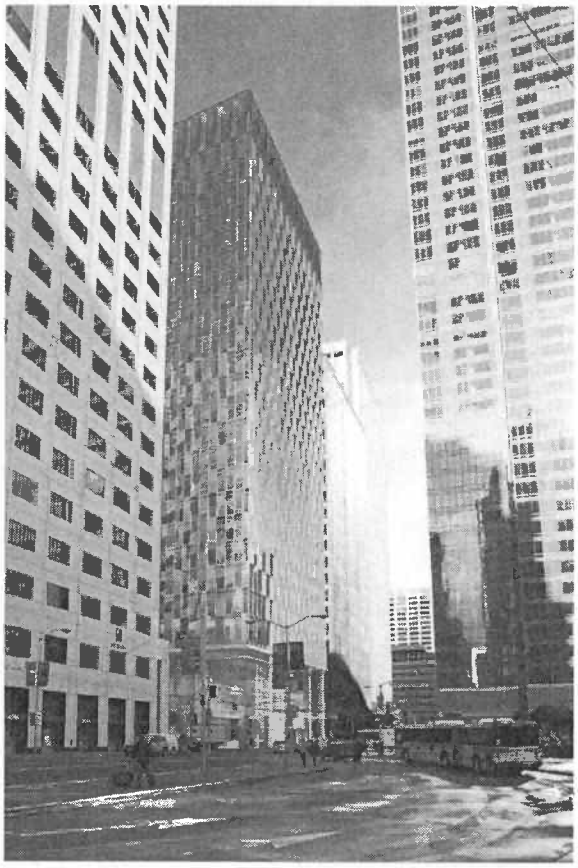
Visual Simulation

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

Case No. 2013.0276E: 350 Mission Street

**Figure 8**
Viewpoint 1: Looking North on Fremont Street from South of Mission Street

Previous Condition (Building on site has been demolished)



Visual Simulation

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

Case No. 2013.0276E: 350 Mission Street

**Figure 9**

Viewpoint 2: Looking East on Mission Street from Transbay Terminal Bus Waiting Area


Previous Condition (Building on site has been demolished)


Visual Simulation

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

Case No. 2013.0276E: 350 Mission Street

**Figure 10**

Viewpoint 3: Looking North on Fremont Street from Southeast Corner of Mission and Fremont Streets

Previous Condition (Building on site has been demolished)

Visual Simulation

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

Case No. 2013.0276E: 350 Mission Street

**Figure 11**

Viewpoint 4: Looking Northwest on Mission Street from East of Fremont Street

Previous Condition (Building on site has been demolished)

Visual Simulation

Case No. 2013.0276E: 350 Mission Street

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

**Figure 12**
Viewpoint 5 Looking Southeast on Fremont Street from North of Mission Street

The proposed project would appear similar to the other high-rise buildings in the area and contribute to the vertical orientation characteristic of the Plan area. Moreover, as prescribed in the Plan and Urban Design Element policies, the proposed project would be a part of a cluster of tall buildings, including the proposed Transit tower, built around the Transit Center for the purpose of marking the important transit facility.

The Transit Center District Plan height controls and setback and massing requirements are intended to be consistent with the Urban Design Element and to cluster tall buildings while preserving some views of the City skyline, hills, and Bay Bridge and achieving maximum visual access to sun and sky. The 350 Mission Street project would be generally consistent with these requirements. As discussed in "Approvals Required," above, the proposed project would not be fully consistent with bulk requirements. The Planning Commission granted exceptions to Bulk Limits (Planning Code Sections 270, 272) for the Approved Project because the project's upper portion of the building would exceed the maximum permitted floor area and diagonal plan dimension, as well as the separation of towers (Planning Code Section 132.1(c)) then-required minimum tower setback of 21 feet from the centerline of adjacent streets and interior property lines. The incremental addition of six stories of the proposed project would require review and amendments to the existing exceptions granted to the Approved Project under *Planning Code* Section 309, including exceptions (under *Planning Code* provisions) with regard to tower separation and upper story setbacks (Section 132.1).

The proposed project would contribute to a continuation, albeit in a more intensified form, of the types of structures and ground-level uses that have historically existed in the project vicinity. Overall, the proposed project would result in changes to the character of the project site on the ground level as well as less noticeable changes to the City's skyline. These changes to visual character would contribute to the Plan's design for a transit-oriented, high-density employment and transportation center. The Plan FEIR concluded that construction of a 700-foot-tall building at the project site would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the project site or its surroundings. Therefore, the proposed project, which would be 455 feet tall, would not result in substantial adverse effects on visual or scenic resources.

The proposed project would be similar in appearance to the Approved Project simulations presented in Figure 7 through Figure 12. In the photosimulations shown Figure 8 and Figure 9, the proposed building would be visually similar to that shown, but six stories taller. This change in building height would obscure the view of the sky to a greater extent than would the proposed project, but not result in a substantially different visual experience from that presented in the Approved Project FEIR.

Other components of the project have been modified or removed. The Approved Project's "retail ellipse"[6] is shown in the interior of the ground floor in Figures 9 through 11 has been removed from the proposed project. Also, the mechanical appurtenance running vertically along the east side of the building, shown

[6] The "retail ellipse" was a glass, oval-shaped enclosure within the southeast corner of the Approved Project's interior atrium. The retail ellipse would have housed retail space on the ground floor and a dining/conference room at the mezzanine level.

in Figure 11, is no longer part of the project. These design changes would result in a similar building to the one shown in the simulations for the Approved Project FEIR.

While the proposed project would result in demonstrably altered views from each of these vantage points, these changes would not be considered an adverse impact as views of the immediate vicinity from these vantage points would be similar to other views already experienced along streets in the project vicinity. Consistent with the findings in the Plan FEIR (p. 129), the proposed project, as described in the Project Description and shown in the visual simulations, would not have a substantial adverse effect on scenic vistas from short-range viewpoints.

The proposed project would be about six stories taller than the Approved Project. Similar to the Approved Project, the proposed project would not have a substantial adverse effect on scenic vistas from mid- and long-range viewpoints due to intervening development. In the cumulative scenario, the proposed project would not make a considerable contribution to the cumulative significant impact described in the Plan FEIR, and it would not result in a new or peculiar aesthetics impact or an impact of greater severity than was already analyzed and disclosed in the Plan FEIR.

### *Light and Glare*

As with all individual development projects pursuant to the Plan, the proposed project would generate additional night lighting but the change is not anticipated to be substantial or adverse in the context of the existing densely developed Downtown. The proposed project would not result in obtrusive light or glare that would adversely affect views or substantially affect other properties. As such, the proposed project is consistent with the findings in the Plan FEIR (p. 156) and the Approved Project FEIR (Appendix A, Initial Study, p. 28).

### *Conclusion*

The proposed project would not make a considerable contribution to the significant impact related to long-range views described in the Plan FEIR. The proposed project would not result in new or peculiar aesthetic effects, or aesthetic effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

## *Cultural Resources*

#### Plan FEIR

The Plan FEIR (pp. 253–258) found that development under the Plan could cause a substantial adverse change to the significance of archeological resources because the entire Plan area could be considered generally sensitive for both prehistoric and historic-era archeological resources. The Transit Center District Plan Archeological Resource Design and Treatment Plan (ARDTP) presented sensitivity

assessments of five sites in the Plan area, including the 350 Mission Street project site.[7] The report concluded that the site had a low potential for buried prehistoric archeological resources, given that the site was within the Bay prior to being filled in the 19th century. The archeological potential of the project site, however, was considered to be moderate to high, and the ARDTP recommended that a Treatment Plan be developed for testing and evaluation of such resources.

**Plan FEIR Mitigation Measure M-CP-1** (Subsequent Archeological Testing Program, p. 254) was identified to ensure that projects developed in the Plan area are subject to preliminary archeological review of Planning Department archaeologists. Based on the ARDTP and any other recent investigations, the in-house review would identify any data gaps and require additional investigations to make an archeological sensitivity assessment. Projects found to have archeological sensitivity would be required to prepare and implement an archeological testing program (ATP), and projects found to require data recovery would necessitate preparation of an Archeological Monitoring Program (AMP). The mitigation measure also states that any accidental discovery of human remains or potential associated funerary objects during soils-disturbing activity shall comply with all applicable laws.

### Approved Project FEIR

The Approved Project FEIR (Appendix A, Initial Study, p. 34–38) determined that excavation and soil disturbance for the Approved Project could cause a substantial adverse change to the significance of archeological resources. The analysis identified **Approved Project FEIR Mitigation Measure M-CP-2** (Archeological Resources), which also required preparation and implementation of an ATP, as well as preparation of an AMP and Archeological Data Recovery Program (ARDP) if the project site were found to have archeological sensitivity. With implementation of this mitigation measure, the Approved Project's impact was determined to be less than significant.

> **Approved Project FEIR Mitigation Measure M-CP-2—Archeological Resources**
>
> Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, February 2010) at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted

[7] San Francisco Planning Department, *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, prepared by Far Western Anthropological Research Group, Inc.; Past Forward, Inc.; and JRP Historical Consulting, LLC; February 2010.

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

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

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

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

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

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

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

resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

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

***Human Remains and Associated or Unassociated Funerary Objects.*** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

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

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Proposed Project**

The proposed project would occur at the same project site, and excavate to the same depth, as the Approved Project. Pursuant to **Approved Project FEIR Mitigation Measure M-CP-2**, the project sponsor has prepared an ATP that has been approved by the San Francisco Planning Department. Archeological site investigations occurred prior to excavation. Continued adherence to this mitigation measure would ensure that the proposed project's impacts to archeological resources would be less than significant and within the scope of impacts identified in the Plan FEIR and Approved Project FEIR.

*Paleontological Resources*

As stated in the Plan FEIR (p. 240), there are no known paleontological resources in the Plan area. As explained in the Approved Project FEIR (Appendix A, Initial Study, p. 64) the soil beneath the former building's basement slab generally consists of up to 13 to 17 feet of undocumented fill (i.e., fill placed during the original reclamation of the site from San Francisco Bay, in the 19th century, when placement of fill was substantially unregulated). Beneath the fill is a layer of so-called Bay Mud, to a depth of about 50 feet below grade, which is below the maximum level of proposed excavation. Below the Bay Mud is a layer of Colma Sand about 30 to 40 feet deep. Colma Sand is a very dense, strong material that is capable of accommodating large loads, according to the geotechnical report. Groundwater is very shallow, at a depth as shallow as about 5 feet below grade.[8]

The Approved Project FEIR (Appendix A, Initial Study, pp. 38–39) concluded that the Approved Project would not result in adverse effects to paleontological resources. The proposed project would occur at the same project site and would not result in adverse effects.

*Historic Architectural Resources*

**Plan FEIR**

The Transit Center District Plan was found, in the Plan FEIR, to result in significant and unavoidable adverse impacts to historic architectural resources through demolition or substantial alteration of historic resources (pp. 262–268). The Plan would change zoning controls on sites where individual historical resources currently exist, thereby possibly facilitating the demolition of these resources. Additionally, the Plan could facilitate the demolition of buildings that contribute to a larger historic district. Although the precise nature of this impact could not be determined at the Plan level, the Plan FEIR determined that such an impact would be significant and unavoidable. To partially mitigate the impact, the Plan FEIR identified **Plan FEIR Mitigation Measures M-CP-3a** (HABS/HAER Documentation, p. 267), **M-CP-3b** (Public Interpretative Displays, p. 268), **M-CP-3c** (Relocation of Historical Resources, p. 268), and **M-CP-3d** (Salvage of Historical Resources, p. 268). These measures would mitigate Plan impacts to historic resources, but impacts would remain significant and unavoidable.

**Approved Project FEIR**

As explained in the Project Description, prior to initiation of construction activities for the Approved Project, the project site contained a 60-foot-tall building providing about 95,000 square feet of floor area, including the 13,000-square-foot basement. The building was evaluated as part of the historical resources background study for the proposed Transit Center District Plan, and the findings were presented in the Approved Project FEIR (Appendix A, Initial Study, pp. 33–34).

[8] Treadwell & Rollo, *Geotechnical Investigation, 350 Mission Street, San Francisco, California,* August 21, 2008, pp. 9, 22. A copy of this report is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2013.0276E.

Although the 350 Mission Street building was associated with an important architect, George Applegarth, the evaluation concluded that the building did not appear to be eligible for the California Register or for designation at the local level due to the extensive alterations that have occurred since its construction, including replacement of all the upper-story windows and installation of anodized aluminum storefronts. According to the report, "the building is not associated with any significant events or persons," and because of a remodeling, "the building is no longer representative of its type: a concrete loft building of the 1920s. Due to the extent of the alterations, the building no longer retains sufficient integrity to convey its original appearance."[9]

**Proposed Project**

*Direct Impacts.* As described above, the former 350 Mission Street building was not considered a historical resource for purposes of CEQA. Through ongoing construction activities for the Approved Project, the building has been demolished. In addition, the 350 Mission project site is not within an existing historic district or the proposed expansion of a district.

*Indirect Impacts.* The Plan FEIR found that changes in height and bulk controls in the Plan area could result in indirect impacts to historic architectural resources (p. 269). Larger buildings of such a different scale from existing historic buildings could result in an adverse effect on the setting of those resources, particularly in or adjacent to historic districts. The Plan FEIR determined that the impacts would be less than significant when considered in conjunction with other policies, including recognition and protection of historic resources, retention and rehabilitation of significant resources, and the design review program and other processes implemented through Article 11 of the *Planning Code*.

The 350 Mission Street project site is not within or adjacent to any historic district, and the already-demolished building formerly on the project site has been determined to be ineligible for listing on the National Register or California Register. No other historic resources are located adjacent to the project site or in close enough proximity to be substantially indirectly affected by the proposed 30-story building. The proposed project would not result in new or peculiar indirect effects on historic resources, or an effect of greater severity than was already analyzed and disclosed in the Plan FEIR.

*Construction Impacts.* Construction activity can generate vibration that can cause structural damage to nearby buildings. As described in the Plan FEIR (pp. 269–270), pile-driving, as well as other construction activity, would result in a potentially significant impact on unreinforced masonry buildings, as well as non-engineered timber buildings. **Plan FEIR Mitigation Measures M-CP-5a** (Construction Best Practices for Historical Resources, p. 270) and **M-CP-5b** (Construction Monitoring Program for Historical Resources, p. 270) were identified in the Plan FEIR to reduce Plan impacts to a less-than-significant level by requiring contractors to implement best-management practices and perform pre-construction surveys of historical resources within 125 feet of a project site.

[9] Kelley & VerPlanck Historical Resources Consulting, *Transit Center District Survey, San Francisco, California.* Final Report, September 11, 2008. Prepared for the San Francisco Planning Department. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2013.0276E.

Both the Approved Project and the proposed project would require excavation of up to 50 feet below grade, construction activities that may generate vibration, and staging of equipment and materials. As indicated in the Transit Center District Plan's *Transit Center District Survey* Historic Context Statement, however, there are no existing historic buildings within 125 feet of the project site. Therefore, Plan FEIR Mitigation Measures M-CP-5a and M-CP-5b are not applicable. [10] Proposed project impacts would not be new, peculiar, or of greater severity than what was already analyzed and disclosed in the Plan FEIR.

***Cumulative Impacts.*** Impacts due to accidental discovery of archeological resources or human remains would be mitigated to a less-than-significant level through Approved Project FEIR Mitigation Measure M-CP-2. All other impacts to cultural resources would be less than significant. As stated above, the project site does not contain significant historic architectural resources or buildings that contribute to a larger historic district. Therefore, the project would not have a considerable contribution to the Plan FEIR's significant cumulative impact on historic resources.

### *Conclusion*

In accordance with the Approved Project FEIR, the project sponsor has agreed to implement Mitigation Measure M-CP-2 requirements. With implementation of this measure, the 350 Mission Street project would not result in new or peculiar project-specific effects on cultural resources, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

## *Transportation*

The *350 Mission Street Transportation Impact Study* (Approved Project TIS) was prepared for the Approved Project FEIR.[11] A supplemental traffic study was prepared to assess the potential project-specific transportation impacts associated with the incremental addition of the proposed project.[12] These two studies provide the basis for trip generation, as well as impact analysis, summarized below.

### *Trip Generation*

Consistent with the approach used for the Plan FEIR and Approved Project analysis, trip generation for the proposed project was determined based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental* Review (2002), with trip generation rates modified by a Resident Travel Behavior Survey undertaken in 2008 in an and around the Plan area, as well as the San Francisco County Transportation Authority (SFCTA) countywide travel demand forecasting model and the Institute of Transportation Engineers *Trip Generation* manual to account for linked trips between different uses and for area-specific conditions. Since the Approved Project involved the demolition of the previously existing uses on the site, those previously existing trips were removed from the network to avoid overestimating the Approved Project's impacts on transportation infrastructure.

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[10] Kelley & VerPlanck Historical Resources Consulting, *ibid.*

[11] AECOM, *350 Mission Street Transportation Impact Study* (Final Report), August 18, 2010.

[12] AECOM, *Memorandum: 350 Mission Street – Supplemental Analysis in Support of Proposed Addition (Revised)*, July 8, 2013.

Based on this methodology, the Approved Project would generate approximately 6,005 daily person trips, about 614 person trips in the a.m. peak hour, and about 564 person trips in the p.m. peak hour. After removing trips associated with previous uses at the project site, the Approved Project would result in net new 298 person trips in the a.m. peak hour and 285 person trips in the p.m. peak hour. Of those net new peak-hour trips, some 81 a.m. and 77 p.m. trips would be vehicle trips, while about 166 (a.m.) and 156 (p.m.) would be transit trips, with most of the rest of the peak-hour trips made on foot.[13]

The proposed project would generate about 362 person trips in the a.m. peak hour, and about 343 person trips in the p.m. peak hour. Of the peak-hour trips, some 102 a.m. and 94 p.m. trips would be vehicle trips, while about 209 (a.m.) and 197 (p.m.) would be transit trips, with most of the rest of the peak-hour trips made on foot. As shown in **Tables 2** and **3**, these trips would represent an incremental increase of 21 vehicular trips and 43 transit trips in the a.m. peak hour, and 17 vehicular trips and 41 transit trips in the p.m. peak hour, as compared to the Approved Project.

**TABLE 2**
**APPROVED PROJECT AND PROPOSED PROJECT VEHICLE TRIP GENERATION**

| Direction | Approved Project | Proposed Project | Net Increase |
|---|---|---|---|
| **Weekday AM Peak Hour** | 81 | 102 | 21 |
| **Weekday PM Peak Hour** | 77 | 94 | 17 |

SOURCE: AECOM, 2013.

**TABLE 3**
**APPROVED PROJECT AND PROPOSED PROJECT TRANSIT TRIP GENERATION**

| Direction | Approved Project | Proposed Project | Net Increase |
|---|---|---|---|
| **Weekday AM Peak Hour** | 166 | 209 | 43 |
| **Weekday PM Peak Hour** | 156 | 197 | 41 |

SOURCE: AECOM. 2013.

*Traffic*

Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a qualitative description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. A project impact on a signalized intersection is considered significant when project-generated traffic would cause the LOS to deteriorate from LOS D or better to

[13] AECOM, 2010, *ibid.*

LOS E or F, or from LOS E to LOS F. For intersections already operating at LOS E or LOS F and for which the LOS does not change, significance is based on the increase in average vehicle delay.

### Plan FEIR

Traffic growth related to the Transit Center District Plan, including the street network changes, was found to result in significant and unavoidable adverse impacts, either by degrading the LOS or by making a considerable contribution to already degraded operations, at 38 of 62 signalized intersections analyzed in the p.m. peak hour and at seven of 12 intersections analyzed in the a.m. peak hour.[14] This adverse effect on local intersection operation would conflict with established measures of effectiveness for the performance of the circulation system. Among the intersections where the FEIR (pp. 284-297) identified a significant, unavoidable impact were Fremont Street at Market, Mission, and Howard Streets (a.m. and p.m. peak hours); Beale Street at Market, Mission, and Howard Streets (p.m. peak hour); First Street at Market, Mission, Natoma, Howard, Folsom, and Harrison Street (p.m. peak hour); and Second Street at Mission and Howard Streets (p.m. peak hour).

**Plan FEIR Mitigation Measures M-TR-1a** through **M-TR-1m** (pp. 291–296) were identified to improve intersection conditions or reduce the Plan's contribution to increased vehicle delay. Measures included signal timing optimization, various turn prohibitions, new bulb-outs, and lane restriping. However, each of these measures would require the San Francisco Municipal Transportation Agency (MTA) to further evaluate traffic conditions including area-wide traffic circulation and volumes, signal progression (timing of related traffic signals), pedestrian crossing time, and intersection lane geometry. Given that neither the outcome of such evaluation nor the feasibility of each measure could be known at the time the FEIR was certified, the mitigation measures conservatively were deemed infeasible and thus the impacts on these intersections was determined to be significant and unavoidable.

### Approved Project FEIR

As summarized in the Approved Project FEIR, the Approved Project TIS evaluated 11 intersections in the p.m. peak hour, three of which were also analyzed in the a.m. peak hour, as follows:

1. First Street / Market Street
2. First Street / Mission Street
3. First Street / Howard Street
4. First Street / Harrison Street
5. Fremont / Market / Front Streets (a.m. peak hour, also)
6. Fremont Street / Mission Street (a.m. peak hour, also)

[14] The Plan Transportation Impact Study (Plan TIS) analyzed, and the FEIR summarized, "2030 With Plan Area Growth" conditions that incorporate assumptions for future development and growth including development associated with the rezoning proposed under the Plan without the effects of changes to the street network that are referred to as the Public Realm Plan. However, because the Public Realm Plan improvements are proposed as a part of the Plan, the FEIR included mitigation measures only with respect to effects of the overall Plan (Plan growth together with the public realm improvements). AECOM, *Transit Center District Plan Transportation Impact Study*, September 22, 2011. This material is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2007.0558E.

7. Fremont Street / Howard Street (a.m. peak hour, also)
8. Beale / Market / Davis / Pine Streets
9. Beale Street / Mission Street
10. Beale Street / Howard Street
11. The Embarcadero / Mission Street

In the p.m. peak hour, six of the eleven intersections were found to operate at acceptable (LOS D or better) service levels under existing conditions. The other five intersections—First Street at Market, Mission, and Harrison Streets and Howard/Beale Streets—operate at an unacceptable LOS E or F under existing conditions. The three intersections studied in the a.m. peak period were all found to operate at acceptable service levels.

The addition of Approved Project traffic was found to not substantially change operating conditions. There would be no degradation in level of service, and the average delay per vehicle would increase by 3 seconds or less in both the a.m. and p.m. peak periods. Project traffic would represent no more than 1.4 percent of volume of any critical movement. The Approved Project impact was determined to be less than significant.

**Proposed Project**

Intersection LOS for the 11 study intersections for Existing plus Project Conditions were recalculated with the proposed project. The analysis found that the proposed project results in similar or slightly greater delays at the 11 study intersections. All intersections would continue to operate at the same LOS as under the Approved Project, as well as under Existing Conditions. Average delay during the weekday a.m. peak hour would be similar under the proposed project as it would be under the Approved Project. Therefore, the 350 Mission Street project would not result in new or peculiar project-specific effects on intersection level of service, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

### *Freeway Ramp Operations*

The FEIR (pp. 297–298) found that traffic growth related to the overall Plan would contribute considerably to congested operations on two freeway on-ramps (Fourth Street / Harrison Street and First Street / Harrison Street) and result in a significant and unavoidable impact. Although both the Approved Project and the proposed project would result in increased traffic in the area, these volumes would be substantially less than those resulting from the overall Plan, and therefore the proposed project would not make a considerable contribution to congested conditions on these freeway ramps and would not contribute to the significant and unavoidable impact related to freeway ramps, described in the FEIR. Thus, the project would not result in any freeway ramp operations impacts peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

*Transit*

Plan or project impacts to transit can occur from the introduction of project-generated transit demand that could not be accommodated by adjacent transit capacity, or from project related increased congestion resulting in increased travel times and unacceptable delays. Impacts can also occur related to conflicts between transit vehicles and other modes of transportation.

Transit Capacity and Delay

**Plan FEIR**

Transit ridership related to the overall Plan would cause a significant increase in transit demand resulting in unacceptable levels of transit service and a significant impact. The FEIR identified FEIR **Mitigation Measures M-TR-3a** through **M-TR-3e** (pp. 306–309) to reduce the Plan impact but concluded that the impact would remain significant and unavoidable with mitigation.

**Approved Project FEIR and Proposed Project**

The Approved Project would generate 166 net new a.m. peak-hour transit trips, and 156 net new transit trips in the p.m. peak hour. The Approved Project-related increase in ridership on Muni and BART, each, would be no more than 1 percentage point on any corridor, and would not be significant because it would not result in exceedances of Muni or BART capacity. Project-related transit trips would not meaningfully affect the capacity utilization of other transit systems. The Approved Project was found to have a less-than-significant impact on transit ridership and capacity. The proposed project's incremental additional transit ridership (total of 209 a.m. and 197 p.m. peak hour riders) would be spread among several vehicles, systems, and lines. Therefore, the proposed project would not make a considerable contribution to the Plan's significant and unavoidable impact and **Plan FEIR Mitigation Measures M-TR-3a** through **M-TR-3e** would not be applicable.

Transit Conflicts

**Plan FEIR**

Implementation of the Transit Center District Plan would extend the Golden Gate Transit boarding zone on the east side of Fremont Street between Mission Street and Market Street to occupy the full length of the block. The Plan FEIR found that congestion in the northbound direction would make it difficult for buses to re-enter the traffic flow, resulting in delays in bus service. Overall, the Plan FEIR concluded that the proposed public realm improvements would result in a significant impact to regional transit (Golden Gate Transit) operations. **Plan FEIR Mitigation Measure M-TR-3c** (Transit Improvements on Plan Area Streets, p. 307) was identified to reduce or avoid effects of traffic congestion on regional transit providers, including Golden Gate Transit. The measure includes suggestion of extension of a transit-only lane on Fremont Street south to Howard Street and installation of transit-actuated queue-jump phasing at the Fremont Street / Mission Street intersection to allow Golden Gate Transit buses to make use of the Fremont Street transit lane (currently only used by Muni vehicles). The Plan FEIR concluded, however,

that it could not be determined whether the significant impact would be reduced to a less-than-significant level, so the Plan impact is significant and unavoidable.

### Approved Project FEIR

The Approved Project FEIR explained that the location of the Golden Gate Transit stop immediately adjacent to the project's frontage along Fremont Street, combined with the project driveway's location about 100 feet north of Mission Street, would increase the potential for conflicts between bus passengers and vehicles accessing the project garage and loading docks, as well as inhibit bus maneuverability. The Approved Project was found to result in a significant impact to transit service, which would be mitigated through implantation of **Approved Project Mitigation Measure M-TR-4a** (Relocation of Golden Gate Transit Bus Stops, p. 51) to reduce the impact to a less-than-significant level.

> **Approved Project Mitigation Measure M-TR-4a: Relocation of Golden Gate Transit Bus Stops**
>
> The project sponsor would work with the Golden Gate Bridge, Highway, and Transportation District and the San Francisco Municipal Transportation Authority Sustainable Streets Division to relocate the bus stop for Golden Gate Transit lines 26, 27, and 44 by 20 feet south of its existing location, and to relocate the bus stop for line 38 by 20 feet north of its existing location. The project sponsor would pay any resulting costs, such as for new signage, engineering drawings, and the like.

Even with the relocated bus stop southward, the Approved Project FEIR determined that there would some obstruction of a driver's line-of-sight to Fremont Street northbound traffic, potentially making it difficult for the driver to merge into Fremont Street traffic until the bus has cleared the stop. **Approved Project FEIR Mitigation Measure M-TR-4b** (Garage Attendant, p. 52), which is the project-specific equivalent of **Plan FEIR Mitigation Measure M-TR-5**, would avoid or substantially reduce such potential conflicts by stationing a garage attendant at the project driveway to assist drivers departing the garage during p.m. peak hours when Golden Gate Transit buses are present. The impact is less than significant with mitigation.

> **Approved Project FEIR Mitigation Measure M-TR-4b: Garage Attendant**
>
> The project sponsor shall ensure that building management employs an attendant for the parking garage, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with Golden Gate Transit buses and Fremont Street traffic during afternoon periods of Golden Gate Transit use of the site frontage—at a minimum, from 3:00 p.m. to 7:15 p.m., or as required based on Golden Gate Transit schedules. (See also Approved Project FEIR Mitigation Measure M-TR-5a, below.)

### Proposed Project

The proposed project would not change the driveway conditions or result in an appreciable increase in activity at the parking garage or loading dock beyond what was already analyzed under the Approved Project. Therefore, the proposed project would not substantially worsen the significant impacts to

pedestrians. **Approved Project FEIR Mitigation Measures M-TR-4a** and **M-TR-4b** would apply to the proposed project. The proposed project would contribute to the Plan's significant and unavoidable impact identified in the Plan FEIR, but the proposed project would not result in impacts new or peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

*Pedestrian Impacts*

Impacts to pedestrians can occur from the introduction of new pedestrian activity resulting in overcrowding and reduce level of service, or from new hazardous conditions resulting in potential vehicle / pedestrian conflicts or other interference with pedestrian accessibility.

Pedestrian Facility Level of Service

**Plan FEIR**

The Plan FEIR (pp. 311–312) identified a significant and unavoidable impact related to crowding and congestion on sidewalks, street corners, and crosswalks. Implementation of the overall Plan would increase pedestrian activity in the Plan area such that level of service on several sidewalks, street corners, and crosswalks would deteriorate to unacceptable levels, including at the Fremont Street / Mission Street north crosswalk during the midday peak hour. The Plan FEIR identified **Plan FEIR Mitigation Measure M-TR-4** (Widen Crosswalks, p. 312) to reduce the adverse effects. However, although this measure would reduce the impact to a less-than-significant level, given the uncertain outcome of required MTA evaluation and approval, the feasibility is uncertain, and the impact would remain significant and unavoidable.

**Approved Project FEIR**

As explained in the Approved Project FEIR (p. 53), sidewalks on Mission and Fremont Streets operate at LOS B in both the midday and p.m. peak hour, and crosswalks in the First/Mission Streets intersection operate at an acceptable range between LOS B and LOS D. Implementation of the Approved Project would increase usage on the four crosswalks, but the LOS on the sidewalks and crosswalks would not change. The impact was determined to be less than significant.

**Proposed Project**

The crosswalk, sidewalk, and street corner LOS were re-calculated for the proposed project. The north crosswalk at the Fremont Street / Mission Street intersection currently operates at LOS D during the weekday midday peak hour. The proposed project would result in operation at LOS E. As discussed above, the impact at this location was already identified in the Plan FEIR. **Plan FEIR Mitigation Measure M-TR-4** would not apply, as this mitigation measure is applicable to the SFMTA area-wide, and not specifically to the proposed project.

All other corners, sidewalks, and intersections would continue to operate at acceptable levels of service with implementation of the proposed project. The project would not result in peculiar pedestrian level of service impacts or impacts of greater severity than were analyzed and disclosed in the FEIR.

Pedestrian / Vehicle Conflict

**Plan FEIR**

The Plan FEIR (pp. 312-313) found that, with respect to large development projects in the Plan area, the Plan would result in the potential for vehicle / pedestrian conflict created by vehicles crossing the sidewalk as they enter or exit a project's garage. The FEIR identified **Plan FEIR Mitigation Measure M-TR-5** (Garage / Loading Dock Attendant, p. 313) to minimize or avoid this impact by requiring projects to have a garage / loading dock attendant on duty, especially during hours of peak traffic and pedestrian activity. However, because the efficacy of this measure to fully mitigate the impact is uncertain, and no other feasible mitigation is available, the impact was found to remain significant and unavoidable.

**Approved Project FEIR**

The Approved Project FEIR (pp. 53–54) found that there would be a potential conflict between project-related vehicular traffic coming to and from the parking garage via the Fremont Street curb cut and pedestrians on the sidewalk. In addition, vehicles exiting the garage or loading dock and waiting for a gap in the traffic flow to turn right onto northbound Fremont Street could potentially block the sidewalk, creating an unsafe condition for pedestrians. As a result, the project would have a significant impact on pedestrian conditions. **Approved Project FEIR Mitigation Measure M-TR-5**, which is the project-specific equivalent of **Plan FEIR Mitigation Measure M-TR-5**, would reduce this impact to a less-than-significant level by reducing pedestrian-vehicle conflicts.

> **Approved Project FEIR Mitigation Measure M-TR-5a: Garage/Loading Dock Attendant**
>
> The project sponsor shall ensure that building management employs an attendant for the parking garage and loading dock, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with pedestrians on the sidewalk during the a.m. and p.m. peak periods of traffic and pedestrian activity—at a minimum, from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 7:15 p.m., with extended hours as dictated by traffic and pedestrian conditions and by activity in the project garage and loading dock. (See also Mitigation Measure M-TR-4b, above.)
>
> **Approved Project FEIR Mitigation Measure M-TR-5b: Warning Devices**
>
> The project sponsor shall install audible and visible warning devices to alert pedestrians of the outbound vehicles from the parking garage and loading dock.
>
> **Approved Project FEIR Mitigation Measure M-TR-5c: Limitation on Loading Dock Hours**
>
> The project sponsor shall ensure that building management prohibits use of the loading dock during hours when the adjacent curb lane is used by Golden Gate Transit buses (currently, 3:00 p.m. to 7:15 p.m.).

**Proposed Project**

The proposed project would not change the driveway conditions or result in an appreciable increase in activity at the parking garage or loading dock beyond what was already analyzed under the Approved

Project. Therefore, the proposed project would not substantially worsen the significant impacts to pedestrians. **Approved Project FEIR Mitigation Measures M-TR-5** would apply to the proposed project. The proposed project could contribute to the Plan's significant and unavoidable impact identified in the FEIR, albeit minimally, but the proposed project would not result in impacts new or peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.[15]

### *Bicycle Impacts*

Consistent with the conclusions of the FEIR (pp. 313–314), both the Approved Project and the proposed project would not increase bicycle traffic such that a substantial adverse change to the overall bicycle conditions would result. This is a less-than-significant impact for the Plan, the Approved Project, and the proposed project. Thus, the project would not result in bicycle impacts peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

### *Loading*

#### Plan FEIR

The Plan FEIR (pp. 317–318) identified a significant impact related to the Plan-generated increase in loading demand during the peak hour of loading activity potentially resulting in hazardous conditions or significant delays affecting traffic, transit, bicycles, and pedestrians. **Plan FEIR Mitigation Measures M-TR-7a** (Loading Dock Management) and **M-TR-7b** (Augmentation of On-Street Loading Spaces Supply) were identified in the FEIR to minimize this impact. However, these measures were not found to fully mitigate the loading shortfall impacts to transit operators that use City streets or pedestrian and bicycle movements and the impact would remain significant and unavoidable.

#### Approved Project FEIR

The Approved Project FEIR explained that the project would provide two *Planning Code*-complying standard-truck loading spaces at-grade in the loading dock off Fremont Street, and two service vehicle spaces, also in the loading dock, which would meet the *Planning Code* requirement.[16] The project's two off-street truck loading spaces and two off-street van spaces would not meet the average and peak demand. However, given that most of the daily deliveries would be smaller trucks and vans to the office uses, these could also be accommodated at regular on-street parking spaces. Therefore, no significant impact would be anticipated due to demand for freight loading activity.

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[15] It is noted that the Plan FEIR found the potential for vehicle / pedestrian conflict at garage entrances to be significant and unavoidable in large part because it could not be determined at a programmatic level whether all such individual project impacts could be reduced to a less-than-significant level through mitigation. As noted, the Approved Project FEIR found that, for this particular project, the impact would be less than significant with mitigation, and that conclusion would hold true for the proposed project, as well.

[16] City and County of San Francisco, *Planning Code*, Table 152.1: Off-Street Freight Loading Spaces Required (in C-3 and South of Market Districts). Office buildings are required to provide 0.1 spaces per 10,000 sq. ft. of gross floor area (to closest whole number); the project would have about 430,650 sq. ft of gross floor area for office use, not counting areas excluded from gross floor area as defined in *Planning Code* Sec. 102.9(b).

The analysis also found that the proposed project driveway would not accommodate trucks longer than 30 feet, and truck drivers in generalwould have difficulties existing and entering and could create traffic impacts along Fremont Street. To help avoid this issue, **Approved Project FEIR Mitigation Measure M-TR-7**, which is the project-specific equivalent of **Plan FEIR Mitigation Measure M-TR-7a**, requires that a loading dock supervisor educate the building tenants on the required use of shorter trucks, and the building's proper manager prohibit access to the dock by trucks longer than 30 feet. With implementation of this measure, the Approved Project FEIR determined that the loading impact would be less than significant.

> **Approved Project FEIR Mitigation Measure M-TR-7: Limitation on Truck Size**
>
> To ensure that trucks longer than 30 feet in length are not permitted to use the loading dock, the project sponsor would ensure that office and retail tenants in the building are informed of truck size limitations. In the event that trucks larger than 30 feet in length attempt to access the loading dock, the garage/loading dock attendant (see Approved Project FEIR Mitigation Measure M-TR-5a) would direct these trucks to use on-street loading zones (if available) or off-load deliveries to smaller trucks off-site and return to use the loading dock.

**Proposed Project**

The proposed project would not change the driveway conditions or result in an appreciable increase in activity at the parking garage or loading dock beyond what was already analyzed under the Approved Project. Therefore, the proposed project would not substantially worsen the significant impacts to pedestrians. **Approved Project FEIR Mitigation Measures M-TR-7** would apply to the proposed project. **Plan FEIR Mitigation Measure M-TR-7b** is not applicable to the proposed project, but instead to the SFMTA.

The proposed project would contribute to the Plan's significant and unavoidable impact identified in the FEIR, but the proposed project would not result in impacts new or peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

### *Emergency Access*

The Plan FEIR (p. 318) did not identify a significant impact related to inadequate emergency access. The overall Plan would not change the Plan area street network so as to hinder or preclude emergency vehicle access. Any physical changes to the street network made as part of the Plan's public realm improvements would be undertaken in consultation with the Fire Department such that adequate emergency vehicle access would be maintained.

Consistent with the conclusions of the FEIR, both the Approved Project and the proposed project would not include any modifications to the street network and therefore the proposed project would not result in impacts related to emergency access that would be peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the Plan FEIR.

### *Construction*

#### Plan FEIR

The Plan FEIR (pp. 319–321) determined that implementation of the overall Plan, including ongoing construction within the Plan area, and individual project construction, including the proposed project, would cause disruption of nearby streets, transit service, and pedestrian and bicycle circulation, and would result in a significant impact. **Plan FEIR Mitigation Measure M-TR-9** (Construction Coordination, p. 321) would minimize impacts from concurrent construction project within the Plan area. The impact was found to remain significant and unavoidable because the measure would only partially mitigate the effect.

#### Approved Project FEIR and Proposed Project

The Approved Project FEIR concluded that project-related construction activity, including both construction truck traffic and additional vehicular traffic from construction workers, would not substantially affect vehicular, pedestrian, and bicycle circulation. The FEIR stated that the Approved Project would not be expected to result in substantial disruption of Golden Gate Transit bus service. The impact would be less than significant.

Given the proposed project involves minor changes to the Approved Project, which is already under construction, the construction-related transportation impacts of the proposed project would be the same as under the Approved Project. The proposed project would result in less-than-significant impacts related to construction. It would not result in peculiar impacts or impacts of greater severity than those already analyzed in the EIR. Please see "Cumulative Impacts," below, regarding cumulative impacts and the applicability of mitigation measures.

### *Parking*

#### Plan FEIR

The Plan FEIR determined that, considering the demand for parking spaces generated by development in the Plan area and the number of off-street parking spaces that could be provided as of right by the same assumed development projects, the Plan-area-wide parking shortfall could range between about 5,400 and 8,200 spaces (pp. 323–324). Considering the available off-street parking spaces and the potential Plan-related loss of surface parking spaces, the Plan-area-wide parking shortfall could worsen. It is reasonable to assume that such a shortfall would result in a mode shift, as drivers decide not to drive and instead utilize other modes of travel, and that some trips would shift from auto to transit. If such a mode shift were to occur, secondary transit impacts could occur either as a result of exacerbating an existing impact or resulting in a new impact on those lines where capacity utilization approaches the standard.

#### Approved Project FEIR and Proposed Project

Both the Approved Project and the proposed project would not exceed 7 percent of gross floor area devoted to parking, and would thereby comply with *Planning Code* Section 151.1.

The Approved Project FEIR calculated that the project would create long-term parking demand for about 174 parking spaces, and short-term parking demand for about 64 equivalent daily spaces, for a total parking demand of about 238 daily spaces. The project would thus result in unmet demand of about 158 equivalent daily spaces, when accounting for the proposed 80-vehicle capacity. As discussed in the setting, existing parking in the vicinity is used at approximately 85 percent of capacity. The project shortfall would increase this parking usage to about 88 percent, assuming no change in travel modal splits and no use of on-street parking spaces.

The proposed project would not substantially change parking conditions at the project site beyond those analyzed in the Approved Project FEIR. The incremental addition of six floors of office space would increase parking demand by that of the Approved Project, but it would not result in peculiar or more severe parking impacts than those disclosed in the Plan FEIR.

### *Other Topics*

Consistent with the findings in the FEIR, the proposed project would have no impact on air traffic patterns or increased safety hazards due to a design feature or incompatible use.

### *Cumulative Impacts*

#### Traffic

The Plan FEIR (pp. 286–290) concluded that, under 2030 conditions, cumulative impacts to intersection levels of service would be significant and unavoidable. Among other intersections, the Beale Street / Howard Street intersection would degrade to LOS E from LOS D, resulting in a significant and unavoidable impact.

The Approved Project FEIR determined that in no instance would project traffic constitute a cumulatively considerable contribution to adverse 2030 cumulative traffic conditions at any of the 11 intersections analyzed, and therefore the project would have a less-than-significant impact on cumulative traffic conditions. The incremental addition of traffic attributable to the proposed project, however, would result in the overall 350 Mission Street project contributing more than 5 percent of the total volumes on the Beale Street / Howard Street intersection. Therefore, the proposed project would make a considerable contribution to the cumulative impact at this location, which was already disclosed and analyzed in the Plan FEIR. The proposed project would not result in a considerable contribution to significant impacts at other intersections in the 2030 cumulative conditions, and thus no peculiar impacts would arise with respect to cumulative conditions.

#### Transit

The Plan FEIR determined that cumulative growth due to the Plan would result in a significant and unavoidable impact to transit capacity and delay. The Approved Project FEIR concluded that the project would not considerably contribute to cumulative impacts on transit ridership and capacity. The

incremental addition of transit trips from the proposed project would not contribute to any significant impacts to local or regional transit screenline ridership and capacity under 2030 Cumulative Conditions. There would be not peculiar impacts or impacts more severe than those disclosed and analyzed in the Plan FEIR.

As described in the Approved Project FEIR, under cumulative conditions, proposed changes to the Fremont Street right-of-way that would be implemented as part of the proposed Transit Center District Plan would effectively reduce Fremont Street to one regular travel lane (plus the Muni-only lane) during periods when Golden Gate buses are stopped. The resulting traffic congestion on Fremont Street could impede Golden Gate Transit bus operations as buses would have a difficult time merging from the bus stops into the regular traffic lanes. In addition, the bus stops within the travel lane may result in conflicts with general vehicular traffic, which may be unaware of the upcoming stops. This impact would result entirely from the proposed Transit Center District Plan, and the proposed project would not contribute considerably to the effect.

### Pedestrian Facilities

As the proposed project would result in a significant and unavoidable impact on the Fremont Street / Mission Street north crosswalk at the midday peak hour, the proposed project also is considered to make a considerable contribution to the significant and unavoidable cumulative impact at this location under 2030 cumulative conditions. Consistent with the conclusions of the Plan FEIR (pp. 311–312), this cumulative impact would remain significant and unavoidable due to the uncertainty and infeasibility of **Plan FEIR Mitigation Measure M-TR-4**. The proposed project would not result in a considerable contribution to poor operations of other crosswalks in the 2030 cumulative conditions. Thus, the proposed project would not result in impacts peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the Plan FEIR.

### Pedestrian / Vehicle Conflicts

Pedestrian volumes in the future are anticipated to be high and the potential for conflict between pedestrians and vehicles to be significant and unavoidable under 2030 cumulative conditions. **Approved Project FEIR Mitigation Measures M-TR-5** would apply to the proposed project. The proposed project would contribute to the Plan's significant and unavoidable impact identified in the FEIR, but the proposed project would not result in impacts new or peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

### Bicycle / Vehicle Conflicts

Bicycle activity along Fremont Street is anticipated to increase under 2030 conditions. As discussed in the Plan FEIR, impacts would be significant and unavoidable. Bicycle conflicts and safety hazards with respect to driveway operation cannot be certainly fully mitigated. Project operation would contribute to this cumulative impact, but not to a greater severity than already analyzed in the Plan FEIR.

Loading

As discussed, project driveway operations associated with loading activities would contribute to the Plan's significant impacts identified in the FEIR potentially resulting in hazardous conditions or significant delays affecting traffic, transit, bicycles, and pedestrians. Both the Approved Project and the proposed project are considered to make a considerable contribution to the significant and unavoidable cumulative loading impact under 2030 cumulative conditions, and the project would not result in impacts peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

Construction

In terms of cumulative impacts, other projects may be under construction in the project site vicinity at the same time as the proposed project. Primarily, demolition of the existing Transbay Terminal (located diagonally south across the Mission/Fremont Streets intersection) began in August 2010 and, along with construction of the new Transit Center, will last several years, until approximately 2017. The Approved Project is also under construction.

**Approved Project FEIR Mitigation Measure M-TR-9a** (Construction-Period Golden Gate Transit Bus Stop Relocation) and **Approved Project FEIR Mitigation Measure M-TR-9b** (Construction Coordination) were identified to reduce cumulative construction impacts on transit due to lane closures and construction vehicles from the two projects. Even with implementation these measures, the impact was conservatively determined to be significant and unavoidable. The proposed project, which would be constructed at the same site and in the same time frame as the Approved Project, would result in the same significant and unavoidable impact.

> **Approved Project FEIR Mitigation Measure M-TR-9a: Construction-Period Golden Gate Transit Bus Stop Relocation**
>
> To minimize potential disruptions to Golden Gate Transit during project construction, Golden Gate Transit buses would use the existing boarding island adjacent to the left lane of Fremont Street during construction of the proposed project, assuming Golden Gate Transit determines that this location is the most feasible choice and the Municipal Transportation Agency concurs with use of the island.

> **Approved Project FEIR Mitigation Measure M-TR-9b: Construction Coordination**
>
> To minimize potential disruptions to Golden Gate Transit (and other transit operators), the project sponsor and/or construction contractor would coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers Authority, and construction manager(s)/contractor(s) for the Transit Center project, and with Golden Gate Transit, as well as Muni, AC Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.

Other Topics

As demonstrated above, the proposed project would not result in a significant impact related to freeway ramp operations. Further, the proposed project would not considerably contribute to the significant cumulative impact indentified for the Plan related to these significance criteria. Neither the Plan nor the proposed project would result in significant cumulative impacts related to emergency vehicle access. Thus, the project would not result in impacts with respect to these topics that would be peculiar to the project or its site or impacts of greater severity than were analyzed and disclosed in the FEIR.

### *Conclusion*

As indicated in the Plan FEIR, none of the available transportation mitigation measures is adequate to reduce significant impacts to less-than-significant levels either due to infeasibility or inability to fully mitigate the Plan effects. However, the proposed project—with implementation of identified mitigation measures from the Approved Project FEIR—would not result in a new or peculiar impact relative to the project or its site, or an impact of greater severity than was analyzed and disclosed in the Plan FEIR, with respect to transportation.

## *Noise*

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip and therefore these topics are not applicable.

### *Introduction of Noise-Sensitive Uses*

#### Plan FEIR

The Plan FEIR noted (p. 353) that noise levels adjacent to all major streets in the Plan area from Main Street to the west exceed the level, 70 Ldn, at which the *General Plan* noise compatibility guidelines recommend that new residential construction should be undertaken only following completion of a detailed analysis of noise reduction requirements.[17] The Plan FEIR identified significant impacts related to the introduction of new sensitive uses that would be affected by existing noise levels and to the exposure of persons to noise levels in excess of standards in the *General Plan*. To ameliorate effects to sensitive uses, the Plan EIR identified **Plan FEIR Mitigation Measures M-NO-1a** (Noise Survey and Measurements for Residential Uses), **M-NO-1b** (Noise Minimization for Residential Open Space), **M-NO-1c** (Noise Minimization for Non-Residential Uses), and **M-NO-1d** (Mechanical Equipment Noise Standard). These measures would reduce impacts to new sensitive receptors to a less-than-significant level.

[17] Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law requires that, for planning purposes, an artificial dBA increment be added to "quiet time" noise levels to form a 24-hour noise descriptor, such as the day-night noise level (Ldn), which is used by the San Francisco Noise Ordinance. Ldn adds a 10-dBA nighttime penalty during the night hours (10:00 p.m. to 7:00 a.m.).

**Approved Project FEIR and Proposed Project**

Neither the Approved Project nor the proposed project would include residential or other noise-sensitive uses. Therefore, the proposed project would not contribute to the significant impact identified in the Plan FEIR. Plan FEIR Mitigation Measures M-NO-1a through M-NO-1c would not be applicable to the proposed project. As stated in the Approved Project FEIR (Appendix A, Initial Study, p. 47), the project would include a noise-reducing dual-pane glass assembly in its glazing system, which would reduce indoor noise levels by up to 30 dBA, sufficient to ensure an adequately quiet interior noise environment for office use. No mitigation measures would apply for this criterion.

*Building Operation and Traffic Noise*

**Plan FEIR**

Regarding operational noise, the Plan FEIR (p. 353-357) found that increased traffic volumes in the Plan area and changes in the street network would result in significant increases in traffic noise on various Plan area streets. Plan **FEIR Mitigation Measure M-NO-1a** (Noise Survey and Measurements for Residential Uses); **Plan FEIR Mitigation Measure M-NO-1b** (Noise Minimization for Residential Open Space); **Plan FEIR Mitigation Measure M-NO-1c** (Noise Minimization for Non-Residential Uses); and **Plan FEIR Mitigation Measure M-NO-1d** (Mechanical Equipment Noise Standard) were identified to reduce the severity of the impact and were found to result in less than significant effects on new residential uses and other sensitive receptors. However, because it could not be stated with certainty that existing sensitive receptors would not be adversely affected, the effect was determined to be significant and unavoidable.

The Plan FEIR (p. 357–359) also determined that existing residences and other sensitive uses could be adversely affected by the operation of new noisy building equipment proximate to those uses. It identified **Plan FEIR Mitigation Measures M-NO-1e** (Interior Mechanical Equipment) to minimize operation noise impacts. Given it is not generally feasible to retrofit existing uses to increase noise insulation, the impact of operational noise to existing sensitive receptors was considered significant and unavoidable.

> **Plan FEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment**
>
> The Planning Department shall require, as part of subsequent project-specific review under CEQA, that effects of mechanical equipment noise on adjacent and nearby noise-sensitive uses be evaluated by a qualified acoustic consultant and that control of mechanical noise, as specified by the acoustical consultant, be incorporated into the final project design of new buildings to achieve the maximum feasible reduction of building equipment noise, consistent with *Building Code* and Noise Ordinance requirements and CEQA thresholds, such as through the use of quieter equipment, fully noise-insulated enclosures around rooftop equipment, and/or incorporation of mechanical equipment into intermediate building floor(s).

### Approved Project FEIR

The transportation analysis for the Approved Project determined that the Approved Project would generate 102 net new vehicular trips during the weekday a.m. peak hour and 94 net new drips during the weekday p.m. peak hour.[18] The Approved Project FEIR (Appendix A, Initial Study, pp. 42–43) determined that the Approved Project would not generate a substantial amount of new vehicular trips such that a noticeable increase in ambient traffic noise would occur. Also, adherence to Section 2909 of the San Francisco Noise Ordinance, Article 29 of the *San Francisco Police Code* would minimize noise from building operations related to mechanical sources. Impacts from operational noise were determined to be less than significant. Because the Approved Project did not include sensitive receptors, Plan FEIR Mitigation Measures M-NO-1a, M-NO-1b, M-NO-1c, and M-NO-1d were not applicable to the Approved Project.

### Proposed Project

The proposed project would include the same noise-generating mechanical equipment as the Approved Project. The proposed project would generate 102 net new vehicular trips during the weekday a.m. peak hour and 94 net new drips during the weekday p.m. peak hour, or 21 new trips and 17 new trips more than the Approved Project would generate respectively.[19] As such, the proposed project would contribute to the significant impact, identified in the Plan FEIR, related to the exposure of persons to noise levels in excess of standards in the *General Plan*.

The proposed project's incremental addition of new vehicular trips would not result in a substantial permanent increase in ambient noise levels above those presented in the Approved Project FEIR.

Regarding operational noise, the proposed project would include mechanical equipment that would be subject to Section 2909 of the San Francisco Noise Ordinance, Article 29 of the *San Francisco Police Code*. 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. Noise generated by commercial uses is limited to 8 dBA in excess of ambient.[20] Compliance with Article 29, Section 2909, would minimize noise from building operations.

**Plan FEIR Mitigation Measure M-NO-1e** (Interior Mechanical Equipment, pp. 358–359) was not applicable to the Approved Project because the Approved Project FEIR was certified prior to certification of the Plan EIR. Under the proposed project, there would be an incremental addition of six stories to the Approved Project. Although this addition would not change the mechanical noise impacts of the project, Plan FEIR Mitigation Measure M-NO-1e would be required. Implementation of this mitigation measure would ensure that proposed project impacts would not be new, peculiar, or of greater severity than what was already analyzed and disclosed in the Plan FEIR. Because the proposed project, like the Approved

[18] AECOM, 2013, *ibid.*
[19] AECOM, 2013, *ibid.*
[20] Entertainment venues are also subject to a separate criterion for low-frequency (bass) noise.

Project would not include sensitive receptors, Plan FEIR Mitigation Measures M-NO-1a, M-NO-1b, M-NO-1c, and M-NO-1d were not applicable to the proposed project.

In summary, operational noise from the proposed project's traffic and building equipment would not result in a new or peculiar impact, or an impact of greater severity than was analyzed and disclosed in the Plan FEIR.

### *Construction Noise*

#### Plan FEIR

For construction noise, the Plan FEIR stated (pp. 359–360) that plan implementation would result in temporary construction noise and vibration impacts from pile driving and other construction activities. The Plan FEIR stated that if pile-driving is determined to be required for a subsequent development project, the sponsor of that project would implement **Plan FEIR Mitigation Measure M-NO-2a** (Noise Control Measures for Pile Driving), which would reduce potential pile-driving noise impacts to a less-than-significant level. In addition, implementation of **Plan FEIR Mitigation Measure M-NO-2b** (General Construction Noise Control Measures), would be required for subsequent development projects to reduce construction noise to a less-than-significant level.

#### Approved Project FEIR

The Approved Project FEIR (Appendix A, Initial Study, pp. 43–47) contained a similar analysis of construction noise impacts. The same mitigation measures as those of the Plan FEIR were included in the Approved Project FEIR, and the analysis determined that the mitigation measures would reduce the noise impacts from construction to a less-than-significant level. In addition, however, the Approved Project FEIR included **Approved Project FEIR Mitigation Measure M-NO-2c** (Cumulative Construction Noise Controls). This mitigation measure stated that the project sponsor would participate in any City-sponsored construction noise program for the Transit Center District Plan area or other citywide initiative to reduce the effects of construction noise.

**Mitigation Measure M-NO-2a: Noise Control Measures for Pile Driving**

- Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor pre-drill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.
- Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.

**Mitigation Measure M-NO-2b: General Construction Noise Control Measures**

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:

- The project sponsor would require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

**Mitigation Measure M-NO-2c: Cumulative Constriction Noise Control Measures**

- In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project is completed, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored

areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.

#### Proposed Project

The proposed project construction activities involve demolition, excavation, and building construction (demolition has already occurred under the Approved Project). The construction period for the proposed project would last approximately 22 months. As such, the proposed project would contribute to the significant impact, identified in the Plan FEIR, related to temporary construction noise and vibration impacts from construction activities. Nearby sensitive noise receptors, including the residential units in the Millennium Tower directly across Mission Street from project site, have the potential to be adversely affected by construction noise.

The proposed project's construction noise impacts would be identical to those of the Approved Project, although the duration of construction noise could be extended due to the addition of six stories to the proposed building. **Approved Project FEIR Mitigation Measures M-NO-2b** and **M-NO-2c** would apply. Should the foundation concept be revised and a pile-supported foundation be proposed, or should pile-driving otherwise be required, **Approved Project FEIR Mitigation Measure M-NO-2a** would be required. The proposed project's construction noise would not result in a new or peculiar impact, or an impact of greater severity than was analyzed and disclosed in the Plan FEIR.

### *Conclusion*

The proposed project would not introduce new noise-sensitive uses to the project site, and noise from the project's mechanical equipment would be mitigated by adherence to the San Francisco Noise Ordinance. With implementation of construction noise mitigation measures, the 350 Mission Street project-specific noise and vibration impacts would not result in new, peculiar or more severe noise impacts than were analyzed and disclosed in the Plan FEIR.

## *Air Quality*

### *Construction*

#### Plan FEIR

The Plan FEIR identified significant, unmitigable air quality impacts related to exposure of sensitive receptors to TACs from future construction activity in the Plan area involving the use of diesel-powered off-road equipment (Impact AQ-4 and Impact AQ-5, pp. 406–412). The Plan FEIR also identified a significant but mitigable impact with respect to generation of fugitive dust from construction.

**Plan FEIR Mitigation Measure M-AQ-4a** (Construction Vehicle Emissions Minimization, p. 408) would require that projects undertaken following adopted of the Plan to incorporate into construction

specifications a requirement that all construction equipment be properly maintained and tuned. **Plan FEIR Mitigation Measure M-AQ-5** (Construction Vehicle Emissions Evaluation and Minimization, pp. 411-412) would require that projects include in contract specifications a requirement that the contractor use the cleanest possible construction equipment and exercise best practices for limiting construction exhaust. **Plan FEIR Mitigation Measure M-AQ-4b** (Dust Control Plan, p. 409) would require each subsequent development project in the Plan area that would require more than 5,000 cubic yards of excavation lasting four weeks or longer, even if on a site of one-half acre or less, to incorporate into construction specifications the requirement for development and implementation of a site-specific Dust Control Plan as set forth in Article 22B of the *San Francisco Health Code*, which implements the City's Construction Dust Ordinance. These mitigation measures are not applicable to the Approved Project or the proposed project because the Plan FEIR was certified after the Approved Project FEIR.

**Approved Project FEIR**

The Approved Project FEIR (pp. 77–84) determined that project construction could expose sensitive receptors to substantial pollutant concentrations, although the impact would be less than significant. At approximately 19,000 square feet, the proposed 350 Mission Street project site is smaller than one-half acre, and is therefore not subject to the San Francisco Construction Dust Control Ordinance. However, to ensure that construction-related dust impacts would be minimized, the analysis identified **Approved Project FEIR Improvement Measure I-AQ-1a**, which is the project-specific equivalent of **Plan FEIR Mitigation Measure M-AQ-4b. Approved Project FEIR Improvement Measure I-AQ-1a** would impose, as a condition of approval, a requirement to prepare a Dust Control Plan as called for in the Construction Dust Control Ordinance. The regulations and procedures set forth by the *San Francisco Building Code* and *San Francisco Health Code*, along with Improvement Measure I-AQ-1a, would ensure that potential dust-related air quality impacts would be reduced to a level of insignificance.

Regarding construction exhaust emissions, the Approved Project FEIR concluded that construction-related emissions would not exceed the City's significance thresholds for criteria pollutants. Implementation of **Approved Project FEIR Improvement Measure I-AQ-1b**, which incorporates and exceeds all provisions of **Plan FEIR Mitigation Measure M-AQ-4a,** would further reduce the less-than-significant emissions from construction vehicles, and would be consistent with BAAQMD's basic emissions control measures for all projects.

The Approved Project FEIR also assessed potential health risks associated with construction exhaust emissions. The analysis determined that the project's construction-related emissions would be significant for child (infant) receptors at the nearest residential building, the Millennium tower across Mission Street from the proposed project, as well as at the PG&E Building at 77 Beale Street. In addition, the analysis concluded that the maximum concentration of $PM_{2.5}$ at any of the sensitive receptors associated with the project's construction activities would also be significant.

The analysis identified **Approved Project FEIR Mitigation Measure M-AQ-1** (Construction Vehicle Emissions Minimization), which is the project-specific equivalent of **Plan FEIR Mitigation Measure**

M-AQ-5. Implementation of the measure would result in the maximum feasible reduction of diesel emissions that would contribute to construction-period health risk, thereby lowering both lifetime cancer risk and the concentration of $PM_{2.5}$ to which receptors would be exposed. Given it could not be stated with certainty that either cancer risk or $PM_{2.5}$ concentration would be reduced to below significance thresholds, the impact was conservatively judged to be significant and unavoidable.

Regarding cumulative construction impacts, the Approved Project would make little contribution to health risks at receptors at a distance of more than 330 feet. However, given the proximity of the new Transit Center to the 350 Mission Street project site, the Approved Project FEIR concluded that cumulative construction emissions could exceed the significance criteria for cumulative impacts. Given it could not be stated with certainty that either cancer risk or $PM_{2.5}$ concentration would be reduced to below the significance thresholds, the cumulative impact was conservatively judged to be significant and unavoidable.

**Approved Project FEIR Improvement Measure I-AQ-1a—Dust Control Plan**

To reduce construction-related dust emissions, the project sponsor shall incorporate into construction specifications the requirement for development and implementation of a site-specific Dust Control Plan as set forth in Article 22B of the *San Francisco Health Code*. The Dust Control Plan shall require the project sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and secure soils with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

**Approved Project FEIR Improvement Measure I-AQ-1b—Construction Vehicle Emissions Minimization**

To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**Approved Project FEIR Mitigation Measure M-AQ-1—Construction Vehicle Emissions Minimization**

To reduce the potential health risk resulting from project construction activities, the project sponsor shall include in contract specifications a requirement for the following BAAQMD-recommended measures:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (less than the five minutes identified above in Improvement Measure I-AQ-1b);
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include, as the primary option, use of Interim Tier 4 equipment where such equipment is available and feasible for use, the use of other late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available;
- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and $PM_{2.5}$ including Tier 3 or alternative fuel engines where such equipment is available and feasible for use;
- All contractors shall use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines; and
- The project construction contractor shall not use diesel generators for construction purposes where feasible alternative sources of power are available.

**Proposed Project**

The proposed project would involve the same duration of ground disturbance and excavation as would the Approved Project. Therefore, impacts related to fugitive dust would be equivalent between the two projects. **Approved Project FEIR Improvement Measures I-AQ-1a** is applicable to the proposed project. (The former four-story building on the project site has already been demolished under the Approved Project.)

Regarding criteria pollutants, construction exhaust emissions are quantified and analyzed on a daily basis. Although the six additional floors of the proposed project could increase construction duration as compared to that of the Approved Project, the proposed project would not require additional construction equipment at the site on a daily basis. **Approved Project FEIR Improvement Measures 1-AQ-1b** applies to the proposed project, and impacts would be substantially similar to impacts of the Approved Project, resulting in a less than significant impact.

Health risk impacts would be similar to those of the Approved Project, also resulting in a significant and unavoidable impact. As stated above, the proposed project would not result in additional construction

equipment use on a daily basis, although the total construction duration could be extended due to the incremental increase in project square footage. Levels of daily emissions of toxic air contaminants from the proposed project would be similar to those of the Approved Project. **Approved Project FEIR Mitigation Measure M-AQ-1** would apply, and the impact would remain significant and unavoidable.

The proposed project's construction would not result in any new impacts or any peculiar impacts, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

### *Operations*

#### Criteria Pollutants and Plan Consistency

**Plan FEIR**

The Plan FEIR found that implementation of the Transit Center District Plan would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. The Plan FEIR also found that the Plan would be generally consistent with the *San Francisco General Plan.* Through the City's Transit First Program, bicycle parking requirements, transit development impact fees applicable to commercial uses, and other actions. The Plan would not interfere with implementation of the *2005 Ozone Strategy* or the *2001 Ozone Attainment Plan,* which are the applicable regional air quality plans developed to improve air quality and to effectively meet the state and federal ambient air quality standards, respectively, nor would it interfere with implementation of the *2010 Bay Area Clean Air Plan.* The plan would be consistent with *2010 Bay Area Clean Air Plan* control measures.

**Approved Project FEIR**

Based on the transportation analysis prepared for the Approved Project,[21] the Approved Project would generate a net increase of approximately 800 vehicle trips per day. Operational emissions from traffic and from operation of the proposed building are presented in **Table 6.**

**TABLE 6**
**ESTIMATED DAILY REGIONAL EMISSIONS (2013)**

| | Projected Emissions (Pounds per Day) | | | |
|---|---|---|---|---|
| | ROG | $NO_x$ | $PM_{10}$ | $PM_{2.5}$ |
| Project Area-Source Emissions | 2.4 | 2.4 | 0.01 | 0.01 |
| Project Mobile-Source (Vehicle) Emissions | 7.3 | 5.2 | 10.5 | 2.0 |
| TOTAL | 9.7 | 7.7 | 10.51 | 2.01 |
| Threshold | 54 | 54 | 82 | 54 |

SOURCE: Environmental Science Associates, 2010.

[21] AECOM, 2010, *ibid.*

Emission increases attributable to the Approved Project would be substantially below the City's significance thresholds. Therefore, the project's effects of regional criteria pollutant emissions would be less than significant.

Regarding consistency with air quality control plans, the Approved Project FEIR had findings similar to those of the Plan FEIR. The Approved Project would be generally consistent with the *San Francisco General Plan*, the *2005 Ozone Strategy* and the *2001 Ozone Attainment Plan*, and *2010 Bay Area Clean Air Plan*.

**Proposed Project**

The proposed project's incremental increase in floor area would not change the fundamental characteristics of the project that determine its consistency with the above-referenced plans. The proposed project would not result in effects of greater severity than were already analyzed and disclosed in the Plan FEIR with respect to criteria air pollutants.

The proposed project would generate approximately 1,000 vehicular trips per day, a 25 percent increase over the trip generation of the Approved Project.[22] This incremental increase in vehicular trips would result in a commensurate incremental increase in the projected daily regional emissions of ROG, NOx, $PM_{10}$, and $PM_{2.5}$, but not to an extent that would exceed the thresholds outlined in the table above. Therefore, the proposed project would not result in any new impacts or any peculiar impacts, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR, with respect to criteria air pollutants.

New Sensitive Receptors

**Plan FEIR**

The Plan FEIR identified significant, unmitigable air quality impacts related to exposure of new sensitive receptors, such as residences and child care centers, to emissions of fine particulate matter ($PM_{2.5}$) and toxic air contaminants (TACs) (pp. 396–406). These pollutants would be generated by existing and future on-road sources, such as auto and truck traffic and buses operating to and from the Transbay Transit Center and the existing Transbay Temporary Terminal, and by existing and future stationary sources in individual high-rise buildings, such as backup (emergency) diesel generators and natural-gas-fired hot water boilers and cogeneration (heat and electricity) plants (Impact AQ-2 and Impact AQ-3). **Plan FEIR Mitigation Measure M-AQ-2** (Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies, pp. 403–404) would require new development projects in the Plan area that include sensitive receptors to undergo analysis of potential site-specific health risks resulting from exposure to mobile and stationary sources of $PM_{2.5}$ and TACs, based on current Planning Department criteria.

[22] As described in the Approved Project's transportation analysis, the combined trips generated during the a.m. and p.m. peak hours compose approximately 20 percent of the daily trip generation. The Approved Project would generate 158 vehicular trips combined during the a.m. and p.m. peak hour, and the proposed project would generate 196 vehicular trips combined during the a.m. and p.m. peak hour.

#### Approved Project FEIR and Proposed Project

Plan FEIR Mitigation Measure M-AQ-2 is not applicable to the Approved Project or proposed project because both the Approved Project and the proposed project would not include sensitive receptors, so impacts associated with introduction of sensitive land uses would not apply. Therefore, the proposed project would not result in any new impacts or any peculiar impacts, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR, with respect to new sensitive receptors.

### Existing Sensitive Receptors

#### Plan FEIR

The Plan FEIR (pp. 404–406) identified a significant and unavoidable impact related to generation of potential health risks for existing sensitive receptors. These health risks would be associated with diesel-powered emergency generators and boilers, increased truck traffic, and other commercial operations. **Plan FEIR Mitigation Measure M-AQ-3** (Siting of Uses that Emit DPM and Other TACs, p. 405) requires that projects in the Plan Area that include a diesel-powered emergency generator be evaluated for effects on nearby sensitive receptors. With implementation of this measure, the Plan FEIR found that impacts would remain significant. The text of the mitigation measure is below.

> **Plan FEIR Mitigation Measure M-AQ-3: Siting of Uses that Emit DPM and Other TACs**
>
> To minimize potential exposure of sensitive receptors to diesel particulate matter (DPM), for new development including warehousing and distribution centers, and for new development including commercial, industrial or other uses that would be expected to generate substantial levels of toxic air contaminants (TACs) as part of everyday operations, whether from stationary or mobile sources, the Planning Department shall require, during the environmental review process but no later than the first project approval action, the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within 1,000 feet of the project site, and an assessment of the health risk from potential stationary and mobile sources of TACs generated by the project. If risks to nearby receptors are found to exceed applicable significance thresholds, then emissions controls would be required prior to project approval to ensure that health risks would not be significant.

#### Approved Project FEIR

The Approved Project is not subject to **Plan FEIR Mitigation Measure M-AQ-3** because the Approved Project FEIR was certified prior to the Plan FEIR. However, the analysis included in the Approved Project FEIR Air Quality section, described below, meets the requirements of **Plan FEIR Mitigation Measure AQ-3**, in that the analysis included the assessment specified in the mitigation measure.

The Approved Project would include a standby generator that would be operated a maximum of 50 hours per year for maintenance operations and reliability testing. As stated in the Approved Project FEIR (pp. 86–87), a screening-level risk assessment was conducted for the generator, and the results indicate that cancer risk due to the generator would be 0.97 in one million. This risk is well below the threshold of 10 in one million. Non-cancer risk, as indicated by a Hazard Index of 0.0004, would also be

well below the threshold of 1.0, and would be less than significant. The maximum concentration of $PM_{2.5}$, at 0.0018 micrograms per cubic meter, would be below the threshold of 0.2 micrograms per cubic meter, and would be less than significant, as well. Therefore, the Approved Project's effect on receptors related to toxic air contaminants would be less than significant.

Regarding toxic air contaminants emitted by the increased traffic associated with the Approved Project, as stated in the Approved Project FEIR (pp. 85–86), the nearest residential building is the Millennium tower, located to the south across Mission Street, and the nearest licensed child care center is at the PG&E building, at 77 Beale Street, with an outdoor play area on Mission Street at Main Street, one block east of the project site. Fremont, Mission, and Beale Streets have all been identified by the San Francisco Department of Public Health as having traffic volumes that place them within "Potential Roadway Exposure Zones;" these zones are areas that, due to proximity to freeways and major roadways, may be subject to relatively high concentrations of $PM_{2.5}$ from local traffic.[23] The Approved Project would generate an estimated 220 daily project-generated vehicles traveling on Fremont and Mission Streets, which would not adversely affect air quality at the Millennium tower. And any effect on the child care center at the PG&E building due to Approved Project-generated traffic would be sufficiently attenuated by distance (i.e., the closest project vehicles would be one block away) so as to not result in a significant effect. Therefore, traffic from the Approved Project would not generate emissions that would expose sensitive receptors to substantial pollutant concentrations.

**Proposed Project**

The proposed project's additional six stories and associated increase in floor area would not result in any increase in generator use. Therefore, the project would not result in an increase in cancer risk, non-cancer risk, or $PM_{2.5}$ concentration such that any of the above-described thresholds would be exceeded. The proposed project would have a less than significant impact related to toxic air contaminants.

The proposed project's incremental increase in office square footage would result in the addition of 102 net new vehicular trips during the weekday a.m. peak hour and 94 net new drips during the weekday p.m. peak hour.[24] Assuming that each peak hour represents approximately 10 percent of daily traffic, the estimated 265 daily project-generated vehicles would be 20 percent more than the 220 vehicles generated by the Approved Project on Fremont and Mission Streets. These additional vehicles would not change the circulation patterns analyzed in the Approved Project FEIR. The incremental increase in traffic from the proposed project would not generate emissions that would conflict with air quality plans, violate air quality standards, or expose sensitive receptors to substantial pollutant concentrations.

[23] A map of "Potential Roadway Exposure Zones" is included in the recently published EIR for the *San Francisco General Plan Housing Element*, available as FigureV.H-1 in the DEIR Air Quality section, on the internet at: http://www.sf-planning.org/ftp/files/MEA/2007.1275E_SFHE_DEIR_SectionV.H.pdf, at p. V.H-45.

[24] AECOM, *ibid.*

Therefore, the proposed project would not result in any new impacts or any peculiar impacts, or effects of greater severity than were already analyzed and disclosed in the Plan FEIR, with respect to existing sensitive receptors.

#### Odors

The Plan FEIR concluded that the Plan would not locate sensitive receptors within close proximity to odor-generating facilities, and it would not include development of facilities known to generate offensive odors. The Approved Project FEIR (p. 76) stated that the project would not created objectionable odors affecting substantial numbers of people. The proposed project would include the same uses as the Approved Project; therefore, odor impacts would remain less than significant. The proposed project would not result in any new odor impacts or any peculiar impacts, or odor effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

### *Wind*

The *Planning Code* comfort criteria are that wind speeds will not exceed, more than 10 percent of the time, 11 miles per hour (mph) in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the hazard criterion of the *Planning Code* requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged from a single full hour of the year.

#### Plan FEIR

A wind tunnel test was conducted for the Plan FEIR. As indicated on Plan FEIR page 460, the cumulative scenario for this Plan test included a model of the Transit Tower, a 360-foot massing model on the project site, and massing models of other potential future development in the vicinity of the Transit Tower project site. The Plan FEIR identified significant but mitigable impacts related to the substantial increases wind speeds in publicly accessible open spaces, including City Park, and new exceedances of the Section 148 *Planning Code* wind hazard criterion (pp. 460–463). The analysis identified **Plan FEIR Mitigation Measure M-WI-2** (Tower Design to Minimize Pedestrian Wind Speeds, pp. 462–463), which requires the 181 Fremont Street, 524 Howard Street, 50 First Street, and Golden Gate University site project sponsors to consider potential effects on pedestrian-level winds and winds in the City Park atop the Transit Center. This mitigation measure is not applicable to development at the 350 Mission Street project site.

#### Approved Project FEIR

The Approved Project FEIR (pp 107–112) wind analysis included a separate wind tunnel test of the Approved Project massing, to a height of 375 feet. Testing demonstrated that the project would result in relatively modest changes in ground-level winds. The analysis found that both average wind speeds and the number of exceedances of the pedestrian comfort criteria would remain virtually unchanged between existing and existing-plus-project conditions. In addition, wind speeds would be very similar under cumulative conditions both with and without the proposed project, and therefore the Approved Project would not result in a considerable contribution to cumulative pedestrian wind impacts.

#### Proposed Project

The changes to the Approved Project's height and massing, which constitute the proposed project, were analyzed for their potential to affect wind conditions and the conclusions reached in the Approved Project FEIR. The analysis determined that the increase in building height as compared to the Approved Project would not change the conclusions reached in the Approved Project FEIR. The proposed project would continue to be shorter than the existing buildings to the immediate west and northwest, and therefore would not be directly exposed to prevailing winds. Wind conditions at the ground level would be similar to those under the Approved Project.[25]

In addition, the analysis determined that proposed project's inclusion of a recessed entrance way (as opposed to the Approved Project's "retail ellipse") at the ground floor would not negatively affect wind conditions. Both features would be located on the leeward side of the building, where wind speeds were predicted to be comfortable for pedestrians. These conditions would remain with the revised building design.[26]

These findings are consistent with the results of the findings of the Plan FEIR. The proposed project would not result in new or peculiar wind impacts, or adverse wind effects of greater severity than were already analyzed and disclosed in the Plan FEIR.

### *Shadow*

#### Plan FEIR

The Plan FEIR considered potential development on 13 specific sites in the Plan area, based on generalized massing models of buildings at the heights that would be allowed under the Plan, including development of a 700-foot-tall tower on the 350 Mission Street project site. The Plan FEIR found that new shadow from Plan area development would affect nine parks, eight of which have established Absolute Cumulative Limits[27] for net new shadow under *Planning Code* Section 295. Considered together, development under the Plan would require that the Absolute Cumulative Limit be increased on eight downtown parks. No mitigation is available for shadow impacts on existing parks, because it not possible to lessen the intensity or otherwise reduce the shadow cast by a building at a given height and bulk. Therefore, the Plan FEIR (p. 527) found the Plan would have an adverse impact with respect to shadow, and this impact would be significant and unavoidable.

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[25] RWDI, Letter to Daniel Frattin, RE: Pedestrian Level Wind Conditions, 350 Mission Street, San Francisco, CA, RWDI Project #1301024, March 19, 2013. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Project File No. 2013.0276E.

[26] *Ibid.*

[27] The Absolute Cumulative Limit represents the maximum percentage of new shadow, expressed as a percentage of theoretical annual available sunlight. The theoretical annual available sunlight is the amount of sunlight, measured in square-foot-hours that would fall on a given park during the hours covered by Section 295. It is computed by multiplying the area of the park by 3,721.4, which is the number of hours in the year subject to Section 295. Thus, this quantity is not affected by shadow cast by existing buildings, but instead represents the amount of sunlight that would be available with no buildings in place. Theoretical annual available sunlight calculations for each downtown park were used by the Planning and Recreation and Park Commissions in establishing the allowable Absolute Cumulative Limit for downtown parks in 1989.

Of the nine Section 295 parks affected by development pursuant to the Plan, a new 700-foot-tall tower on the 350 Mission Street project site would cast new shadow on St. Mary's Square, Maritime Plaza and Justin Herman Plaza.

**Approved Project FEIR**

To evaluate the actual design of the 375-foot-tall Approved Project, a project-specific shadow study for the Approved Project was performed using a detailed 3-D model (Approved Project FEIR, pp. 114–122). The project-specific shadow study determined that the Approved Project would not cast shadow on Justin Herman Plaza or on any other open space under the jurisdiction of the San Francisco Recreation and Park Department between one hour after sunrise and one hour before sunset. Therefore, the Approved Project would comply with Section 295 of the Planning Code.

The Approved Project FEIR also determined that the project would have limited shadow effects on other nearby open spaces because the new building would not be taller than most surrounding buildings. The four-story building on the project site (which has been demolished under the Approved Project) and the existing 645-foot-tall Millennium Tower across Mission Street already cast shadow on the closest privately owned, publicly accessible open spaces (POPOS). The Approved Project would obscure the limited sunlight that was present on two nearby POPOS used as pedestrian walkways: (1) between the 350 Mission Street and 45 Fremont Street buildings, and (2) the passageway on the opposite side of Fremont Street, between the loading dock north of the 50 Fremont Street building and the building at 425 Market Street. The new shadow would be of limited duration and occur only over a few weeks of the year for up to 90 minutes per day, in late spring and early summer. Shadow impacts were found to be less than significant.

**Proposed Project**

The proposed project would be six stories taller than the Approved Project, increasing the proposed building's height from 375 feet to 455 feet. Using a model of the proposed project, the Planning Department analyzed whether this increase in height would affect the conclusions reached in the Approved Project FEIR. Although shadows would be lengthened as compared to the shadows generated by the Approved Project, the proposed project would not increase shade on any parks protected by Section 295 of the Planning Code.[28] The incremental increase in shadow on POPOS in the project site vicinity would not result in significant impacts.

*Conclusion*

Although the proposed project would result in more shadow than analyzed under the Approved Project FEIR, overall shadow impacts would continue to be less than significant. The 455-foot-tall proposed project would not contribute to the significant shadow impact identified in the Plan FEIR for a 700-foot building on the 350 Mission Street site. There would be no peculiar shadow impacts.

[28] Noble, Adam, E-mail to Daniel Frattin RE: 350 Mission Shadow Analysis, Shadow Fan, and Calculations, July 8, 2013. This file is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Project File No. 2013.0276E.

## *Biological Resources*

### Plan FEIR

As noted in the Plan FEIR, there is no riparian habitat in the Plan area, nor are there any wetlands (p. 553). None of the Plan area is within the jurisdiction of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. The Plan Area is in a developed urban environment with no natural vegetation communities remaining.

Buildout of the Transit Center District Plan could disturb nesting birds, including special-status birds and those protected by the federal Migratory Bird Treaty Act and the *California Fish and Game Code*. The loss of any active nest (i.e., removing a tree or shrub or demolishing a building containing a nest) would be potentially significant. However, implementation of **Plan FEIR Mitigation Measure M-BI-1a** (Pre-Construction Bird Surveys, pp. 565–566) would reduce potential impacts to a less-than-significant level. Additionally, through implementation of these measures, compliance would be achieved with the federal Migratory Bird Treaty Act and the *California Fish and Game Code*. The Plan FEIR also identified **Plan FEIR Mitigation Measure M-BI-1b** (Pre-Construction Bay Surveys), which would reduce potential impacts to bats to a less-than-significant level.

The Plan FEIR also discussed (p. 568) that, although still under construction, the City Park atop the new Transit Center and adjacent to the project site will be considered an Urban Bird Refuge, under *Planning Code* Section 139. The construction of tall buildings in proximity to City Park could result in bird hazards. Projects would be subject to Section 139 and the *Standards for Bird-Safe Buildings*, and would be required to adjust the tower glazing and lighting. Compliance with *Planning Code* Section 139 and the adopted *Standards for Bird-Safe Buildings* would ensure that potential impacts related to bird hazards would be less than significant. Because the Plan FEIR did not identify significant impacts, no mitigation was identified. However, the Plan FEIR identified **Plan FEIR Improvement Measure I-BI-2** (Night Lighting Minimization, pp. 568–569) to reduce potential effects on birds from night lighting at the project site. Implementation of this measure would further reduce the Transit Center District Plan's less-than-significant impacts on resident and migratory birds.

### Approved Project FEIR and Proposed Project

The Approved Project FEIR (Appendix A, Initial Study, pp. 61–62) determined that the Approved Project would result in less-than-significant impacts to biological resources. No mitigation or improvement measures were identified. Although the Approved Project and proposed project would be subject to Section 139 of the Planning Code and the *Standards for Bird-Safe Buildings*, they are not subject to mitigation or improvement measures identified in the Plan FEIR. Regardless, compliance with these regulations would ensure that impacts related to bird hazards would be less than significant. The proposed project would obtain a tree removal permit pursuant to Article 16 of the *San Francisco Public Works Code* for any tree removal.

*Conclusion*

With adherence to existing regulations, the proposed project would not result in new or peculiar adverse effects on biological resources, or adverse effects on biological resources of greater severity than were already analyzed and disclosed in the Plan FEIR.

## *Hazards and Hazardous Materials*

The Plan FEIR (pp. 625–635) included a description of the general environmental conditions in the Plan area with respect to the presence of hazardous materials and wastes, a description of hazardous building materials likely to be present within the Plan area, and an overview of the relevant hazardous materials regulations that are applicable to the Plan area. The Plan area is not within 2 miles of an airport or private air strip, and therefore the Transit Center District Plan would not interfere with air traffic or create safety hazards in the vicinity of an airport. There are no elementary, middle, or high schools within one-quarter mile of the Plan area. Therefore, the criteria regarding to air traffic, airports, and concerning hazardous emissions and materials within one-quarter mile of an existing or planned school, are not applicable.

*Routine Transport, Use, and Disposal of Hazardous Materials*

The Plan FEIR noted that, for all development under the Plan, including the proposed project, compliance with the *San Francisco Health Code*, which incorporates state and federal requirements, as well as with California Highway Patrol and the California Department of Transportation regulations, would minimize potential exposure of site personnel and the public to any accidental releases of hazardous materials or waste and would also protect against potential environmental contamination (pp. 636–637). The Approved Project FEIR (Appendix A, Initial Study, pp. 72–73) similarly found that hazardous materials used for the Approved Project would not pose substantial public health or safety hazards related to hazardous materials.

The proposed project's incremental changes from the Approved Project (the addition of six stories and other design modifications) would not result in new or previously undisclosed hazardous materials use. Therefore, consistent with the Plan, the potential impacts related to the routine use, transport, and disposal of hazardous materials associated with the proposed project would not be new, peculiar, or of greater severity than what was already analyzed and disclosed in the Plan FEIR.

*Excavation and Handling of Potentially Contaminated Soil and Groundwater*

**Plan FEIR**

As described in the Plan FEIR (p. 628), an environmental database review[29] conducted for the Plan area identified more than two hundred permitted users of hazardous materials, the vast majority of which have submitted hazardous wastes manifests to the California Department of Toxic Substances Control

[29] Environmental Data Resources, 2008. The *EDR Radius Map Report with GeoCheck, 1st Street/Mission Street, San Francisco, CA*, 94105. June 11, 2008. This material is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2007.0558E.

(DTSC) for off-site disposal of hazardous wastes such as photo-processing wastes. There are about 14 existing facilities with permitted underground storage tanks (USTs) in the Plan area, six facilities with above ground storage tanks (ASTs) and five facilities that manufacture or import chemical substances. The large majority of environmental cases identified by the environmental database review conducted for the Plan area include 36 sites with leaking underground storage tanks (LUSTs), which would generally involve a release of petroleum products. Also as described in the Plan FEIR (pp. 629–630), the Plan Area was home to former hazardous land uses. A former manufactured gas plant site at First, Howard, Fremont, and Natoma Streets dumped coal tar waste directly to the shallow waters of the old Yerba Buena Cove, and fill material was deposited directly on top of the discharged coal tar during the filling of the cove.

As indicated in the Plan FEIR (p. 627 and p. 634), the project site is located Bayward of the Historic High Tide Line (see Figure 74 of the Plan FEIR). Historically, these areas of San Francisco were filled with building debris, including hazardous materials, from the 1906 fire and earthquake. The presence of hazardous materials in what is commonly called earthquake fill is, in part, reason for enactment of Article 22A of the *San Francisco Health Code*, which requires preparation of a site history, characterization of on-site soils, and preparation of a site mitigation plan if contamination is identified.

The Plan FEIR (p. 638–640) found that impacts related to closure of hazardous materials handling facilities and USTs would be less than significant with compliance with existing regulations. Impacts associated with construction within contaminated soil and groundwater were determined to be potentially significant, requiring implementation of **Plan FEIR Mitigation Measure M-HZ-2a** (Site Assessment and Corrective Action for Sites Located Bayward of Historic Tine Line) and **Plan FEIR Mitigation Measure M-HZ-2c** (Site Assessment and Corrective Action for All Sites). Implementation of these measures would reduce impacts to a less-than-significant level.

#### Approved Project FEIR and Proposed Project

As stated in the Approved Project FEIR (Appendix A, Initial Study, pp. 72–78), a Phase I Environmental Site Assessment (ESA) report was prepared for the project site in 1997, and an update to that report prepared in 2005.[30] Based on the Phase I ESA and soils analyzed during the 1997 building upgrade, the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) requested preparation of a Work Plan to further investigate subsurface conditions, which DPH reviewed and approved. **Approved Project FEIR Mitigation Measure M-HZ-2a** (Work Plan for Soil and Groundwater Characterization) and **Approved Project FEIR Mitigation Measure M-HZ-2b** (Hazards and Hazardous Materials (Site Mitigation Plan)) require implementation of the Work Plan for Soil and Groundwater Characterization and, if warranted based on the results of the soil and groundwater testing, preparation and implementation of a Site Mitigation Plan. Implementation of this measure would ensure that impacts related to soil excavation and disposal are mitigated to a less-than-significant level.

[30] Lowney Associates, *Phase I Preliminary Environmental Site Assessment, 350 Mission Street, San Francisco, California*, July 1997; Lowney Associates, "Phase I Update, 350 Mission Street, San Francisco, California," letter report, December 2, 2005. Available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2013.0276E.

These measures are site-specific equivalents of **Plan FEIR Mitigation Measure M-HZ-2a** and **Plan FEIR Mitigation Measure M-HZ-2c**.

The proposed project would occur at the same location, and excavate to the same depth, as the Approved Project. Since **Approved Project FEIR Mitigation Measures M-HZ-2a** and **M-HZ-2b** would apply to the proposed project, impacts would be reduced to a less-than-significant level. Implementation of the Work Plan is ongoing, pursuant to **Mitigation Measures M-HZ-2a**. The impacts of the proposed project would not be new, peculiar, or of greater severity than what was already analyzed and disclosed in the Plan FEIR.

**Approved Project FEIR Mitigation Measure M-HZ-2a—Work Plan for Soil and Groundwater Characterization**

The project sponsor shall cause to have implemented a Work Plan for the Characterization of Subsurface Soils and Groundwater for the project site. The Work Plan as approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) includes the following.

Once the existing building has been demolished and debris removed from the site, subsurface investigation of the site will be undertaken. The proposed subsurface investigation will consist of the following:

- Obtain a soil boring permit from DPH;
- Notify Underground Service Alert and a private utility locating service a minimum of 48 hours prior to conducting the field investigation;
- Complete a minimum of three soil borings (two to a depth of 10 feet below the existing basement slab and one to the proposed depth of excavation, approximately 50 feet below grade) in the area proposed to be excavated and to the depth of proposed excavation, at locations to be reviewed and accepted by DPH;
- Collect soil samples in the two shallow borings at depths of approximately 1.5, 3, 5, 7.5, and 10 feet below the basement slab, and in the deeper boring at depths of 1.5, 3, 5, 7.5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 feet below street grade;
- After the deep boring has been advanced to the maximum depth, collect a grab groundwater sample through a slotted, one-inch diameter PVC temporary casing, using a disposable bailer and decanted into appropriately preserved containers;
- Screen all soil samples in the field for organic vapor and transport all soil and groundwater samples to a laboratory for analysis using chain-of-custody procedures; and
- Prepare a report of the findings.

The soil samples will be analyzed for total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons (TPH) as gasoline and diesel, volatile organic compounds (VOCS), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), California assessment manual (CAM) 17 metals, leaking underground fuel tank (LUFT) S metals, total lead, asbestos, pH, cyanide, and sulfides. The groundwater sample will be analyzed for the following

San Francisco Public Utilities Commission (SFPUC) discharge permit requirements: pH, dissolved sulfides, hydrocarbon oil and grease, total recoverable oil and grease, VOCs, SVOCs, total suspended solids, chemical oxygen demand, CAM 17 metals, phenols, and cyanide.

If the test results indicate elevated total metal concentrations, additional testing for soluble metals, using the California waste extraction test (WET) may be required to assess whether the material is a California hazardous waste. If significant levels of soluble metals are detected, additional analyses using toxicity characteristic leaching procedure (TCLP) may be necessary to determine if the material is a Federal hazardous waste.

**Approved Project FEIR Mitigation Measure M-HZ-2b—Hazards and Hazardous Materials (Site Mitigation Plan)**

If elevated concentrations of heavy metals and/or petroleum hydrocarbons are detected at the Site, prepare a site mitigation plan (SMP) that outlines specific soil handling procedures to be followed during construction. The SMP would also specify basic health and safety concerns to be addressed by the site contractor or subcontractor responsible for worker and public health and safety, through the preparation of a detailed health and safety plan by the project contractor. The SMP would be sent to DPH for approval prior to any excavation activities.

*Hazardous Building Materials During Demolition*

**Plan FEIR**

As discussed in the Plan FEIR (pp. 631–633), many buildings built earlier than the 1930s may contain hazardous building materials including asbestos-containing materials, lead-based paint, and electrical equipment containing polychlorinated biphenyls (PCBs). Most of the buildings could also include fluorescent light ballasts containing PCBs or di (2 ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. Workers and the public could be exposed to these hazardous building materials if they were not abated prior to demolition. Impacts related to exposure to asbestos-containing materials and lead-based paint would be less than significant with compliance with well established regulatory framework for abatement of these hazardous building materials.

However, the presence of electrical transformers that could contain PCBs, fluorescent light ballasts that could contain PCBs or DEHP, or fluorescent light tubes that could contain mercury vapors, could result in significant impacts related to exposure of hazardous building materials. Therefore, the Plan FEIR identified **Plan FEIR Mitigation Measure M-HZ-3** (Hazardous Building Materials Abatement), which would reduce impacts related to hazardous building materials to a less-than-significant level.

**Approved Project FEIR and Proposed Project**

The former building on the project site—which has been demolished under the Approved Project—underwent asbestos and lead-paid remediation as part of a 1997 renovation. Section 19827.5 of the *California Health and Safety Code* requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. Asbestos abatement contractors must

follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Similarly, work that could result in disturbance of lead paint must comply with Section 3423 of the *San Francisco Building Code*, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Regarding other hazardous building materials, the Approved Project FEIR identified **Approved Project Mitigation Measure M-HZ-2c** (Hazardous Building Materials), which would ensure that PCB-containing equipment is removed and disposed of prior to the start of building renovation / demolition. This measure is the site-specific equivalent of **Plan FEIR Mitigation Measure M-HZ-3**. These regulations and procedures of the *Building Code*, as well as Mitigation Measure M-HZ-2c, ensured that the Approved Project's hazardous materials impacts of demolition were reduced to a level of insignificance. The proposed project's impacts related to hazardous building materials during demolition are less than significant. Impacts would not be new, peculiar, or of greater severity than what was already analyzed and disclosed in the Plan FEIR.

> **Approved Project FEIR Mitigation Measure M-HZ-2c—Hazardous Building Materials**
>
> The project sponsor shall ensure that PCB-containing equipment such as fluorescent light ballasts are removed and properly disposed of prior to the start of renovation. Old light ballasts that would be removed during renovation would be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast could not be verified, then they would be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous materials identified either before or during renovation would be abated according to federal, state, and local laws and regulations.

### *Adopted Emergency Response Plan or Emergency Evacuation Plan*

The City has published an Emergency Response Plan, which was prepared by the Department of Emergency Management as part of the City's Emergency Management Program. The Plan FEIR (pp. 645–647) noted that development as a result of implementation of the Transit Center District Plan would increase both residential and daytime population in the Plan Area, where relatively more of the area is subject to stronger groundshaking intensity than the rest of the City. However, new development would be subject to more stringent building codes, therefore persons living and working in these buildings would be safer than those in some older existing structures. Section 12.202(e)(1) of the *San Francisco Fire Code* requires that all owners of high-rise buildings (over 75 feet) "... establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, construction of high-rise buildings would have to conform to the provisions of the *Building Code* and *Fire Code* which require additional life-safety protections for such taller buildings. Development pursuant to the Plan would not interfere with implementation of the City's Emergency Response Plan, or with emergency evacuation. The Approved Project FEIR (Appendix A, Initial Study, p. 78) reached the same conclusion. The proposed project would adhere to these provisions, and the impact would be less than significant. It would not be of greater severity than what was already analyzed and disclosed in the Plan FEIR.

*Risk of Fires*

As stated in the Plan FEIR (pp. 647–648), San Francisco ensures fire safety primarily through provisions of the *Building Code* and the *Fire Code*. Existing and new buildings are required to meet standards contained in these codes. The Approved Project building plans were reviewed by the San Francisco Fire Department to ensure conformance with these provisions. The design chances for the proposed project would also be reviewed by the Fire Department. With compliance with these regulatory requirements, impacts related to potential fire hazards would be reduced, and the proposed project would not result in new or peculiar impacts not already analyzed and disclosed in the Plan FEIR.

*Conclusion*

In accordance with the Approved Project FEIR requirements, the project sponsor has agreed to implement **Approved Project FEIR Mitigation Measure M-HZ-2a, M-HZ-2b,** and **M-HZ-2c**. With implementation of these measures, the proposed project would not result in peculiar Hazardous Materials impacts, or impacts of greater severity.

## MITIGATION MEASURES

### *Plan FEIR Mitigation Measures*

**Plan FEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment**

The Planning Department shall require, as part of subsequent project-specific review under CEQA, that effects of mechanical equipment noise on adjacent and nearby noise-sensitive uses be evaluated by a qualified acoustic consultant and that control of mechanical noise, as specified by the acoustical consultant, be incorporated into the final project design of new buildings to achieve the maximum feasible reduction of building equipment noise, consistent with *Building Code* and Noise Ordinance requirements and CEQA thresholds, such as through the use of quieter equipment, fully noise-insulated enclosures around rooftop equipment, and/or incorporation of mechanical equipment into intermediate building floor(s).

### *Approved Project FEIR Mitigation Measures*

**Approved Project FEIR Mitigation Measure M-CP-2—Archeological Resources**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work

shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California,* February 2010) at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).

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

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

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

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

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

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in

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

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.

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

***Human Remains and Associated or Unassociated Funerary Objects.*** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

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

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Approved Project Mitigation Measure M-TR-4a: Relocation of Golden Gate Transit Bus Stops**

The project sponsor would work with the Golden Gate Bridge, Highway, and Transportation District and the San Francisco Municipal Transportation Authority Sustainable Streets Division to relocate the bus stop for Golden Gate Transit lines 26, 27, and 44 by 20 feet south of its existing location, and to relocate the bus stop for line 38 by 20 feet north of its existing location. The project sponsor would pay any resulting costs, such as for new signage, engineering drawings, and the like.

**Approved Project FEIR Mitigation Measure M-TR-4b: Garage Attendant**

The project sponsor shall ensure that building management employs an attendant for the parking garage, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with Golden Gate Transit buses and Fremont Street traffic during afternoon periods of Golden Gate Transit use of the site frontage—at a minimum, from 3:00 p.m. to 7:15 p.m., or as required based on Golden Gate Transit schedules. (See also Approved Project FEIR Mitigation Measure M-TR-5a, below.)

**Approved Project FEIR Mitigation Measure M-TR-5a: Garage/Loading Dock Attendant**

The project sponsor shall ensure that building management employs an attendant for the parking garage and loading dock, to be stationed at the project's Fremont Street driveway to direct vehicles entering and exiting the building and avoid any safety-related conflicts with pedestrians on the sidewalk during the a.m. and p.m. peak periods of traffic and pedestrian activity—at a minimum, from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 7:15 p.m., with extended hours as dictated by traffic and pedestrian conditions and by activity in the project garage and loading dock. (See also Mitigation Measure M-TR-4b, above.)

**Approved Project FEIR Mitigation Measure M-TR-5b: Warning Devices**

The project sponsor shall install audible and visible warning devices to alert pedestrians of the outbound vehicles from the parking garage and loading dock.

**Approved Project FEIR Mitigation Measure M-TR-5c: Limitation on Loading Dock Hours**

The project sponsor shall ensure that building management prohibits use of the loading dock during hours when the adjacent curb lane is used by Golden Gate Transit buses (currently, 3:00 p.m. to 7:15 p.m.).

**Approved Project FEIR Mitigation Measure M-TR-7: Limitation on Truck Size**

To ensure that trucks longer than 30 feet in length are not permitted to use the loading dock, the project sponsor would ensure that office and retail tenants in the building are informed of truck size limitations. In the event that trucks larger than 30 feet in length attempt to access the loading dock, the garage/loading dock attendant (see Approved Project FEIR Mitigation Measure M-TR-5a) would direct

these trucks to use on-street loading zones (if available) or off-load deliveries to smaller trucks off-site and return to use the loading dock.

**Approved Project FEIR Mitigation Measure M-TR-9a: Construction-Period Golden Gate Transit Bus Stop Relocation**

To minimize potential disruptions to Golden Gate Transit during project construction, Golden Gate Transit buses would use the existing boarding island adjacent to the left lane of Fremont Street during construction of the proposed project, assuming Golden Gate Transit determines that this location is the most feasible choice and the Municipal Transportation Agency concurs with use of the island.

**Approved Project FEIR Mitigation Measure M-TR-9b: Construction Coordination**

To minimize potential disruptions to Golden Gate Transit (and other transit operators), the project sponsor and/or construction contractor would coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers Authority, and construction manager(s)/contractor(s) for the Transit Center project, and with Golden Gate Transit, as well as Muni, AC Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.

**Approved Project FEIR Mitigation Measure M-NO-2a: Noise Control Measures for Pile Driving**

- Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor pre-drill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.
- Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.

**Approved Project FEIR Mitigation Measure M-NO-2b: General Construction Noise Control Measures**

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:

- The project sponsor would require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.

- The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

**Approved Project FEIR Mitigation Measure M-NO-2c: Cumulative Constriction Noise Control Measures**

- In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project is completed, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.

**Approved Project FEIR Mitigation Measure M-AQ-1—Construction Vehicle Emissions Minimization**

To reduce the potential health risk resulting from project construction activities, the project sponsor shall include in contract specifications a requirement for the following BAAQMD-recommended measures:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (less than the five minutes identified above in Improvement Measure I-AQ-1b);
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include, as the primary option, use of Interim Tier 4 equipment where such equipment is available and

feasible for use, the use of other late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available;

- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM, including Tier 3 or alternative fuel engines where such equipment is available and feasible for use;
- All contractors shall use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines; and The project construction contractor shall not use diesel generators for construction purposes where feasible alternative sources of power are available.

**Approved Project FEIR Mitigation Measure M-HZ-2a—Work Plan for Soil and Groundwater Characterization**

The project sponsor shall cause to have implemented a Work Plan for the Characterization of Subsurface Soils and Groundwater for the project site. The Work Plan as approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) includes the following.

Once the existing building has been demolished and debris removed from the site, subsurface investigation of the site will be undertaken. The proposed subsurface investigation will consist of the following:

- Obtain a soil boring permit from DPH;
- Notify Underground Service Alert and a private utility locating service a minimum of 48 hours prior to conducting the field investigation;
- Complete a minimum of three soil borings (two to a depth of 10 feet below the existing basement slab and one to the proposed depth of excavation, approximately 50 feet below grade) in the area proposed to be excavated and to the depth of proposed excavation, at locations to be reviewed and accepted by DPH;
- Collect soil samples in the two shallow borings at depths of approximately 1.5, 3, 5, 7.5, and 10 feet below the basement slab, and in the deeper boring at depths of 1.5, 3, 5, 7.5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 feet below street grade;
- After the deep boring has been advanced to the maximum depth, collect a grab groundwater sample through a slotted, one-inch diameter PVC temporary casing, using a disposable bailer and decanted into appropriately preserved containers;
- Screen all soil samples in the field for organic vapor and transport all soil and groundwater samples to a laboratory for analysis using chain-of-custody procedures; and
- Prepare a report of the findings.

The soil samples will be analyzed for total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons (TPH) as gasoline and diesel, volatile organic compounds (VOCS), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), California assessment manual (CAM) 17 metals, leaking underground fuel tank (LUFT) S metals, total lead, asbestos, pH, cyanide, and sulfides. The groundwater sample will be analyzed for the following San Francisco Public Utilities Commission (SFPUC)

discharge permit requirements: pH, dissolved sulfides, hydrocarbon oil and grease, total recoverable oil and grease, VOCs, SVOCs, total suspended solids, chemical oxygen demand, CAM 17 metals, phenols, and cyanide.

If the test results indicate elevated total metal concentrations, additional testing for soluble metals, using the California waste extraction test (WET) may be required to assess whether the material is a California hazardous waste. If significant levels of soluble metals are detected, additional analyses using toxicity characteristic leaching procedure (TCLP) may be necessary to determine if the material is a Federal hazardous waste.

**Approved Project FEIR Mitigation Measure M-HZ-2b—Hazards and Hazardous Materials (Site Mitigation Plan)**

If elevated concentrations of heavy metals and/or petroleum hydrocarbons are detected at the Site, prepare a site mitigation plan (SMP) that outlines specific soil handling procedures to be followed during construction. The SMP would also specify basic health and safety concerns to be addressed by the site contractor or subcontractor responsible for worker and public health and safety, through the preparation of a detailed health and safety plan by the project contractor. The SMP would be sent to DPH for approval prior to any excavation activities.

**Approved Project FEIR Mitigation Measure M-HZ-2c—Hazardous Building Materials**

The project sponsor shall ensure that PCB-containing equipment such as fluorescent light ballasts are removed and properly disposed of prior to the start of renovation. Old light ballasts that would be removed during renovation would be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast could not be verified, then they would be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous materials identified either before or during renovation would be abated according to federal, state, and local laws and regulations.

## IMPROVEMENT MEASURES

**Approved Project FEIR Improvement Measure I-AQ-1a--Dust Control Plan**

To reduce construction-related dust emissions, the project sponsor shall incorporate into construction specifications the requirement for development and implementation of a site-specific Dust Control Plan as set forth in Article 22B of the *San Francisco Health Code*. The Dust Control Plan shall require the project sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community

members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and secure soils with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

**Approved Project FEIR Improvement Measure I-AQ-1b—Construction Vehicle Emissions Minimization**

To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

## CONCLUSION

CEQA State Guidelines Section 15300.2 states that an environmental exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The Transit Center District Plan and Transit Tower EIR incorporated and adequately addressed all potential impacts of the proposed 350 Mission Street project. As described above, the proposed project would not have any additional, peculiar, or substantially greater significant adverse effects not previously identified and examined in the Plan FEIR. No new or additional information has come to light that would alter the conclusions of the Plan FEIR. Mitigation measures identified in the Approved Project FEIR that would be required of, and implemented by, the project sponsor would reduce the effects of the project to levels at or below those disclosed in the Plan FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect that has not been previously analyzed in the Transit Center District Plan and Transit Tower EIR and mitigated as feasible. The proposed project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

SAN FRANCISCO
**PLANNING DEPARTMENT**

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# Attachment A
# Community Plan Exemption Checklist

| | |
|---|---|
| *Case No.:* | **2013.0276E** |
| *Project Title:* | **350 Mission Street** |
| *Zoning/Plan Area:* | C-3-O (SD) Downtown Office Commercial Special Development District; Transit Center Commercial Special Use District; 700-S-2 Height and Bulk District; Transit Center District Plan |
| *Block/Lot:* | 3710/017 |
| *Lot Size:* | 18,909 square feet |
| *Project Sponsor:* | KR 350 Mission, LLC |
| *Contact:* | Daniel Frattin, Reuben, Junius, & Rose, LLP – (415) 567-9000 (415) 421-8200 |
| *Staff Contact:* | Brett Bollinger – (415) 575-9024 brett.bollinger@sfgov.org |

## A. PROJECT DESCRIPTION

The project sponsor, KR 350 Mission, LLC, proposes to construct a 30-story, approximately 455-foot-tall office tower (including 30-foot-tall rooftop mechanical area) with office uses occupying approximately 420,000 gross square feet. The 50-foot-tall ground floor, incorporating a mezzanine, would provide about 5,400 square feet of retail and restaurant space, along with 9,650 square feet of publicly accessible indoor and outdoor open space. Vehicle and freight loading access would be via a driveway on Fremont Street on the northwest corner of the site. The project garage would include two full-size and two service-vehicle loading spaces; 60 parking spaces on three basement levels (including three spaces for shared electric vehicles with battery charging capability); and 64 bicycle parking spaces. Rooftop mechanical equipment, including a diesel-powered emergency generator rated at 800 kilowatts, would be enclosed within a 30-foot tall mechanical penthouse, included within the 455-foot building height. (A full project description is included in the Certificate of Determination.)

On February 10, 2011, the San Francisco Planning Commission certified an Environmental Impact Report for construction of a new office building at the project site (Approved Project FEIR). That project consisted of a 24-story, approximately 375-foot-tall office tower with office uses occupying approximately 356,000 square feet, about 6,600 square feet of retail and restaurant space and 6,960 square feet of publicly accessible indoor open space.

In 2011, the Planning Commission and Zoning Administrator granted approvals for construction of a new office building (Approved Project) at the project site. The Approved Project included slightly modified square footage totals because the restaurant space analyzed in the Approved Project FEIR was determined to exceed the then-applicable floor-area-ratio (F.A.R.) limit. The Approved Project included a 24-story office building reaching to a height of about 375 feet, with mechanical equipment. It comprised about

340,000 square feet of office space, 1,000 square feet of retail space, and 12,700 square feet of publicly accessible interior open space. These entitlements were granted prior to the adoption of the Transit Center District Plan. The EIR for the Transit Center District Plan is discussed below. The Approved Project is currently under construction.

## B. EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable programmatic final EIR (Plan FEIR) for the plan area. The applicable Plan FEIR is the Transit Center District Plan and Transit Tower Programmatic Environmental Impact Report that was certified on May 24, 2012.[1] Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the Plan FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the Plan FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the Plan FEIR, the item is checked "Proj. Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the Plan FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the Plan FEIR.

Any item that was not addressed in the Plan FEIR is discussed in the Certificate of Determination. For any topic that was found to be less than significant (LTS) in the Plan FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

| *Topics:* | *Sig. Impact Identified in FEIR* | *Project Contributes to Sig. Impact Identified in FEIR* | *Project Has Sig. Peculiar Impact* | *LTS/ No Impact* |
|---|---|---|---|---|
| **1. LAND USE AND LAND USE PLANNING— Would the project:** | | | | |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| c) Have a substantial impact upon the existing character of the vicinity? | ☐ | ☐ | ☐ | ☒ |

[1] San Francisco Planning Department, *Transit Center District Plan Final EIR*, Case No. 2007.0558E, State Clearinghouse No. 2008072073, May 24, 2012. This material is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2007.0558E.

The Transit Center District Plan includes policies for the Plan area designed to encourage transit-oriented commercial development and to limit the residential, institutional, and industrial uses. The Plan FEIR analyzed the land use changes anticipated under the Plan and determined the Plan would not result in significant adverse impacts related to division of an established community, conflict with applicable land use plan (including the *General Plan*), or to land use character.

The proposed project would add office and retail/restaurant uses to the project site, but it would not physically divide an established community. The project's proposed land uses would be in keeping with the uses evaluated in the Plan FEIR, and there would be no significant land use impacts peculiar to the proposed project.

As described in the CPE Certificate Project Description, the proposed project would not substantially conflict with land use designations and policies applicable to the project site nor conflict with land use requirements of the *San Francisco Planning Code*. The proposed project would meet requirements, set forth in the *Planning Code*, for publicly accessible open space, disabled parking spaces, loading spaces, and bicycle parking spaces. The Approved Project obtained the following exceptions that are permitted to be granted pursuant to Sections 309 of the *Planning Code:* tower separation, ground-level winds, off-street parking and loading (to create a curb cut), and bulk limits for upper tower diagonal dimension. The Approved Project also obtained a variance to allow a shared parking and loading garage opening with a width of 33 feet, exceeding the 27-foot maximum. The proposed project would require amendments to these exceptions and variances.

The proposed project would be located in an area of primarily higher-density office development oriented around the Transbay Transit Center, which is currently under construction south of the 350 Mission Street site. Development patterns in this area reflect its proximity to the downtown Financial District, the Bay Bridge and I-80 off-ramps, the former Transbay Terminal location, and Rincon Hill. Ground-floor retail, residential spaces, and a mix of institutional uses—such as Golden Gate University and the Academy of Art University—are interspersed among the office uses. The 350 Mission Street project commercial, retail, and open space uses would not substantially conflict with those that exist in the vicinity. One of the primary goals of the Transit Center District Plan is to encourage high-density office development downtown, and the proposed project would further this goal. Therefore, the project would not result in peculiar or substantial conflict with land use character.

| *Topics:* | *Sig. Impact Identified in FEIR* | *Project Contributes to Sig. Impact Identified in FEIR* | *Project Has Sig. Peculiar Impact* | *LTS/ No Impact* |
|---|---|---|---|---|
| **2. AESTHETICS—Would the project:** | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☒ | ☐ | ☐ | ☐ |

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

Because there are potentially significant aesthetic impacts identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Although no significant project effect was identified for criteria a, c, or d, these issues also are discussed in the Certificate to keep the discussion of aesthetic resources together.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| 3. **POPULATION AND HOUSING—Would the project:** | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

The Plan FEIR (pp. 198–199) found that, with implementation of the Plan, there would be more than 9,400 new residents (in about 6,100 households) and more than 29,000 new employees in the Plan area by 2030. As stated in that Plan FEIR, the Planning Department forecasts that San Francisco's total household population[2] will reach approximately 912,000 by 2030, an increase of some 132,500 residents from the 2005 total of 779,500.[3] Employment in 2005 totaled approximately 552,000. The Department forecasts employment growth of 241,300 additional jobs by 2030.

The 350 Mission Street project's approximately 425,400 square feet of commercial space would increase on-site employment by approximately 1,537 workers at full occupancy.[4] Project-related employment growth

[2] Household population excludes about 2.5 percent of the City's total population that lives in what the U.S. Census calls "group quarters," including institutions (jails, nursing homes, etc.), college dormitories, group homes, religious quarters, and the like.

[3] Consistent with recent trends, this incremental growth is anticipated to occur in relatively smaller households; that is, growth would occur in households that would be smaller than the average household size in 2000 of 2.3 persons per household.

[4] Employment calculations in this section are based on the City of San Francisco *Transportation Impact Analysis Guidelines*, which estimate an average density of 350 square feet per employee assigned to restaurant/retail space (5,400 square feet) and 276 square feet per employee assigned to office uses (420,000 square feet).

would constitute about 0.6 percent of citywide employment growth forecast between 2005 and 2030 (the time span analyzed in the Plan FEIR), conservatively assuming that all employees would be new to San Francisco; in reality, some workers at the project would be likely to have relocated from other jobs in San Francisco. This potential increase in employment would be minimal in the context of the total employment in greater San Francisco.

This employment increase would result in demand for 539 new housing units.[5] The *San Francisco General Plan* Housing Element contains objectives and policies "intended to address the State's objectives and the City's most pressing housing issues: identifying adequate housing sites, conserving and improving existing housing, providing equal housing opportunities, facilitating permanently affordable housing, removing government constraints to the construction and rehabilitation of housing, maintaining the unique and diverse character of San Francisco's neighborhoods, balancing housing construction with community infrastructure, and sustainability."[6] Housing Element Policy 1.9 calls for enforcement and monitoring of the Jobs-Housing Linkage Program requiring that new commercial development in the City provide affordable housing or pay an in-lieu fee to meet the housing need attributable to employment growth and new commercial development, particularly the demand for new housing affordable to low and moderate income households. As explained in the Project Description, the 350 Mission Street project sponsor would pay the housing fees required of office development citywide under Section 413.1 et seq., of the *Planning Code*, the Jobs-Housing Linkage Program. This would satisfy the City's regulatory requirements to mitigate the impact of office development on the demand for affordable housing in San Francisco.

The Plan FEIR (p. 205) found that the increased employment and household population generated by the Plan would not create substantial new demand for housing or reduce the existing supply to the extent that would result in a significant impact. Similarly, the proposed project's contribution to housing demand would not result in a peculiar impact with respect to housing.

The recently demolished building on the 350 Mission Street project site provided education / institution and space. Heald College, the former primary tenant, moved its San Francisco campus from 350 Mission Street to 875 Howard Street.[7] The 875 Howard Street site is two blocks south of the BART/Muni Metro Powell Street Station, at Fifth and Howard Streets. The proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere. The other commercial tenants that have been displaced by the Approved Project could relocate to other locations in San Francisco or outside the City. There is ample space in the Bay Area to accommodate these uses, and the construction of new housing would not be necessitated by any relocation.

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[5] Based on 56 percent of City workers who live in San Francisco, from 2000 Census data, 1.68 workers per worker household, and an assumed 5 percent vacancy factor.

[6] *San Francisco General Plan* Housing Element, adopted by Planning Commission, March 2011, Part II, p. 5. http://housingelement2009.sfplanning.org/docs/Housing_Element_Part_II_Objectives_and_Policies_CPC_Adopted.pdf

[7] The Abbreviated Institutional Master Plan is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2006.1524E. The anticipated move schedule was provided by Kristin Moritz, Director of Strategic Planning for Heald College, on September 13, 2010.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **4. CULTURAL AND PALEONTOLOGICAL RESOURCES— Would the project:** | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*? | ☒ | ☐ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☒ | ☒ | ☐ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☒ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☒ | ☒ | ☐ | ☐ |

Because there are potentially significant impacts on cultural resources identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Although no significant project effect was identified for criterion c, this issue also is discussed in the Certificate to keep the discussion of cultural resources together.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **5. TRANSPORTATION AND CIRCULATION— Would the project:** | | | | |
| 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? | ☒ | ☒ | ☐ | ☐ |
| 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? | ☒ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| 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? | ☒ | ☒ | ☐ | ☐ |

Because there are potentially significant transportation and circulation impacts identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **6. NOISE—Would the project:** | | | | |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☒ | ☒ | ☐ | ☐ |
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☒ | ☒ | ☐ | ☐ |
| c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☒ | ☒ | ☐ | ☐ |
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☒ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| g) Be substantially affected by existing noise levels? | ☒ | ☒ | ☐ | ☐ |

Because there are potentially significant noise and vibration impacts identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Although no significant project effect was identified for criteria e, or f, these issues also are discussed in the Certificate to keep the discussion of noise impacts together.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| 7. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:** | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☒ | ☒ | ☐ | ☐ |
| 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)? | ☐ | ☐ | ☐ | ☒ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☒ | ☒ | ☐ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

Because there are potentially significant air quality impacts identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| 8. **GREENHOUSE GAS EMISSIONS—Would the project:** | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☒ |

San Francisco's *Strategies to Address Greenhouse Gas Emissions*[8] identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increases in 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 taxis), and a mandatory composting ordinance. The strategy also identifies specific regulations for new development that would reduce a project's GHG emissions.

8 San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010, available online at: http://www.sfplanning.org/index.aspx?page=1570.

San Francisco's *Strategies to Address Greenhouse Gas Emissions*, acknowledged by the Bay Area Air Quality Management District (BAAQMD) as a Qualified Greenhouse Gas Reduction Strategy, also identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation, and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) Carbon Dioxide-equivalent ($CO_2$-eq) and 2005 GHG emissions are estimated at 7.82 MMT$CO_2$ eq, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's *2010 CEQA Air Quality Guidelines* and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies 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."[9]

**San Francisco's Compliance Checklist for Private Development Projects**

The City determines whether a project is consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* by analyzing GHG reduction policies in the San Francisco Planning Department "Compliance Checklist Table for Greenhouse Gas Analysis: Private Development Projects." The City analyzed all the policies in the San Francisco Planning Department "Compliance Checklist for Private Development Projects" for the 350 Mission Street project.[10] The checklist includes discussion of why a policy or regulation was determined not applicable and, among those that were applicable, how the proposed project would comply. The checklist table is presented below.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during their construction and operational phases. Both direct and indirect GHG emissions are generated by project operations. 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 350 Mission Street project would contribute to annual short-term increases in GHG emissions as a result of construction activities. Construction activities that would generate emissions include building demolition, construction equipment use, worker vehicle trips, and vendor trips, which result in GHG emissions. Operation and maintenance of the building would result in long-term emissions generated by worker and resident vehicle trips, vendor trips, building energy use, water usage and wastewater treatment, and solid waste disposal.

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9 Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department, October 28, 2010, available online at http://www.baaqmd.gov/~/media/Files/Planning%20and %20Research/CEQA%20Letters/San%20Francisco%20GHG%20Reduction%20Strategy_10_28_2010%20-%20AY.ashx, accessed March 8, 2011.

10 The checklist was used to determine the greenhouse gas reduction policies that were applicable or not applicable and to identify the policies with which the proposed project did not comply. The complete checklist is included in the administrative file for the proposed project and is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File. 2013.0276E.

**TABLE 1**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Transportation Sector** | | | |
| Commuter Benefits Ordinance (San Francisco Environment Code, Section 427) | All employers must provide at least one of the following benefit programs:<br>1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or<br>(2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or<br>(3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | All employers in within the building with more than 20 employees would be required to participate. The following estimates describe projected number of workers for the project:[1]<br>1,537 workers projected at full capacity.<br>[1] Employment calculations in this section are based on the City of San Francisco *Transportation Impact Analysis Guidelines*, which estimate an average density of 350 square feet per employee assigned to restaurant/retail space (5,400 square feet) and 276 square feet per employee assigned to office uses (420,000 square feet). |
| Emergency Ride Home Program | All persons employed in San Francisco are eligible for the emergency ride home program. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project developer would encourage employer participation in the Emergency Ride Home Program by providing program information to new tenants. The project would comply with the emergency ride home program. |
| Transportation Management Programs (San Francisco Planning Code, Section 163) | Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | A Transportation Demand Management Program is required to be developed and approved before building occupancy is permitted. Therefore, the project would be consistent with this requirement. |
| Transit Impact Development Fee (San Francisco Planning Code, Section 411) | Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required to pay this fee.<br>As noted in the Project Description, impact fees for the Approved project were already paid.<br>The TID fee, based on the incremental square footage of proposed project uses, would be approximately (according to 2013 figures):<br>**Total: $1,069,270**<br>[2]**See *TIDF Schedule Table*. Planning Code, Section 411(e).** |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Transportation Sector (cont.)** | | | |
| Jobs-Housing Linkage Program (San Francisco Planning Code Section 413) | The Jobs-Housing Program found that new large scale developments attract new employees to the City who require housing. The program is designed to provide housing for those new uses within San Francisco, thereby allowing employees to live close to their place of employment.<br>The program requires a developer to pay a fee or contribute land suitable for housing to a housing developer or pay an in-lieu fee. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with this section of the *Planning Code*. Therefore, the project would be consistent with this requirement.<br>As noted in the Project Description, impact fees for the Approved project were already paid.<br>If developer chooses to contribute housing units for the incremental square footage of the proposed project, the contribution will be:<br>**22 Housing Units**<br>If developer chooses to pay the in-lieu fee for the incremental portion of the proposed project instead, contribution will be approximately:<br>**$1,680,000** |
| Bicycle Parking in New and Renovated Commercial Buildings (San Francisco Planning Code, Section 155.4) | Professional Services:<br>(A) Where the gross square footage of the floor area is between 10,000-20,000 feet, 3 bicycle spaces are required.<br>(B) Where the gross square footage of the floor area is between 20,000-50,000 feet, 6 bicycle spaces are required.<br>(3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12 bicycle spaces are required.<br>Retail Services:<br>(A) Where the gross square footage of the floor area is between 25,000 square feet - 50,000 feet, 3 bicycle spaces are required.<br>(2) Where the gross square footage of the floor area is between 50,000 square feet- 100,000 feet, 6 bicycle spaces are required.<br>(3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12 bicycle spaces are required. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The gross square footage of the office space would be greater than 50,000 feet, and, therefore, 12 bicycle spaces would be required. The gross square footage of the retail space would be less than 25,000 square feet, and, therefore, would not require any bicycle spaces. Therefore, in total, at least 12 bicycle spaces would be designated for commercial use to exceed the requirements of Planning Code Section 155.4(d).<br>The project would provide 64 bicycle parking spaces to serve the commercial uses. |
| Bicycle parking in parking garages (San Francisco Planning Code, Section 155.2) | (C) Garages with more than 500 automobile spaces shall provide 25 spaces plus one additional space for every 40 automobile spaces over 500 spaces, up to a maximum of 50 bicycle parking spaces. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | Since the garage would contain less than 500 automobile spaces, the regulation would not be applicable. The project garage is planned to contain 60 automobile parking stalls, including three accessible parking stalls and three electric car / low-emitting vehicle stalls. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Transportation Sector (cont.)** | | | |
| 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 2 dwelling units.<br>(B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not contain residential uses, so this requirement does not apply. |
| San Francisco Green Building Requirements (San Francisco Building Code, Chapter 13C.106.5 and 13C.5.106.5) | Requires New Large Commercial projects, New High-rise Residential projects and Commercial Interior projects to provide designated parking for low-emitting, fuel efficient, and carpool / van pool vehicles. Mark 8% of parking stalls for such vehicles. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The proposed project would include a designation of 8 percent of all parking stalls for low-emitting, fuel-efficient, and carpool / vanpool vehicles. |
| Car Sharing Requirements (San Francisco Planning Code, Section 166) | New residential projects or renovation of buildings being converted to residential uses and new non-residential buildings are required to provide car share parking spaces if parking is provided.<br>Note: Department of Building Inspection administrative bulletin states that 8% of all parking spaces should be dedicated to low-emitting vehicles. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | Non-residential projects with more than 50 parking spaces are required to provide one car share parking space, plus one space for every 50 parking spaces over 50. The proposed project would meet the one-space requirement of the Code. |
| Parking requirements for San Francisco's Mixed-Use zoning districts (San Francisco Planning Code Section 151.1) | The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | This use district contains specific restrictions on off-street commercial parking (7 percent of gross floor area). The project would comply with these restrictions. |
| **Energy Efficiency Sector** | | | |
| San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C.5.201.1.1) | New construction of non-residential buildings requires the demonstration of a 15% energy reduction compared to 2008 California Energy Code, Title 24, Part 6. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would attain a LEED Platinum certification. The proposed project would be at least 15% more energy efficient than Title 24 energy efficiency requirements. |
| San Francisco Green Building Requirements for Energy Efficiency (LEED EA3, San Francisco Building Code, Chapter 13C.5.410.2) | For New Large Commercial Buildings - Requires Enhanced Commissioning of Building Energy Systems<br>For new large buildings greater than 10,000 square feet, commissioning shall be included in the design and construction to verify that the components meet the owner's or owner representative's project requirements. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement<br>Commissioning would be performed on its energy system in accordance with LEED Energy and Atmosphere Credit 3. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Energy Efficiency Sector (cont.)** | | | |
| Commissioning of Building Energy Systems (LEED prerequisite, EAp1) | Requires Fundamental Commissioning for New High-rise Residential, Commercial Interior, Commercial and Residential Alteration projects | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement<br>Fundamental commissioning would be performed on its energy system in accordance with LEED Energy and Atmosphere Prerequisite 1A, and enhanced commissioning would be performed in accordance with Credit 3. |
| San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C) | Commercial buildings greater than 5,000 sf will be required to be a minimum of 15% more energy efficient than Title 24 energy efficiency requirements. As of 2008 large commercial buildings are required to have their energy systems commissioned, and as of 2010, these large buildings are required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings are required to have their systems commissioned by 2009, with enhanced commissioning as of 2011. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The proposed project would attain a LEED Platinum certification. The proposed project would be 15% more energy efficient than Title 24 energy efficiency requirements and would have enhanced commissioning performed on its energy system in accordance with LEED Energy and Atmosphere Credit 3. |
| 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. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not contain residential uses, so this requirement does not apply. |
| San Francisco Green Building Requirements for Stormwater Management (San Francisco Building Code, Chapter 13C)<br>Or<br>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 Management Ordinance and stormwater design guidelines. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would comply with LEED Sustainable Sites Credits 6.1 (Stormwater Design – Quantity Control) and 6.2 (Stormwater Design – Quality Control), and/or with the City's Stormwater ordinance and stormwater design guidelines. |
| San Francisco Green Building Requirements for water efficient landscaping (San Francisco Building Code, Chapter 13C) | All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water used for landscaping by 50%. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required to comply with the *Building Code*. Therefore, the project would be consistent with this requirement. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Energy Efficiency Sector (cont.)** | | | |
| San Francisco Green Building Requirements for water use reduction (San Francisco Building Code, Chapter 13C) | All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required to comply with the *Building Code*. Therefore, the project would be consistent with this requirement... |
| Indoor Water Efficiency<br>(San Francisco Building Code, Chapter 13C sections 13C.5.103.1.2, 13C.4.103.2.2, 13C.303.2.) | **If meeting a LEED Standard:**<br>Reduce overall use of potable water within the building by a specified percentage – for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.<br>New large commercial and New high rise residential buildings must achieve a 30% reduction.<br>Commercial interior, commercial alternation and residential alteration should achieve a 20% reduction below UPC/IPC 2006, et al.<br>**If meeting a GreenPoint Rated Standard:**<br>Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>Faucets and fixtures would be selected and installed to achieve a 30 percent reduction in water use. |
| San Francisco Water Efficient Irrigation Ordinance | Projects that include 1,000 square feet (sf) or more of new or modified landscape are subject to this ordinance, which requires that landscape projects be installed, constructed, operated, and maintained in accordance with rules adopted by the SFPUC that establish a water budget for outdoor water consumption.<br>Tier 1: 1,000 sf <= project landscape < 2,500 sf<br>Tier 2: Project landscape area is greater than or equal to 2,500 sf. Note; Tier 2 compliance requires the services of landscape professionals.<br>See the SFPUC Web site for information regarding exemptions to this requirement.<br>www.sfwater.org/landscape | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would include a green roof larger than 2,500 square feet. The project would comply with this requirement. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Energy Efficiency Sector (cont.)** | | | |
| Commercial Water Conservation Ordinance (San Francisco Building Code, Chapter 13A) | Requires all existing commercial properties undergoing tenant improvements to achieve the following minimum standards:<br>1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)<br>2. All showers have no more than one showerhead per valve<br>3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm<br>4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf)<br>5. All urinals have a maximum flow rate of 1.0 gpf<br>6. All water leaks have been repaired. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | Since the proposed project is not an existing building undergoing renovation, it is not subject to the requirements of the Commercial Water Conservation Ordinance, Building Code Chapter 13A. |
| Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A) | Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards:<br>1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)<br>2. All showers have no more than one showerhead per valve<br>3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm<br>4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf)<br>5. All urinals have a maximum flow rate of 1.0 gpf<br>6. All water leaks have been repaired.<br>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. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not contain residential uses, so this requirement does not apply. |
| Residential Energy Conservation Ordinance (San Francisco Building Code, San Francisco Housing Code, Chapter 12) | Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating 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. | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not contain residential uses, so this requirement does not apply. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Energy Efficiency Sector (cont.)** | | | |
| Residential Energy Conservation Ordinance (San Francisco Building Code, San Francisco Housing Code, Chapter 12) (cont.) | 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.<br>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. | | |
| **Renewable Energy Sector** | | | |
| San Francisco Green Building Requirements for renewable energy (San Francisco Building Code, Chapter 13C) | As of 2012, all new large commercial buildings are required to either generate 1% of energy on-site with renewables, or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6, or achieve an additional 10% beyond Title 24 2008.<br>Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources. Credit 6 requires providing at least 35% of the building's electricity from renewable energy contracts. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The incremental square footage of the proposed project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project will comply with this Building Code requirement by one of the following:<br>(1) Acquisition of renewable on-site energy or purchase of green energy credits in accord with LEED EA2 or EA6, OR<br>(2) In addition to meeting 13C.5.103.2.5 Energy Performance requirement, achieve an additional 10% compliance margin over Title 24 Part 6 2008 California Energy Standards, for a total compliance margin of at least 25%. |
| **Waste Reduction Sector** | | | |
| Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19) and San Francisco Green Building Requirements for solid waste (San Francisco Building Code, Chapter 13C) | All persons in San Francisco are required 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.<br>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 convenient for all users of the building. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would comply with this Building Code requirement by providing convenient access to recycling, composting and trash storage, collection, and loading, for all tenants. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Waste Reduction Sector (cont.)** | | | |
| San Francisco Green Building Requirements for construction and demolition debris recycling (San Francisco Building Code, Chapter 13C) | Projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would comply with the *Building Code* C&D diversion rate ordinance, which the developer will submit to San Francisco Department of Environment. |
| San Francisco Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14) | Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Environment Code*. As noted above, the proposed project would be subject to the more stringent Green Building requirements of the *Building Code*, which a series of guidelines will be create for, and so would also comply with this requirement. |
| **Environment/Conservation Sector** | | | |
| Street Tree Planting Requirements for New Construction (San Francisco Planning Code Section 143) | Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Planning Code*. The proposed project would include planting of new street trees on the Fremont Street and Mission Street project frontages, consistent with *Planning Code* requirements. Therefore, the project would be consistent with this requirement. |
| Light Pollution Reduction (San Francisco Building Code, Chapter 13C5.106.8) | For nonresidential projects, comply with lighting power requirements in CA Energy Code, CCR Part 6. Requires that lighting be contained within each source. No more than .01 horizontal lumen footcandles 15 feet beyond site, or meet LEED credit SSc8. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>Lighting would be designed to meet building code requirements. |
| Construction Site Runoff Pollution Prevention for New Construction (San Francisco Building Code, Chapter 13C) | Construction Site Runoff Pollution Prevention requirements depend upon project size, occupancy, and the location in areas served by combined or separate sewer systems.<br>Projects meeting a LEED® standard must prepare an erosion and sediment control plan (LEED® prerequisite SSP1).<br>Other local requirements may apply regardless of whether or not LEED® is applied such as a stormwater soil loss prevention plan or a Stormwater Pollution Prevention Plan (SWPPP).<br>See the SFPUC Web site for more information: www.sfwater.org/CleanWater | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would achieve a LEED Platinum status. Therefore, it would include preparation of an erosion and sediment control plan, pursuant to LEED Sustainable Sites Perquisite 1. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Environment/Conservation Sector (cont.)** | | | |
| Enhanced Refrigerant Management (San Francisco Building Code, Chapter 13C.5.508.1.2) | All new large commercial buildings must not install equipment that contains chlorofluorocarbons (CFCs) or halons. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>All lighting would not contain CFCs or halons. |
| Low-emitting Adhesives, Sealants, and Caulks (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.2.1) | **If meeting a LEED Standard:**<br>Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168 and aerosol adhesives must meet Green Seal standard GS-36.<br>(Not applicable for New High Rise residential)<br>**If meeting a GreenPoint Rated Standard:**<br>Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would attain a LEED Platinum rating. It would adhere to SCAQMD Rule 1168 and Green Seal Standard GS-36. |
| Low-emitting materials (San Francisco Building Code, Chapters 13C.4. 103.2.2, | For Small and Medium-sized Residential Buildings - Effective January 1, 2011 meet GreenPoint Rated designation with a minimum of 75 points.<br>For New High-Rise Residential Buildings - Effective January 1, 2011 meet LEED Silver Rating or GreenPoint Rated designation with a minimum of 75 points.<br>For Alterations to residential buildings submit documentation regarding the use of low-emitting materials.<br>**If meeting a LEED Standard:**<br>For adhesives and sealants (LEED credit EQ4.1), paints and coatings (LEED credit EQ4.2), and carpet systems (LEED credit EQ4.3), where applicable.<br>**If meeting a GreenPoint Rated Standard:**<br>Meet the GreenPoint Rated Multifamily New Home Measures for low-emitting adhesives and sealants, paints and coatings, and carpet systems, | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not contain residential uses, so this requirement does not apply. |
| Low-emitting Paints and Coatings (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 13C.504.2.2 through 2.4) | **If meeting a LEED Standard:**<br>Architectural paints and coatings must meet Green Seal standard GS-11, anti-corrosive paints meet GC-03, and other coatings meet SCAQMD Rule 1113.<br>(Not applicable for New High Rise residential)<br>**If meeting a GreenPoint Rated Standard:**<br>Interior wall and ceiling paints must meet <50 grams per liter VOCs regardless of sheen. VOC Coatings must meet SCAQMD Rule 1113. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would attain a LEED Platinum rating. The project would adhere to low-emitting paint and coatings standards. |

**TABLE 1 (Continued)**
**REGULATIONS APPLICABLE TO PRIVATE DEVELOPMENT PROJECTS**

| Regulation | Requirements | Project Compliance | Discussion |
|---|---|---|---|
| **Environment/Conservation Sector (cont.)** | | | |
| Low-emitting Flooring, including carpet (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.3 and 13C.4.504.4) | **If meeting a LEED Standard:**<br>Hard surface flooring (vinyl, linoleum, laminate, wood, ceramic, and/or rubber) must be Resilient Floor Covering Institute FloorScore certified; carpet must meet the Carpet and Rug Institute (CRI) Green Label Plus; Carpet cushion must meet CRI Green Label; carpet adhesive must meet LEED EQc4.1.<br>(Not applicable for New High Rise residential)<br>**If meeting a GreenPoint Rated Standard:**<br>All carpet systems, carpet cushions, carpet adhesives, and at least 50% of resilient flooring must be low-emitting. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would attain a LEED Platinum rating. The project would adhere to the low-emitting flooring requirements of Environmental Quality Credit 4.1. |
| Low-emitting Composite Wood (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 and 13C.4.504.5) | **If meeting a LEED Standard:**<br>Composite wood and agrifiber must not contain added urea-formaldehyde resins and must meet applicable CARB Air Toxics Control Measure.<br>**If meeting a GreenPoint Rated Standard:**<br>Must meet applicable CARB Air Toxics Control Measure formaldehyde limits for composite wood. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Building Code*. Therefore, the project would be consistent with this requirement.<br>The project would attain a LEED Platinum rating. Any composite wood and agrifiber used in the project would be free of added urea-formaldehyde resins and meet CARB standards. |
| Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3111.3) | Bans the installation of wood burning fire places except for the following:<br>• Pellet-fueled wood heater<br>• EPA approved wood heater<br>• Wood heater approved by the Northern Sonoma Air Pollution Control District | ☐ Project Complies<br>☒ Not Applicable<br>☐ Project Does Not Comply | The project would not include wood burning fireplaces. |
| Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30) | Requires (among other things):<br>• All diesel generators to be registered with the Department of Public Health<br>• All new diesel generators must be equipped with the best available air emissions control technology. | ☒ Project Complies<br>☐ Not Applicable<br>☐ Project Does Not Comply | The project would be required by law to comply with the *Health Code*. Therefore, the project would be consistent with this requirement. |

The proposed project would be required to comply with local ordinances and regulations, including the Green Building Ordinance and employer provision of transit benefits to employees, as well as the *Planning Code* limitation on the amount of on-site parking and *Planning Code* requirements for the provision of bicycle parking; planting of street trees; as well as transit development impact fees under Article 38 of the *Administrative Code*.

As noted in the Project Description, the 350 Mission Street project would be constructed to obtain a Leadership in Energy and Environmental Design (LEED) Platinum certification and would be more efficient than the standards found in Title 24 of the *California Code of Regulations* (the *California Building Code*) through reduced energy consumption and water use (and thereby reduce emissions from electricity production and consumption of natural gas for heating). This LEED certification and associated local code provisions would require building commissioning, reduction in water use, reduced light pollution from outdoor lighting, limits on equipment using chlorofluorocarbons, and use of low-emitting building materials.

The proposed project would be constructed in an urban area with good transit access, reducing regional vehicle trips and vehicle miles traveled. Therefore the proposed project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth in areas where transit service is generally less available.[11] As determined in the Compliance Checklist for Private Development Projects, the 350 Mission Street project would be consistent with the City's *Strategies to Address Greenhouse Gas Emissions*.[12]

As stated in the Plan FEIR (pp. 436-441), adoption and implementation of the Transit Center District Plan would not directly result in GHG emissions; however, implementation of development projects in the Plan area, including the proposed 350 Mission Street project, would result in GHG emissions. The Plan includes goals and policies that would apply to the 350 Mission Street project, and these policies are generally consistent with the City's *Strategies to Address Greenhouse Gas Emissions*. Therefore, the Plan FEIR adequately addressed GHG emissions and concluded that emissions resulting from development under the Plan, including the proposed project, would be less than significant. The 350 Mission Street project would not result in a peculiar impact and therefore impacts related to greenhouse gas emissions also are considered to be less than significant, as reported for the Plan in the Plan FEIR.

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[11] The California Air Pollution Control Officers' CEQA and Climate Change (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30%). This paper is available online *at:* http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf, Accessed April 15, 2008.

[12] *Ibid.*

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **9. WIND AND SHADOW—Would the project:** | | | | |
| a) Alter wind in a manner that substantially affects public areas? | ☒ | ☐ | ☐ | ☐ |
| b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas? | ☒ | ☐ | ☐ | ☐ |

Because there are potentially significant wind and shadow impacts identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **10. RECREATION—Would the project:** | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |
| c) Physically degrade existing recreational resources? | ☐ | ☐ | ☐ | ☒ |

The project site is located in the Transit Center District Plan area, which is served primarily by publicly accessible private open spaces associated with nearby developments. In addition, Rincon Park and the Embarcadero Promenade are located five blocks away, and Justin Herman Plaza is located four blocks away. The 5-acre "City Park" atop the new Transit Center will be less than one block south of the project site. Other planned nearby parks include Oscar Park, two blocks southwest, Transbay Park, two blocks southeast, and Mission Square, across Mission and Fremont Streets from the project site.

The proposed project would provide on-site publicly accessible open space in the form of an indoor plaza within the ground floor of the building. *Planning Code* Sec. 138 requires open space be provided at the rate of one square foot per 50 square feet of gross floor area in the C-3 Districts. The proposed project would include approximately 9,650 square feet of publicly accessible open space at the ground and second floors, and on a second floor terrace. The project would exceed the *Planning Code's* open space requirement. The *Planning Code* considers such enclosed space that is available to the public to be "open space" for the purposes of this requirement.

The Plan FEIR found that implementation of the Plan would have a less-than-significant impact related to recreational resources (pp. 53–533). Although new office and retail employees at the project site would increase the use of nearby public and private open spaces, the provision of new open space resources would

satisfy the increased demand such that existing resources would not experience overuse or accelerated physical deterioration. As such, the proposed project would not result in a peculiar impact on recreational resources.

| Topics: | | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|---|
| **11.** | **UTILITIES AND SERVICE SYSTEMS—Would the project:** | | | | |
| a) | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ |
| g) | Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

The Plan FEIR (pp. 537-541) found that implementation of the Plan would result in less-than-significant impacts to utilities and service systems, and no mitigation measures were identified. The San Francisco Public Utilities Commission (SFPUC) has concluded that under its Water Shortage Allocation Plan with additional local Water System Improvement Program supplies, sufficient water would be available to meet the existing and planned future water retail demand within San Francisco, inclusive of the growth in the Transit Center District. Similarly, the Plan FEIR (pp. 537-538) found that sufficient dry weather capacity exists at the Southwest Water Pollution Control plant, and that development under the Plan would only result in new wet weather flow from sanitary sewage generation. Regarding solid waste, the Plan FEIR (pp. 540-541) found that impacts would be less than significant because solid waste generated by development pursuant to the Plan would be accommodated within existing projections.

The 350 Mission Street project would adhere to plumbing, water conservation, and waste diversion requirements of the City of San Francisco. The proposed project would represent a small fraction of the overall demand for utilities and service systems analyzed in the Plan FEIR and found to result in less-than-

significant impacts. The Plan FEIR (pp. 538-539) concluded that development under the Plan, including the proposed project, would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new water or wastewater treatment facilities. Similarly, the proposed project would have sufficient water supply available from existing entitlements. The businesses of the project would not generate solid waste in amounts that would exceed permitted landfill capacity, and the project would comply with solid waste regulations. Consistent with the findings in the Plan FEIR, utilities and service systems would not be adversely affected by the proposed project, individually or cumulatively, and the proposed project would not result in a peculiar impact.

| *Topics:* | *Sig. Impact Identified in FEIR* | *Project Contributes to Sig. Impact Identified in FEIR* | *Project Has Sig. Peculiar Impact* | *LTS/ No Impact* |
|---|---|---|---|---|
| **12. PUBLIC SERVICES—Would the project:** | | | | |
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | ☐ | ☐ | ☐ | ☒ |

The Plan FEIR (pp. 545–550) found that implementation of the Plan would result in less-than-significant impacts to police, fire, and park services. The increased residential and worker population in the area would result in increased demand for police and fire protection services, as well as park use, but this demand could be accommodated within existing infrastructure and planned improvements in the Transit Center District Plan area, such as new parks and open spaces, or through re-deployment of resources from other areas of the city, if needed. The 350 Mission Street project would account for a small fraction of the increased demand analyzed in the Plan FEIR (pp. 545–547), and the proposed project would not result in a substantial increase in the demand for police or fire protection services. As described in Section 10, above, the proposed project would not result in new or peculiar impacts to parks or recreational facilities.

Regarding schools, the proposed project would not include residential units. Although the increased employment could indirectly generate students, these additional students would not exceed the capacity of schools such that new facilities would be required and the proposed project would not result in new or peculiar impacts on school facilities. In addition, and as stated in the Plan FEIR (pp. 548–549), the Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies such as the City and County of San Francisco to deny land use approvals on the basis that public school facilities are inadequate. SB 50 establishes the base amount of allowable developer fees per square foot of commercial and residential construction. These fees are intended to address local school facility needs resulting from new development. Overall, and consistent with the findings in the Plan FEIR, public services would not be

adversely affected by the proposed project, individually or cumulatively, and the proposed project would not result in a peculiar impact.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **13. BIOLOGICAL RESOURCES—Would the project:** | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☒ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☒ | ☒ | ☐ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

Because there are potentially significant impacts on biological resources identified in the Plan FEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Although no significant project effect was identified for criteria b, c, e, or f, these issues also are discussed in the Certificate to keep the discussion of biological resources together.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **14. GEOLOGY AND SOILS—Would the project:** | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | ☐ | ☐ | ☐ | ☒ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |
| iv) Landslides? | ☐ | ☐ | ☐ | ☒ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |
| c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ |
| f) Change substantially the topography or any unique geologic or physical features of the site? | ☐ | ☐ | ☐ | ☒ |

The Plan FEIR (pp. 588-595) found that impacts related to Geology and Soils would be less than significant. Based on a Geotechnical Investigation prepared for the 350 Mission Street project, the flat project site is underlain by 13 to 17 feet of fill material comprising loose to medium dense sand with varying silt, clay, and gravel content. The fill is underlain by Marine Deposits (locally known as Bay Mud) in depths of about 48 to 53 feet below ground level (bgl). The Marine Deposit is underlain by 30 to 40 feet of very dense sand, with varying amounts of clay and silt known as Colma Sand. Below the Colma Sand is Old Bay Clay, which is stiff to hard clay, varying in thickness from about 110 feet to 120 feet, down to elevation of 170 bgl. The top of bedrock corresponds to an elevation of about 240 feet bgl. The historically highest groundwater at the site is between 10 and 30 feet bgl, though it is estimated to be at 12 feet bgl.[13]

The potential for fault rupture at the 350 Mission Street site is low because no active faults cross the project site.[14] According to the *General Plan* Community Safety Element, as well as the California Geologic Survey

[13] Treadwell & Rollo, *Geotechnical Investigation: 350 Mission Street, San Francisco, California*, August 21, 2008. A copy of this report is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.

[14] California Geological Survey, Table 4, Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999, from http://www.conservation.ca.gov/cgs/rghm/ap/affected.htm, accessed April 24, 2012.

Seismic Hazard Zone maps, the proposed project is located in an area of liquefaction potential.[15] Similarly, the project site would be subject to strong to very violent groundshaking during an earthquake.[16] Strong shaking could result in ground failure associated with soil liquefaction, differential compaction, and lateral spreading. The project is not located in an area subject to landslides.[17]

The proposed project is designed and would be constructed in accordance with the most current *San Francisco Building Code*, which incorporates *California Building Code* requirements. The *Building Code* specifies definitions of seismic sources and the procedure used to calculate seismic forces on structures during groundshaking. During its review the Department of Building Inspection (DBI), in consultation with the project sponsor, has determined necessary engineering and design features for a structure to reduce potential damage to structures from groundshaking and to ensure compliance with all *San Francisco Building Code* provisions regarding structural safety. Potential damage from geologic hazards bas been addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the *Building Code*.

Regarding erosion, the proposed project would be required to adhere an erosion and sediment control plan for construction activities in accordance with Article 4.1 of the *San Francisco Public Works Code* (discussed below, in Hydrology and Water Quality) to reduce the impact of runoff from the construction site. The project would not result in a change in topography at the site, and it would not include septic tanks.

Consistent with the findings in the Plan FEIR, implementation of the proposed project would not result in peculiar adverse impacts with respect to Geology and Soils.

| *Topics:* | *Sig. Impact Identified in FEIR* | *Project Contributes to Sig. Impact Identified in FEIR* | *Project Has Sig. Peculiar Impact* | *LTS/ No Impact* |
|---|---|---|---|---|
| **15. HYDROLOGY AND WATER QUALITY— Would the project:** | | | | |
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ |
| 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)? | ☐ | ☐ | ☐ | ☒ |

[15] California Geological Survey, State of California Seismic Hazard Zones, City and County of San Francisco, Official Map, November 17, 2000.
[16] Association of Bay Area Governments, Hazard Maps, Shaking Maps, 2003, www.abag.ca.gov, accessed April 24, 2012.
[17] Treadwell & Rollo, *op. cit.*

| Topics: | | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) | Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| h) | Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| j) | Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

The Plan FEIR concluded that implementation of the Transit Center District Plan would not violate water quality standards or otherwise substantially degrade water quality. Construction stormwater discharges to the City's combined sewer system would be subject to the requirements of Article 4.1 of the San Francisco Public Works Code (supplemented by Department of Public Works Order No. 158170). The City would require the project sponsor to implement an erosion and sediment control plan to reduce the impact of runoff from construction at the site. Groundwater discharge would also be conducted in accordance with Order No. 158170, which regulates the quantity and quality of discharges to the combined system.

Regarding operation, the Plan FEIR concluded that implementation of the draft Plan would facilitate new development that would minimize year-round sanitary sewage flows and decrease stormwater runoff to the combined sewer system through compliance with San Francisco's Green Building Ordinance, Stormwater Design Guidelines, and policies included in the draft Plan. Implementation of stormwater BMPs in compliance with the Stormwater Design Guidelines would also increase the water quality for discharges of stormwater to the sewer system. Therefore, water quality impacts related to violation of water quality standards or degradation of water quality associated with changes in combined sewer overflow discharges to the Bay would be less than significant.

**Construction:** The 350 Mission Street project would include construction of a below-ground parking garage that could require dewatering, given that groundwater is estimated to exist at about 12 feet below ground

level.[18] Construction stormwater discharges to the City's combined sewer system would be subject to the requirements of Article 4.1 of the *San Francisco Public Works Code* (supplemented by Department of Public Works Order No. 158170), which incorporates and implements the City's National Pollution Discharge Elimination System (NPDES) permit, and the federal Combined Sewer Overflow Control Policy. Stormwater drainage during construction would flow to the City's combined sewer system, where it would receive treatment at the Southeast plant or other wet weather facilities and would be discharged through an existing outfall or overflow structure in compliance with the existing NPDES permit. Therefore, compliance with applicable permits would reduce water quality impacts, and the proposed project would not result in new or peculiar impacts related to violation of water quality standards or degradation of water quality due to discharge of construction related stormwater runoff.

**Operation:** Regarding groundwater supplies, the 350 Mission Street project site would use potable water from the San Francisco Public Utilities Commission (SFPUC). Groundwater from the Downtown San Francisco Groundwater Basin is not used as drinking water, and the proposed project would not result in additional impervious surfaces to the extent that it would affect groundwater recharge. The proposed project would not affect the course of a stream or river, and it would not contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems. Stormwater flows and draining would be controlled by San Francisco's Stormwater Design Guidelines. Further, as a part of the LEED Platinum certification, the proposed project would comply with LEED Sustainable Sites Credits 6.1 (Stormwater Design – Quantity Control) and 6.2 (Stormwater Design – Quality Control). Compliance with San Francisco's Stormwater Design Guidelines and LEED credits would reduce the quantity and rate of stormwater runoff to the city's combined sewer system and improve the water quality of those discharges.

The project site is not in an area subject to reservoir inundation hazards and is not located in a volcanic area that could be subject to mudflow. The 350 Mission Street project site is not located within a 100-year flood hazard area or in an area subject to reservoir inundation hazards, mudflow, or seiches.[19] Therefore, the proposed project would have no impact related to these hazards. Impacts from sea level rise and tsunami are expected to be less than significant, given the existing National Warning System and San Francisco outdoor warning system.

Consistent with the findings in the Plan FEIR (pp. 611-620), the proposed project would have no peculiar adverse impacts related to hydrology and water quality.

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[18] Treadwell & Rollo, *Geotechnical Investigation: 350 Mission Street, San Francisco, California*, August 21, 2008. A copy of this report is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.

[19] URS Corporation, City and County of San Francisco Hazard Mitigation Plan, December, 2008. This material is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2006.1524E.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **16. HAZARDS AND HAZARDOUS MATERIALS Would the project:** | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☒ | ☒ | ☐ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| h) Expose people or structures to a significant risk of loss, injury or death involving fires? | ☐ | ☐ | ☐ | ☒ |

Because the Plan FEIR identified potentially significant impacts with respect to hazards and hazardous materials, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Although no significant project effect was identified for criteria a, c, d, e, f, g, or h, these issues also are discussed in the Certificate to keep the discussion of hazardous materials together.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **17. MINERAL AND ENERGY RESOURCES—Would the project:** | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | ☐ | ☐ | ☐ | ☒ |

All land in San Francisco, including the 350 Mission Street project site, is designated as Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG). This designation indicates that there is not adequate information available for assignment to any other MRZ, and thus the site is not a designated area of significant mineral deposits. The project site is not a mineral resource recovery site, and it would not requiring quarrying, mining, dredging, or extraction of locally important mineral resources on the project site, and it would not deplete non-renewable natural resources.

Development of the proposed project would not result in unusually large amounts of fuel, water, or energy in the context of energy use throughout the City and region. Demand from the 350 Mission Street project would be typical for a buildings of the size and nature proposed and would meet, or exceed, the current state and local codes and standards concerning energy consumption, including Title 24 of the *California Code of Regulations* and the San Francisco Green Building Ordinance. Documentation showing compliance with these standards has been submitted to the City in the form of the "Compliance Checklist Table for Greenhouse Gas Analysis: Private Development Projects" described above. Title 24 and the Green Building Ordinance are enforced by DBI. Moreover, the proposed project would incorporate energy-saving features that would reduce energy consumption to levels lower than those of conventionally built structures.

Consistent with the findings in the Plan FEIR (pp. 653–655), the proposed project would have no impact related to mineral resources.

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| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **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? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| 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)? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

The 350 Mission Street project site and surrounding areas do not contain agricultural or forest uses and are not zoned for such uses. Therefore, construction of the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses. Accordingly, and consistent with the Plan FEIR (p. 656), these criteria are not applicable to the proposed project.

| Topics: | Sig. Impact Identified in FEIR | Project Contributes to Sig. Impact Identified in FEIR | Project Has Sig. Peculiar Impact | LTS/ No Impact |
|---|---|---|---|---|
| **19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:** | | | | |
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☒ | ☒ | ☐ | ☒ |
| 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.) | ☒ | ☐ | ☐ | ☒ |
| c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly? | ☒ | ☐ | ☐ | ☐ |

## C. DETERMINATION

On the basis of this review, it can be determined that:

☒ The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; AND

☒ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic final EIR (Plan FEIR) for the Plan Area, and all applicable mitigation measures have been incorporated into the proposed project or will be required in approval of the project.

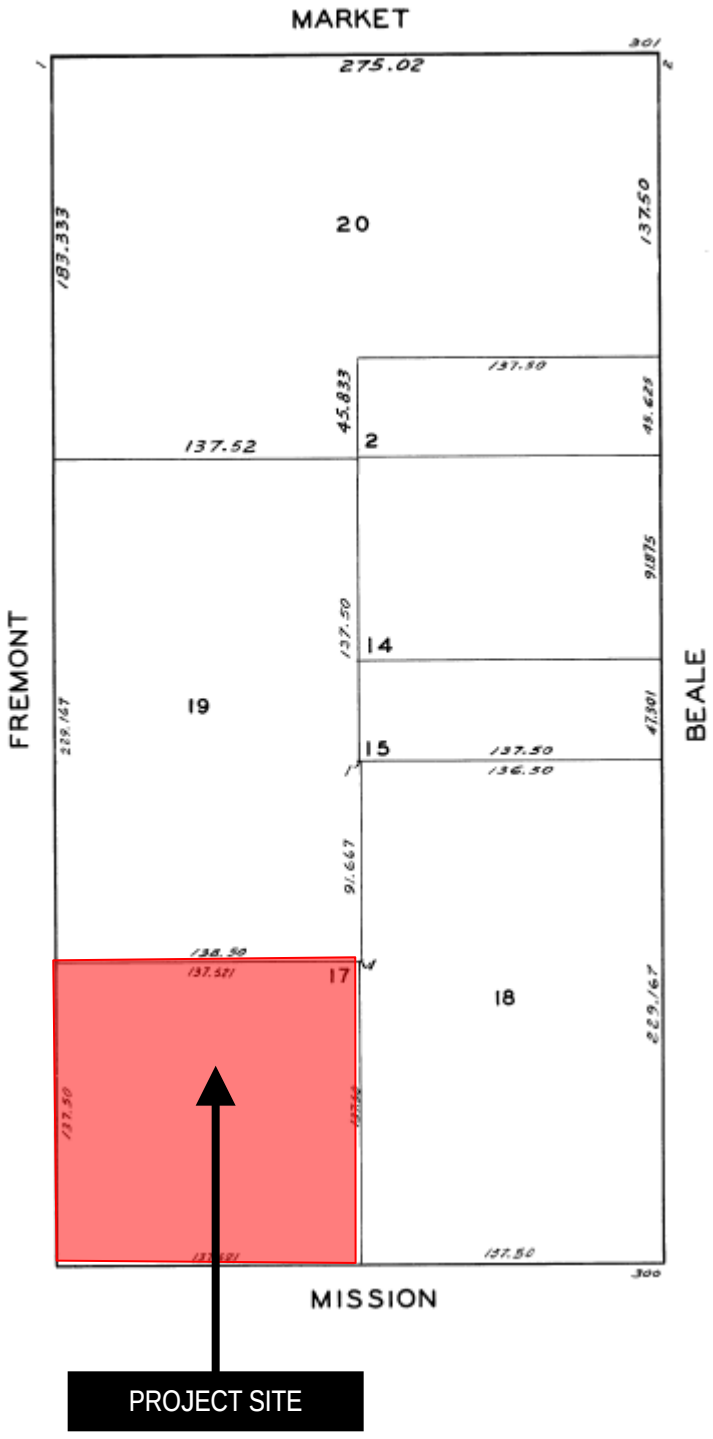
☐ The proposed project may have a potentially significant impact not identified in the Plan FEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the Plan FEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

_____ DATE _____

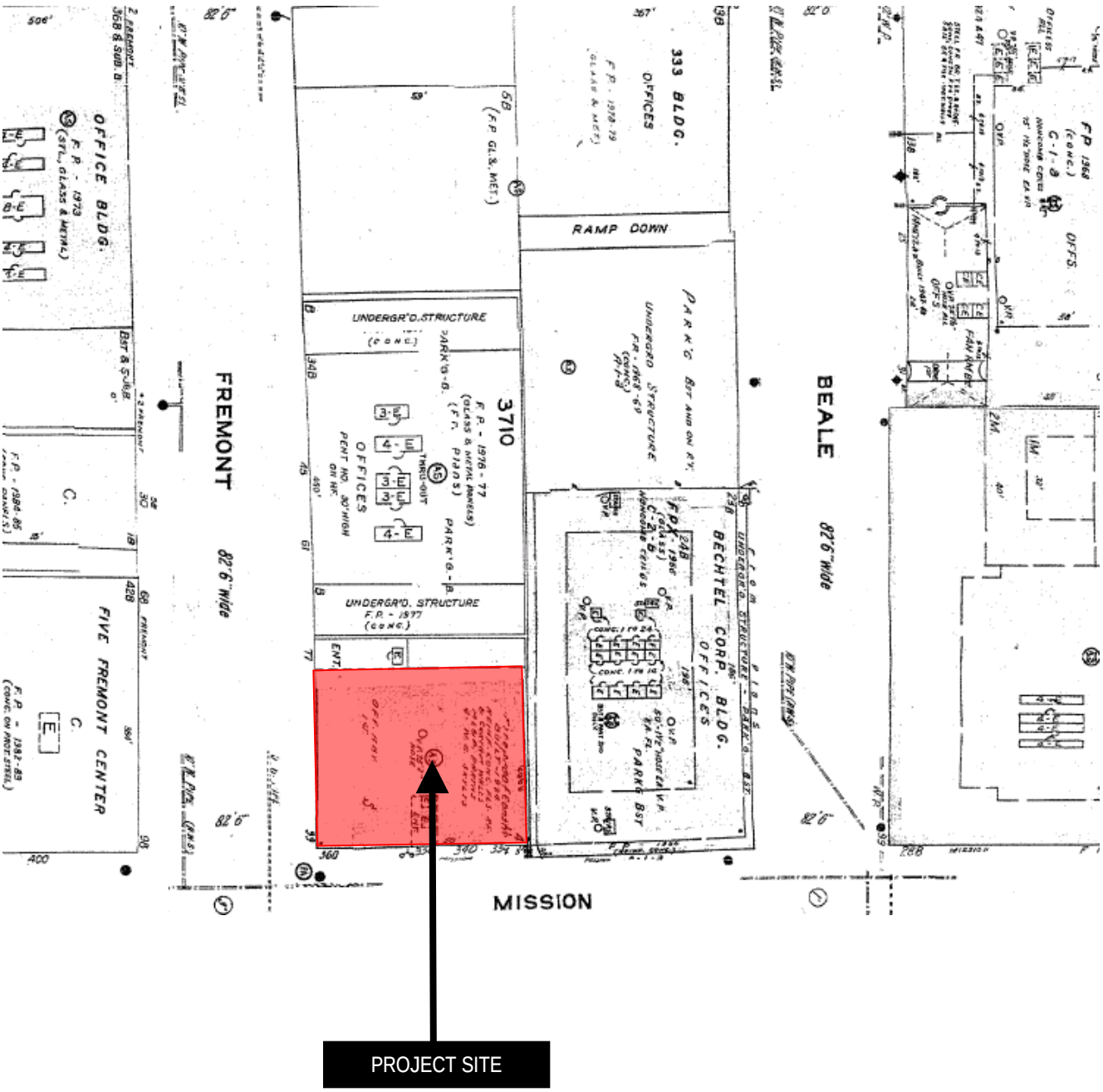
Sarah Jones
Environmental Review Officer
for
John Rahaim, Planning Director

# Parcel Map



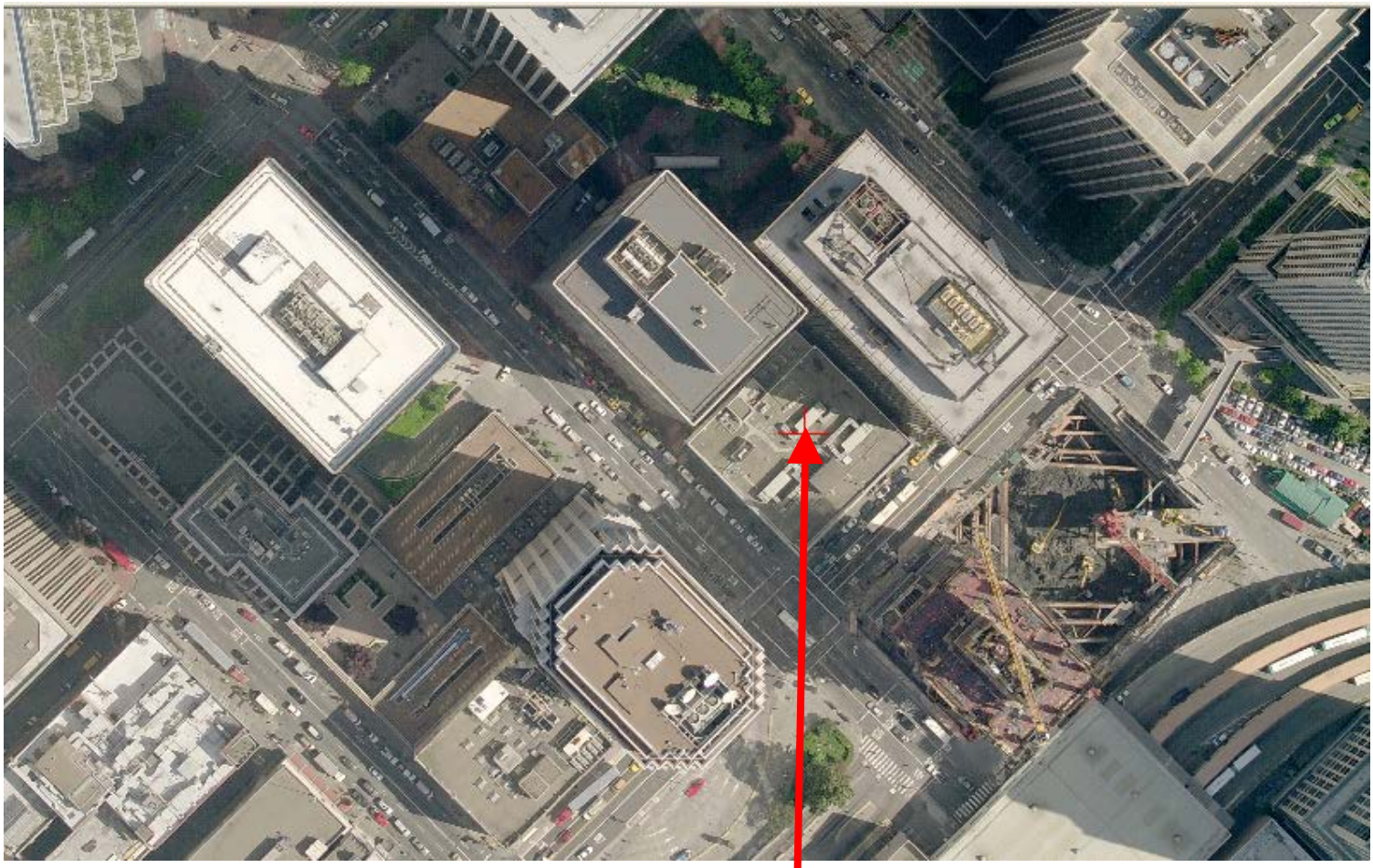

Section 309 Determination of Compliance
**Case Number 2013.0276BX**
350 Mission Street

# Sanborn Map*

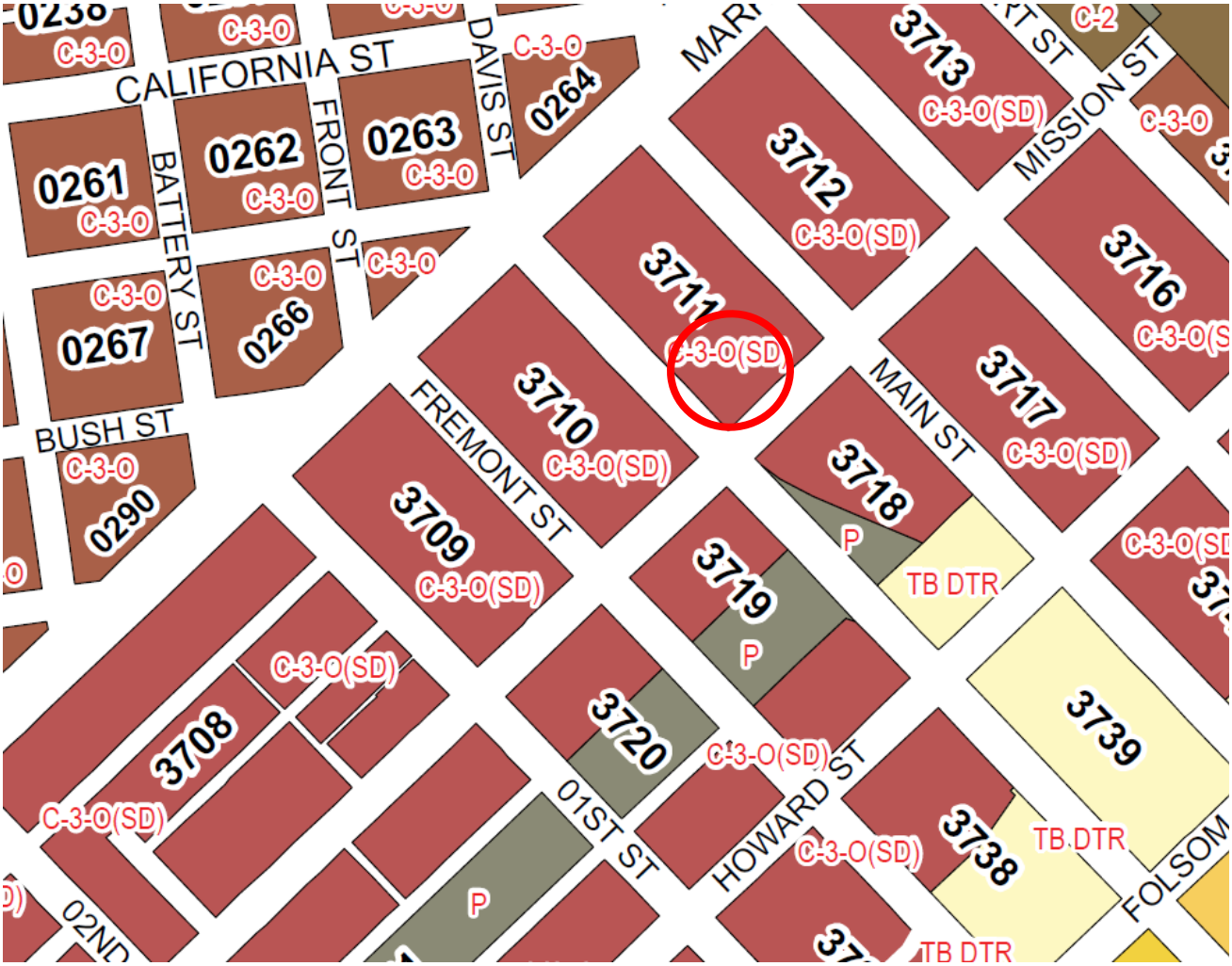



**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*

# Aerial Photo



# Zoning Map


CALIFORNIA ST
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BATTERY ST
BUSH ST
FREMONT ST
MAIN ST
MISSION ST
HOWARD ST
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3713
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3718
3719
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3738
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C-3-O
C-3-O(SD)
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TB DTR

# REUBEN, JUNIUS & ROSE, LLP

July 31, 2013

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 350 Mission Street**
**Project Sponsor's Brief in Support**
**Hearing Date: August 15, 2013**
**Case No.: 2013.0276X**

**Our File No.: 7294.04**

Dear President Fong and Commissioners:

Our office represents KR 350 Mission, LLC ("Sponsor"), the sponsor of a project that would add up to six floors of office space (the "Project") to a previously-approved office building under construction at 350 Mission Street (the "Property"). The site is located at the northeast corner of Fremont and Mission Streets, at the heart of the emerging business district centered on the new Transbay Transit Terminal. The site is a premier Class A office site with superb access to transit and within walking distance to the City's downtown core. Providing additional office space at this location directly furthers the goals of the Downtown and Transit Center District Plans. The Sponsor is seeking a LEED Platinum Designation for the completed office tower.

We look forward to presenting the Project to you on August 15, 2013.

## A. Background

In 2011, the **Planning Commission granted unanimous approval for the construction of a 24-story office building at the Property** ("Approved Project"), with exceptions pursuant to Section 309 the Planning Code's tower separation, ground-level wind currents, parking and loading design, and bulk limit requirements.

The Approved Project involved the demolition of an existing four-story building at the site and construction of a new 350-foot-tall, 24-story office building with a mechanical screen reaching a height of approximately 374 feet and including approximately 340,000 square feet of office space, 1,000 square feet of retail space, 12,700 square feet of publicly-accessible interior open space, and a subterranean parking area containing 61 spaces.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben[1] | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman[2,3] | John McInerney III[2]
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The **Approved Project is currently under construction**. The site permit was issued on September 15, 2012, and the demolition permit was issued on November 30, 2012. The four-story building that previously occupied the Property has been demolished, and excavation, shoring, and foundation work has commenced. **The previous entitlements for the Approved Project are fully vested, and the Approved Project may be constructed in conformity with its previous approvals.**

However, the entitlements for the Approved Project were granted before adoption of the Transit Center District Plan ("TCDP") in 2012. At the time, the Property was subject to an 18-to1 floor area ratio ("FAR") limit, and the Approved Project maximized the site's development potential. **The TCDP subsequently eliminated the FAR limit.** The Sponsor is now proposing to add to the Approved Project, in conformity with the TCDP zoning.

## B. Project Description

After adoption of the TCDP, the Sponsor leased the entirety of the Approved Project to Salesforce.com, Inc. ("Salesforce"), a global company that develops social and mobile cloud computing, and is one of San Francisco's largest and fastest-growing private employers. The Sponsor is proposing to expand the Approved Project in order to meet the anticipated needs of Salesforce and increase development of the site in conformance with the goals and objectives of the TCDP.

### 1. Six-Story Addition

The Sponsor is proposing to **add up to six floors of office space** to the Approved Project, increasing its total height from 375 feet to 455 feet and adding up to 80,000 gross square feet of office space.

The Sponsor also proposes a **create a 4,300 gross-square-foot second-floor restaurant** and make minor changes to the configuration of ground-floor retail spaces. The restaurant was part of the original design, but could not be approved due to FAR constraints. With the changes at the ground and second floor, approximately **9,650 gross square feet of public open space would be provided at its ground and second floors.**

With the exception of these modifications, the six-story addition would make no material changes to the Approved Project. The exterior appearance and shape of the Approved Project would remain the same, only taller. The orientation and location of the building would not change, nor would its proposed use or parking and loading facilities. The Project Sponsor will seek a LEED Platinum certification for the Project.



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2. Alternate Three-Story Addition

The Sponsor is working diligently with Salesforce to program the future building area in order to meet Salesforce's anticipated needs. As a result, it may elect to construct only three stories of office space to the Approved Project. This alternate three-story addition would increase the total building height from 375 to 414 feet, and would add up to 41,352 gross square feet of office space. It would be otherwise identical to the six-story addition described above.

**C. Further Objectives of the Transit Center District and Downtown Plans**

The Project will provide up to 80,000 gross square feet of additional Class A office space in a previously-approved office tower under construction at a prominent corner site in the Downtown area. This proposal would directly further the objectives of the TCDP and Downtown Plans.

1. Downtown Plan

The Downtown area remains the primary economic engine of the City and is home to about half of the City's jobs, including three-quarters of its office jobs. The Project is consistent with the City's goals of expanding downtown office space south of Market, and south of the traditional downtown core, which is mostly built out.

The Project promotes a number of objectives of the Downtown Plan, including:

- **Objective 1**, where the Plan recognizes "the need to create jobs, specifically for San Franciscans, and to continue San Francisco's role as an international center of commerce and services. New jobs enhance these City functions, to expand employment opportunities, and to provide added tax resources, to make downtown growth at a reasonable scale and desirable course for the City."

- **Objective 2**, which states that "Almost two-thirds of the City's new permanent jobs in recent years have been located in the Downtown Financial District. This growth, primarily in the finance, insurance, real estate activities, and business services, reflects the City's strong competitive advantage in this sector. Since the office sector is the City's major provider of employment opportunities, it is essential that's its vitality remain at a high level."

2. Transit Center District Plan

The TCDP was created in part to appropriately rezone a section of the Downtown Plan area in anticipation of the construction of the Transbay Transit Center, which will be located less than one block to the south of 350 Mission. The TCDP envisions the area surrounding the Property as a high-density, vibrant employment center for the City, providing an opportunity to locate new commercial and office development in close



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proximity to the City's future transportation hub. To this end, the TCDP rezoned the Property from a 350-foot height limit to a 700-foot height limit.

The Project would promote a number of the objectives of the TCDP, including:

- **Objective 1.1**, where the Plan recognizes the need to "Reinforce the Role of Downtown within the City as its major job center by protecting and enhancing the Central District's remaining capacity, principally for employment growth."
- **Objective 2.1**, where the Plan calls for development that would "Maximize the building envelope and density in the Plan Area within the bounds of urban form and livability objectives of the San Francisco General Plan."

The Downtown Plan prioritizes the continued construction of well-designed office buildings in this core area, while the TCDP encourages higher development density at the Property with the goal of locating more jobs in close proximity to the City's emerging transportation hub. The Project directly advances these important goals.

**D. Architecture/Design**

The Project would construct up to six floors of modern office space, sharing the innovative and attractive architecture and design of the Approved Project. The additional office space will be at the top of a modern glass-clad office tower that complements the City's investment in transit and open space. The tower will convey a "woven" pattern in which alternating outward tipping panels reflect sky brightness and inward tipping panels are in contrasting shade. The woven pattern culminates at the skyline with feathery luminescent scrims placed behind the glass which capture changing patterns of daylight.

The building's base is focused on the creation of an urban living room, a memorable street-level space that is highly engaged with the City's urban realm:

- **Public Open Space**. The urban living room at the building's base is conceived as a socially vibrant urban space, which blurs the boundaries between the public and private realms. The entire office building at the corner of Fremont and Mission is cantilevered thirty feet in two directions to provide a sense of openness to the street. Ninety linear feet of sliding glass panels will literally open the building to the street, weather allowing, along Mission and Fremont Streets. Wooden piles, salvaged from the site's earlier structure, will be refinished and used as benches within the space. These benches internally powered and attached to narrow channels, will slowly inch across the floor. A grand amphitheater stair of wood and metal would provide space for informal lunchtime dining and connect the ground floor to additional mezzanine-level open space, including a 4,300 gross square foot restaurant.
- **Innovative Public Art**. The core and ceiling of the building's base level will be wrapped in a "digital canvas" that would be visible to persons in the building and


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on the street. The canvas could be programmed for a variety of displays, allowing for rotating exhibitions and local digital artists. The Sponsor is exploring opportunities to collaborate with local schools, whose students could produce and curate displays. The digital canvas could also present real-time or time-lapsed graphical displays demonstrating the building's sustainable features. The public could also passively create content. For example, the canvas could reflect and transpose passing foot traffic as an abstract graphic.

- **Active Retail**. A coffee shop and sculptural retail pavilion will anchor the north and east corners of the building's ground floor. The retail pavilion is defined by a sheath of translucent glass. The Approved Project with either a three-or-six story addition would create approximately **9,650 gross square feet of public open space at its ground and second floors, and second-floor terrace**, in excess of the required amount.

**E. Sustainable Building Features**

The Project will add up to 80,000 gross square feet of additional office space to a building **designed to achieve a U.S. Green Building Council LEED Platinum designation**. The design of the approved office tower addresses energy efficiency through a variety of strategies, which are expected to reduce energy consumption by about one-third:

- **Sustainable Structure.** The building's structural frame will be environmentally friendly: instead of overseas-sourced steel, the building will be framed in locally manufactured concrete and will use far less structural material than a traditional steel-framed high-rise.

- **Efficient Heating and Cooling.** The HVAC distribution will be hidden under the floor to more effectively distribute heating and cooling from the floor up, to only the areas occupied by people. This approach conserves energy when compared to traditional schemes that unnecessarily expend energy to first cool the area between the occupant's head and the ceiling. The engineering team also conceived a unique zoned heating and cooling approach that uses only enough energy to regulate the temperature of spaces used by occupants, and delivers only the amount of air needed for comfort from the occupied floor level. The building will be capable of using 100% outside air for cooling. While most modern office buildings, even those in San Francisco's mild climate, are designed to limit the use of natural ventilation, 350 Mission's floor-by-floor ventilation system will bring in outside air at each level, rather than chilling it for distribution on the rooftop.

- **Water Conservation and Reuse.** To conserve water, the Project will be equipped to use graywater and harvested rainwater in tanks for cooling, landscaping irrigation, and toilet flushing.



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- **Sustainable Transportation.** To further reduce carbon emissions, the Project includes electric vehicle charging stations, a car-share space, and 160 bicycle parking spaces and shower facilities for cyclists.

In addition, 350 Mission will strive to reuse materials from demolition in the new construction, such as excavated building piles to create lobby seating.

**F. Economic and Public Benefits from the Project**

The Project will also add up to six new floors to a sustainable building, bringing significant economic benefits to the City in the form of increased development fees, property taxes, and new jobs. The building will also provide a major on-site public benefit in terms of new open space.

- Fees. The Project will pay significant development fees to fund a variety of City programs including contributions to the Downtown Park Fund, payment of the Transit Impact Development Fee, contributions to the Jobs, Housing Linkage Program, contributions to child care and public schools.
- Permanent Jobs. Once completed, the Project will provide space for up to 1400 jobs, creating needed space for long-term future job growth in the City.
- Tax Revenues. San Francisco's public services are facing cuts due to declining revenues. The Project will generate significant new annual property and payroll tax revenues.
- Open Space and Pedestrian Experience. The Project will maximize the quality of the pedestrian experience along both Mission and Fremont Streets. Currently, the site's ground-floor retail is set back from the street by a dark arcade. The Project will include significant new public open space within the building at this important downtown corner. The Project will also reconfigure the first and second floor layout of the Approved Project to provide a **4,300 gross square foot restaurant at the building's second-floor, public artwork, public seating and restrooms.**

**G. Exceptions Requested**

The Approved Project was granted exceptions to the Planning Code under Section 309 for pedestrian-level wind currents; curb cut location on Fremont Street, and upper-tower bulk and tower separation. The Project would increase the height of the Approved Project by up to 80 feet, but would mirror its upper-tower massing and design. Accordingly, the Project requires exceptions from pedestrian-level wind currents, upper-tower bulk, and tower separation controls for the additional floors. The Project also requires an exception for off-street freight loading. **Each of the exceptions is minimal and justified under the criteria spelled out in the Planning Code, as follows**:


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Wind Exception. The Approved Project was granted an exception from the pedestrian-level wind current requirements of the Code. Wind testing confirmed that the Approved Project would not perceptibly increase wind speeds in the area, nor would it cause any hazard-level winds. With construction of the Approved Project, winds would exceed the comfort criterion approximately six percent of the time – the same as now. Overall, the number of locations where wind would exceed the comfort criterion would increase by one. Further, Wind consultants confirmed that the Approved Project could not be designed in such a way as to reduce wind speeds below the comfort threshold, and that due to the very small changes in wind speeds, the altered conditions from the Approved Project would not be perceptible to pedestrians.

Wind consultants have examined the Project and confirmed that the proposed three-to-six story addition would not meaningfully change wind conditions at the site over those generated by the Approved Project. However, an exception is nonetheless necessary because the construction of additional office floors would not reduce wind speeds to the comfort threshold in all locations. An exception from this requirement is justified, as the Project will not meaningfully change wind conditions at the site, and reduction in wind speeds cannot be accomplished without compromising design or unduly restricting development potential of the Property.

Off-Street Freight Loading Exception. The Project would increase the total office gross floor area of the Approved Project by up to 420,000 gross square feet, triggering the requirement for one additional freight loading space. However, the building is already deigned to provide two full-sized freight loading spaces, and two service vehicle spaces. An exception from this requirement is justified because an additional loading space is not necessary to meet demand generated by the building, would degrade pedestrian environment at the building's ground level, and would reduce active uses and public open space within the building.

Upper Tower Bulk Exception. The Approved Project required exceptions from the maximum diagonal dimension and maximum average floor size of its upper tower, as well as an exception from the upper tower volume reduction requirements of the Planning Code. The Project would add up to six floors to the Approved Project, each identical in size and design to the Approved Project's upper tower. Therefore, the additional floors would require the same upper-tower bulk exceptions as the Approved Project.

Virtually every downtown building receives some bulk exception to allow for flexibility in design of the building and to respond to particular site conditions. Strict compliance with bulk limits for the Project would result in a building with an awkward relationship between segments of the upper tower, and would be unnecessary, as allowing the additional floors to mirror the massing of the Approved Project's upper tower would result in a building that is compatible with surrounding development. In addition, the overall design



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of the Approved Project's exterior fenestration, materials and surfaces will include variations which ameliorate the apparent mass of the tower. These design elements would extend to the additional floors constructed as part of the Project, allowing them to blend into the overall innovative design of the Approved Project.

Separation of Towers Exception. Buildings in the S Bulk District are required to provide a minimum 15-foot setback from the interior property lines not abutting public sidewalks, and from the property lines abutting a public street or alley, beginning at the building's lower tower height. Above approximately 300 feet, this setback increases in a sloped line up to a maximum 35-foot setback at 550 feet. The Approved Project was granted an exception from this requirement on its north and east sides, at both its lower and upper towers.

The Project would increase the building's height by up to 80 feet, but would mirror the upper-story massing of the Approved Project. However, because the setback requirement increases with building height, the Project would require an exception from this standard along the north and east sides of its additional floors. The exception is justified for the same reasons as applied to the Approved Project. 350 Mission is located on a corner lot, providing ample distance from buildings to the south and west. In addition, the Property is within an area of mature development interspersed with public open spaces, which is unlikely to be developed at a height and bulk that will impair future access to light and air at the Property.

**H. Conclusion**

The Project would add up to six stories and 80,000 gross square feet of office space to a previously-approved office building currently under construction at 350 Mission Street. The Project represents an opportunity for the City to ensure that this prime downtown site is developed to a density that is consistent with the goals and objectives of the recently-adopted TCDP. We urge you to support the Project and look forward to presenting it to you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Daniel Frattin

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cc: Vice-President Cindy Wu
Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner Rich Hillis
Commissioner Kathrin Moore
Commissioner Bill Sugaya
Jonas P. Ionin – Acting Commission Secretary
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Kevin Guy – Project Planner



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# PLANNING COMMISSION SUBMISSION | 350 MISSION STREET

**KILROY REALTY**

**SOM**

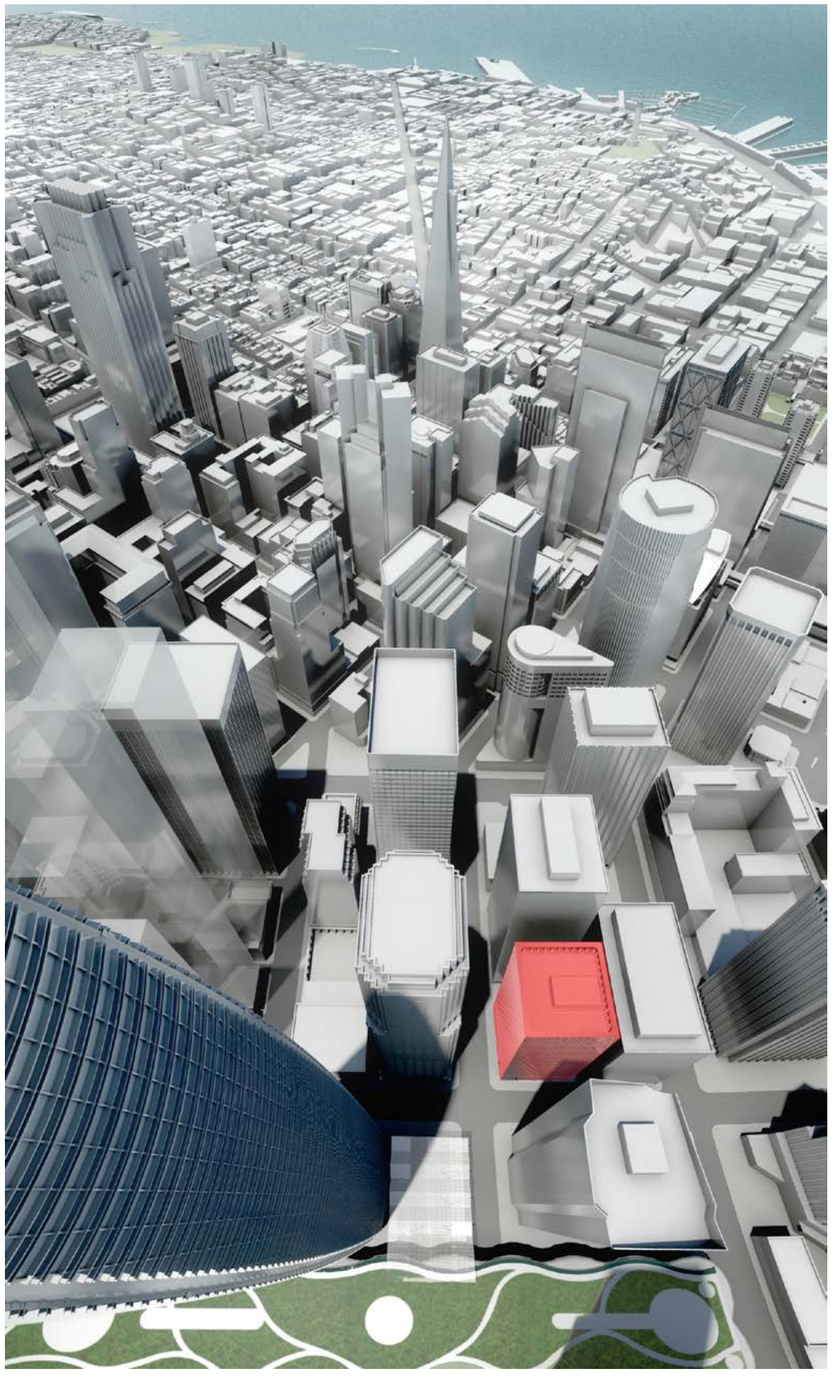
AUG 15 2013

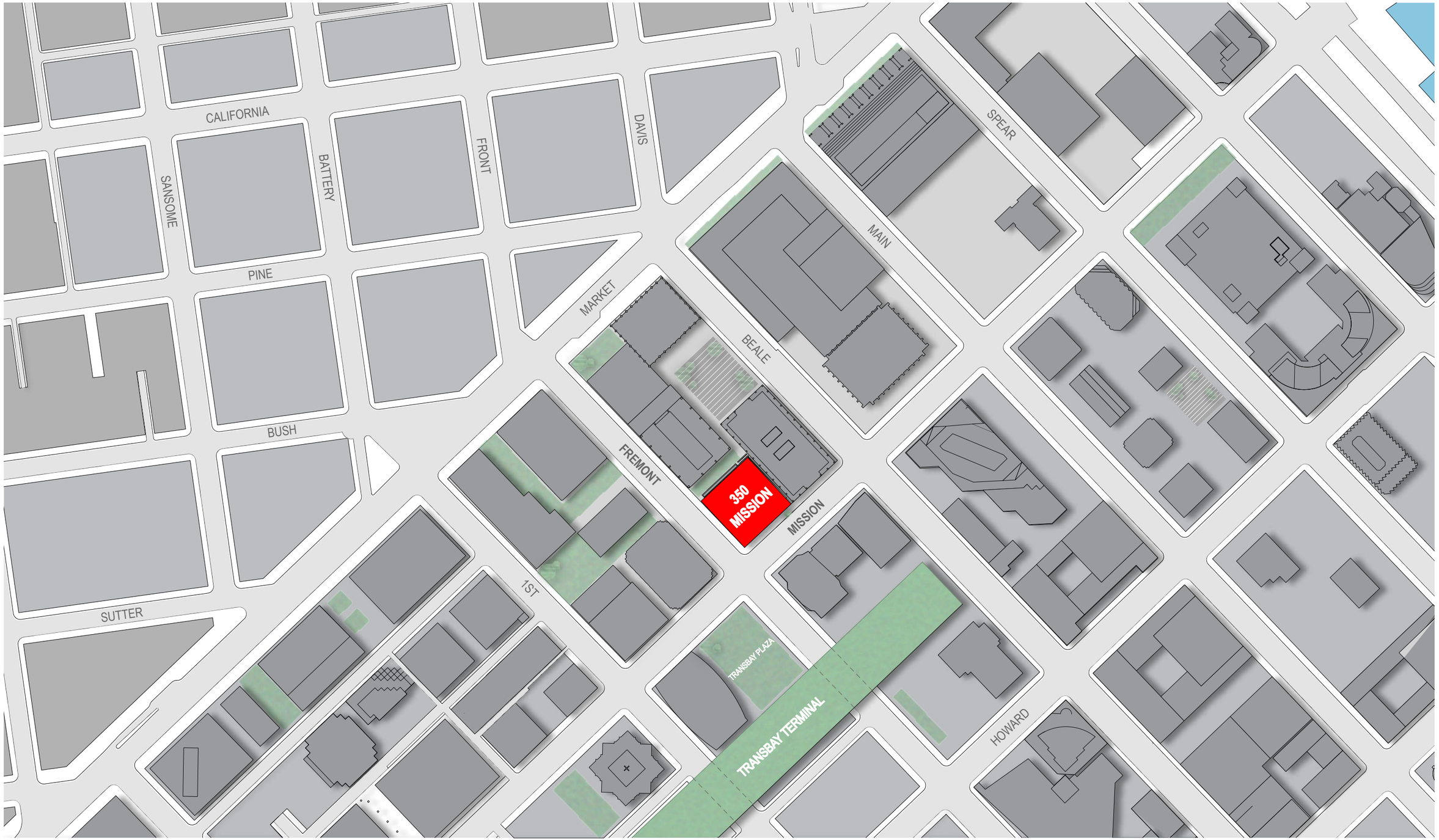
# 350 MISSION

350 Mission Street is a sleek 30 floor office tower located near the heart of the Transit Center District. Located directly adjacent to the planned Transbay Tower and Terminal, San Francisco's 21st-Century urban gateway, the tower's design is focused on the creation of an urban living room - a memorable street level space highly engaged with the City's urban realm. Currently under construction at the northeast corner of Mission and Fremont Streets, the building has been pre-leased by salesforce.com to expand its downtown campus and bring hundreds of new jobs to the District in keeping with the goals of the Transit Center District Plan.

The project design exemplifies an overall architectural ethos - a "regenerative urban ecology" - in which the highest level of environmental, social, cultural and economic sustainability are applied to the making of architectural form. The urban living room at the ground floor is the most visible result as a socially vibrant space which blurs the boundaries between the public and private realms by opening to the street through the use of sliding glass panels. Beginning with the movement of people as theatrical spectacle, the urban living room is animated by a retail pavilion and generous amphitheater stair seating for a highly kinetic environment punctuated by a three-story digital canvas that wraps the lobby's core wall with animated graphics.

Seeking to be San Francisco's first new LEED® Platinum office tower, the building's design conserves natural resources through a variety of strategies such as recycled structural systems, re-use of harvested rainwater, destination-based elevatoring, high-efficiency glazing, and underfloor air distribution.



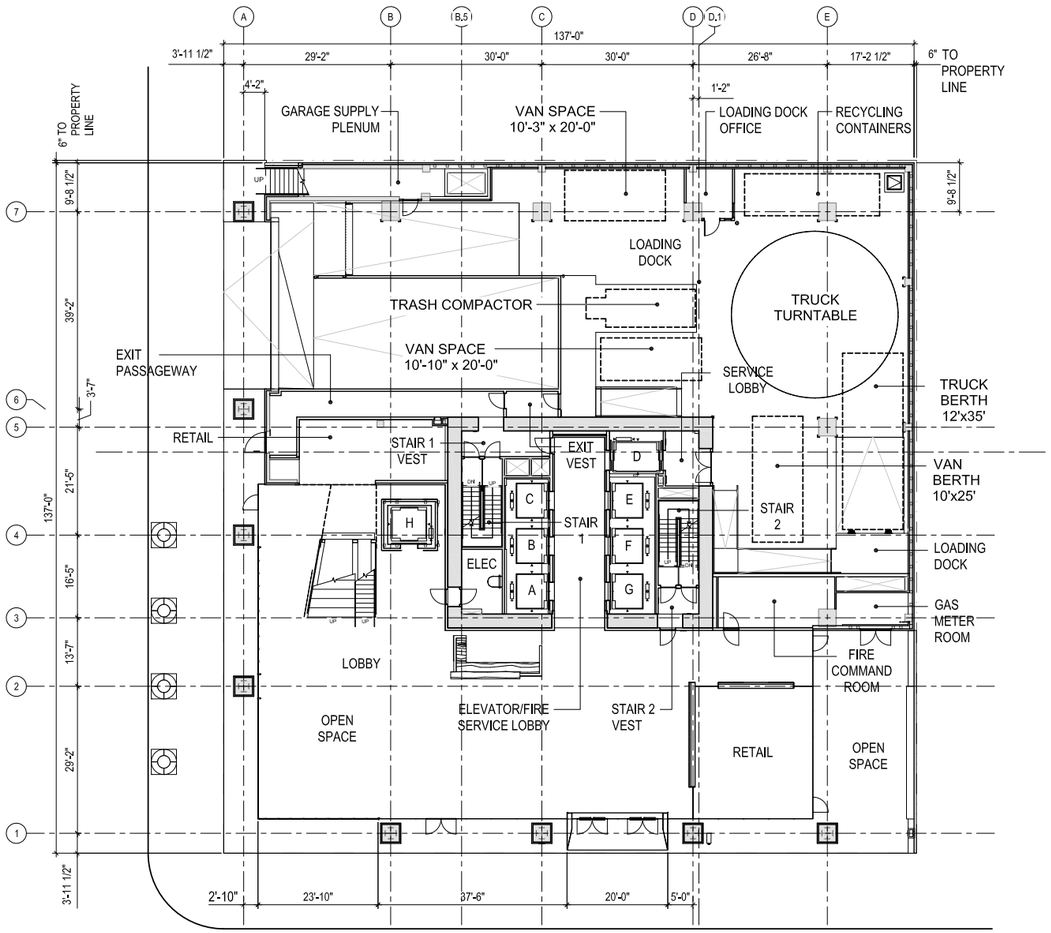



**SITE PLAN**
1”=200’

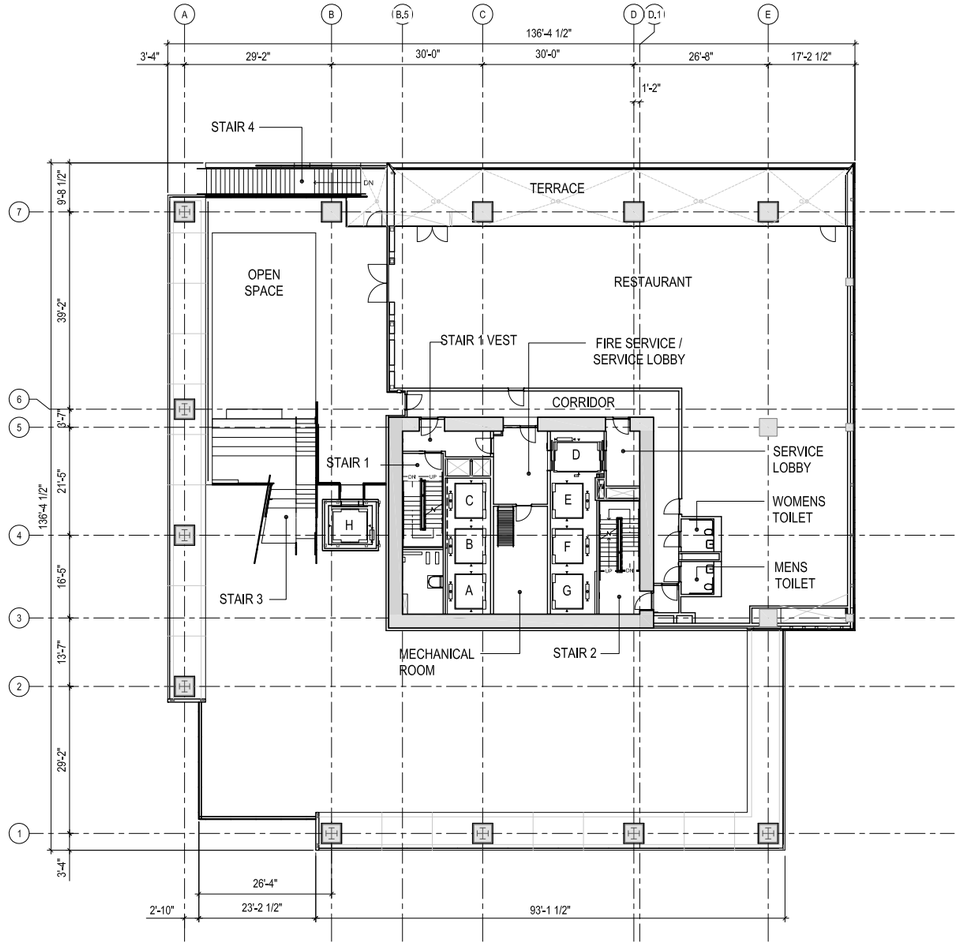

Heald
HEALD COLLEGE


SAFETY SAVES

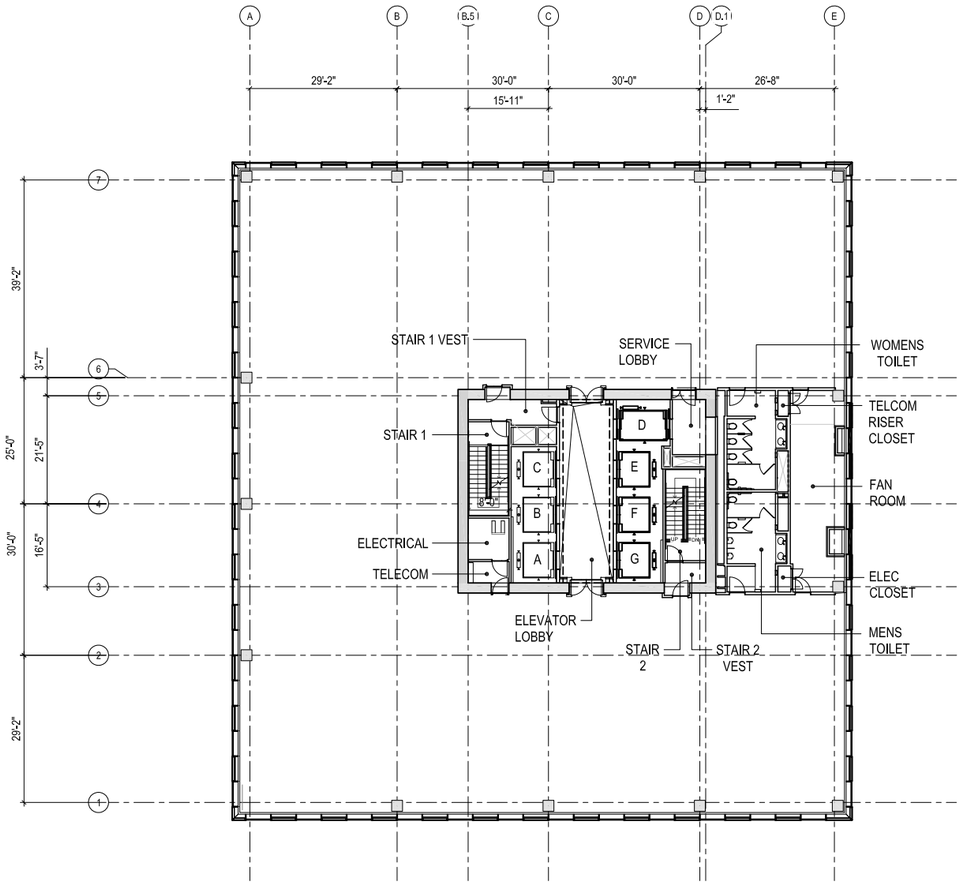

BISTRO 350
BISTRO 350
BISTRO 350



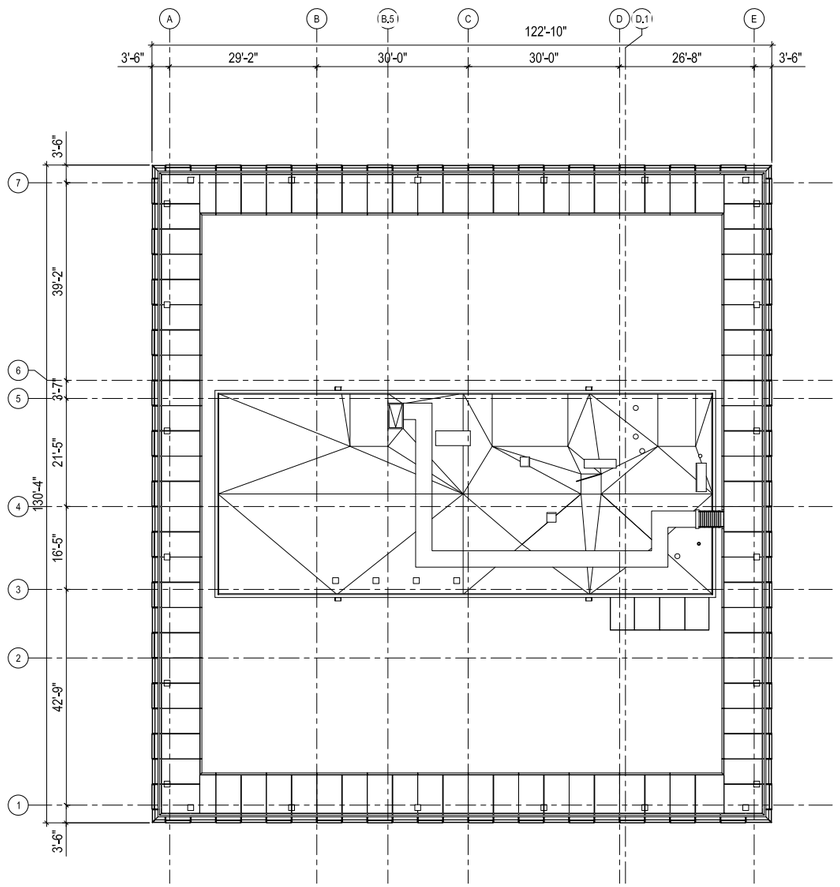

GROUND LEVEL



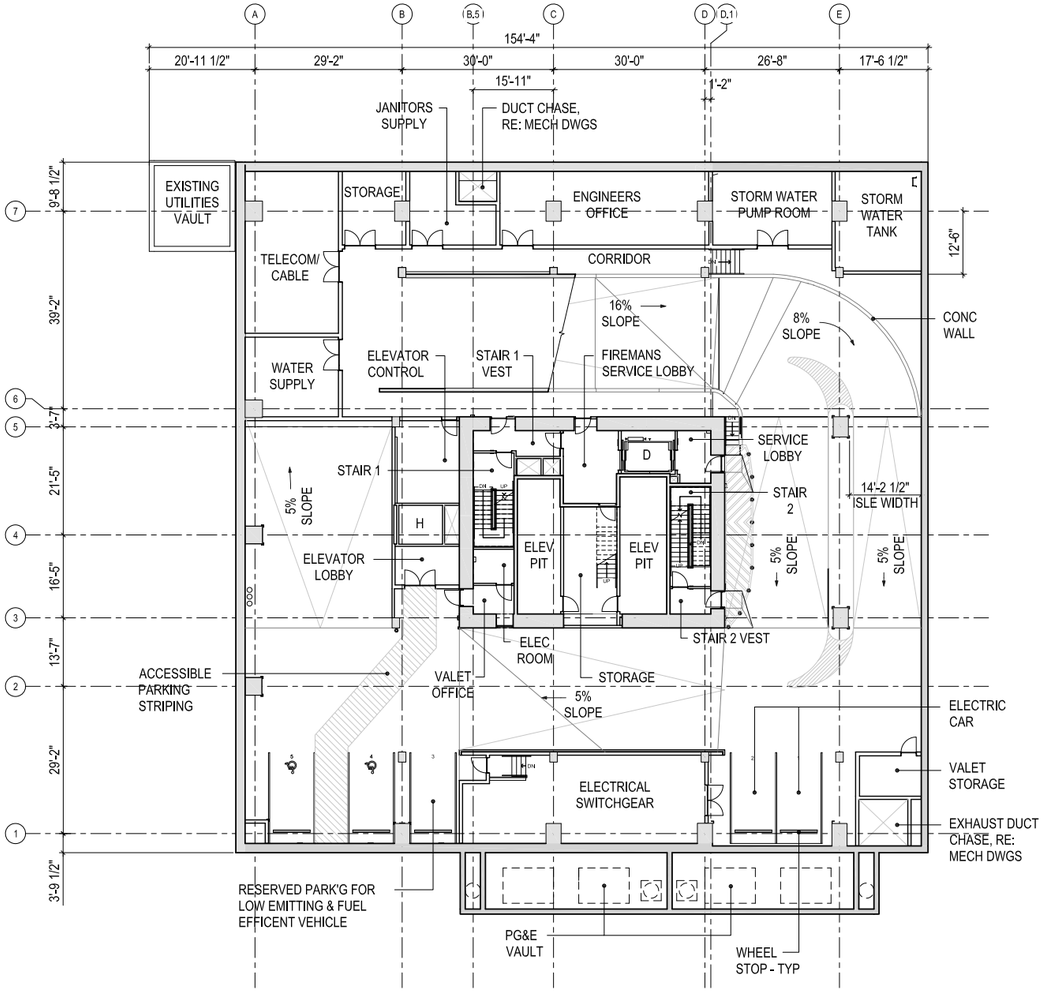

MEZZANINE LEVEL



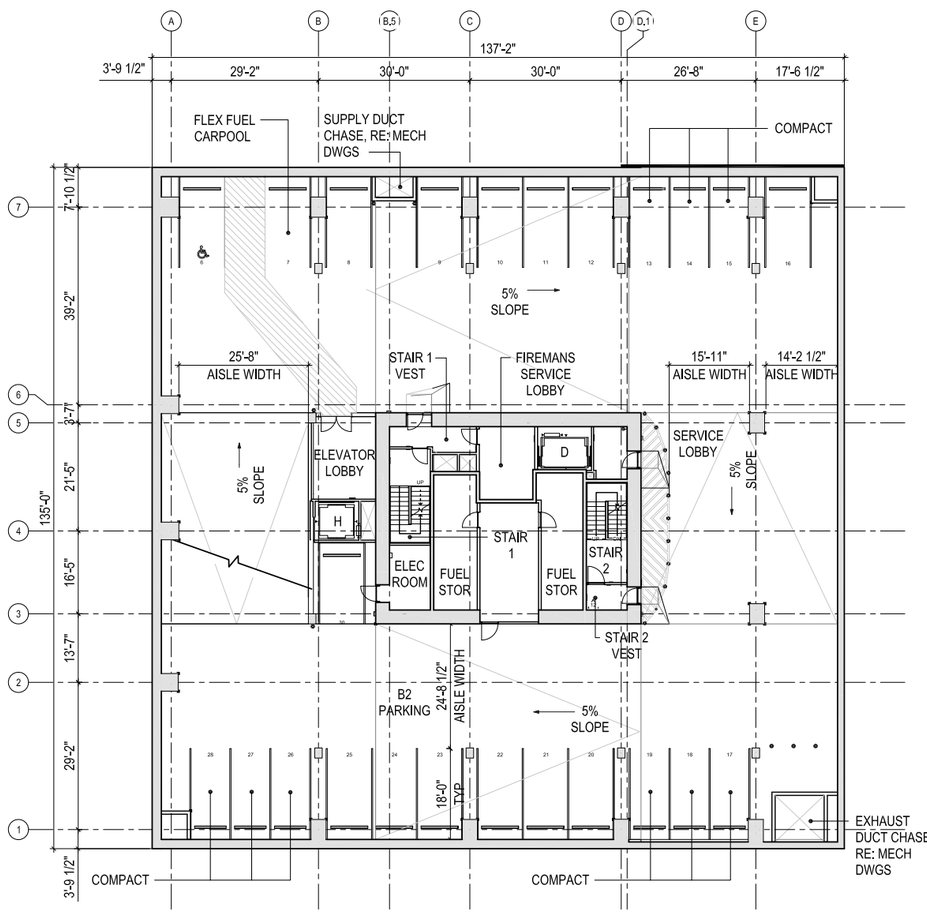

TYPICAL TOWER LVL 5-33



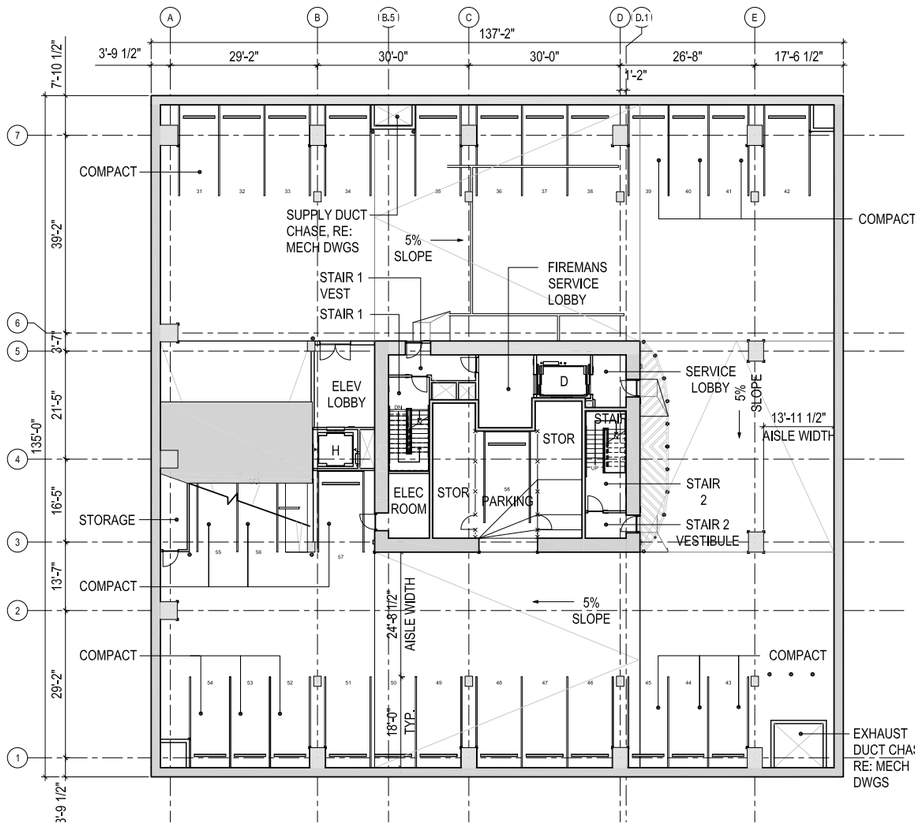

UPPER ROOF / PENTHOUSE



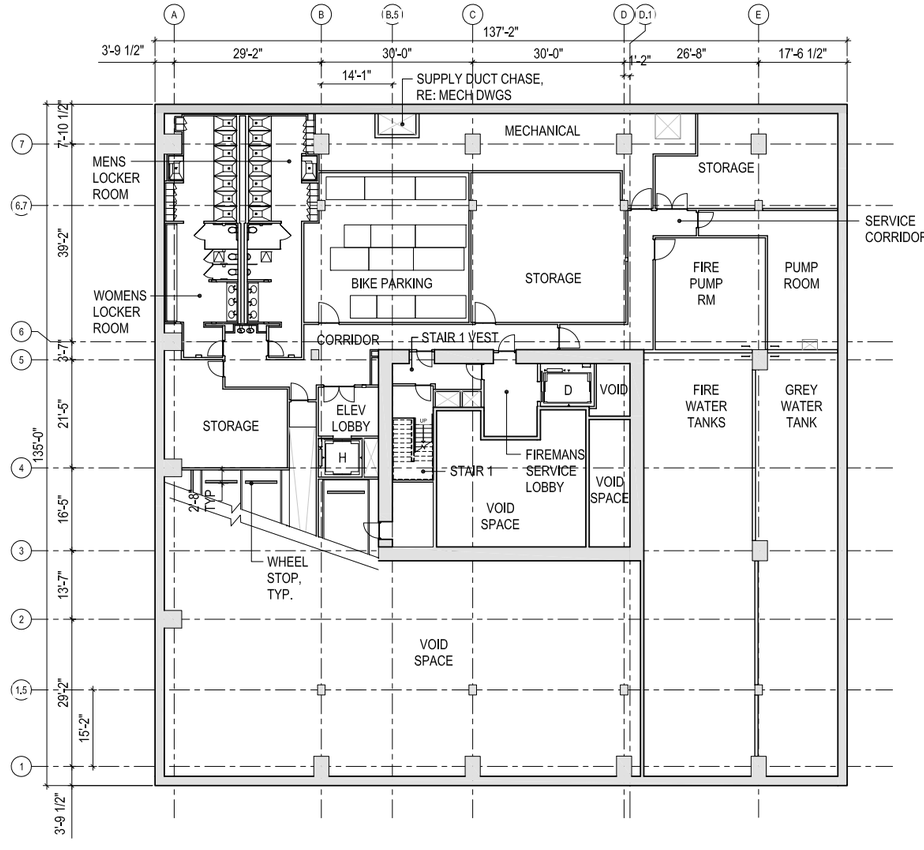

BASEMENT LVL 1



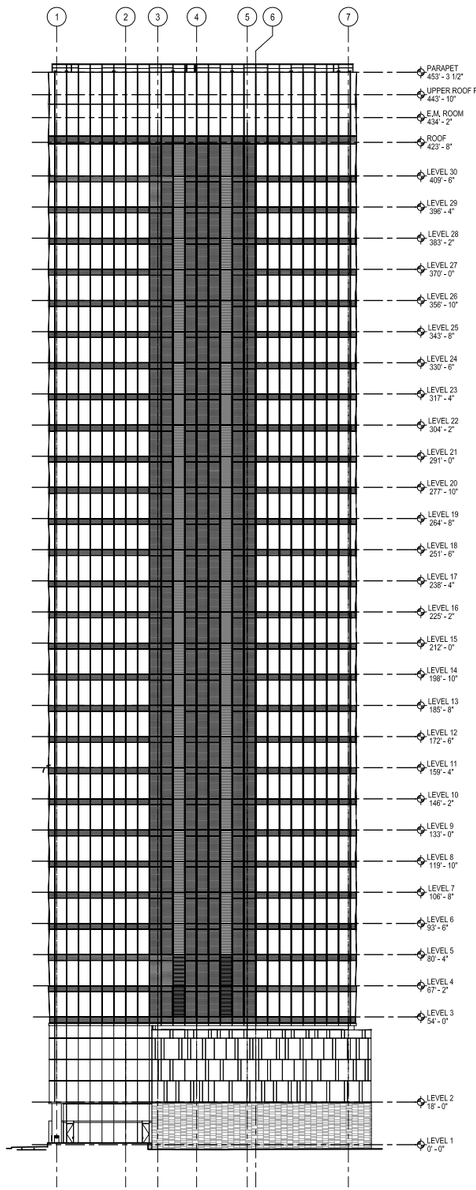

BASEMENT LVL 2



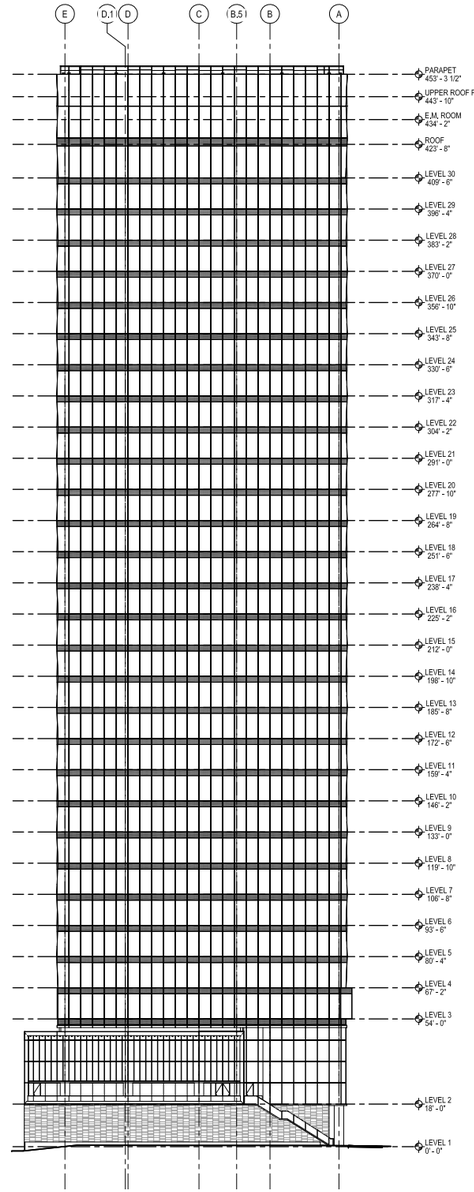

BASEMENT LVL 3



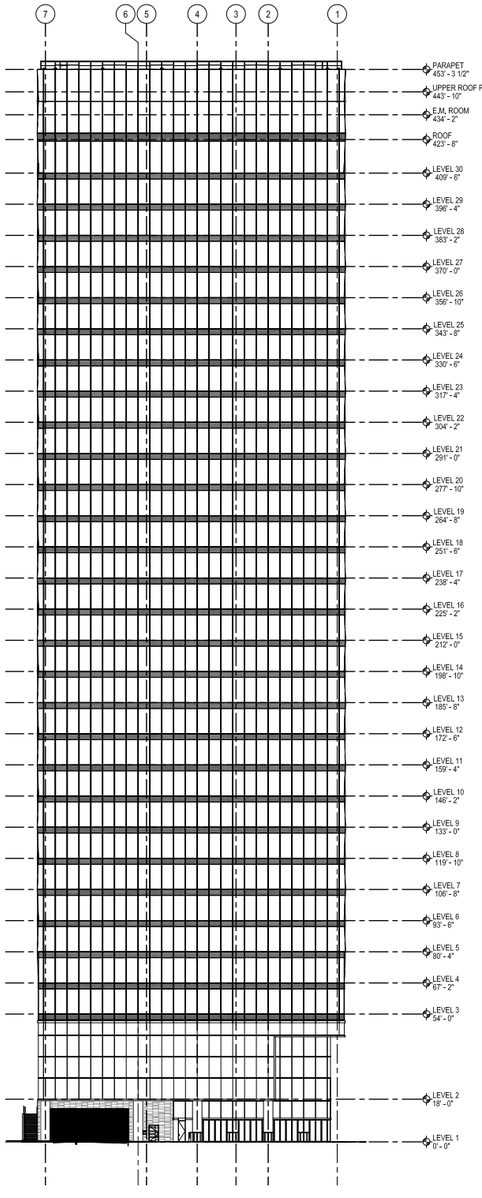

BASEMENT LVL 4



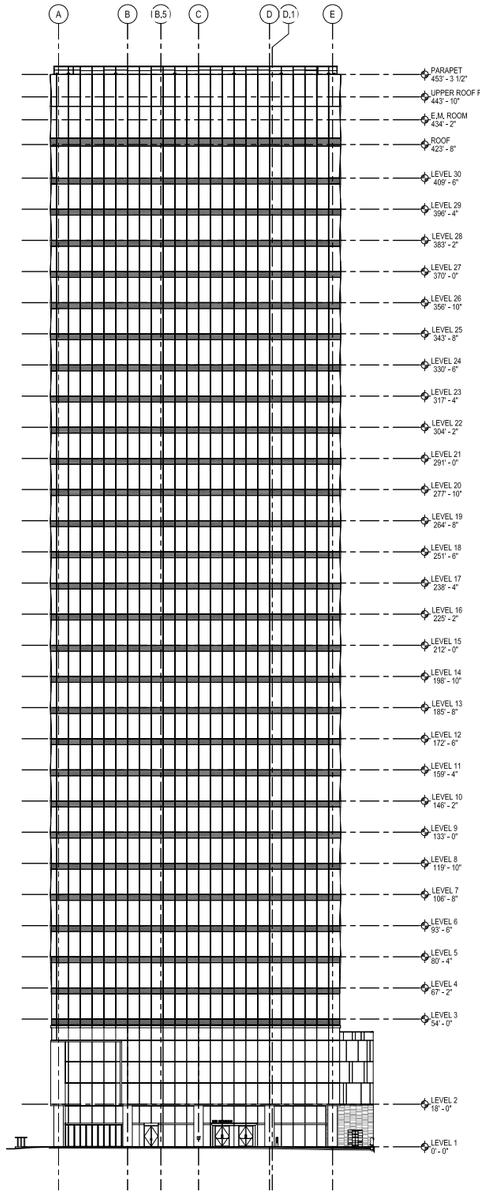

EAST ELEVATION



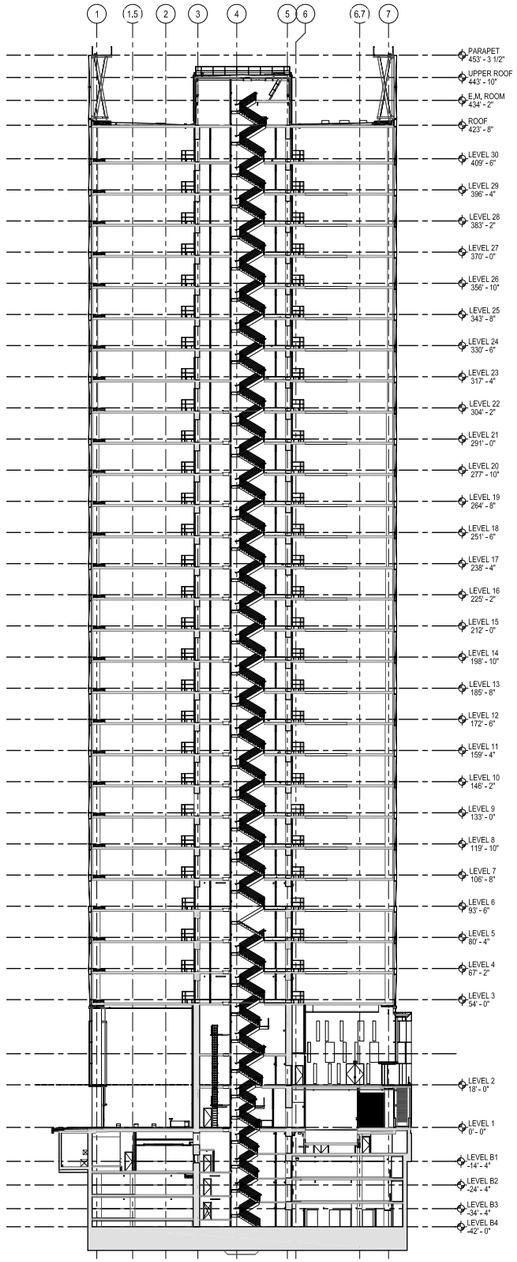

NORTH ELEVATION



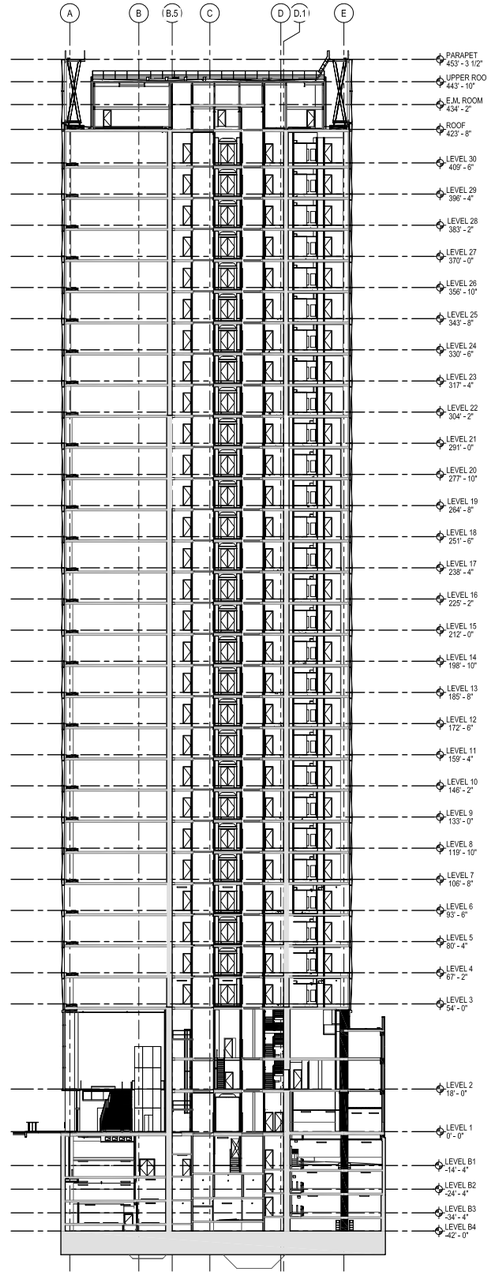

WEST ELEVATION




SOUTH ELEVATION

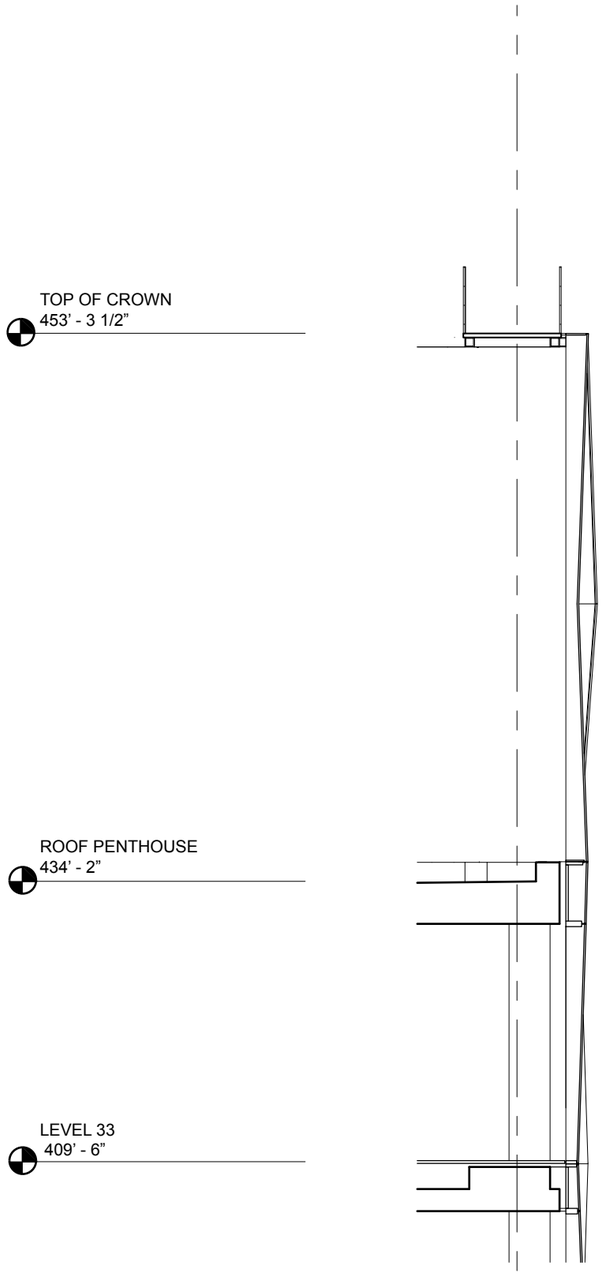



NORTH / SOUTH SECTION

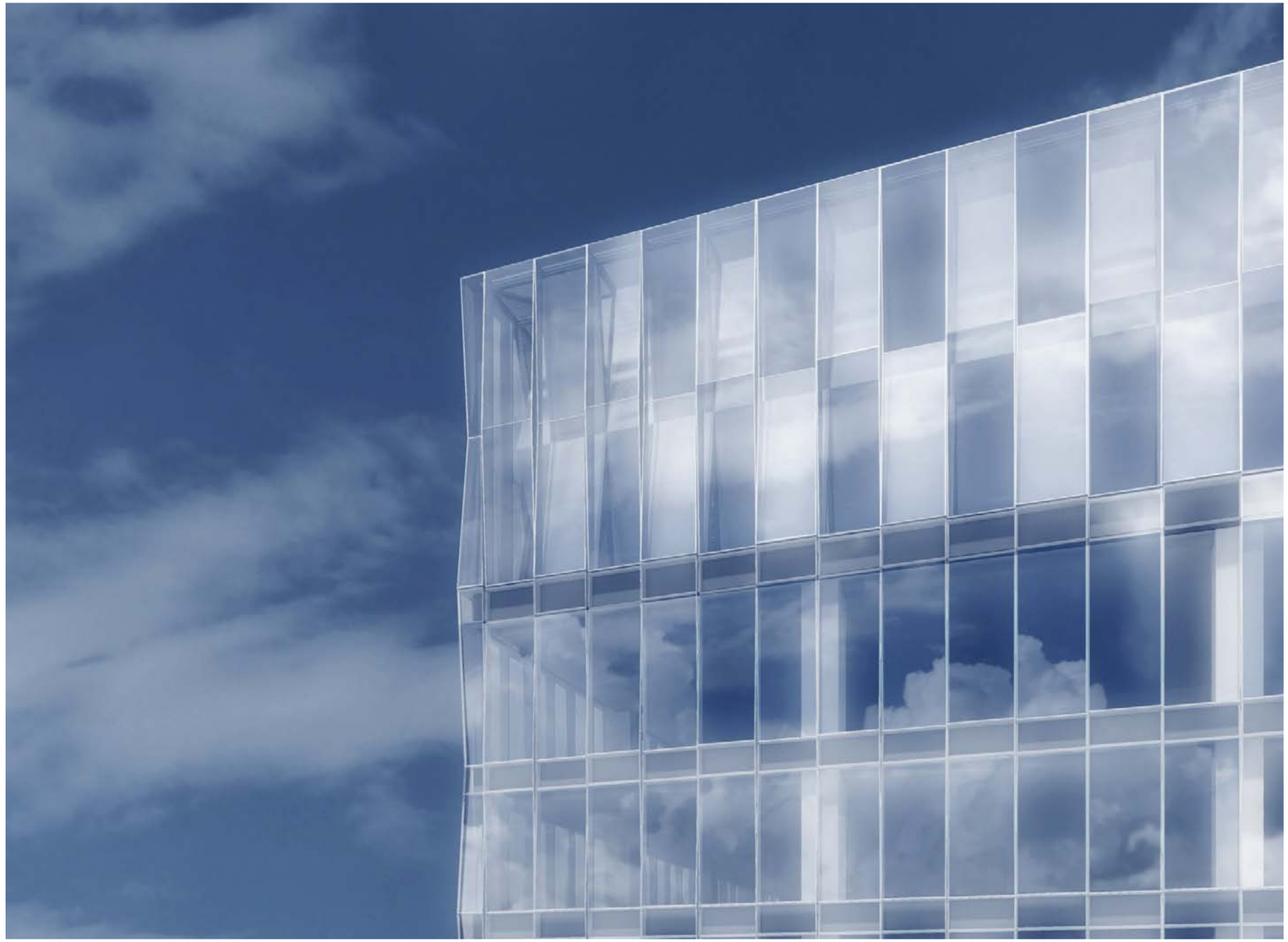


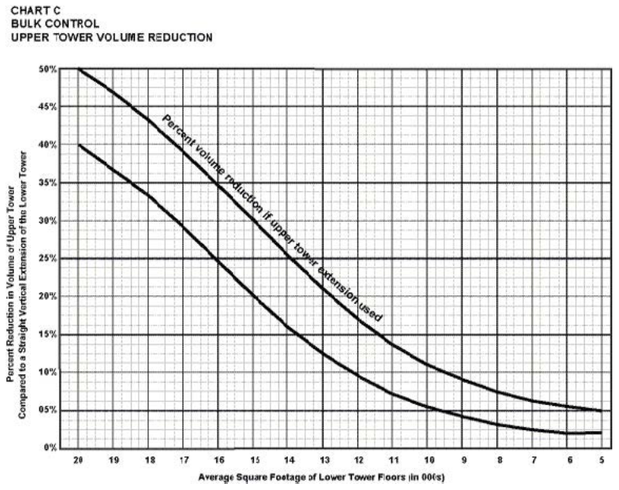

EAST / WEST SECTION

**BUILDING SECTIONS**
1’-0”=1/64”

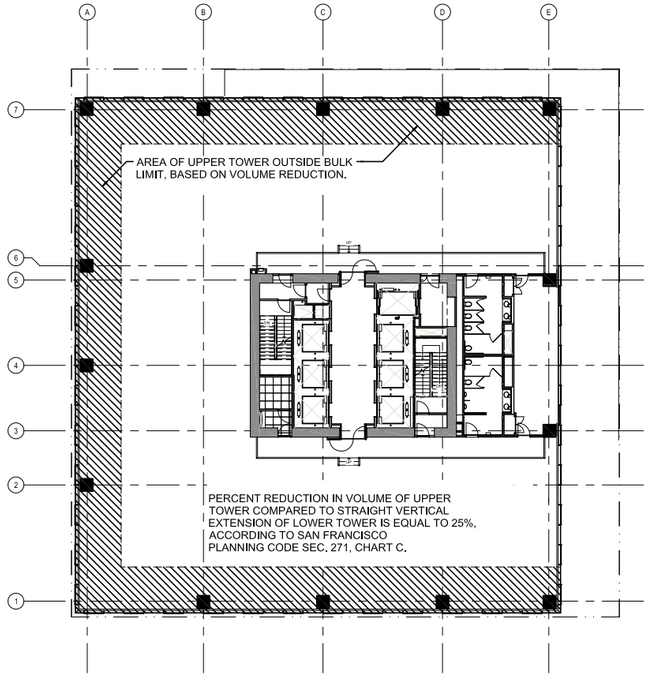



BUILDING PARAPET SECTION
1/8”= 1’-0”

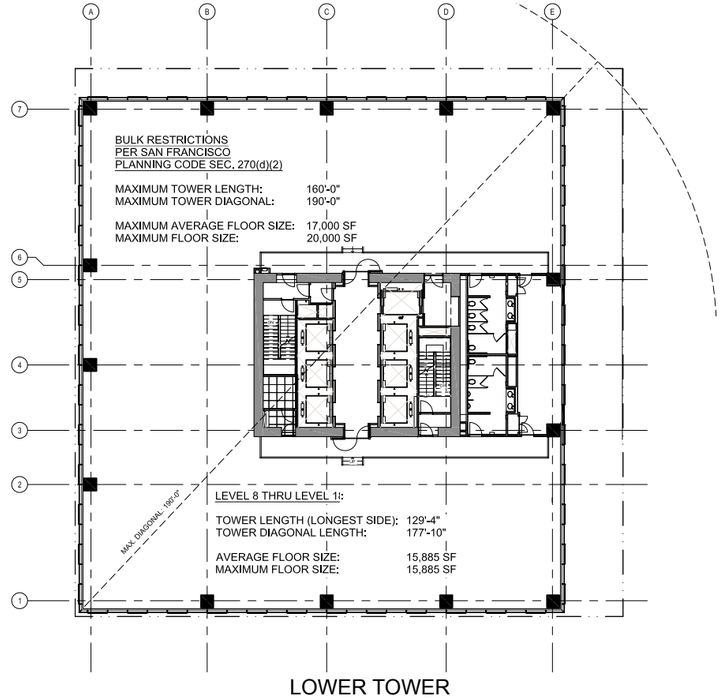




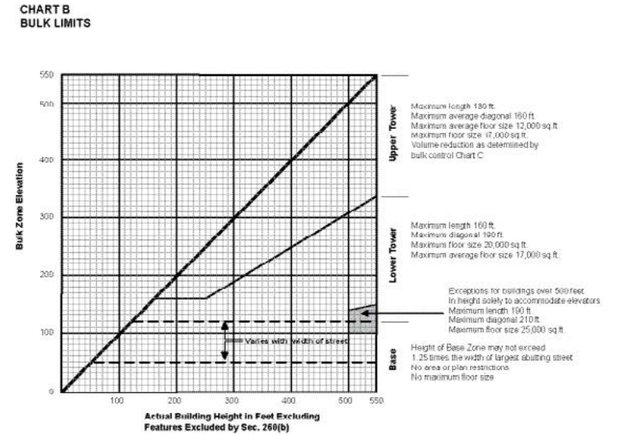

SF PLANNING CODE SEC.271 CHART C



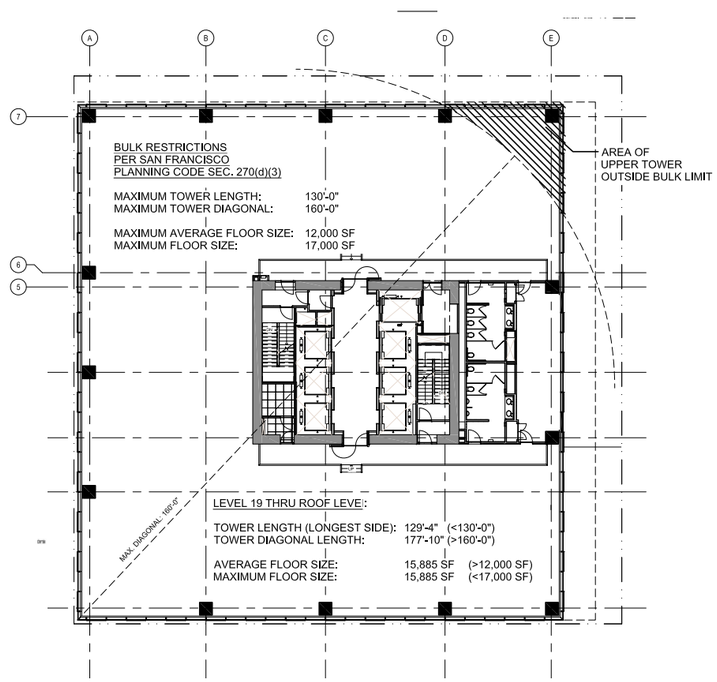

UPPER TOWER-VOLUME REDUCTION



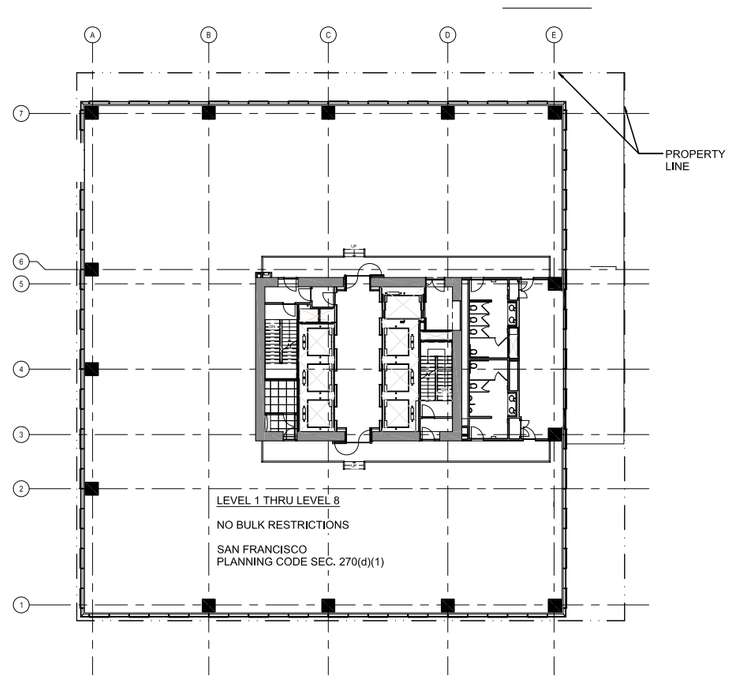

LOWER TOWER




SF PLANNING CODE SEC.270 CHART B



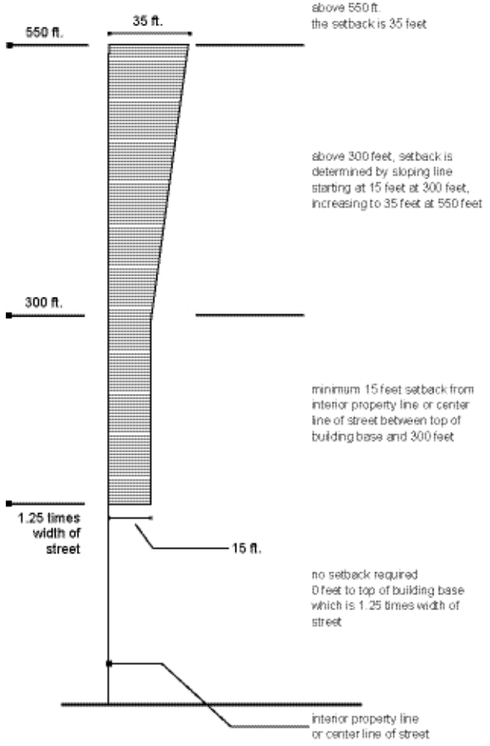

UPPER TOWER



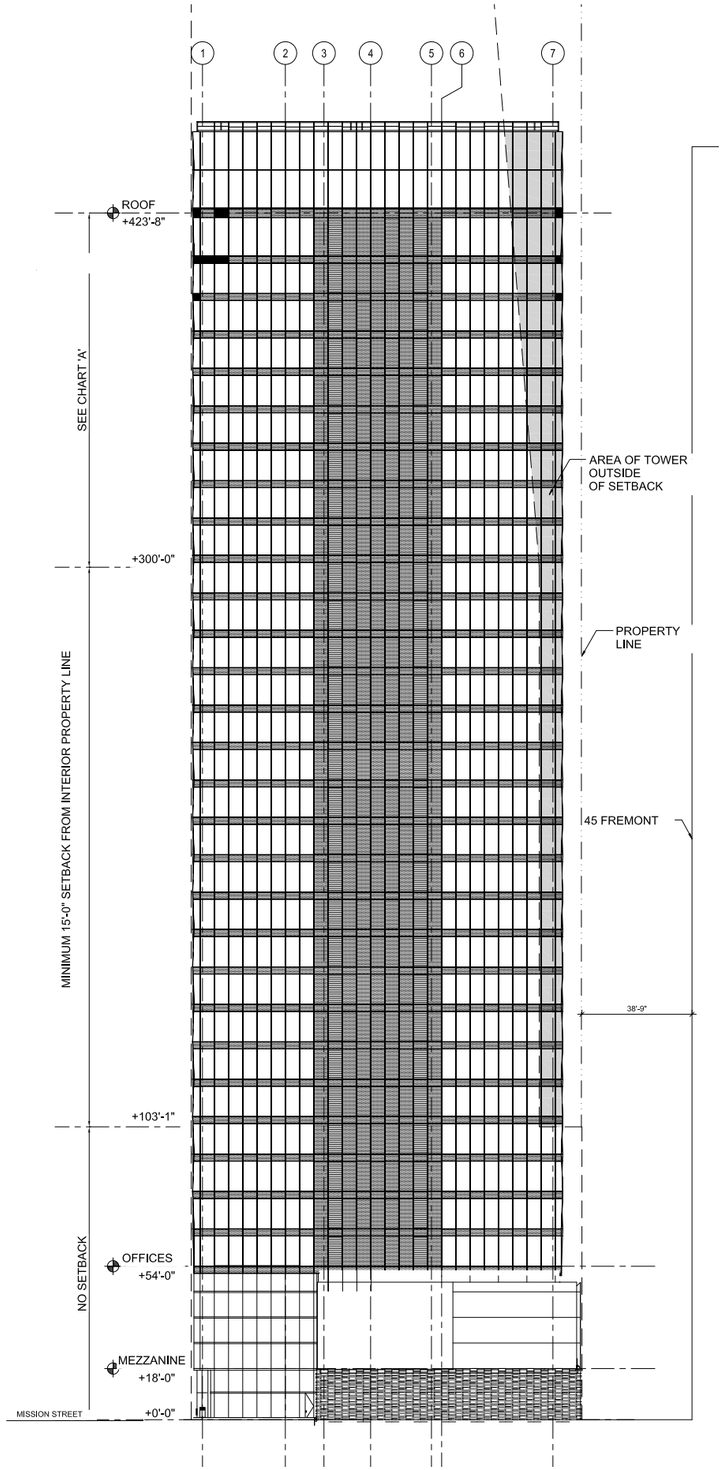

BUILDING BASE

## CHART A

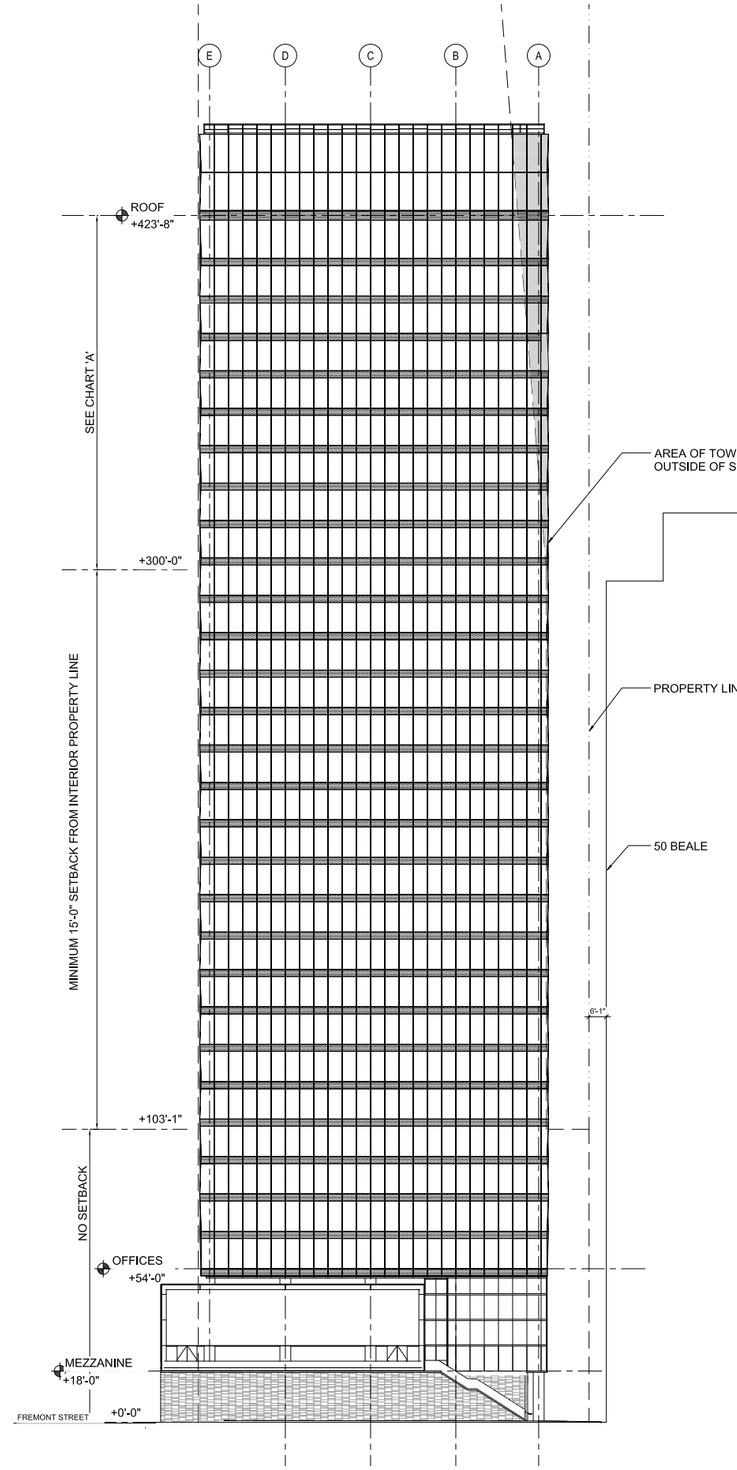
### SEPARATION BETWEEN TOWERS



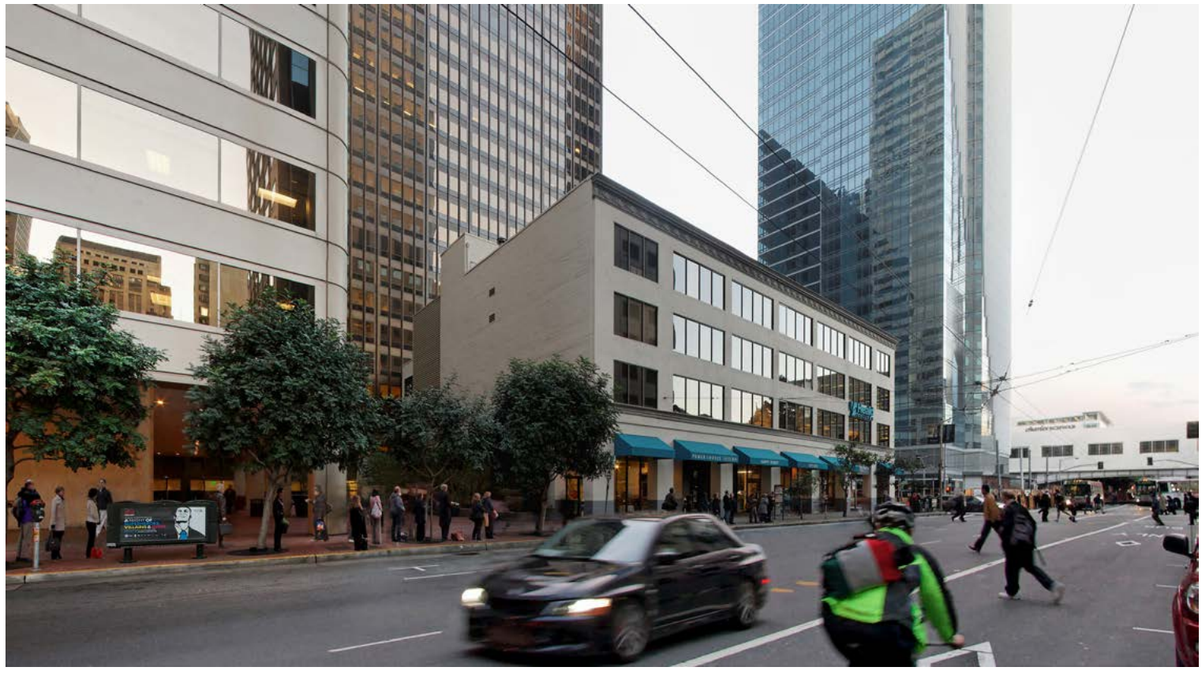

SF PLANNING CODE SEC. 132.1 CHART A

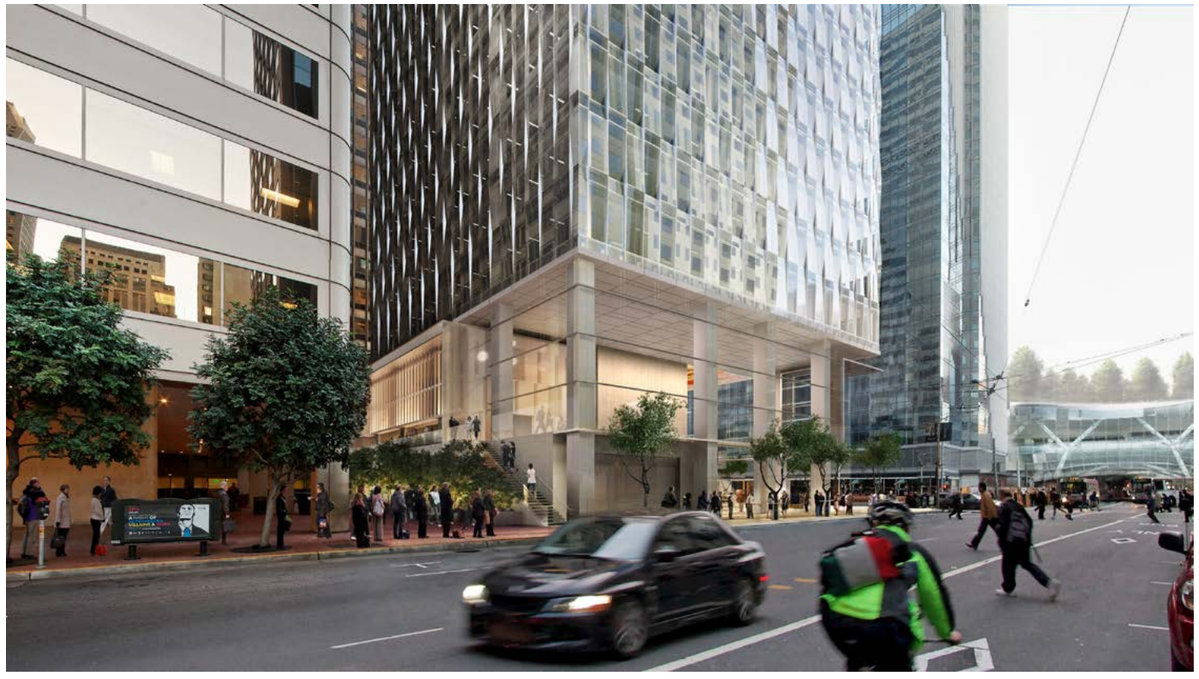



EAST ELEVATION



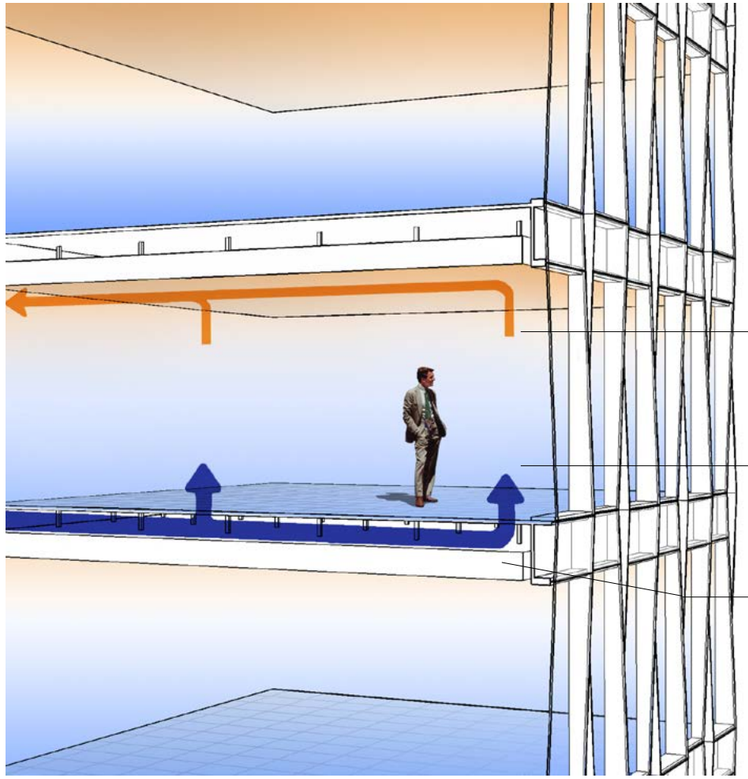

SOUTH ELEVATION






Heald
STARBUCKS COFFEE
HEALD COLLEGE


FREMONT
Heald
HEALD COLLEGE
STARBUCKS COFFEE




ENERGY EFFICIENT HVAC SYSTEM

**Under Floor air Delivery**: A raised floor system provides air distribution from below, reducing the energy demands by only conditioning the lower seven feet where needed. Conventional overhead air delivery systems require the conditioning of the entire space which increases energy demands for the same level of quality.

**100% Outside Air**: Is delivered through the fan system which greatly reduces energy load demand and improves air quality.

## SUSTAINABLE FEATURES

LEED PLATINUM TARGETED

- Unique highly articulated high performance thermal and seismically designed unitized glass exterior wall
- Sustainable (renewable) energy in the lobby environment with radiant floor for heating and cooling
- Recycled structure systems
- Better daylight penetration into office spaces due to increased ceiling heights
- 100% outside air capabilities
- Performance based structural design – uses less structural materials versus a traditional prescriptive - dual structural design, dual system (core and perimeter system)
- Under floor air and electrical distribution – no overhead ducting
- Floor by floor – HVAC high efficiency units and control
- State of the art building management system, including lighting control
- Destination elevator system
- Electric car hookups in parking garage
- ZIP Car parking facility
- Bike racks and showers

# SAN FRANCISCO GROSS AREAS

02/22/2013

| LEVEL (actual) | SF GROSS | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | San Francisco Gross Floor Area | Total Exclusions | Mechanical Areas | Electrical Room | Telecom Room | Plumbing Chase | Shafts | Lobby/Public | Fireman's Staging | Basement/Parking | Retail | Gross Building Area <G1> |
| | G-D | measure | | | | | | | | | | measure |
| Upper Roof | **0** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lower Roof | **0** | 4,171 | 2,954 | 1,121 | 0 | 0 | 96 | 0 | 0 | 0 | 0 | 4,171 |
| 33 (30) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 32 (29) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 31 (28) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 30 (27) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 29 (26) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 28 (25) | **14,970** | 877 | 518 | 93 | 67 | 80 | 119 | 0 | 0 | 0 | 0 | 15,847 |
| 27 (24) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 26 (23) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 25 (22) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 24 (21) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 23 (20) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 22 (19) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 21 (18) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 20 (17) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 19 (16) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 18 (15) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 17 (14) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 16 (13) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 15 (12) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 14 (11) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 12 (10) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 11 (9) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 10 (8) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 9 (7) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 8 (6) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 7 (5) | **15,002** | 880 | 520 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,882 |
| 6(4) | **15,000** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,883 |
| 5 (3) | **14,954** | 883 | 523 | 95 | 70 | 76 | 119 | 0 | 0 | 0 | 0 | 15,837 |
| 2 (2) | **2,337** | 8,340 | 259 | 0 | 0 | 100 | 105 | 7,876 | 0 | 0 | 0 | 10,677 |
| Ground Level | **1,817** | 14,545 | 490 | 0 | 0 | 0 | 141 | 5,035 | 0 | 7,815 | 1,064 | 16,362 |
| **SUBTOTAL** | **423,948** | **51,714** | **18,287** | **3,769** | **1,942** | **2,252** | **3,674** | **12,911** | **0** | **7,815** | **1,064** | **475,662** |
| B1 | **1,023** | 17,791 | 2,104 | 841 | 0 | 0 | 187 | 0 | 225 | 14,434 | 0 | 18,814 |
| B2 | **992** | 17,822 | 0 | 0 | 0 | 0 | 187 | 0 | 221 | 17,414 | 0 | 18,814 |
| B3 | **1,007** | 17,807 | 0 | 0 | 0 | 0 | 187 | | 221 | 17,399 | 0 | 18,814 |
| B3.5 | **2,083** | 8,977 | 0 | 0 | 0 | 0 | 85 | 0 | 221 | 8,671 | 0 | 11,060 |
| **SUBTOTAL** | **5,105** | **62,397** | **2,104** | **841** | **0** | **0** | **646** | **0** | **888** | **57,918** | **0** | **67,502** |
| **Total** | **429,053** | **114,111** | **20,391** | **4,610** | **1,942** | **2,252** | **4,320** | **12,911** | **888** | **65,733** | **1,064** | **543,164** |