



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Section 309 Review

HEARING DATE: JULY 1, 2010

Date: June 24, 2010
Case No.: **2007.1135EKX**
Project Address: **562 – 564 HOWARD STREET**
Zoning: C-3-O(SD) (Downtown Office – Special District)
450-S Height and Bulk District
Block/Lot: 3721 / 019
Project Sponsor: Claude Gruen
Gruen and Gruen Associates
564 Howard Street
San Francisco, CA 94109
Staff Contact: Jim Miller – (415) 558-6344
jim.miller@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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PROJECT DESCRIPTION

The proposed building would be approximately 136 feet in height and would consist of an 11-story addition to the existing two stories (for a total of 13 stories), with approximately 13 dwelling units on its upper floors. The ground floor is proposed for retail use. The second floor is proposed for office use. The third through 13th floors are proposed for residential use. No off-street parking is proposed in conjunction with the project. It is proposed to cover nearly 75 percent of its site on the residential levels in compliance with the standards of City Planning Code (hereinafter "Code") Section 134. All proposed dwelling units would face onto a complying rear yard or onto Howard Street.

SITE DESCRIPTION AND PRESENT USE

At present, the subject property contains a two-story building with 100 percent lot coverage. It contains the offices of Gruen and Gruen Associates (hereinafter "Project Sponsor") plus rental office space. It is on the north side of Howard Street between First and Second Streets, Lot 019 in Assessor's Block 3721 (hereinafter "Subject Property"). The Subject Property is in a C-3-O(SD) (Downtown Office – Special District) and a 450-S Height and Bulk District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Subject Property is located in the South-of-Market neighborhood. Immediately to the east is the elevated Caltrans ramp leading to the Transbay Terminal. To the north behind the Subject Property, fronting on Natoma Street, and to the east is an automobile parking lot (partially under the Caltrans ramp). To the west lie other properties along Howard Street developed with buildings of from one to

five stories each and containing ground-floor retail use plus upper-floor offices. Buildings across Howard Street to the south are from one to four stories and contain similar development. BART and MUNI stations are located nearby to the north. The Project site is well served by transit of all varieties.

ENVIRONMENTAL REVIEW

A Final Negative Declaration (hereinafter “FND”) was adopted for the project on March 5, 2009 (Case No. 2007.1135E). It was amended on June 2, 2010, to cover changes in the Project.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 9, 2010	June 9, 2010	21 days
Posted Notice	20 days	June 11, 2010	June 11, 2010	20 days
Mailed Notice	10 days	June 21, 2010	June 18, 2010	13 days

PUBLIC COMMENT

- The Department has received several telephone calls regarding the Project from individuals who said that they would attend the public hearing on the matter.

REQUIRED ACTIONS

1. Determination of Compliance by the Commission pursuant to Code **Section 309**.

BASIS FOR RECOMMENDATION

- The project would provide approximately 13 new dwelling units. However, they would be livable (especially in light of the possibility that surrounding lots be developed to at or near their zoning potential) only if a substantial rear-yard area were provided for these units to be exposed onto. In that the Project Sponsor has revised the Project plans so that each unit fronts on a Code-complying rear yard or onto Howard Street, such is the case.
- There would be two BMR units provided pursuant to the proposed Project.
- The Subject Property is well served by transit therefor the fact that no off-street parking is to be provided is appropriate.

RECOMMENDATION: Approval with Conditions
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Attachments:

Graphics package including floor plans, elevations, renderings, site photos, photos of the proposed new building in its context, zoning maps, parcel map and Sanborn map.

Attachment Checklist

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

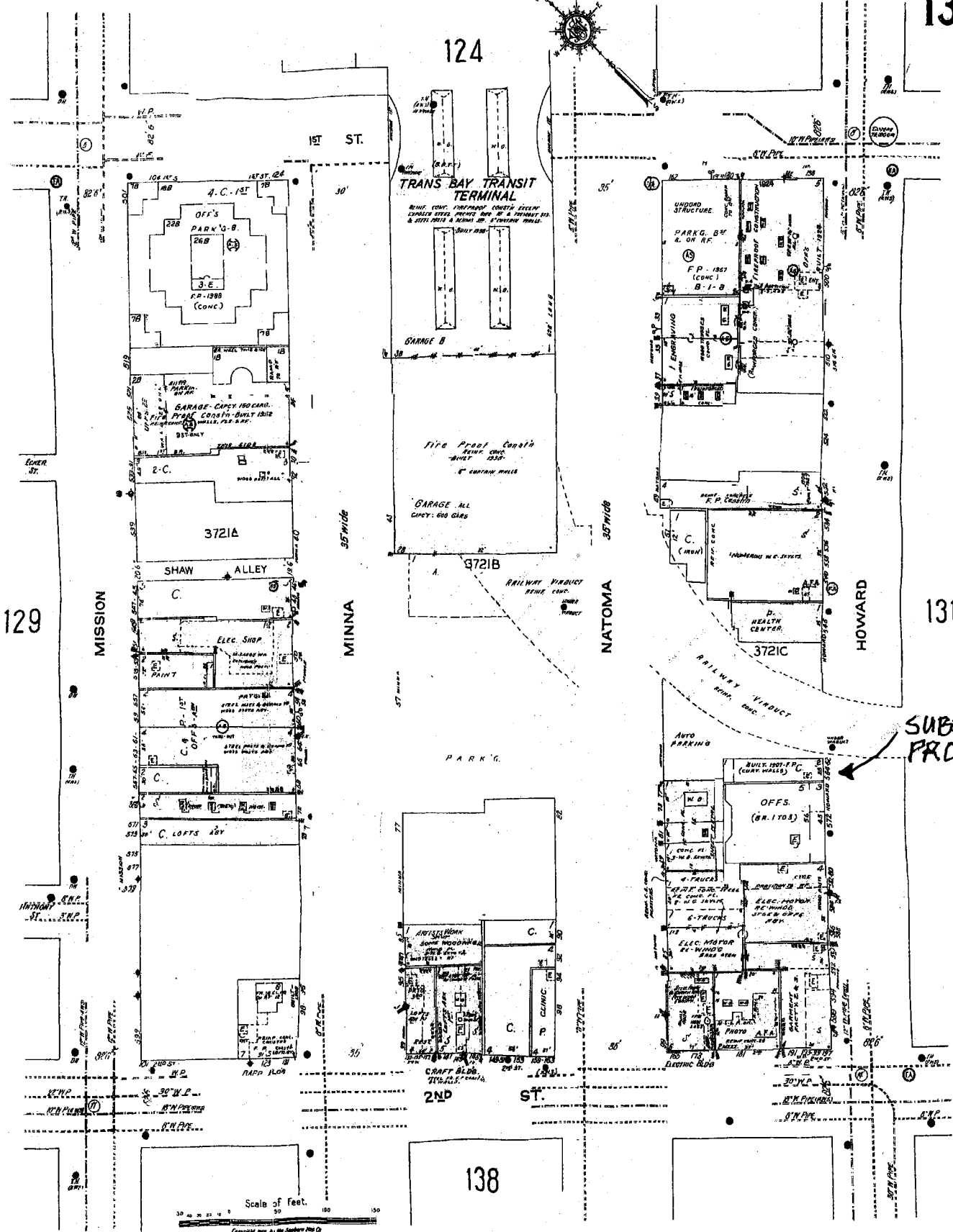
Exhibits above marked with an "X" are included in this packet

Planner's Initials

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2007.1135 EKX
562-564 HOWARD STREET

San Francisco 94102
130



SUBJECT PROPERTY

138



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: JULY 1, 2010

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Case No.: **2007.1135EKX**
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ADOPTING FINDINGS RELATING TO REVIEW PURSUANT TO PLANNING CODE (HEREINAFTER “CODE”) SECTION 309 TO ALLOW AN 11-STORY ADDITION TO AN EXISTING TWO-STORY BUILDING (FOR A TOTAL OF 13 STORIES) BUILDING CONTAINING APPROXIMATELY 13 DWELLING UNITS, SECOND-FLOOR OFFICE USE AND GROUND-FLOOR RETAIL SPACE (HEREINAFTER “PROJECT”), IN A C-3-O(SD) (DOWNTOWN OFFICE – SPECIAL DISTRICT) AND A 450-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 3, 2007, Claude Gruen (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for review under Code **Section 309** of a ten-story building containing approximately 19 dwelling units and requiring a rear-yard exception as well as a Variance of the dwelling-unit exposure standards of the Code. On June 21, 2010, the original application was amended to request a 13-story building containing approximately 13 dwelling units, second-floor office use, and ground-floor retail space, in a C-3-O(SD) (Downtown Office – Special District) and a 450-S Height and Bulk District.

On July 1, 2010, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1135EKX.

On March 5, 2009, a Final Mitigated Negative Declaration (hereinafter “FMND”), Case No. 2007.1135EKX, was prepared and published for public review. The Department determined it to have no significant effect on the environment pursuant to the California Environmental Quality Act (“CEQA”). On June 2, 2010, the Department adopted an addendum to this FMND. The amended FMND is contained in Department files for the Project.

On July 1, 2010, the Commission reviewed and considered said amended FMND and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with CEQA (California Public Resources Code Sections 21000 et seq.), 14 California Code of Regulations Sections 15000 et seq. (hereinafter “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”); and

The Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

In the Department, Linda Avery, is the custodian of records, located in the File for Case No. 2007.1135EKX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby approves Application No. 2007.1135EKX, subject to the conditions contained in “EXHIBIT A” of this Motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northern side of Howard Street, between First and Second Streets, Lot 019 in Assessor’s Block 3721. The property is in a C-3-O(SD) (Downtown Office – Special District) and a 450-S Height and Bulk district. The property is developed with a two-story building with coverage approaching 100 percent. It is used as commercial office space. The Subject Property is an interior lot with 25 feet of frontage on Howard Street and 100 feet of depth. No off-street parking is provided on the lot.

3. **Surrounding Properties and Neighborhood.** The Subject Property is located in the South-of-Market neighborhood. Immediately to the east is the elevated Caltrans ramp leading to the Trans-bay Terminal. To the north behind the Subject Property, fronting on Natoma Street, and to the east is an automobile parking lot (partially under the Caltrans ramp). To the west lie other properties along Howard Street developed with buildings of from one to five stories each and containing ground-floor retail use plus upper-floor offices. Buildings across Howard Street to the south are from one to four stories and contain similar development. BART and MUNI stations are located nearby to the north. The Project site is well served by transit of all varieties.
4. **Project Description.** The proposed building would be approximately 136 feet in height and would consist of an 11-story addition to the existing two stories, with approximately 13 dwelling units on its upper floors. The ground floor is proposed for retail use, the second floor is proposed for office use and the third through 13th floors are proposed for residential use. No off-street parking is proposed in conjunction with the project. In that it is proposed to cover 75 percent of its site at the new residential levels, it is in conformance with the rear-yard standards contained in Code **Section 134** and the dwelling-unit exposure standards contained in Code **Section 140**.
5. The proposed new dwelling units feature two floors (the third and fourth) containing two units each. These four units would each contain one bedroom. One on each floor would front onto Howard Street. The other would face the Code-complying rear yard. The unit on the lowest residential floor (the third) in the rear of the building would have a deck that measures 25 by 25 feet accessible to it (on the roof of the office floor below). The front and the rear of these units would feature balconies, both under the Code-required six feet in each horizontal direction in order to render them eligible to provide private usable open space. However, the building features a roof deck that is shown as containing 780 square feet of usable area – sufficient in size to serve all 13 of the proposed dwelling units (approximately 622 square feet) -- to be used by the residential units as “common usable open space”. Floors five through 13 each feature a one-to-a-floor two-bedroom unit that goes all the way through the building.
6. **Public Comment.** The Department received several telephone calls from individuals who said that they would attend the public hearing on the proposal.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Maximum Floor Area Ratio** (hereinafter “FAR”). Code **Section 123** establishes standards for maximum FAR’s. Code **Section 123(c)(1)** states that the gross floor area of a structure on a lot in the C-3-O(SD) District may not exceed an FAR of 18 to 1. **Section 123(d)** thereunder states that the gross floor area of a structure on a lot which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in **Section 124**.

The Project Sponsor seeks to construct a building that has an FAR of approximately 8.986 to 1 FAR. The existing structure on the Subject Property is unrated and, as such, is not a Significant or Contributory Building.

- B. **Basic FAR.** Code Section 124 establishes basic FAR's. In a C-3-O(SD) District, the base FAR is 6.0 to 1.

The Project Sponsor seeks to construct a building that approaches 8.986 to 1 FAR on the Subject Property. Therefore, Transferrable Development Rights (hereinafter TDR's") equal to an FAR of 2.986 (or approximately 7,465 gross square feet) will have to be imported to the site in order to build the Project.

- C. **Transfer of Development Rights in C-3 Districts.** Code Section 128 establishes standards for the transfer of development rights in C-3 Districts.

The Project Sponsor would be required to purchase approximately 2.986 FAR in order to build the proposed Project. In the subject case, this amounts to approximately 7,465 square feet of TDR.

- D. **Rear Yard Requirement.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet, from the first residential level upwards.

The proposal features a rear yard area at the first residential level (third) of 25 percent of the lot depth. As such, the Project, as proposed, complies with the provisions of this Section of the Code.

- E. **Usable Open Space.** Section 135 of the Code requires usable open space in conjunction with residential uses, in all zoning districts. In a C-3-O(SD) District, it requires 36 square feet if all private. Common usable open space, at a ratio of 1.33 times the all-private amount, may be substituted for private space. Section 135(g)(1) thereunder states that any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

The Project Sponsor proposes to provide all of the required usable open space in the form of common usable open space on the roof of the proposed building. In that 13 dwelling units are proposed, a total of approximately 622 square feet of common usable open space would have to be provided. Although the unit at the rear of the third floor has a private roof deck of approximately 625 square feet, the Project sponsor is proposing a roof deck on the subject building with approximately 780 square feet of area.

- F. **Dwelling Unit Exposure.** Section 140 of the Code requires all dwelling units to be exposed onto one of three areas. The required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code must face directly onto an open area that is a code-complying rear yard, a public street or alley of at least 25 feet in width, or an open area on private property that is at least 25 feet square and that gets wider by five feet in each horizontal dimension at each successive floor or level.

The Project would meet this standard in that each of the two units on the third and fourth floors of the proposed building would front either on its Code-complying rear yard area or on Howard Street. The remainder of the proposed units would be full-floor units that would front on both the complying rear yard and on Howard Street. Therefore, the proposed Project complies with the standards contained in Code Section 140.

- G. **Street Trees.** Section 143 of the Code requires street trees in a number of Districts including C-3 in the case of construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building.

Accordingly, the Project Sponsor is required to install one street tree in front of the Subject Property.

- H. **Parking.** Code Section 151 requires no off-street parking in conjunction with the Project and none is proposed.

- I. **Required Bicycle Parking for Residential Uses.** Section 155.5 of the Code requires, in conjunction with residential uses containing four dwelling units or more, one bicycle parking spaces for each two dwelling units up to 50 dwelling units per building (or, in the subject case, seven such spaces).

Plans submitted with Application No. 2007.1135EKX show eight off-street bicycle parking spaces.

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

The Project's Negative Declaration refers to a shadow analysis performed by Department staff for the 136+-foot-tall Project (Case No. 2007.1135EKX) which analysis concludes that the Project would not cast new shadows on any properties under the Recreation and Park Commission's jurisdiction protected by Section 295. The shadows to be produced by the proposed Project would not exceed levels commonly expected in urban areas and would have no significant or adverse shadow effects.

- K. **Review of Projects in C-3 Districts.** Code Section 309 sets forth provisions and procedures that govern the review of project authorization for the construction or substantial alteration of structures in the C-3 Districts and the adoption by the Commission of a Determination of Compliance. It requires a public hearing by the Commission where there are exceptions requested and/or when the building exceeds 75 feet in height and/or 50,000 square feet of gross floor area. The Commission may approve a project, grant exceptions from certain requirements of the Code and/or impose conditions of approval. A project is required to meet all applicable Code requirements or request exceptions as allowed under Section 309(a)(1)-(12). In addition to the requirements set forth in the Code, additional requirements or "modifications" may be imposed on a proposed project in order to achieve the objectives and policies of the General Plan or the purposes of the Code:

- (1) Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;
- (2) Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;
- (3) Aspects of the project affecting parking, traffic circulation and transit operation and loading points;
- (4) Aspects of the project affecting its energy consumption;
- (5) Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;
- (6) Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Code **Section 138.1**;
- (7) Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents;
- (8) Aspects of the design of the project which have significant adverse environmental consequences;
- (9) Aspects of the project that affect its compliance with the provisions of Code **Sections 1109(c), 1111.2(c), 1111.6(c), and 1113** regarding new construction and alterations in conservation districts;
- (10) Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.

Because the Project is located in a C-3-O(SD) District and is to be approximately 136 feet in height, it is subject to Planning Commission review.

- M **Residential Inclusionary Affordable Housing Program.** Code **Section 315** sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Code **Section 315.3**, these requirements would apply to projects that consist of five or more units, where the first application (Environmental Evaluation or Building Permit Application) was applied for on or after July 18, 2006. Pursuant to Code **Section 315.4**, the Project is required to provide 15 percent of the proposed dwelling units as affordable.

The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Residential Inclusionary Housing Ordinance by providing the affordable housing on-site. The

original Environmental Evaluation application for the Project was submitted on October 3, 2007, and the amendment thereto was filed on May 10, 2010. Two units (one one-bedroom and one two-bedroom) of the 13 units to be provided will be affordable units.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

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

Space for Housing

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

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

The Project would provide approximately 13 dwelling units in an emerging downtown mixed-use neighborhood.

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

OBJECTIVE 1: TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT GROWTH.

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

The Project site is within the Downtown Area Plan that promotes residential intensification that will complement the mix of downtown uses. Two of these units would be permanently affordable as explained herein. This area is appropriate as a location for new infill housing. The Project itself is to be market rate. In that the units proposed are relatively small, they would be relatively more affordable. It would provide small one- and two-bedroom units suitable as work-force housing.

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

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

OBJECTIVE 12: TO PROVIDE A QUALITY LIVING ENVIRONMENT.

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

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

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

The Project would locate much-needed housing near the Downtown and Union Square neighborhoods. It would add approximately 13 new dwelling units suitable for work-force housing while complementing the existing character of the neighborhood. Public services, improvements and amenities (including all varieties of public transit) abound in the vicinity. The Project proposal appears to be appropriate given the circumstances.

OBJECTIVE 13: TO PROVIDE MAXIMUM HOUSING CHOICE.

Policy 1: Prevent housing discrimination based on age, race, religion, sex, sexual preference, marital status, ancestry, national origin, color, disability, health (AIDS/ARC), source or amount of income, citizenship or employment status as a family day care provider.

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

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

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The proposal would enhance the district by providing work-force housing .and ground-floor retail use.

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

The existing units in the surrounding neighborhood would not be adversely affected. The proposal includes the addition of approximately 13 new work-force housing units in the city's downtown district.

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

No housing would be removed to accommodate this Project.

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

The Project site is well served by transit of all forms. No off-street parking spaces are proposed in conjunction with the Project. It is adjacent to the Transbay Terminal and would form a part of the City's "transit first" housing stock.

- 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.

In that the new-construction portion of the Project is residential and additive in nature, it would not displace any service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.

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

The Project is designed and would be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project would have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Application No. 2007.1135EKX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on October 3, 2007, and amended as of April 23, 2010, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Commission has reviewed and considered the amended FMND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment and hereby adopts the FMND.

The Commission further finds that since the amended FMND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the amended FMND 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 amended FMND.

The Commission hereby adopts the MMRP, containing the two mitigation measures that were referenced in the amended FMND, that was prepared for the Project. It is "Exhibit C" of this Motion.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal the approval of this Application to the Board of Appeals within fifteen days after the date of this Motion No. _____. The effective date of this Motion shall be the date of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed thereto. For further information, please contact the Board of Appeals at (415) 575-6880, or at 1650 Mission Street, 3rd Floor (Room 304), San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 1, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 1, 2010

Exhibit A

Conditions of Approval

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

This authorization is for approval of Application No. 2007.1135EKX, pursuant to Code **Section 309**, to allow construction of an 11-story building on a two story base (for a total of 13 floors) containing approximately 13 dwelling units, second-floor office use and ground-floor retail space, at 562 – 564 Howard Street in a C-3-O(SD) (Downtown Office – Special District) and a 450-S Height and Bulk District, generally as described in the application, in the text of the accompanying Motion and in conformance with plans filed with the Application as received originally on October 3, 2007, amended April 23, 2010, and stamped "EXHIBIT B" included in the docket for **Case No. 2007.1135EKX**, and the MMRP known as "Exhibit C", reviewed and approved by the Commission on July 1, 2010.

1. COMPLIANCE WITH OTHER REQUIREMENTS

- (A) This decision conveys no right to construct. The Project Sponsor must obtain a building permit 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.

2. GENERAL CONDITIONS

- (A) Community Liaison: The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. **Prior to the commencement of construction activities**, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison. The Applicant will keep the above parties apprised should a different staff liaison be designated.
- (B) Recordation. **Prior to the issuance of any building permit application** for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this

Motion. From time to time after recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- (C) Reporting. The Project Sponsor shall submit two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion **every six months from the date of this approval through the issuance of the first temporary certificate of occupancy**. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
- (D) Performance: This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within three (3) years of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.
- (E) Severability: If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

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

- (A) The Project Sponsor will continue to work with the staff of the Department to refine the Project design with special attention paid to the interior wall on the west side of the property. Continued joint work between the project designer and Department staff with reference to color, materials, fenestration and overall design shall be hereby mandated.
- (B) **Below Market Rate Units (hereinafter “BMR Units”)**
 - 1. Number of Required Units. Pursuant to Code **Section 315.4**, the Project is required to provide 15 percent of the proposed dwelling units as affordable to qualifying households (“BMR Units”). The Project contains 13 units; therefore, 1.95 (rounded up to two) BMR units are required. The Project Sponsor will fulfill this requirement by providing the two BMR units on-site.
 - 2. Unit Mix. The Project contains no studios, four one-bedroom and nine two-bedroom units; therefore, the required BMR unit mix is no studios, one one-bedroom and one two-bedroom unit. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.

3. Unit Location. The BMR units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first site or building permit.
4. Duration. Under Code **Section 315.7**, all units constructed pursuant to **Section 315.4** must remain affordable to qualifying households for the life of the Project.
5. Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under **Section 315** et seq. of the Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Code **Section 315** (collectively the "Inclusionary Housing Ordinance"). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: http://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf. As provided in the Inclusionary Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
 - a. The BMR units shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (hereinafter "DBI"). The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal Project.
 - b. If the units in the building are offered for sale, the BMR units shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing Ordinance, Code **Section 315.1**. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing; (ii) renting; (iii) recouping capital improvements and (iv) procedures for inheritance apply and are set forth in the Inclusionary Housing Ordinance and the Procedures Manual.
 - c. If the units in the building are offered for rent, the BMR units shall be rented to a household of low income, as defined in the Inclusionary Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing Ordinance, Code **Section 315.1**. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (hereinafter "MOH").

- d. The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The MOH shall be responsible for overseeing and monitoring the marketing of affordable units.
 - e. Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.
 - f. Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOH or its successor, the monitoring agency for the BMR units.
 - g. If project applicant fails to comply with the Inclusionary Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.
 - h. Future Applicable Controls: If the Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Code **Section 315** et seq. (collectively "applicable future controls") are approved by the Board of Supervisors prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current provisions of Code **Section 315** et seq. Specifically, the Project shall pay the affordable housing fee as provided in the applicable future controls unless it is eligible to meet the requirements of Code **Section 315** et seq. through an alternative method. The affordable housing fee currently designated in the draft applicable future controls is set at the same amount as the current in lieu fee in Code **Section 315.6** and the Commission does not anticipate, except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.
- (C) Violation of the conditions contained in this Motion or of any other provisions of the Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Code **Section 176**.
- (D) Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Code **Section 351(e)(1)**.

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**EXHIBIT X: MITIGATION MONITORING AND REPORTING PROGRAM – 564 HOWARD STREET 2007.1135E
(Includes Text of the Adopted Mitigation Measures)**

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
CULTURAL AND PALEONTOLOGICAL RESOURCES					
<i>Mitigation Measure 1: Subsurface Archaeological Resources</i>					
<p>Based on a reasonable presumption that archaeological 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 archaeological resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified below. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant’s work shall be conducted in accordance with this measure and with the requirements of the project archaeological research design and treatment plan (Anthropological Studies Center, Sonoma State University, <i>Archaeological Resources Study of 564 Howard Street, San Francisco: An Addendum to the San Francisco-Oakland Bay Bridge, West Approach replacement: Archaeological Research Design and Treatment Plan</i>, September 2008) at the direction of the Environmental Review Officer (ERO).</p> <p>In instances of inconsistency between the requirement of the project archaeological research design and treatment plan and of this archaeological mitigation measure, the requirement of this archaeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and</p>	<p>Project sponsor/archaeological consultant, at the direction of the ERO</p>	<p>Prior to any soil-disturbing activities on the project site</p>	<p>Retain a qualified archaeological consultant</p>	<p>Project sponsor, archaeological consultant, and ERO</p>	<p>Complete when project sponsor retains qualified archaeological consultant.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>shall be considered draft reports subject to revision until final approval by the ERO. Archaeological 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 archaeological resource as defined in CEQA Guidelines Sect. 15064.5(a)(c).</p>					
<p>Archaeological Testing Program</p> <p>The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>Project sponsor/archaeological consultant, at the direction of the ERO</p>	<p>Prior to any soil-disturbing activities on the project site</p>	<p>Prepare and submit draft ATP. Implement ATP.</p>	<p>After consultation with and approval by ERO of AMP. Considered complete on finding by ERO that ATP implemented.</p>	
<p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the archaeological consultant determines that significant archaeological resources may be present, the ERO in consultation with</p>	<p>Project sponsor/archaeological consultant, at the direction of the ERO</p>	<p>After completion of the archaeological testing program</p>	<p>Submit report to ERO of the findings of the archaeological testing program</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete on submittal to ERO of report on ATP findings</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>					
<p>Archaeological Monitoring Program (AMP)</p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the project archaeologist shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, 	<p>Project sponsor and archaeological consultant</p>	<p>Prior to any soils-disturbance</p>	<p>Consultation with ERO on scope of AMP</p>	<p>Project sponsor, archaeologist and ERO</p>	<p>After consultation with and approval by ERO of AMP.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> • The archaeological 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 archaeological resource; • The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; • The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. • If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the 	<p>The archaeological consultant, project sponsor and project contractor.</p>	<p>Monitoring of soils-disturbing activities.</p>	<p>Archaeological consultant to monitor soils-disturbing activities specified in AMP and immediately notify the ERO of any encountered archaeological</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete upon completion of AMP.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>			resource.		
<p>Archaeological Data Recovery Program</p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to the preparation of a draft ADRP. The archaeological 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 archaeological 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 archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements</p>	Archaeological consultant in consultation with ERO	After determination by ERO that an ADRP is required	Archaeological consultant to prepare an ADRP in consultation with ERO	Archaeological consultant and ERO	Considered complete upon approval of ADRP by ERO

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> 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. 					
<p>Human Remains, Associated or Unassociated Funerary Objects.</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable State and Federal laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the</p>	<p>Archaeological consultant or medical examiner</p>	<p>Discovery of human remains</p>	<p>Notification of County/City Coroner and, as warranted, notification of NAHC</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/ burial objects have been adhered to, consultation with</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>					<p>MLD is completed as warranted, and that sufficient opportunity has been provided to archaeological consultant for scientific/historical analysis of remains/funerary objects.</p>
<p>Final Archaeological Resources Report. The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.</p>	<p>Archaeological consultant</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered archaeological data</p>	<p>Preparation of FARR</p>	<p>Archaeological consultant and ERO</p>	<p>FARR is complete on review and approval of ERO</p>
<p>NOISE</p>					
<p>Mitigation Measure 2: Pile Driving</p>					
<p>Should pile driving be necessary for installation of pile foundations as part of project construction, the project sponsor shall require project contractors to pre-drill holes to the maximum depth feasible on the basis of soil conditions to reduce construction-related noise and vibration. Project contractors shall also use construction</p>	<p>Project sponsor and contractor</p>	<p>During subsurface construction</p>	<p>Project contractor to predrill holes for pile driving, use noise shielding and muffling</p>	<p>DPW to monitor project contractor compliance</p>	<p>Considered complete after construction activities have ended</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
equipment with state-of-the-art noise shielding and muffling devices, and schedule pile driving activity for times of the day that are consistent with the San Francisco Noise Ordinance to disturb the fewest people.			devices during pile driving, and schedule pile driving activity consistent with the Noise Ordinance		



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: February 11, 2009
Case No.: 2007.1135E
Project Title: 564 Howard Street
Zoning: Downtown Office Special Development (C-3-O (SD)) Use District
450-S Height and Bulk District
Block/Lot: 3721/019
Lot Size: 2,500 square feet
Project Sponsor: Claude Gruen
415 433-7598
Lead Agency: San Francisco Planning Department
Staff Contact: Jeanie Poling – 415 575-9072
jeanie.poling@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project includes the demolition of an existing 30-foot-high, two-story, 7,000 sf building, constructed in 1907 and currently used as office space, and the construction of a 111-foot high, 10-story, 24,050 sf building. The proposed building would contain 22,500 sf of residential space consisting of 19 dwelling units; 1,550 sf of neighborhood-serving retail or a restaurant; and no parking facilities. The project site is within Zone Two of the Transbay Redevelopment Area and is proposed for acquisition in 2009 by the Transbay Joint Powers Authority. The project site is directly in the path of a proposed bus ramp that would lead from the Bay Bridge to the new transit center. The proposed 10-story building at 564 Howard Street could not be built if the Transbay Transit Center (TTC) Project moves forward, and no project scenario exists that can accommodate both the proposed 564 Howard project and the TTC Project. Thus, the project that is analyzed in this Initial Study assumes that the TTC Project does not continue to move forward.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See pages 80–84.

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

BILL WYCKO
Environmental Review Officer

Date of Adoption of Final Mitigated
Negative Declaration

cc: Claude Gruen

TABLE OF CONTENTS – INITIAL STUDY
2007.1135E – 564 Howard Street

A.	PROJECT DESCRIPTION	1
B.	PROJECT SETTING	13
C.	COMPATIBILITY WITH EXISTING ZONING AND PLANS.....	14
D.	SUMMARY OF ENVIRONMENTAL EFFECTS	19
E.	EVALUATION OF ENVIRONMENTAL EFFECTS.....	19
1.	LAND USE AND LAND USE PLANNING	19
2.	AESTHETICS.....	21
3.	POPULATION AND HOUSING.....	23
4.	CULTURAL AND PALEONTOLOGICAL RESOURCES	24
5.	TRANSPORTATION AND CIRCULATION	26
6.	NOISE.....	35
7.	AIR QUALITY.....	39
8.	WIND AND SHADOW.....	54
9.	RECREATION	56
10.	UTILITIES AND SERVICE SYSTEMS.....	57
11.	PUBLIC SERVICES.....	60
12.	BIOLOGICAL RESOURCES	62
13.	GEOLOGY AND SOILS.....	64
14.	HYDROLOGY AND WATER QUALITY	67
15.	HAZARDS AND HAZARDOUS MATERIALS.....	72
16.	MINERAL AND ENERGY RESOURCES.....	77
17.	AGRICULTURE RESOURCES	78
18.	MANDATORY FINDINGS OF SIGNIFICANCE	79
F.	SUMMARY OF NEIGHBORHOOD CONCERNS.....	80
G.	MITIGATION MEASURES AND IMPROVEMENT MEASURES.....	80
H.	DETERMINATION	84

FIGURES

Figure 1: Project Location.....	3
Figure 2: Basement Level.....	4
Figure 3: Ground Level.....	5
Figure 4: Second Level.....	6
Figure 5: Typical Floor 3–10.....	7
Figure 6: Roof Plan	8
Figure 7: South and East Elevations.....	9
Figure 8: North and West Elevations	10
Figure 9: Views of Project Site from the South.....	11
Figure 10: Views of Project Site from the North.....	12

INITIAL STUDY

2007.1135E – 564 Howard Street

A. PROJECT DESCRIPTION

Project Overview

The 2,500-square-foot (sf) project site is located on the north side¹ of Howard Street between First and Second Streets (Assessor's Block 3721, Lot 019) on the block surrounded by First Street, Natoma Street, and Second Street (see Figure 1, p. 3). The existing 30-foot high, two-story building covers the entire lot. The building is occupied by two businesses: Geologica, Inc. on the ground floor and Gruen & Gruen and Associates on the second floor.

Adjacent to the project site to the east is a surface parking lot below the Transbay Loop elevated bus ramp. Adjacent and to the west is a four-story office building.

The proposed project includes the demolition of the existing 30-foot-high, two-story, 7,000 sf building, constructed in 1907 and currently used as office space, and the construction of a 111-foot high, 10-story, 24,050 sf building.² The proposed building would contain 22,500 sf of residential space consisting of 19 dwelling units; 1,550 sf of neighborhood-serving retail or a restaurant on the ground floor; and no parking facilities. The 19 residences would consist of eight two-bedroom, 1,065 sf units and 11 one-bedroom 475 to 600 sf units.

Project plans are presented in Figures 2 through 6 (pp. 4 through 8). The basement level would be expanded to include residential and commercial storage; bicycle parking; fire, electrical, and phone building systems; an elevator shaft; and a trash room. The basement level would require excavation of 462 cubic yards of soil to increase the basement depth. The first floor, which is currently an office use, would be renovated as a single 1,550-sf neighborhood-serving retail use or a restaurant. The existing second level, which is currently an office use, would be renovated as three one-bedroom residential units. The third through tenth floors would each contain one one-bedroom and one two-bedroom units. The two-bedroom units, which front Howard Street, would each contain a 57 sf balcony. The roof would contain a 1,120 sf common roof garden and building mechanical systems.

¹ The street grid in the South of Market area is on a northwest/southeast axis. Throughout this document “north” is actually northwest. Streets that run in the northwest/southeast direction are generally considered north-south streets, whereas streets that run in the southwest/northeast direction are generally considered east-west streets.

² The project description within the environmental evaluation application submitted by the project sponsor describes an addition to the two-story building; however, the project proposes to replace more than 70 percent of the building and the façade. Therefore, the Planning Department has determined the project to be a demolition rather than an alteration/addition.

Figure 7 (p. 9) presents the front (south) elevation of the project as it would be viewed from Howard Street and the east elevation as viewed from the Caltrans right-of-way. Figure 8 (p. 10), shows the north elevation, which would abut a parking lot and a two-story building and be partially visible from Natoma Street, and the west elevation, which would abut the adjacent building and would not be visible. Figures 9 and 10 (pp. 11–12) present existing views of the project site.

Proposed Project and Transbay Transit Center Project

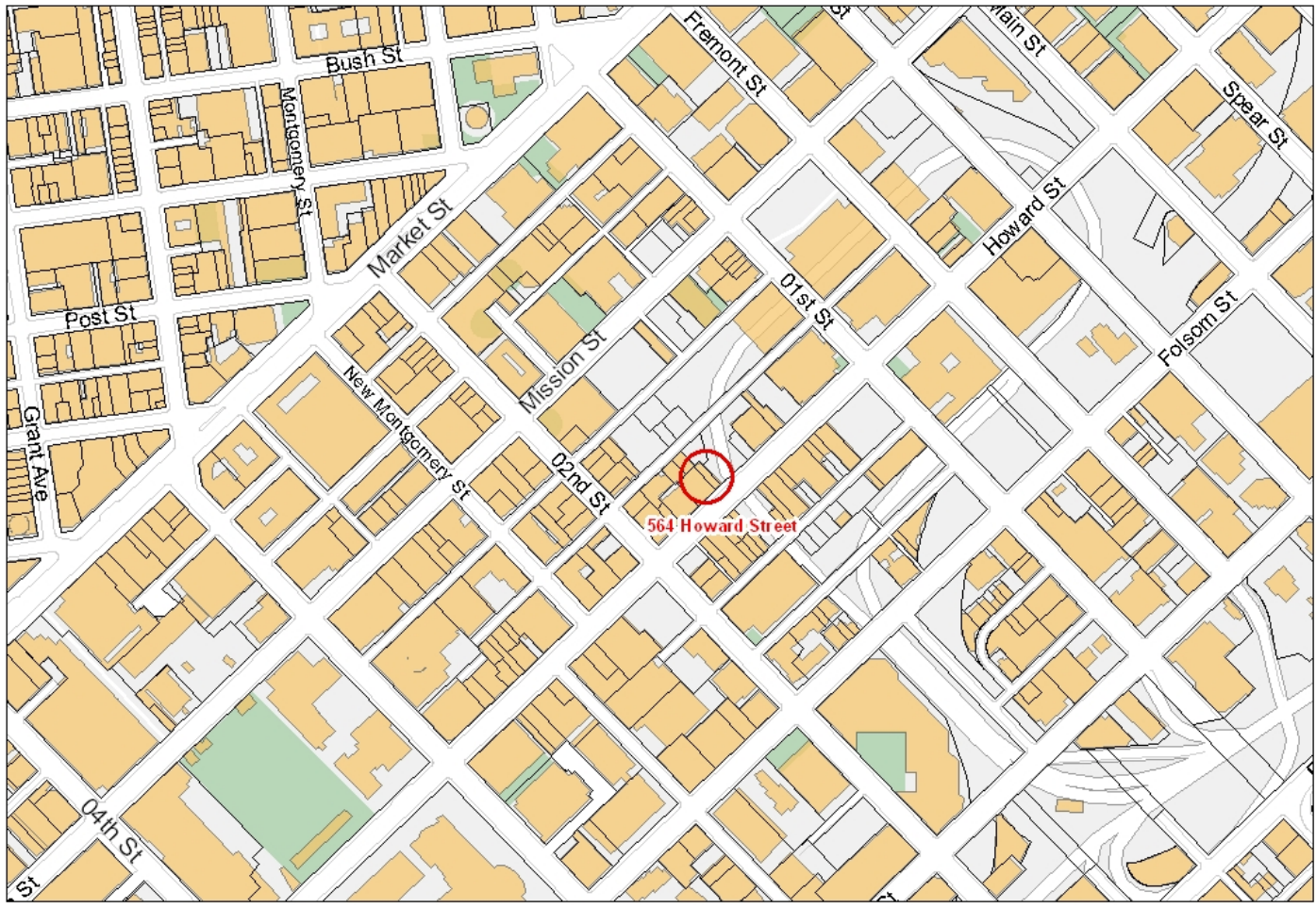
The Transbay Transit Center Project (the “TTC Project”) is a regional project to replace the Transbay Terminal with a new multi-modal transit center. Phase 1 of the TTC Project would replace the outdated Transbay Terminal at First and Mission Streets with a new transit center. Phase 2 of the TTC Project would extend Caltrain underground 1.3 miles from its current terminus at Fourth and King Streets to the new transit center. The \$1.189 billion cost of Phase 1 is fully funded. Phase 2 is partially funded.³ The TTC Project is under the jurisdiction of the Transbay Joint Powers Authority (TJPA).

The TTC Project is located within the Transbay Redevelopment Project Area (the “Redevelopment Area”). The Transbay Redevelopment Plan was adopted by the San Francisco Redevelopment Agency in 2005, and groundbreaking for construction of the temporary terminal took place on December 10, 2008.⁴ The Redevelopment Area is divided into two zones. Zone One includes several former freeway parcels that have been rezoned to accommodate a new, high-density mixed-use residential neighborhood with approximately 2,600 new housing units and 800,000 square feet of new office space. Zone Two consists of existing office development and is within the Transit Center District Plan Area, a City-sponsored rezoning plan that would significantly increase height limits and make other changes to the zoning around the Transbay Terminal. Zone One is under the jurisdiction of the San Francisco Redevelopment Agency. Zone Two is under the jurisdiction of the San Francisco Planning Department.

The project site is within Zone Two of the Redevelopment Area and is proposed for acquisition in 2009 by the TJPA. The project site is directly in the path of a proposed bus ramp that would lead from the Bay Bridge to the new transit center. The proposed 10-story building at 564 Howard Street could not be built if the TTC Project moves forward, and no project scenario exists that can accommodate both the proposed 564 Howard project and the TTC Project. Thus, the project that is analyzed in this Initial Study assumes that the TTC Project does not continue to move forward.

³ Transbay Joint Powers Authority, Transbay Transit Center Program Final Relocation Study, September 2007, p. 5.

⁴ Transbay Joint Powers Authority, Transbay Transit Center Program, Press Release: “Mayor Newsom, Transbay Joint Powers Authority Break Ground on Transbay Transit Center Program,” December 10, 2008.

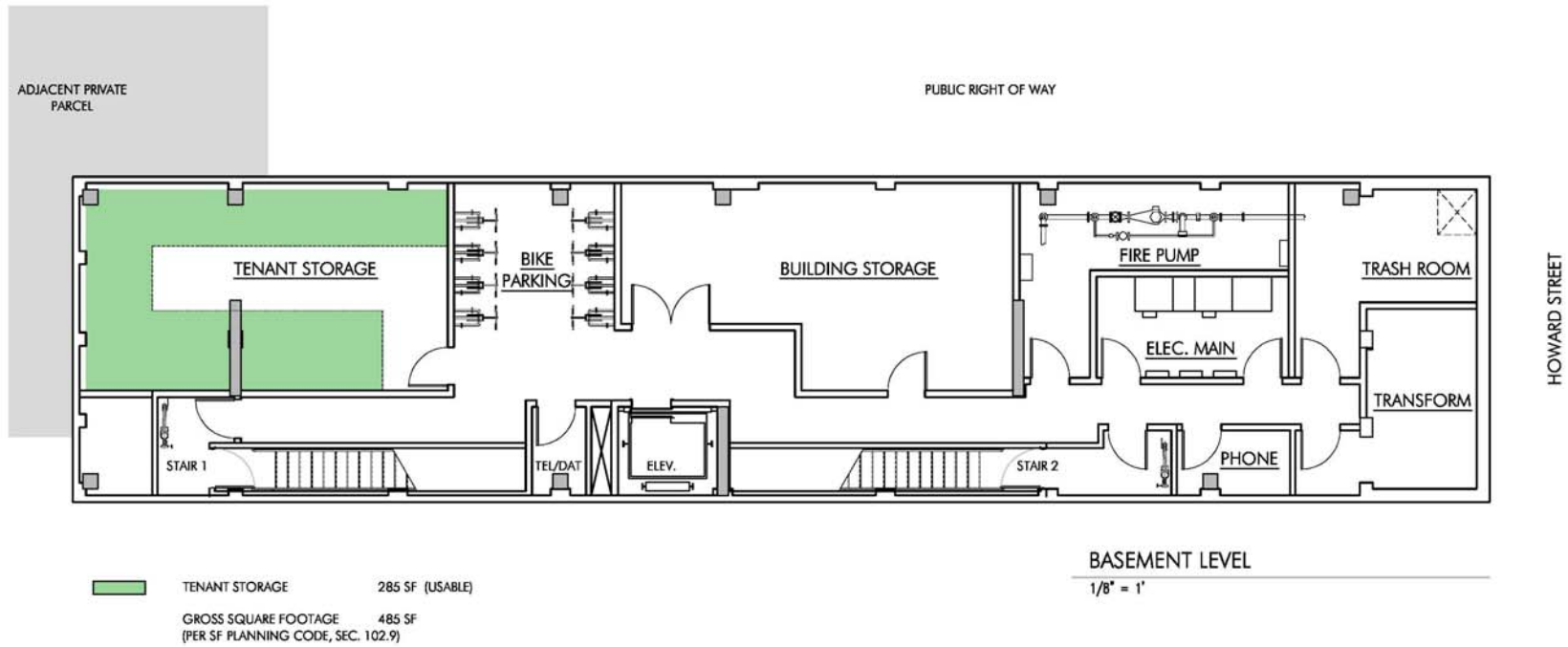


0 100 200 300 400 Yards

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

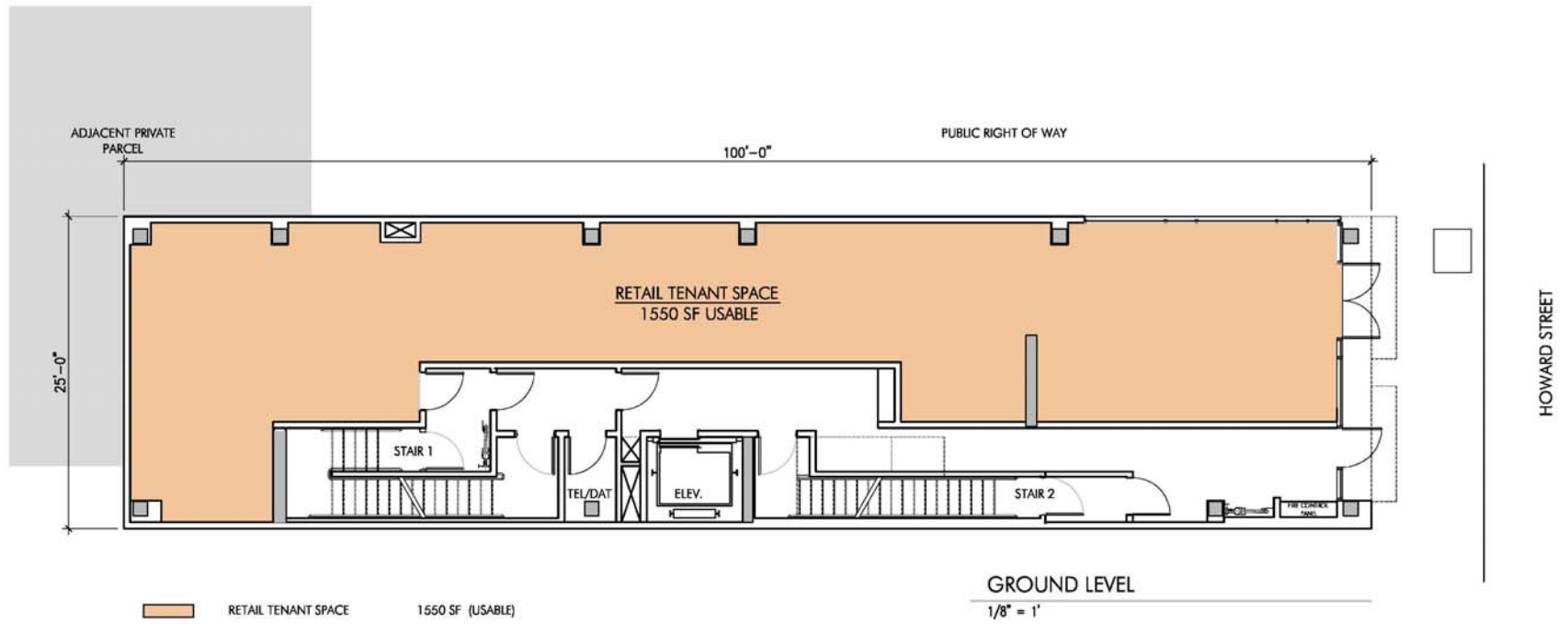
Source: San Francisco Planning Department, 2008.

Figure 1: Project Location



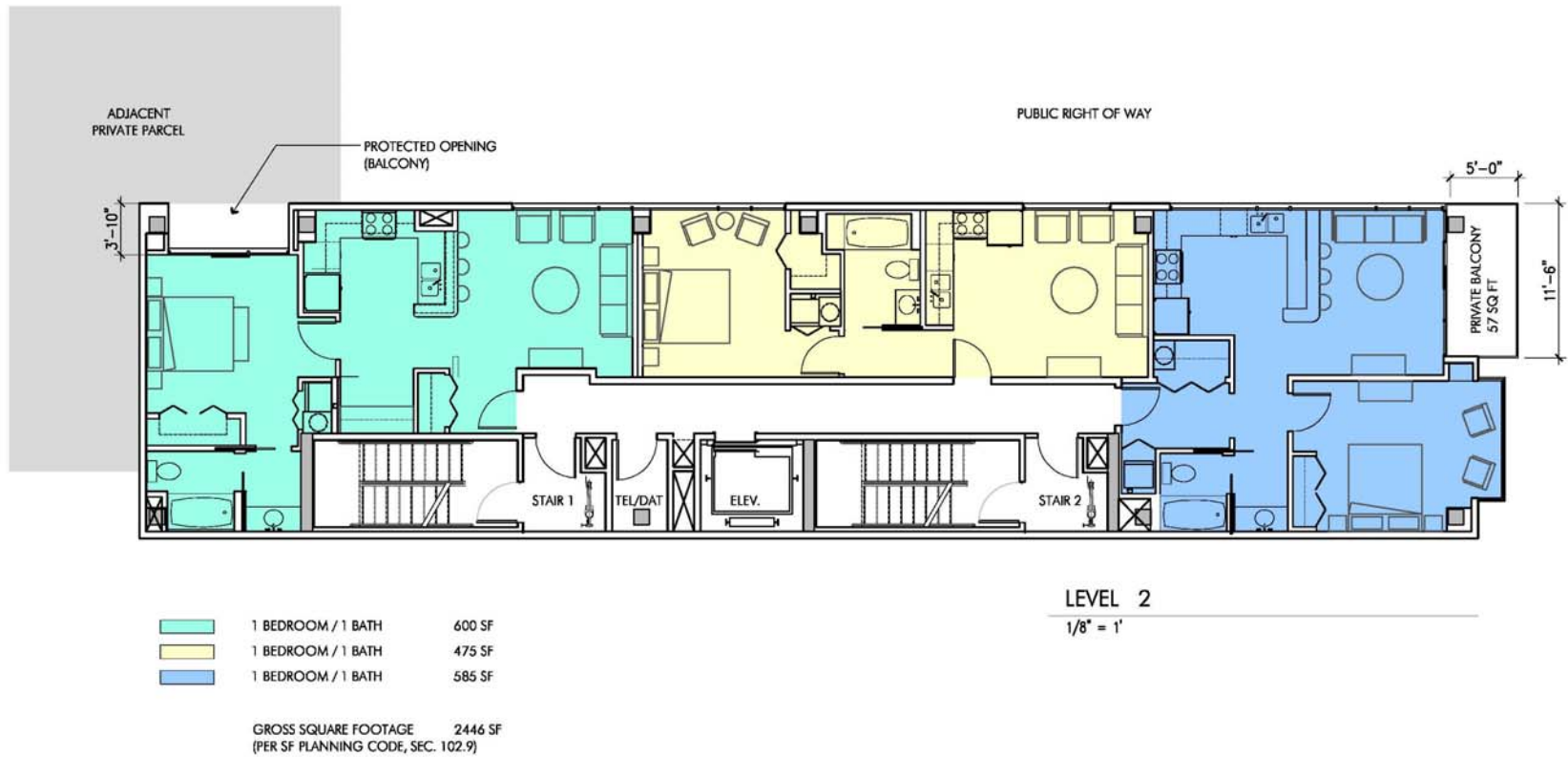
Source: Gruen Gruen and Associates, 2007.

Figure 2: Basement Level



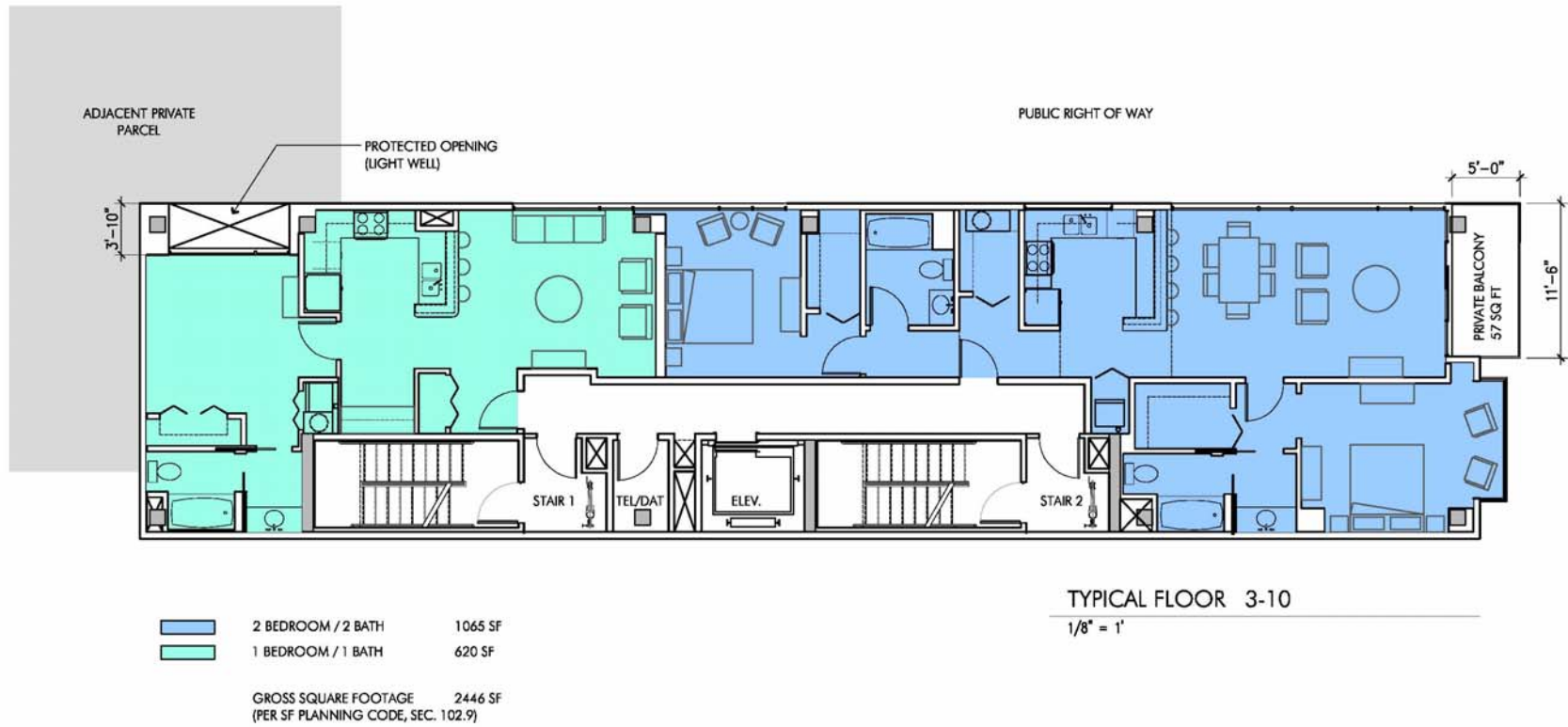
Source: Gruen Gruen and Associates, 2007.

Figure 3: Ground Level



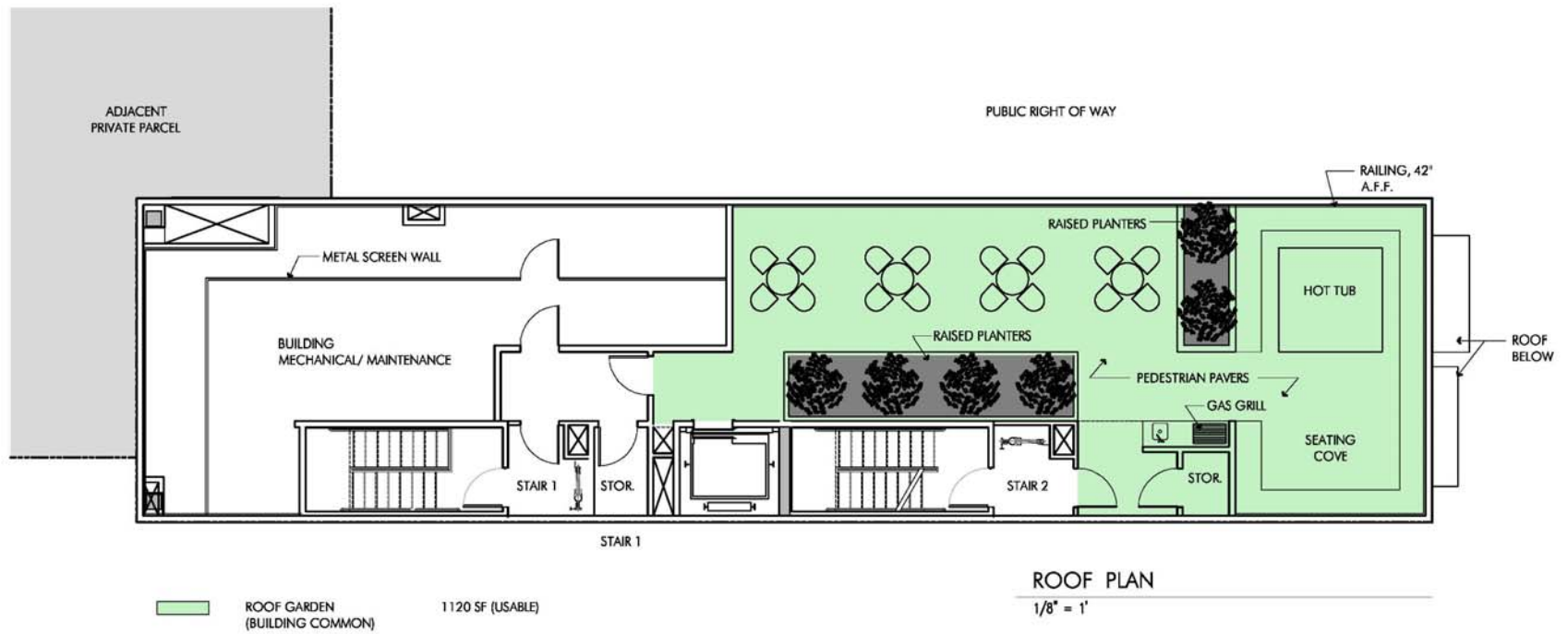
Source: Gruen Gruen and Associates, 2007.

Figure 4: Second Level



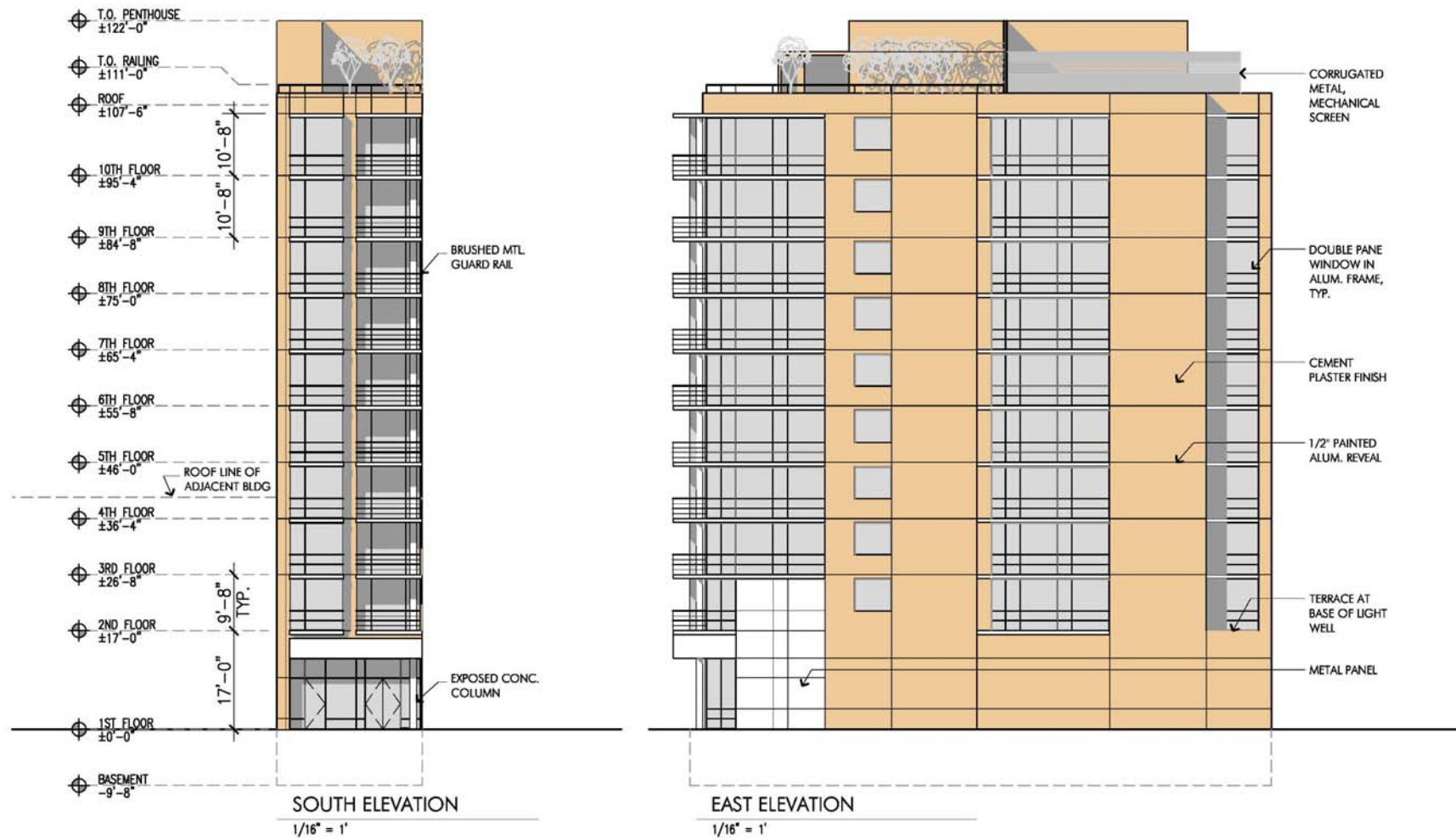
Source: Gruen Gruen and Associates, 2007.

Figure 5: Typical Floor 3-10



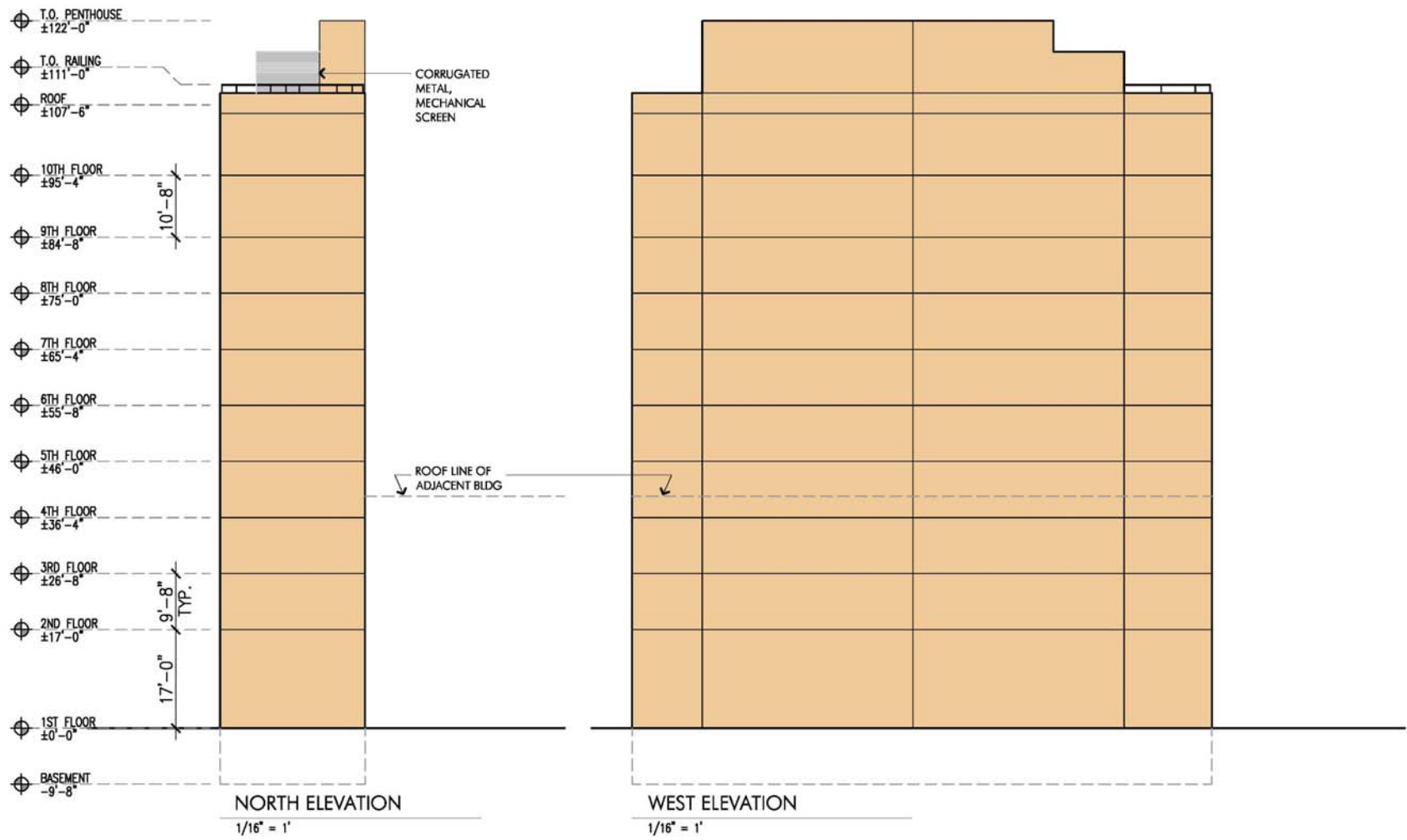
Source: Gruen Gruen and Associates, 2007.

Figure 6: Roof Plan



Source: Gruen Gruen and Associates, 2007.

Figure 7: South and East Elevations



Source: Gruen Gruen and Associates, 2007.

Figure 8: North and West Elevations



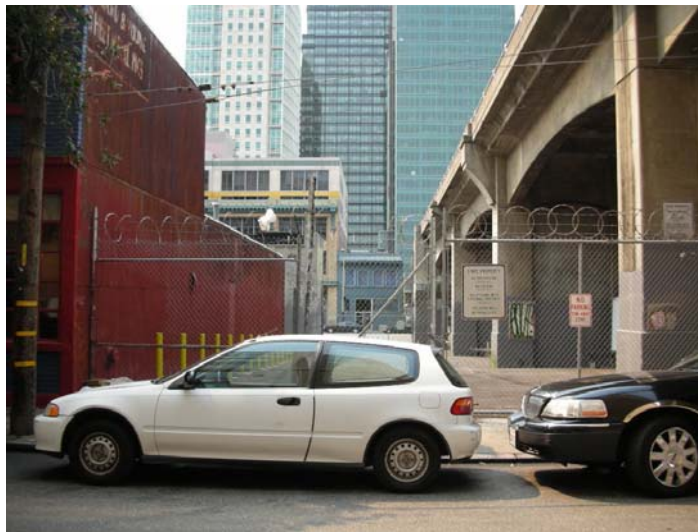
View from south side of Howard Street



View from south side of Howard Street under bus ramp



View from south side of Howard Street



View from Tehama Street

Source: San Francisco Planning Department. Photos were taken June 25, 2008.

Figure 9: Views of Project Site from the South



View from Tehema Street



View from Tehema Street



View from Tehema Street



View from Transbay Terminal. The 2-story building is not visible.

Source: San Francisco Planning Department. Photos were taken June 25, 2008.

Figure 10: Views of Project Site from the North

Project Schedule

Project construction is expected to occur over a period of 18 months, with foundation excavation and site grading occurring over a period of four to six months. Construction is anticipated to begin during the spring of 2010.

Required Approvals

The proposed project would require the following approvals under the San Francisco Planning Code:

- Exceptions from the rear yard requirement pursuant to Section 309(a)(1).
- A variance for exceptions to Section 140 which requires that each dwelling face directly a public street, alley, yard, or open unobstructed area.
- The purchase of 9,050 in development rights pursuant to Section 128.

The required approvals are discussed in more detail in Section C on p. 14.

B. PROJECT SETTING

The project site is located along the City's southern end of the financial district, in the South of Market Street area. The area is flat and has a variety of building types and uses, including residential, commercial, retail, office buildings, and surface parking lots. Retail, restaurants, and professional service uses dominate the streetscape, while office uses and some residences occupy the upper floors. Major street fronts along Howard, Folsom, Harrison, and Bryant Streets are defined by small one- and two-story concrete and masonry light industrial buildings that date from the post-1906 earthquake period. Later development includes taller office buildings, with some live-work units and residential condominium buildings being constructed over the last ten years. The Transbay Terminal is located one block northeast of the project site, and the Transbay Loop, which abuts the project site, bisects Howard Street between First and Second Streets to connect the Transbay Terminal to Interstate 80 and the Bay Bridge.

Buildings on both sides of Howard Street between First and Second Streets vary considerably in height, bulk, and age, ranging from the single- and two-story post-earthquake commercial buildings to a ten-story office building constructed in 2003, at the northwest corner of First and Howard Streets. Most of the buildings on the north side of Howard Street in the project block are between three and six stories high. Mid-block, below the Transbay Loop on both sides of Howard Street are surface parking lots.

North of the project site and parallel to Howard Street is Natoma Street, an eastbound one-way alley with surface parking lots and one- to three-story early twentieth century light industrial buildings. North of Natoma Street is a westbound one-way alley, Minna Street, with surface parking lots and early twentieth century light industrial buildings, as well as the portion of the

Transbay Terminal where the bus ramps meet the terminal and some high-rise buildings on the north side that more closely resembles the financial district. Several lots on Minna Street are currently under construction. First and Second Streets near Howard Street contain surface parking lots, early twentieth century one- to six-story light industrial buildings, and mid-rise office buildings constructed during the last several decades. Several mid-level office buildings are under construction along First Street near Howard Street.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

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

Planning Code Approvals Required

The subject property is in the Downtown Office Special Development (C-3-O (SD)) Zoning District. As set forth in Section 248 of the Planning Code, the purpose of the C-3-O (SD) District is “to provide for an orderly expansion of the financial district in a way that will maintain a compact downtown core, and to create an area in which to direct unused development potential of lots containing Significant or certain Contributory Buildings.” Residential and retail uses of the project are principally permitted uses in the C-3-O (SD) District. The project site is in the 450-S Height and Bulk District, which permits development to 450 feet in height

Rear Yard Requirements

The San Francisco Planning Code provides that substantial alterations and new construction located in a C-3 zone are subject to Planning Code Section 309 (the “Downtown Plan”). Under Section 309, C-3 (Downtown) permits must be reviewed with respect to the project’s compliance with applicable Planning Code requirements. Pursuant to Section 309(a)(1), the project would require approval for exception from the rear yard requirement as contained in Section 134(d).

The rear yard requirements established by Section 134 require a minimum rear yard depth equal to 25 percent of the total depth of the lot. The proposed project would have no rear yard and thus would require an exception to Section 134.

Dwelling Unit Exposure Exceptions

The proposed project would require a variance for exceptions to Section 140(a)(2) of the Planning Code, which requires that the windows of at least one room in all dwelling units face directly a public street, alley, yard, or open unobstructed area.⁵ In a letter dated October 17, 2007, the Director of Planning stated, “the project sponsor proposes that a number of the dwelling units will rely on the adjacent vehicular ramp, currently owned by the State, for their sole light and air exposure. The Zoning Administrator has determined that such an exposure would not comply with the Planning Code’s dwelling unit exposure requirements.”⁶ The project would therefore be unlikely to receive a variance from Section 140 of the Planning Code.

Transfer of Development Rights

The C-3-O (SD) District generally allows construction of six times the square footage of the site. Development at densities above the base floor area ratio (FAR) in the C-3-O (SD) District is appropriate only if there is a commensurate reduction in the allowable density of development on other downtown parcels by the transfer of development rights (TDRs). Developers may increase the density through the use of TDRs to transfer unused development rights from other eligible sites, usually by purchasing those rights from the owner of the transfer site. Generally speaking, eligible sites include any lot with unused development rights in the C-3-O (SD) Zoning District or any preservation lot with unused development rights within the C-3 District with a historically significant building on the lot.

With the transfer of development rights to the project development lot, the maximum allowable FAR in the C-3-O (SD) Zoning District is 18 to 1 and the density ratio is up to one unit per 125 sf of permitted uses. The project FAR is calculated as the project area (24,050 sf) divided by the lot area (2,500 sf), or 9.62 to 1. The zoning permits 6 to 1 development density, and, as part of conditions of project approval, the project sponsor would need to purchase 3.62 times the project area, or 9,050 sf in development rights.

⁵ The criteria for granting variances (Section 305) are as follows: (1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district; (2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; (3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district; (4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and (5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

⁶ Dean Macris, Planning Director, letter to Michael Grisso, San Francisco Redevelopment Agency regarding Pending Development Applications for 562-564 Howard Street, October 17, 2007.

Consistency with Plans and Policies

San Francisco General Plan

The San Francisco General Plan provides general policies and objectives to guide land use decisions. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

The San Francisco Planning Commission adopted an updated Housing Element of the General Plan in May 2004. The San Francisco Board of Supervisors approved the Housing Element in September 2004, and the State Department of Housing and Community Development certified the Element in October 2004. In June 2007, however, the First District Court of Appeals ruled that the updated Housing Element should have been addressed in an EIR. Therefore, this Initial Study refers to relevant policies of both the 2004 Housing Element and the 1990 Residence Element (the previous version).

The 2004 Housing Element of the General Plan “sets forth objectives, policies, and implementing programs to address the issues of housing production and affordability in part through a Citywide Action Plan (CAP), which “explores comprehensively the issue of how to meet the need for housing and jobs in ways that capitalize upon and enhance the best qualities of San Francisco as a place.”

The objectives of the 2004 Housing Element address new housing supply, housing retention, housing condition, affordability, housing choice, homelessness, density/design/quality of life, and State and regional needs. With regard to housing production, Policy 1.1 of the 2004 Housing Element encourages higher residential density in areas adjacent to downtown and locating housing in areas well served by transit. This policy is similar to Policy 1.1 in the 1990 Residence Element; the 2004 Housing Element also calls for allowable densities in established residential areas to be set at levels which will promote compatibility with prevailing neighborhood scale and character. Density/design/quality of life policies in the 2004 Housing Element include Policy 11.1, a new policy which calls for using new housing as a means to enhance neighborhood vitality and diversity, and Policy 11.5, which promotes well-designed housing that enhances existing neighborhood character. The corresponding policy in the 1990 Residence Element calls for housing that conserves existing neighborhood character.

The proposed project would contribute 19 units to the City’s housing supply, thereby helping to meet the City and regional needs for housing. In addition, the sponsor would designate three of these units as affordable housing on site, in compliance with the City’s Residential Inclusionary Affordable Housing Program. The project would increase the density of the project site and

vicinity, and the proposed building would be taller than the existing structure on the project site. The potential impact of the project on visual quality and neighborhood character are discussed in Section E.1 (Land Use and Land Use Planning) and E.2 (Aesthetics) of this Initial Study.

Accountable Planning Initiative

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, 5b, 5f, and 5g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13a–13d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8a and 8b, Wind and Shadow, and Questions 9a and 9c, Recreation and Public Space).

Priority Policies

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the General Plan, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in Section E., Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Downtown Plan

The project site is covered by the Downtown Plan of the San Francisco General Plan. Adopted in 1985, the Downtown Plan laid the groundwork for the downtown San Francisco as a compact, walkable, and dynamic urban center. The Downtown Plan envisioned the area around the Transbay Terminal as the heart of the new downtown, with a core of greatest density and greatest heights around the Transbay Terminal. After the removal of the elevated Embarcadero Freeway created a sharp southern edge to the downtown south of Howard Street, the City has undertaken several major planning efforts for new downtown neighborhoods, including the Rincon Hill Area Plan and the Transit Center District Plan.

Policies for the Downtown Plan include the following: promote the inclusion of housing in downtown commercial developments; facilitate conversion of underused industrial and commercial areas to residential use; ensure that new facades relate harmoniously with nearby facade patterns; conserve the traditional street-to-building relationship that characterizes downtown San Francisco; include facilities for bicycle users in governmental, commercial, and residential developments; initiate orderly abatement of hazards from existing buildings and structures, while preserving the architectural design character of important buildings; and require geologic or soil engineering site investigation and compensating structural design based on findings for all new structures in special geologic study areas. The project would be consistent with these policies.

Citywide Action Plan

The Citywide Action Plan explores comprehensively the issue of how to meet the need for housing and jobs in ways that capitalize upon and enhance the best qualities of San Francisco. The plan directs a mix of housing and neighborhood-serving uses to places with good public transit and urban amenities; new office uses to the city's compact downtown core; and industrial uses to core industrial lands in portions of the city's east side, thereby releasing the rest of the industrially zoned lands for other uses.

One aspect of the Citywide Action Plan is the Downtown Neighborhoods Initiative, which entails planning for the neighborhoods south of the downtown office core. This includes capturing housing potential in the downtown office district and around Rincon Hill, the Transbay Terminal, and Yerba Buena Center. The project would be consistent with the goals of increased housing in and around the downtown core.

Transbay Redevelopment Plan and Transbay Transit Center Project

The Transbay Redevelopment Plan was adopted by the San Francisco Redevelopment Agency on January 25, 2005. The project site is within Zone Two of the Transbay Redevelopment Project Area and is proposed for acquisition in 2009 by the Transbay Joint Powers Authority. The project site is directly in the path of a proposed bus ramp that would lead from the Bay Bridge to the new transit center.⁷ The proposed 10-story building at 564 Howard Street could not be built if the Transbay Transit Center (TTC) Project continues to move forward, and no project scenario exists that can accommodate both the proposed 564 Howard project and the TTC Project. Thus, the project that is analyzed in this Initial Study assumes that the TTC Project does not continue to move forward.

⁷ Transbay Joint Powers Authority, Transbay Transit Center Program Final Relocation Study, September 2007. Figure 1.1, p. 4.

Transit Center District Plan

The project site is within the proposed Transit Center District Plan area, a comprehensive plan currently being drafted by the Planning Department with funding from the San Francisco County Transportation Authority. Building on the 1985 Downtown Plan, the Transit Center District Plan will present new planning policies and controls for land use, urban form, building design, and public realm improvements for private properties as well as for properties owned or to be owned by the City or the TJPA in and around the adopted Transbay Redevelopment Project Area and the Transbay Terminal. As of February 2009, the San Francisco Planning Department and the TJPA are preparing an environmental impact report for the Transit Center District Plan.

Other Approvals and Permits Required

During construction, the project would require Department of Public Works (DPW) permits for any temporary sidewalk, traffic, or bike lane closure, and a grading permit. In addition, because the proposed project would involve the removal of 462 cubic yards of soil, the project may require a Department of Building Inspection permit to comply with dust control measures. In addition, the establishment of a freight loading/unloading zone would need to be approved at a public hearing through the Department of Parking and Traffic.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

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

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

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

Divide an Established Community (1a)

Land use impacts of a proposed project are considered significant if the project would divide an established community; conflict with plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact upon the existing character of the vicinity.

The proposed project would not disrupt or divide the physical arrangement of an established community. It would be incorporated within the established street plan and would create no impediment to the passage of persons or vehicles. The sidewalks around the project site may see greater use because of the proposed project, but they would not be closed by the proposed project. No on-site parking is proposed on the project site. The surrounding uses and activities would continue on their own sites and would interrelate with each other as they do at present without significant disruption from the proposed project. Therefore, the proposed project would not divide an established community.

Conflict with Plans or Policies (1b)

The TJPA's Transbay Transit Center (TTC) Project and the Transbay Redevelopment Plan identify the subject property as the proposed location of bus ramps leading to the new Transbay Transit Center. While the 564 Howard Street project would conflict with the TTC Project and the Transbay Redevelopment Plan, the purpose of the TTC Project and Redevelopment Plan is not to avoid or mitigate an environmental effect; therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Existing Character of the Project Vicinity (1c)

The proposed project would replace the existing two-story office building on the site with a 10-story residential building with ground-floor retail. Uses of properties along Howard Street between First and Second Streets include office uses such as a dental office and an interior design studio, and retail establishments such as a copy center, a fitness center, a construction business, an architectural office, a frame shop, and nightclubs and restaurants. The block also includes

mixed-use residential above retail and several parking lots. The proposed project would provide residential over ground-floor retail, which would generally be consistent with the existing uses in the vicinity. The proposed project would not introduce a new or incompatible land use to the area. Rather, it would extend residential uses, which already exist in the area, onto the project site. The proposed project would be consistent with existing heights and character of the vicinity; therefore, this impact would be less than significant. In the context of the overall development in the South of Market area, the proposed project would result in a less-than-significant cumulative land use impact because it would not contribute to a substantial impact upon the existing character of the vicinity.

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

Scenic Vistas (2a)

Public view corridors in this densely developed urban area follow existing streets. While the roadway and sidewalks along Howard Street provide views of San Francisco Bay and Yerba Buena Island to the east and the Twin Peaks area to the west, there are no formally designated scenic views, viewpoints, or trails near the project site. In addition, the project would not block any scenic views from public areas in the project vicinity, such as the publicly accessible private open space above the 100 First Street garage or Yerba Buena Gardens two blocks to the west. The project would not block any designated scenic views or vistas, nor would it significantly alter any important views of the downtown skyline. Therefore, the project would not have an adverse effect on a scenic vista.

Scenic Resources (2b)

The project site is currently occupied by a two-story building and contains no scenic resources of the natural or built environment. Therefore, the project would not damage scenic resources and other features of the built or natural environment which contribute to a scenic public setting.

Visual Character (2c)

A variety of scale is found in the buildings, streets, and open spaces of the project setting. Howard Street is a typically wide South of Market arterial street, running west from areas of new development by the Embarcadero, through the smaller-scaled southern Financial District, opening to the Yerba Buena Center and Moscone Center entrances, where it is spanned by a pedestrian walkway and flanked by sculptural lampposts and flagpoles, and continuing on through the South of Market area, roughly toward Mount Davidson. The elevated roadway that connects the Transbay Terminal bus terminal to Interstate 80 is located adjacent to the project site.

The proposed project would replace the existing two-story building on site with a 10-story contemporary building with retail at the ground floor, representing an increase to the existing building height of 81 feet. Although the change at the street level would be pronounced, the project would be consistent with the general pattern of new construction in the area. The mid-rise structure would contribute to the changing urban form of the area, but its contribution to the overall massing form of downtown would be minor.

The proposed project would include the planting of one tree, in conformity with *Planning Code* and Department of Public Works requirements, which include provision of street trees every 20 feet. The architectural character of the proposed project would be generally similar to other contemporary buildings in the area. The mixed scale and mixed historic and contemporary character of the area would continue with the proposed project.

The project would alter the views from the higher-rise office buildings along Mission Street, streets, and parking lots to the north. Existing views from the north are dominated by higher-rise apartment buildings on Rincon Hill, approximately two blocks to the south of the project site. The project would also alter views from the lower-scale office, retail, and apartment buildings to the south; it would block the existing views of the higher-rise office buildings along Mission Street. The proposed project would also be clearly visible from the waiting area in the upper level of the existing Transbay Terminal. Instead of the two-story building, viewers would see a 10-story building, which would block views of the apartment buildings on Rincon Hill. From most other more distant public vantage points on nearby streets, intervening buildings would screen most of the project. The upper portion of the building would be visible from some more distant viewpoints, but its visual prominence would be reduced by distance and the surrounding dense urban development including other high-rise buildings. While the project would impact occupants of these buildings and transit riders near the project site, the project area is a densely built urban environment, with an existing visual character that includes a mix of buildings. Therefore, the project would not degrade the existing visual character of the site and its surroundings.

Light and Glare (2d)

Current sources of light and glare on and from the project site include exterior lighting and lighting from windows of existing buildings in the vicinity. The proposed project would introduce additional sources of lighting to the project area, coming from additional eight stories of windows of the proposed ten-story building. Outdoor lighting at the street perimeter of the project site and nighttime lighting for the project would remain within typical and accepted levels for an urban residential setting. Therefore, the proposed project would not generate obtrusive light or glare substantially impacting other properties.

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

Population Growth (3a)

An estimated 329,700 households existed in San Francisco in 2000.⁸ As of 2006, 356,470 housing units existed in San Francisco.⁹ The project area is a densely populated urban area with existing commercial, institutional, and residential uses. The proposed project's 19 residential units would add 25 residents to the site, based on an average household size of 1.33 persons per unit for Census Tract 176.02.¹⁰ The project site is currently in use as an office building with approximately 7,000 gsf of office uses and 20 employees.¹¹ The approximately 1,550 sf of proposed retail space

⁸ U.S. Census, State and County QuickFacts. <http://quickfacts.census.gov/qfd/states/06/0667000.html>

⁹ U.S. Census, USA Counties General Profile: 2008. <http://censtats.census.gov/cgi-bin/usac/usatable.pl?State=&County=06075&TableID=AAA>.

¹⁰ U.S. Census Bureau, Census 2000.

¹¹ Based on a standard multiplier of 350 gsf per general retail employee, per San Francisco Planning Department Transportation Impact Analysis Guidelines for Environmental Review, October 2002. On December 15, 2008, the project sponsor stated that the actual number of employees of both businesses in the building to be approximately eight.

would employ approximately four employees.¹² Thus, the project, which would result in 25 new residents and 16 fewer employees, would not induce substantial population growth. Furthermore, the proposed project would not result in a cumulative population impact, as it would add a negligible amount of new residents and employees to the neighborhood.

Housing (3b)

The 19 new residential units would help to relieve housing demands in San Francisco and would not displace housing since none exists on the project site. The growth associated with the 25 residents would be insubstantial in the context of total households in San Francisco. Therefore, the project would slightly increase population at the site and would not necessitate construction of replacement housing elsewhere.

Displacement (3c)

The project site currently contains no dwelling units; thus, no residents would be displaced or dwelling units demolished by the project. The two existing businesses on the project site employ approximately eight people. These businesses would need to relocate; the three employees of Gruen & Gruen would move to a home office in San Francisco. It is unknown where Geologica, Inc. would relocate and whether they would remain within San Francisco. The potential job loss of five employees in the city would be mostly offset by the four employees of the retail component of the proposed project.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
4. CULTURAL 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹² Ibid.

Historic Architectural Resources (4a)

In evaluating whether the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department must first determine whether 564 Howard Street is a historical resource as defined by CEQA, and if so, whether the proposed project would cause a substantial adverse change in the significance of the historical resource. The Planning Department's historical resource staff evaluated the potential effect of the proposed project on historic architectural resources, as summarized below.¹³

The existing two-story building on the project site is a commercial building constructed in 1907 in response to the Citywide reconstruction following the 1906 earthquake and fire; the construction of this building was one of the first efforts in rebuilding the South of Market area. Designed in the Mission Revival style, the subject building appears to embody distinctive characteristics of a brick commercial building of the early twentieth century. Thus, the subject property appears eligible for the California Register of Historical Resources (California Register) under criteria 1 (events) and 3 (architecture) but requires further analysis on the building's ability to convey the integrity under these criteria.

The façade of the building has undergone extensive modification, and the Planning Department has determined that the alterations have diminished the building's integrity so that the building does not retain sufficient integrity to convey its association with the reconstruction period and would not be a contributor to a boundary extension of the nearby New Montgomery/Second Street Conservation District. In addition, the Transbay Loop (the elevated bus ramp), constructed in the 1930s, abuts the subject property, severs the street, and overwhelms the two-story subject building. Due to these substantial changes to the building and setting, Planning Department staff determined that the building lacks the requisite integrity to be eligible for the California Register. Therefore, the subject building is not considered a historic resource under CEQA, and the project would not cause a substantial adverse change in the significance of a defined historical resource on a project-specific or cumulative basis.

Archaeological Resources (4b and 4d)

An archaeological study was conducted to assess the potential for important archaeological resources at the project site.¹⁴ The close proximity to bay resources and the presence of prehistoric archaeological sites in the vicinity (CA-SFR-2, -112, -114, -135, -147, and -154) suggest that prehistoric archaeological materials may be buried in the project area. The report concluded that

¹³ Angela Heitter, Preservation Planner, San Francisco Planning Department, Historical Resource Evaluation Response for 562-564 Howard Street, August 22, 2008. This report is part of Case No. 2007.1135E and is available for review upon request.

¹⁴ Anthropological Studies Center, Sonoma State University, *Archaeological Resources Study of 564 Howard Street, San Francisco: An Addendum to the San Francisco-Oakland Bay Bridge, West Approach replacement: Archaeological Research Design and Treatment Plan*, September 2008.

subsurface sensitivity for prehistoric remains of sediments is 0 to 10 ft. – very low; 10 to 30 ft. – moderate; 30 to 45 ft. – low; 45 to 55 ft. – high; and >50 ft. – very low.

While specific engineering design for the proposed project has yet to be determined, preliminary plans call for piles or some other type of deep foundation support. Since the proposed project involves disturbance of soils on site, it has the potential to affect significant prehistoric and historic archaeological resources buried beneath the existing buildings on site. Given the likelihood of encountering significant subsurface cultural resources within the project site as a result of the need for deep foundation support, an archaeological research design and treatment plan (ARDTP) was developed for the proposed project. The ARDTP includes specific, feasible treatment measures that, when implemented, would mitigate potential project impacts on archaeological resources to a less-than-significant level. Accordingly, in order to reduce potential impacts on significant archaeological resources, the project sponsor would be required to comply with Mitigation Measure 1, p. 80. With implementation of this mitigation measure, the proposed project would not have any significant impacts on archaeological resources.

If human remains are encountered during project-related construction activities, Mitigation Measure 1, p 80, incorporates procedures that would reduce potential project-specific and cumulative impacts related to the discovery of human remains to a less-than significant level.

Paleontological Resources and Geological Features (4c)

There are no known paleontological resources or geological features at the project site, and, therefore, the proposed project would not result in any adverse effects on paleontological resources or geological features.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
5. TRANSPORTATION AND CIRCULATION— Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Traffic (5a and 5b)

To determine the project’s impact on traffic in the project area, this section discusses the existing roadway and traffic conditions in the project area and then estimates project travel demand and impact by transportation mode. Construction-related traffic impacts are also addressed.

Existing Roadway Network

Streets adjacent to the project site are Howard Street, First Street, Second Street, and Natoma Street. The elevated Transbay Loop, a Caltrans property, bisects Howard Street midblock between First and Second Streets.

Howard Street

Howard Street runs between The Embarcadero and South Van Ness Avenue. It is a one-way arterial with four westbound travel lanes in the vicinity of the project site. On-street parking with one-hour meters is available on both sides of Howard Street without a residential permit. The San Francisco General Plan identifies Howard Street as a Major Arterial in the Congestion Management Process (CMP) Network, as a Metropolitan Transportation System (MTS) Street, and a Transit Preferential Street.¹⁵ The San Francisco Municipal Transportation Agency (SFMTA) identifies Howard Street as an on-street (Class II) Bicycle Route.

¹⁵ The designation of roads is obtained from the San Francisco General Plan Transportation Element.

First Street

First Street is a one-way southbound street, generally with four travel lanes, from the financial district to the I-80 Bay Bridge entrance. Between Market and Howard Streets the left lane is reserved for transit vehicles. On the approach to Howard Street, the right lane is designated for right turns only. On-street parking is provided on both curbs but is prohibited on both sides of the street on weekdays between 3:00 and 7:00 p.m. (and between 7:00 and 9:00 a.m. on the west side). First Street between Market Street and Folsom Street is identified as a Major Arterial, part of the CMP and MTS Networks, and a Neighborhood Commercial Pedestrian Street.¹⁶

Second Street

Second Street is a two-way north-south street with two travel lanes in each direction. On-street parking is generally provided along each curb. The San Francisco General Plan identifies Second Street as a Neighborhood Commercial Pedestrian Street. Second Street is an on-street (Class II) Bicycle Route and is currently under consideration as a near-term bicycle improvement project as part of SFMTA's Citywide Bicycle Plan.¹⁷

Natoma Street

Natoma Street is an eastbound one-way, one lane alley between First and Second Streets with on-street parking on both sides of the street.

Transbay Loop

The Transbay Loop is an elevated ramp that bisects Howard Street between First and Second Streets. A Caltrans-owned property, about 30 feet above Howard Street adjacent to the project site, the Transbay Loop is used exclusively by AC Transit and Greyhound buses exiting the Transbay Terminal and heading southbound to Interstate 80 and the Bay Bridge.

Project Travel Demand

Table 1 presents travel demand for the proposed project, which was calculated using the San Francisco Planning Department's October 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. The proposed project would generate an estimated 395 average daily person trips to and from the project vicinity. About 49 person trips would occur in the p.m. peak hour distributed across several modes of transportation, with an estimated 14 p.m. peak-hour vehicle person trips, 5 p.m. peak-hour transit trips, and 28 p.m. peak-hour walking trips. The trip

¹⁶ Street designations in the project vicinity identified in (1) Environmental Science Associates, 535 Mission Street Office Building Transportation Report, prepared for the San Francisco Planning Department, Case No. 2006.1273! June 8, 2007, and (2) LCW Consulting, One Hawthorne St. Transportation Study, prepared for the San Francisco Planning Department, Case No. 2004.0852E, September 25, 2005.

¹⁷ *Notice of Preparation of an Environmental Impact Report, San Francisco Bicycle Plan*, San Francisco Planning Department, Case No. 2007.0347E, June 5, 2007.

generation calculations include travel to and from the project site by residents, employees, and visitors at the site.

Table 1: Project Trip Generation		
Trip Generation Mode Split (Person-Trips)	Daily	p.m. Peak Hour
Auto	112	14
Transit	47	5
Walk	208	28
Other	27	2
Total	395	49
Parking Demand		28 spaces
Loading Demand (Average Hour Truck-Trips)		0.05
Loading Demand (Peak Hour Truck-Trips)		0.06

Source: San Francisco Planning Department, 2008; *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002; U.S. Census Bureau, Census 2000, Journey to Work Data Set for Census Tract 176.02.

Traffic

The project would generate an estimated 11 vehicle trips during the p.m. peak-hour, which would be a small change undetectable to most drivers. It would not be a significant traffic increase relative to the existing capacity of the local street system. Thus, the project would not result in a substantial increase in traffic and would not exceed a local transportation level of service standard.

Transit

The project site is well served by transit. The 10-Townsend, 12-Folsom/Pacific, 14-Mission, 30-Stockton, and 45-Union/Stockton Muni bus lines run within one block of the project site, and more than 15 other Muni bus lines and six Muni Metro lines, as well as AC Transit, Samtrans, and Greyhound service, run within two blocks of the project site.¹⁸

The project would generate approximately five transit trips during the p.m. peak hour, which would easily be accommodated by the existing transit system. Thus, the project would not result in significant transit impacts, nor would the project contribute considerably to cumulative transit effects.

Potential Effect on a Regional Transit Facility

The Transbay Redevelopment Project Area, created in 2005, is an opportunity for the San Francisco Redevelopment Agency to participate in the alleviation of blight within a large portion of the city's southern Financial District through a wide variety of projects and activities. The

¹⁸ <http://transit.511.org>, accessed November 7, 2008.

Project Area is approximately 40 acres in size and is composed of transportation-related infrastructure, a large number of vacant parcels, and commercial uses. The most significant feature of the Project Area, the existing Transbay Terminal and its ramps, comprises an underutilized and outmoded transportation facility with serious structural, health and safety deficiencies. The remainder of the Project Area is composed primarily of vacant and underutilized properties and older buildings, many of which are substantially deteriorated and/or unreinforced masonry buildings. All of these conditions constitute blight that the Redevelopment Plan will address. The Transbay Redevelopment Plan was adopted in 2005.¹⁹

The 564 Howard Street project site is identified by the Redevelopment Plan as the site for relocated bus ramps leading from the Bay Bridge to the new terminal. The project that is analyzed in this Initial Study assumes that the Transbay Transit Center Project and Redevelopment Plan do not move forward. While the 564 Howard Street project would conflict with the Redevelopment Plan, the plan is not adopted for the purpose of avoiding or mitigating an environmental effect; therefore, impacts on adopted transportation plans, policies, or programs would be less than significant.

Bicycles

Two designated bicycle routes are in the project vicinity. Route 30 is a Class II (dedicated) bicycle route that runs westbound along Howard Street and eastbound along Folsom Street. The bike lane is on the north side of Howard Street, directly in front of the project site. Route 11 is a Class III (shared) bicycle route that runs north- and southbound along both sides of Second Street. It is proposed to become a Class II route within the project vicinity.²⁰

It is anticipated that a portion of the 27 “other” trips generated by the proposed project would be bicycle trips that would likely use the bicycle routes on Second, Howard, and Folsom Streets. The small addition of bicycles and vehicular traffic generated by the proposed project would not substantially affect bicycle conditions. In addition, because the proposed project does not include onsite parking, there would be no vehicles accessing the project site that could pose potential conflicts with bike lanes.

Pursuant to Section 155.5 of the Planning Code, a bicycle parking space is required for every two dwelling units regardless of whether off-street car parking is available. The project complies with this requirement by providing 10 bicycle parking spaces in the basement for the 19 residential units.

¹⁹ San Francisco Redevelopment Agency, Transbay Redevelopment Project Area Project Description, Available at http://www.sfgov.org/site/sfra_page.asp?id=5583, accessed February 4, 2009.

²⁰ San Francisco Planning Department, *San Francisco Bicycle Plan Draft EIR*, November 2008. Project 2-1.

Pedestrians

Sidewalks are approximately 12 feet wide along both sides of Howard Street between First and Second Street, while sidewalks along First and Second Streets are slightly wider and sidewalks along Natoma Street sidewalks are slightly narrower. Crosswalks and pedestrian signals are provided at all nearby signalized intersections. Sidewalks and crosswalks were observed to operate at free-flow conditions during the late afternoon to pm peak period.²¹

Pedestrian trips generated by the proposed project would include trips to and from the residential and retail uses. Overall, the proposed project would add 28 new pedestrian trips to the surrounding streets during the weekday p.m. peak hour. The addition of pedestrian and vehicular traffic generated by the proposed project would not substantially affect pedestrian conditions.

Loading

Planning Code Section 152 does not require off-street loading spaces for residential development less than 100,000 square feet and commercial development less than 10,000 square feet. Therefore, pursuant to the Planning Code, no loading space would be required for the proposed project. The establishment of a freight loading/unloading zone would need to be approved at a public hearing through the Department of Parking and Traffic. Based on the project's proposed uses, service calls and deliveries would on average be relatively low; the proposed project would generate a loading demand of 0.05 average hour truck loading trips. Thus, loading effects on traffic would not be significant.

Construction

During the projected 18-month construction period, temporary and intermittent traffic, parking, and transit impacts in the vicinity would result from truck movements to and from the project site. Trucks would deliver and remove materials to and from the site during working hours, and construction workers would likely drive to and from the site. It is expected that the construction schedule would be approximately 7:30 a.m. to 5:00 p.m. Monday through Friday. Truck movements during periods of peak traffic flow would have a greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks.

The sidewalk on the north side of Howard Street along the project site would be temporarily vacated and would be outfitted with construction barricades to protect pedestrians. Any such temporary sidewalk or traffic or bike lane closure proposed during construction would be subject to review and approval by the Interdepartmental Staff Committee on Traffic and Transportation and the Department of Public Works.

²¹ San Francisco Planning Department site visit, June 25, 2008.

Temporary parking demand from construction workers' vehicles and impacts on local intersections from their traffic would occur in proportion to the number of construction workers who would use automobiles to arrive at the job site. Construction workers would utilize existing on-street parking spaces in the project vicinity, thereby temporarily increasing the anticipated parking deficit. Although a temporary inconvenience to local residents and workers, this would not be considered a significant impact due to its temporary nature.

Traffic Summary

In summary, the proposed project would have a less-than-significant impact on transportation and circulation. In addition, as discussed in the project description of this Initial Study, no project scenario exists that can accommodate both the proposed 564 Howard project and the Transbay Redevelopment Plan; therefore, the project that is analyzed in this Initial Study assumes that the Transbay Redevelopment Plan does not move forward, and the cumulative traffic conditions assume that growth would continue under existing zoning. Therefore, the proposed project would have a less-than-significant impact on cumulative transportation and circulation.

Air Traffic (5c)

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, this topic is not applicable to the proposed project.

Transportation Hazards (5d)

The proposed project does not include features that would substantially increase traffic-related hazards. In addition, as discussed in Section E.1, Land Use and Land Use Planning, under Question 1e, the project does not include incompatible uses. Therefore, this topic is not applicable to the proposed project.

Emergency Access (5e)

The project site is located in downtown San Francisco with adequate access to the site from public streets. The project includes no onsite parking or loading; residences and retail uses of the proposed project would be accessed on Howard Street. Therefore, there would be no impacts on emergency access as a result of the project.

Parking (5f)

In the vicinity of the project site, on-street parking generally consists of metered spaces. Immediately adjacent to the project site on both sides of Howard Street are surface parking lots below the Transbay Loop elevated bus ramp. Within the area bounded by First, Mission, Third, and Harrison Streets, there are 18 public off-street parking facilities with a total of about 4,000

spaces.²² During the weekday midday peak period, the average occupancy rate for the 18 public parking facilities in 2005 was approximately 87 percent. A weekday midday survey in 2005 indicated that approximately 539 spaces were available. In the evening, only seven public parking facilities with a total of 1,883 spaces were available. The average occupancy rate in the evening was approximately 52 percent, with approximately 913 spaces available.

Pursuant to Planning Code Section 151, off-street accessory parking is not required in a C-3 zoning district. The proposed project would not provide parking spaces.

Based on the *Transportation Impact Analysis Guidelines*, demand for parking generated by the proposed project would be 28 parking spaces. While the project would not supply the anticipated parking demand, the parking deficit is considered to be a less-than-significant individual and cumulative impact regardless of the availability of on-street parking under existing conditions.

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

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact.²³ The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" Policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is conveniently located to provide alternatives to

²² Information on parking in the project vicinity comes from LCW Consulting, *One Hawthorne Street Transportation Study, Final Report*, September 30, 2005.

²³ CEQA Guidelines Section 15131(a).

automobile use. As discussed above, the project site is well served by public transit, which provides an alternative to auto travel.

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

For all of the above reasons, the project would not result in inadequate parking capacity that could not be accommodated by alternative solutions.

Adopted Policies, Plans, or Programs (5g)

As discussed in Section C, Plans and Policies (p. 15), the project would be consistent with the following plans: (1) San Francisco General Plan, in that it encourages higher residential density in areas adjacent to downtown and locates housing in an area well served by transit; (2) Downtown Plan, in that it limits parking downtown in favor of increased use of transit and alternatives to the automobile; and (3) Citywide Action Plan, which directs a mix of housing and neighborhood-serving uses to places with good public transit and urban amenities and increasing housing in and around the downtown core.

The Transbay Redevelopment Project Area, created in 2005, is an opportunity for the San Francisco Redevelopment Agency to participate in the alleviation of blight within a large portion of the city's southern Financial District through a wide variety of projects and activities. The Project Area is approximately 40 acres in size and is composed of transportation-related infrastructure, a large number of vacant parcels, and commercial uses. The most significant feature of the Project Area, the existing Transbay Terminal and its ramps, comprises an underutilized and outmoded transportation facility with serious structural, health and safety deficiencies. The remainder of the Project Area is composed primarily of vacant and underutilized properties and older buildings, many of which are substantially deteriorated and/or unreinforced masonry buildings. All of these conditions constitute blight that the Redevelopment Plan will address. The Transbay Redevelopment Plan was adopted in 2005.²⁴

²⁴ San Francisco Redevelopment Agency, Transbay Redevelopment Project Area Project Description, Available at http://www.sfgov.org/site/sfra_page.asp?id=5583, accessed February 4, 2009.

The 564 Howard Street project site is identified by the Redevelopment Plan as the site for relocated bus ramps leading from the Bay Bridge to the new terminal. The project that is analyzed in this Initial Study assumes that the Transbay Transit Center Project and Redevelopment Plan do not move forward. While the 564 Howard Street project would conflict with the Redevelopment Plan, the plan is not adopted for the purpose of avoiding or mitigating an environmental effect; therefore, impacts on adopted transportation plans, policies, or programs would be less than significant.

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

Expose or Generate Excessive Noise Levels During Project Operation (6a, 6c and 6g)

Ambient noise and vibration levels in the project vicinity are typical of neighborhood noise levels in urban San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and surrounding land use activities, such as businesses and temporary construction noise due to such as street repairs and other construction. The nearest

potential sensitive receptors²⁵ to the project site are residents at the live-work units at 580-586 Howard, 75 feet west of the project site. There are no day care facilities or senior centers nearby.

Traffic and Transit Noise

Traffic makes the greatest contribution to ambient noise levels in most of San Francisco, including the area in which the project site is located. In addition to vehicle traffic on Howard Street, the project site is approximately 20 feet from a 40-foot-wide elevated bus ramp that is used by AC Transit and Greyhound buses.

The proposed project would generate vehicle trips to the site and could increase traffic noise levels in the area. Based on published scientific acoustic studies, traffic volumes would need to approximately double to produce a noticeable increase in ambient noise levels in the area.

The increase of 19 dwelling units and 1,550 sf of commercial space would generate approximately 49 p.m. peak-hour vehicle trips. This increase in vehicle trips would not be a doubling of traffic volumes in the area and therefore would not substantially increase ambient noise levels.²⁶ Therefore, the proposed project would not result in a significant noise impact related to traffic noise.

Building Equipment Noise

The proposed project would include new mechanical equipment that could produce operational noise. These operations would be subject to Section 2909 of Article 29 (the Noise Ordinance) of the San Francisco Police Code that limits noise from building operations. Substantial increases in the ambient noise level due to building equipment noise of the proposed project would not be anticipated. The proposed project would therefore result in a less-than-significant operational noise impact.

Interior Noise

The San Francisco General Plan's Transportation Noise Element sets noise policies to minimize noise impacts on indoor residential use. For areas with background noise levels between 60 and 70 decibels, the San Francisco General Plan states that "new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design."²⁷ Taking into account surface street

²⁵ Sensitive receptors are people or institutions with people that are particularly susceptible to illness from environmental pollution, such as the elderly, very young children, people already weakened by illness (e.g., asthmatics), and persons engaged in strenuous exercise.

²⁶ San Francisco Department of Parking and Traffic, Traffic Counts. Available at <http://sfgov.org/site/frame.asp?u=http://www.sfmta.com/>, accessed October 22, 2008.

²⁷ San Francisco General Plan, Environmental Protection Element, Land Use Compatibility Chart for Community Noise.

vehicle traffic as well as bus traffic on the Transbay Loop, background noise levels on the 500 block of Howard Street are estimated to be in the 65-70 decibel range.²⁸

The proposed project would be subject to Title 24 of the California Code of Regulations that establishes uniform noise insulation standards for residential structures. Title 24 requires that residential structures (other than detached single-family dwellings) be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. To ensure that occupants of the proposed residential units would not be adversely affected by proximity to traffic noise, noise insulation measures would be included as part of the design for the proposed project, as required by Title 24. The Department of Building Inspection (DBI) would review the final building plans to ensure that the building walls, doors, and floor ceiling assemblies meet Title 24 standards regarding sound transmission. With compliance with Title 24 noise insulation requirements, the existing noise environment would not significantly affect occupant use.

Expose or Generate Groundborne Vibration or Noise During Project Construction (6b and 6d)

Demolition, excavation, and project construction would temporarily and intermittently increase noise and possibly vibration levels near the project site and may be considered an annoyance by occupants of nearby properties. During the estimated 18-month project construction period, noise and vibration levels would be above existing levels in the project area, and at times construction noise could interfere with indoor activities in nearby residences, offices, and other businesses near the project site. Construction noise and vibration levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Construction noises associated with the proposed project would include truck traffic, excavation, pile driving for foundation installation, steel erection, and finishing. Of these, demolition, excavation, pile driving, site work, and erection of the new building's exterior would likely generate the most construction-related noise. Throughout the construction period there would be truck traffic to and from the site, hauling excavated materials and debris, or delivering building materials. It is anticipated that the construction hours would be normal working hours during the week, with possible work during nights or weekends.

The San Francisco Noise Ordinance (Article 29 of the Police Code) regulates construction-related noise and is enforced by the Department of Building Inspection during normal business hours and the Police Department during all other hours. The noise ordinance requires that (1) noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80

²⁸ Tom Rivard, San Francisco Department of Public Health, phone conversation and email, October 23, 2008.

dBA²⁹ at a distance of 100 feet from the source (the equipment generating the noise), (2) impact tools, such as jackhammers, must have both the intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW), and (3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period. The increase in noise in the project area during the proposed project's construction would, therefore, not be considered a significant impact because it would be temporary, intermittent, and restricted in occurrence and level, and the contractor would be required to comply with the City's Noise Ordinance.

As discussed in Section E.13, Seismic and Geological Hazards, Question 13a, p 64, it is recommended that the building be supported on a deep foundation system, which may require pile driving. Pile driving would generate temporary noise and vibration that could be considered an annoyance to nearby residents, employees, and visitors. Pile driving could generate noise levels of about 90 dBA at a distance of 100 feet from the pile driver during impact. The nearest residences, at 580-586 Howard Street, are about 75 feet from the building site. Noise levels at receptors near the project site would depend on their distance from the pile driving equipment, and on the types of intervening structures. Intervening structures reduce exterior noise levels by about 5 dBA, and interior noise levels with windows closed would be 5 to 20 dBA less than exterior noise levels.

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include pile driving during construction. Unreinforced masonry buildings (UMBs) are brick buildings constructed without the benefit of reinforcement and are vulnerable to damage from groundborne vibration. The Department of Building Inspection (DBI) maintains a master list of over 2,000 UMBs citywide. Twenty-one historic structures constructed of unreinforced masonry are within the two blocks bordered by Tehama, First, Minna, and Second Streets.

Pile driving would occur for up to four to six months during construction. To minimize the construction noise from pile driving, the project sponsor would be required to comply with Mitigation Measure 2, p. 84, which requires construction contractors to predrill holes to the maximum depth feasible based on soil conditions, use noise shielding and muffling devices, and limit pile driving activity to times of the day that would minimize disturbance to neighbors, and provide notice to neighboring owners and occupants.

²⁹ dBA is the symbol for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

Based on this mitigation measure, and given the short-term, temporary period of pile driving activity, pile driving noise and vibration would not be considered a significant environmental impact. Residential uses would be included in the proposed development. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. DBI would review the final building plans to insure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission.

Because the proposed development would comply with Title 24 noise insulation requirements, the existing noise environment would not significantly affect occupant use. In summary, project-related noise, during both construction and operation, would not result in significant environmental impacts with the inclusion of Mitigation Measure 2.

Airports and Airstrips (6e and 6f)

The project is not within two miles of an airport or airstrip; therefore, this topic is not applicable to the proposed project.

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

Air Quality Plans and Standards and Criteria Pollutants (7a, 7b, and 7c)

The federal Clean Air Act, as amended, and the California Clean Air Act legislate ambient air standards and related air quality reporting systems for regional regulatory agencies to develop mobile and stationary source control measures to meet the standards. The Bay Area Air Quality

Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for planning, implementing, and enforcing the federal and state ambient standards for criteria pollutants.³⁰ Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM₁₀ and PM_{2.5}), and lead.

The San Francisco Bay Area Air Basin encompasses San Francisco, Alameda, Contra Costa, Marin, San Mateo, Napa, and parts of Solano and Sonoma Counties. The basin has a history of air quality violations for ozone, carbon monoxide, and particulate matter and currently does not meet the state ambient air quality standards for ozone, PM₁₀, and PM_{2.5}.³¹ The BAAQMD has adopted air quality management plans over the years to address control methods and strategies to meet air quality standards, the latest being the *Bay Area 2000 Clean Air Plan*, *2001 Ozone Attainment Plan*, and *2005 Bay Area Ozone Strategy*.

Operational Impacts

The proposed project could affect local air quality by potentially increasing vehicular traffic on nearby streets, and by adding stationary emissions (mechanical equipment) to the project site. According to the BAAQMD, vehicles are the primary source of operational project-related emissions.³² The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.³³ These thresholds are based on the minimum size projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD generally does not recommend a detailed air quality analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or projects that would generate fewer than 2,000 vehicle trips per day. The proposed project's 19 dwelling units and 1,550 sf of retail are estimated to generate 83 daily vehicle trips, which would not exceed the BAAQMD thresholds.

Additional stationary source emissions, generated by mechanical equipment, and the combustion of natural gas for building space and water heating would be relatively minimal, and would therefore be considered less than significant. The proposed project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. Thus, the proposed project would not generate significant operational air quality impacts.

³⁰ Federal and state air quality standards and the Bay Area's attainment status can be viewed on the BAAQMD website at <http://www.baaqmd.gov>.

³¹ Ibid.

³² Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans*, December 1999.

³³ Ibid, p. 25.

Construction Impacts

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. In particular, soil movement for foundation excavation and site grading lasting approximately four to six months, would create the potential for wind-blown dust adding particulate matter into the local atmosphere near the project site.

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

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

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

The ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 sf of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site are required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of DBI. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section

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

For projects over one half-acre, the ordinance requires that the project sponsor submit a dust control plan for approval by the San Francisco Health Department. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific dust control plan, unless the Director waives the requirement. Interior-only tenant improvement projects that are over one-half acre in size that will not produce exterior visible dust are exempt from the site-specific dust control plan requirement.

Site-specific dust control plans shall require the project sponsor to: submit of a map to the Director of 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 securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and to sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

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

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global

climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide, methane, and nitrous oxide are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" (CO₂-eq) measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.³⁴ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of CO₂-eq GHG emissions.³⁵ The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.³⁶ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in

³⁴ California Air Resources Board (ARB), 2006a. Climate Change, available at <http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>, accessed December 4, 2007.

³⁵ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

³⁶ California Energy Commission, Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/cc/ceci/emsinv/emsinv.htm>.

2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.³⁷

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.³⁸

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

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is preparing a scoping plan to meet the 2020 GHG reduction limits outlined in AB 32. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from today's levels. In June 2008, CARB released its Draft Scoping Plan, which estimates a reduction of 169 million metric tons of carbon dioxide equivalents (MMTCO₂-eq). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California light-duty vehicle GHG standards, the low carbon fuel standard, heavy-duty vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 60.2 MMTCO₂-eq. Emissions from the electricity sector are expected to reduce another 49.7 MMTCO₂-eq. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry,

³⁷ BAAQMD, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002, November 2006, available at http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

³⁸ California Air Resources Board (CARB), Climate Change Draft Scoping Plan: A Framework for Change, June 2008 Discussion Draft. Available at <http://www.climatechange.ca.gov/index.php>, accessed July 29, 2008.

recycling and waste, water, and emissions reductions from cap-and-trade programs. Local government actions and regional GHG targets are also expected to yield a reduction of 2 MMTCO₂-eq.³⁹ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

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

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

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

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

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

³⁹ Ibid.

Actions to Reduce Greenhouse Gas Emissions.⁴⁰ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

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

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

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

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

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

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

⁴⁰ San Francisco Department of the Environment and San Francisco Public Utilities Commission, Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions, September 2004.

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

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

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 sf, residential buildings over 75 feet in height, and renovations on buildings over 25,000 sf to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing carbon dioxide emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.⁴¹

The Green Building Ordinance also continues San Francisco's efforts to reduce the City's GHG emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. In addition, by reducing San Francisco's emissions, this ordinance also furthers the State's efforts to reduce GHG emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service

⁴¹ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

ware by restaurants, retail food vendors, City Departments, and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

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

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

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

Significance Criteria for Greenhouse Gas Impacts

Although neither the Bay Area Air Quality Management District (BAAQMD) or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of greenhouse gas emissions" throughout the state because OPR has recognized that "the global nature of climate change warrants investigation of a statewide threshold for greenhouse gas emissions."⁴² In the interim, on June 19, 2008 OPR released a Technical Advisory for addressing climate change through CEQA review. OPR's technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA guidelines on or before January 1, 2010, pursuant to Senate Bill 97.

⁴² Governor's Office of Planning and Research. Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review. June 19, 2008. Available at www.opr.gov, accessed July 24, 2008.

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

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

The following analysis, conducted by San Francisco Planning Department staff,⁴³ is based on OPR's recommended approach for determining a project's contribution to and impact on climate change.

Identifying and quantifying a project's GHG emissions. OPR's technical advisory states that "the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide." State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from carbon dioxide, nitrous oxide, and methane, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions in terms of carbon dioxide,⁴⁴ and annual CO₂-eq GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities

⁴³ San Francisco Planning Department, Greenhouse Gas Construction Calculations for 564 Howard Street, October 28, 2008. This memo is part of Case No. 2007.1135E and is available upon request.

⁴⁴ Construction emissions of carbon dioxide were calculated based on URBEMIS 2007 9.2.4 software. Attachment 2 of the Office of Planning and Research's Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review, (June 19, 2008) lists and describes modeling tools used to calculate greenhouse gas emissions. URBEMIS is currently the only tool identified that has the capacity to calculate a project's carbon dioxide emissions from construction activities. It does not, however, calculate emissions from nitrous oxide or methane, nor does any other modeling tool currently available. However emissions of these compounds would be a fraction of the total greenhouse gas emissions and therefore carbon dioxide is used as an indicator to estimate the construction-related emissions of the proposed project.

Commission (SFPUC).⁴⁵ Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

564 Howard Greenhouse Gas Project Impacts

The greenhouse gas analysis calculated for the proposed project assumes that the project is a demolition of an existing building and construction of a new building in its place. The existing building is 7,000 sf and used as an office. The new building would contain 22,500 square feet of residential space consisting of 19 dwelling units and 1,550 square feet of restaurant or retail uses on the ground floor. For purposes of this analysis, it was assumed that the ground floor uses would be restaurant instead of retail as restaurant uses generate more greenhouse gas emissions than retail uses.

Table 2 identifies the project's contribution from mobile transportation emissions, natural gas combustion, electricity generation, landfill operations, as well as construction emissions. The proposed project is expected to generate approximately 291 CO₂-eq tons per year net new GHG emissions during annual operations, and 230 CO₂-eq tons per year during construction. A recent evaluation of San Francisco's community-wide greenhouse gas emissions inventory indicates that in 2005 San Francisco emitted 7.09 million CO₂-eq tons.⁴⁶ The proposed project would represent an approximately 0.0041 percent addition of greenhouse gases to San Francisco's community-wide emissions.

Direct operation emissions	79
Direct natural gas emissions	194
Indirect electricity use emissions	16
Indirect solid waste emissions	2
Total project GHG emissions (CO ₂ -eq metric tons per year)	291
Total project GHG construction emissions (CO ₂ -eq metric tons per year)	230

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

⁴⁵ The San Francisco Public Utilities Commission's (SFPUC) City and County of San Francisco Retail Water Demands and Conservation Potential, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MS_ID/165/C_ID/2281, accessed July 28, 2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day.

⁴⁶ This inventory does not include waste-related emissions or emissions from wastewater operations.

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

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

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007 is approximately 427 MMTCO₂-eq. The proposed project's annual contribution would be approximately 0.0041 percent of this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states, "Although climate change is ultimately a cumulative impact, not every individual project that emits greenhouse gases must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated greenhouse gas emissions to a less-than-significant level as a means to avoid or substantially reduce the cumulative impact of a project." And, "In determining whether a proposed project's emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of "past, current and probable future projects."

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

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

Further, the State of California Attorney General’s office has compiled a list of GHG reduction measures that could be applied to a diverse range of projects.⁴⁷ The proposed project would meet the intent of many of the GHG reduction measures identified by the Attorney General’s office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project’s transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco;⁴⁸ (2) As new construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project’s contribution to cumulative regional GHG emissions; (3) the proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65 percent of all construction and demolition material to be diverted from landfills; and (4) the proposed project would plant one street tree, regulating outdoor temperatures and aiding in carbon sequestration.⁴⁹

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

Air Quality Plans and Standards and Criteria Pollutants – Conclusion

The project would be generally consistent with applicable air quality plans, such as the *2005 Ozone Strategy* and the *2001 Ozone Attainment Plan*, and with transportation control measures in the General Plan, Planning Code, and City Charter, by providing housing and neighborhood-serving retail in proximity to public transit and urban amenities, potentially minimizing vehicle

⁴⁷ State of California, Department of Justice, “The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level.” Updated 3/11/08. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf, accessed April 11, 2008.

⁴⁸ The California Air Pollution Control Officer’s, CEQA and Climate Change (January 2008) white paper identifies infill development as yielding a “high” emissions reduction score (between 3-30%). This paper is available online at: <http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf>, accessed April 15, 2008.

⁴⁹ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

use and the resultant mobile air pollutants. The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment.

Exposure to Pollutants (7d)

The California Air Resources Board (CARB) established its statewide comprehensive air toxics program in the early 1980s. CARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. CARB identifies 244 substances as toxic air contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadway and human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to TACs. In 2005, CARB issued guidance on preventing roadway related air quality conflicts, suggesting localities "avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day."⁵⁰ However, there are no existing federal or state regulations to protect sensitive residential uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.⁵¹ Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. The project site, at 564 Howard Street, is not located within 500 feet of roadways with traffic in excess of 100,000 vehicles per day. The major roadways within 500 feet of the project site—Second Street, the Transbay Loop, and Howard Street—carry an annual average of 55,457 vehicles per day.⁵² Thus, the proposed project is not expected to expose sensitive receptors to substantial pollutant concentrations.

⁵⁰ California Air Resources Board, 2005 Air Quality and Land Use Handbook: A Community Health Perspective, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

⁵¹ San Francisco Department of Public Health, Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008, http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2008.

⁵² State of California, Environmental Health Investigations Branch, California Environmental Health Tracking Program Distance-Weighted Traffic Volume Tool, http://www.ehib.org/traffic_tool.jsp, accessed June 24, 2008.

Odors (7e)

The proposed project would not result in a perceptible increase or change in odors on the project site or in the vicinity of the proposed project, as it would not include uses prone to the generation of objectionable odors. Observation indicates that surrounding land uses are not sources of objectionable odors that would adversely affect project residents. Therefore, the project would not result in any odor impacts.

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

Wind (8a)

Large buildings can redirect wind flows around and down to street level, resulting in increased wind speed and turbulence at street level. To provide a comfortable wind environment, the City established comfort criteria for evaluation of proposed buildings.⁵³ The pedestrian comfort criteria are based on pedestrian-level wind speeds, which include the effects of turbulence. These adjusted wind speeds are referred to as "equivalent wind speeds." The Planning Code establishes an equivalent wind speed of 7 miles per hour in seating areas and 11 miles per hour in areas of substantial pedestrian use as comfort criteria. New buildings and new additions to buildings may not cause ground-level winds to exceed these levels more than 10 percent of the time year-round between 7:00 a.m. and 6:00 p.m. If existing wind speeds exceed the comfort level, new buildings and additions must be designed to reduce ambient wind speeds to meet these requirements. An exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind-baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. The Planning Code also establishes hazard criterion at an equivalent wind speed of 26 miles per hour for a single full hour per year. No building or additions to buildings would be permitted that would cause wind speeds to exceed the hazard level for more than one hour of any year.

⁵³ The Planning Code specifically outlines these criteria for several districts within the city. For CEQA purposes, the provisions of Section 148 apply citywide, as described here.

A wind/comfort study was conducted for the proposed project.⁵⁴ The study notes that the project site is bounded by the elevated Transbay Loop, an open parking lot, and by two- and four-story buildings. Buildings directly upwind (west) from the site range from four to eight stories in height. The site is generally sheltered from prevailing northwest through west-southwest winds by existing structures. Residential balconies would be located on the east and northeast side of the building, thus providing protection from the prevailing winds from the west.

The wind study concludes that the project would have little potential to result in substantial new wind accelerations within any pedestrian areas. While the project's location next to a parking lot makes it somewhat exposed, tall buildings provide substantial shelter from the prevailing wind directions. Also, the project size, massing, and orientation would ensure that wind accelerations would be mild and would not occur in pedestrian areas. The long axis of the building would have a northwest-to-southeast alignment, so the amount of wind the building could intercept when the wind is from the prevailing northwest-to-west-southwest directions is limited. In addition, the massing of the structure assures that any wind accelerations generated by the structure would mostly occur above the roofs of adjacent buildings and not affect pedestrian spaces.

Therefore, the project would not alter wind in a manner that substantially affects public areas, and wind impacts would be less than significant, and wind impacts would not contribute to cumulative impacts.

Shadow (8b)

The proposed project would be 111 feet in height. Section 295 of the Planning Code was adopted in response to Proposition K (passed in November 1984) to protect certain public open spaces (under Recreation and Park jurisdiction) from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless it is determined that the impact would be insignificant. Under the provisions of Section 295, the City Planning Commission shall not make the determination until the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, has had an opportunity to review and comment to the Planning Commission upon the proposed project. To determine whether this project would

⁵⁴ Donald Ballanti, Certified Consulting Meteorologist, *Wind/Comfort Studies for the 564 Howard Street Residential Expansion Project, San Francisco, July 22, 2008*. A copy of this letter report is available for review by appointment at 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File 2007.1135E.

conform to Section 295, a shadow fan analysis was prepared by the Planning Department.⁵⁵ The analysis determined that the project would not shade any properties subject to Section 295.

Section 295 does not provide protection of sunlight for non-Recreation and Park properties or private properties. The nearest publicly accessible open space is above the parking garage west of 100 First Street on the south side of Mission Street between First Street and Shaw Alley. This property is approximately 500 feet from the project site and would not be shaded by the proposed project.

The proposed building would cast some shade on adjacent properties and those within approximately a block and a half of the project site; however, the proposed project would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the City, the loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. While additional shading and loss of sunlight would be an adverse change for affected neighbors, it would not constitute a significant adverse effect on the environment under CEQA or a cumulative impact on the City's environment under CEQA.

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

Recreation (9a, 9b, and 9c)

In August 2004, the San Francisco Recreation and Park Department published a Recreation Assessment Report that evaluates the recreational needs of San Francisco residents.⁵⁶ Nine service

⁵⁵ San Francisco Planning Department, 562-564 Howard Street Shadow Analysis, June 27, 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2007.1335E.

⁵⁶ San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004. Accessed at http://www.parks.sfgov.org/site/recpark_index.asp?id=27310 on January 4, 2007.

area maps were developed for the report. The service area maps were intended to help Recreation and Park Department staff and key leadership assess where services are offered, how equitable the service delivery is across the City, and how effective the service is as it applies to participating levels overlaid against the demographics of where the service is provided. A review and interpretation of the data on the service area maps revealed that while much of the South of Market area is limited in terms of recreation offerings, the project site is within approximately a half mile of Yerba Buena Gardens, the waterfront promenade along the Embarcadero, and South Park. In addition, publicly accessible private open spaces in the project vicinity include the 405 Howard Street Plaza and the 100 First Street Terrace.⁵⁷

Based on an average household size for San Francisco of 2.3 persons per unit, the proposed project would add 44 people to the existing census tract population of 534, an increase of 8 percent. Although the proposed project would be expected to generate additional demand for recreational facilities, its contribution to this need would not be considered substantial and would not be in excess of amounts expected and provided for in the area and the City as a whole. The proposed project would not result in substantial physical deterioration of existing recreational resources or require the expansion of recreational facilities. The impact on recreational facilities, both individually and cumulatively, would therefore be less than significant.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵⁷ San Francisco Planning Department, Publicly Accessible Private Open Spaces, June 19, 2008.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area and is currently served by public utilities and service systems, including provision of water, power, wastewater collection and treatment, and solid waste collection and disposal. The proposed project would add 25 residents and reduce the number of retail workers by 20, resulting in an increase in demand for and use of public utilities and service systems on the site.

Wastewater and Stormwater (10a, 10b, 10c, and 10e)

The project site is served by San Francisco's combined sewage system, which is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer lines and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. The project would meet wastewater pre-treatment requirements of the San Francisco Public Utilities Commission (SFPUC), as required by the San Francisco Industrial Waste Ordinance.⁵⁸ The project site is currently covered with impervious surfaces; thus, the project would have little effect on the total stormwater volume discharged through the combined sewer system. All discharges are operated in compliance with permits issued by the RWQCB, San Francisco Bay Region and with the U.S. EPA's Combined Sewer Overflow Control Policy. In 2005, the SFPUC launched the citywide 5-Year Wastewater Capital Improvement Program to improve the reliability and efficiency of the combined system.⁵⁹ The program is aimed at reducing flood risk in many neighborhoods, upgrading treatment plants, and curbing wastewater odors at the Southeast Plant. In addition, the SFPUC is developing a Sewer System Master Plan that would present a long-term strategy for the management of the City's wastewater and stormwater; address system deficiencies, community impacts, public interests, and future needs; and maximize system reliability and flexibility.

⁵⁸ City and County of San Francisco, San Francisco Municipal Code (Public Works), Ordinance No. 19-29, Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

⁵⁹ San Francisco Public Utilities Commission, http://sfwater.org/msc_main.cfm/MC_ID/14/MSC_ID/119, accessed October 17, 2008.

In light of the above, the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/stormwater treatment facilities or expansion of existing ones. In addition, while the proposed project would add to sewage flows in the area, it would not cause the collection treatment capacity of the sewer system in the City to be exceeded. Therefore, the proposed project would result in a less-than-significant project-level and cumulative impact on wastewater treatment service systems.

Water Supply (10d)

The proposed project would incrementally increase the demand for water in San Francisco. The new construction would be required to incorporate water-conserving measures, such as low-flush toilets and urinals, in compliance with California State Building Code Section 402.0(c). Sufficient growth to accommodate the proposed project's residential population was assumed in the SFPUC's 2005 Urban Water Management Plan and an adequate water supply would be available for the proposed project.⁶⁰ Since the proposed project would have sufficient water supply available from existing entitlements, project and cumulative impacts on water supply would be less than significant

Solid Waste (10f and 10g)

Following sorting of recyclable materials at the Norcal Transfer Station near Candlestick Park, San Francisco solid waste is transported to, and disposed of at, the Altamont Landfill in Alameda County. The operation of the landfill is required to meet federal, state, and local solid waste regulations. The Altamont Landfill has a permitted maximum disposal of 6,000 tons per day and received about 1.34 million tons of waste in 2002 (the most recent year reported). According to the San Francisco Department of the Environment, the City generated 1.88 million tons of waste material in 2002: approximately 63 percent (1.18 million tons) was diverted through recycling, composting, reuse, and other efforts; and approximately 37 percent (700,000 tons) went into landfill.⁶¹ San Francisco has a goal to divert 75 percent of its waste away from disposal by 2010.

The total estimated permitted capacity of the Altamont landfill is 62 million cubic yards and with this capacity, the landfill can operate until approximately 2029.⁶² In addition, prior to receipt of a

⁶⁰ The SFPUC's 2005 Urban Water Management Plan is based on data presented in the Association of Bay Area Government's *Projections 2002: Forecasts for the San Francisco Bay Area to the Year 2025*, which includes all known or expected development projects in San Francisco through the Year 2025.

⁶¹ City and County of San Francisco, Office of the Controller, Community Indicators Report, http://www.sfgov.org/wcm_controller/community_indicators/physicalenvironment/recycling/recycling.htm accessed October 17, 2008.

⁶² California Integrated Waste Management Board, *Active Landfill Profile for Altamont Landfill & Resource Recovery (01-AA-0009)*,

demolition permit, the project is required to show compliance with the City’s Construction and Demolition Debris Recovery Ordinance (Ordinance 27-06). Requirements for a full demolition include the development of a waste diversion plan that provides for a minimum of 65 percent diversion of construction and demolition debris, including materials source separated for reuse and recycling.

Given the above, the solid waste associated with the construction and operation of the proposed project would not substantially affect the projected life of the Altamont Landfill, and therefore would result in a less-than-significant individual and cumulative impact.

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

Public Services (11a)

The project site is within an urban area that is currently served by public services, including provision of fire suppression and emergency medical services, police protection, public schools, recreational facilities, and other public services. The proposed project would increase the intensity of development on the site and potentially the demand for and use of public services in the project vicinity. The following discussion addresses potential impacts on fire services, police protection, and school services. Impacts on parks are addressed under Question 9, Recreation, above.

Fire Services

The San Francisco Fire Department (SFFD), headquartered at 698 Second Street, provides fire suppression and emergency medical services to the City and County of San Francisco, including the project site. The SFFD consists of three divisions, which are further divided into 10 battalions

<http://www.ciwmb.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=3&FACID=01-AA-0009>, accessed October 17, 2008.

and 42 active stations located throughout the City. The closest fire station to the project site is Station 1, located at 676 Howard Street (near Third Street), about 0.2 mile from the project site.⁶³

The proposed project would result in an increase in demand for fire suppression and emergency medical service in the project area; however, the increase would be incremental and would not be in excess of amounts expected and provided for in the project area. Nor would the proposed project necessitate the need for new or physically altered facilities or significantly increased staff. Therefore, the proposed project would not be expected to have any substantial impact on fire services.

Police Protection

The San Francisco Police Department (SFPD), headquartered at 850 Bryant Street, provides police protection for the City and County of San Francisco including the project site. The SFPD consists of four Bureaus and 10 Districts located throughout the City. The Southern Police Station, also located at 850 Bryant Street, has jurisdiction over the project site and vicinity.⁶⁴

The 25 new project residents would result in an increase in demand for police service calls. However, this increase would not be in excess of amounts expected and provided for in the project area, nor would it require the construction of any new police facilities. The proposed project would, therefore, not adversely affect police protection services in the project vicinity. Thus, this impact would be less than significant.

Schools

Some residents of the proposed 19-unit residential development may be families with school age children. The 19 residential units would consist of eight two-bedroom units and 11 one-bedroom units. To estimate the number of students generated by new housing development, the San Francisco Unified School District employs a student generation rate of 0.125 students per new multi-family housing units for planning purposes.⁶⁵ Based on this factor, the proposed project would generate about two new students. It is anticipated that the existing schools could accommodate these students.

Under the school district's current enrollment policy, the most significant determinants of a student's school assignment are parental choice and school capacity. Students are assigned to a school as close to home as possible when they do not get one of their choices through the student

⁶³ San Francisco Fire Department, http://www.sfgov.org/site/sffd_page.asp?id=57819 (Fire Station Location), accessed October 9, 2008.

⁶⁴ San Francisco Police Department http://www.sfgov.org/site/police_index.asp?id=19969, accessed October 9, 2008.

⁶⁵ Philip Smith, Director, Real Estate, San Francisco Unified School District, email communication with Turnstone Consulting, May 25, 2006.

assignment system.⁶⁶ The nearest elementary schools are the Bessie Carmichael Elementary School/Filipino Education Center at 375 Seventh Street, the John Yehal Chin Elementary School at 350 Broadway, and the Chinese Education Center at 657 Merchant Street. The nearest middle schools are Francisco Middle School at 2190 Powell Street, Everett Middle School at 450 Church Street, and Horace Mann Middle School at 3351 23rd Street. The closest high schools are Galileo Academy of Science and Technology at 1150 Francisco Street, Downtown High School/International Studies Academy at 693 Vermont Street, and Mission High School at 3750 18th Street.

Student enrollment in the SFUSD has been decreasing steadily for more than ten years, and the District has recently closed schools. During the 2007–2008 academic year, total K-12 enrollment was 55,091, a decline of almost 10 percent from the 61,198 students enrolled during the 1996–1997 academic year.⁶⁷ The project would be assessed \$1.72 per gross square foot of residential space under the District's development impact fee. These funds could be used to rehabilitate underutilized schools to accommodate the students, if any, generated by the project. The project would not result in a significant unmet demand for school facilities nor contribute to a cumulatively significant unmet demand in San Francisco. For the reasons above, the proposed project's impact on school facilities would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁶⁶ San Francisco Unified School District, School Assignment Update, March 7, 2008, <http://www.sfusd.edu>, accessed October 9, 2008.

⁶⁷ San Francisco Unified School District, *SFUSD School Profiles, 2007-2008*, <http://orb.sfusd.edu/profile/prfl-100.htm>, accessed October 9, 2008.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Animal and Plant Species (12a, 12b, 12c, and 12d)

Located in a dense urban area, the project site is completely developed with an existing building; there is no landscaping or vegetation on the site. Given the conditions present on the project site and in the area, the proposed project would not affect a rare or endangered plant or animal species or habitat, riparian habitat or sensitive natural communities, or wetlands. For similar reasons, the proposed project would not interfere with wildlife movement or impede the use of nursery sites. Therefore, these topics are not applicable.

Tree Protection (12e)

The Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees, including street trees, is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and street trees, collectively known as “protected trees” located on private and public property. There are no trees on or adjacent to the project site, and therefore, no trees would be removed with the proposed project. Given the above, the proposed project would not conflict with the local tree preservation ordinance, or with any local policies or ordinances protecting trees. For the reasons noted above, the proposed project would not conflict with any other local policies or ordinances protecting biological resources.

Habitat Conservation (12f)

There are no adopted habitat conservation plans that include the project site or vicinity; therefore, this topic is not applicable.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
13. GEOLOGY AND SOILS—					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Seismic and Geological Hazards (13a)

A geotechnical feasibility assessment was conducted for the project; the results and recommendations of the report are summarized below.⁶⁸ The report concludes that the project is feasible from a geotechnical standpoint. The report recommends that prior to final design of the building, a detailed site-specific geotechnical investigation, including test borings and cone penetration tests, should be performed to confirm the feasibility assessment's conclusions and recommendations.

⁶⁸ Treadwell & Rollo, Geotechnical Feasibility Assessment, 564 Howard Street – Proposed Addition, July 28, 2008. A copy of this letter report is available for review by appointment at 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File 2007.1135E.

Subsurface Conditions

The site vicinity is underlain by a layer of sandy fill with rubble. The fill is likely material left over from the demolition of buildings after the 1906 earthquake and fire and may be about 10 to 15 feet thick as measured from the existing ground surface. The fill is likely underlain by loose to medium dense native Dune Sand (wind-blown deposits). The existing two-story building is supported on spread footings bottomed in native Dune sand. Borings north of the site indicate that 10 to 20 feet of stiff, moderately compressible marine clay is present on the north side of Howard Street. There appears to be a transition zone from a marsh to marine deposits near the site. Both of these layers are moderately compressible. Below the marsh or marine deposits, at 50 to 60 feet below the street grade, is expected to be about 30 to 40 feet of dense sand over stiff clay. Bedrock is anticipated 300 feet below the ground surface. Groundwater is expected to be present about 15 feet below the ground surface and about 5 feet below the existing basement slab.

Seismic Hazards

The major active faults in the area are the San Andreas, San Gregorio, Hayward, and Calaveras Faults. The 2007 Working Group on California Earthquake Probabilities at the U.S. Geological Survey predicted a 63 percent chance of a magnitude 6.7 or greater earthquake occurring in the San Francisco Bay Area in 30 years. During a major earthquake, strong to very strong shaking is expected to occur at the project site. The primary geotechnical concerns for the site are the potential for liquefaction to occur in the loose to medium dense sand present below the groundwater table during a moderate to major earthquake and the presence of moderately compressible clay beneath the site. Because the site is identified as being within a potentially liquefiable area, a detailed geotechnical investigation is recommended to explore the subsurface soil conditions. Liquefaction during an earthquake could result in settlement on the order of about 6 inches. Seismically induced differential compaction settlement beneath sidewalks, where the thickness of loose to medium dense sand above the groundwater table could be about 15 feet, could be up to 1 ½ inches. The structural load of the proposed 10-story building could result in at least 6 inches of earthquake-induced settlement.

Design Recommendations

The geotechnical feasibility assessment for the proposed project makes the following design recommendations.⁶⁹ If the proposed building is designed in accordance with the 2007 California Building Code, the requirements for Zone 4 should be used at a minimum. Due to the presence of loose sands and moderately compressible marsh/marine deposits, which are potentially liquefiable, it is recommended that the building be supported on a deep foundation system, such as micropiles, auger cast-in-place piles, torque-down piles, Tubex piles, or driven precast, prestressed concrete piles.

⁶⁹ Ibid. pp. 5-6.

The final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. If the need were indicated by available information, DBI would require that site-specific soils reports be prepared by a California-licensed geotechnical engineer prior to construction. To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

Based on the information and recommendations of the geotechnical feasibility assessment, and in compliance with DBI requirements, the proposed project would not be significantly impacted by its location in proximity to geological hazards.

Soil Erosion (13b)

Soil movement for foundation excavation could create the potential for wind- and water-borne soil erosion. The project would require Department of Public Works approval of a grading permit and analysis for efficient stormwater management during project construction and operation. Review of the stormwater runoff from the proposed project's construction and operation, in accordance with the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, would ensure that significant soil erosion would not occur. Therefore, the project would not result in project-specific or cumulative substantial soil erosion.

Unstable and Expansive Soil (13c and 13d)

As discussed in Section E.13, Seismic and Geological Hazards, Question 13a, (p. 64), with design recommendations of the geotechnical assessment, the potential for soil liquefaction and seismically induced ground settlement at the project site is low. By following City requirements for site preparation and structural safety as part of the building permit process would reduce these risks to less-than-significant levels. Because the project site is flat, the potential for lateral spreading and landslide is not applicable.

Septic Tanks (13e)

The proposed building would connect to existing wastewater conveyance, treatment, and disposal facilities, and would not rely on septic tanks or other on-site land disposal systems. Therefore, this issue is not applicable to the project site.

Topography (13f)

The project site is completely covered by the existing building. Therefore, the proposed project would not affect the topography of the project site or any unique geologic or physical features, and this issue is not applicable to the project site.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
14. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Water Quality Standards and Waste Discharge (14a and 14f)

Domestic wastewater from the project site currently flows and would continue to flow to the City's combined sewer system, where it would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. During dry weather (typically, May 1 to October 15), all sanitary sewage generated at the project site would be treated at the Southeast Plant, which currently operates at about 80 percent of its design capacity. The additional dry weather flow associated with the proposed project could be accommodated within the system's existing capacity. During wet weather (typically, October 16 to April 30), the combined sewer system collects large volumes of stormwater runoff and other facilities in the City provide additional treatment as needed prior to discharging treated effluent to the Bay.⁷⁰ When combined flows exceed the total capacity of all of the facilities, excess flows receive primary treatment and are discharged through combined sewer overflow (CSO) structures located along the Bayside waterfront.^{71,72} These intermittent CSO discharges occur in compliance with the current NPDES permit.

The SFPUC is working to improve its system's stormwater drainage performance and its wastewater treatment efficiency. The SFPUC Stormwater Program aims to comply with regulatory requirements, maximize sewer system performance, engage community members in its work, improve watershed function, enhance the environmental quality of San Francisco's neighborhoods, and protect the water quality of the San Francisco Bay and Pacific Ocean. To achieve these goals, the SFPUC is developing a policy to require that new and redevelopment projects in San Francisco take advantage of green technologies for managing stormwater runoff.⁷³

Discharge of typical retail wastewater to this existing wastewater treatment system would not violate any water quality standards or waste discharge requirements and would be within the capacity of the Southeast Water Pollution Control Plant. During wet weather, any net increase in combined sewage could cumulatively contribute to an increase in the average volume of CSO discharges to the Bay. Such an increase could be a concern because the San Francisco Bay Regional Water Quality Control Board has designated this portion of the Bay as an impaired

⁷⁰ San Francisco Public Utilities Commission, *Wastewater System Reliability Assessment, Summary Report, Draft December 2003*, <http://www.sfsewers.org/library.asp#Background>, accessed October 16, 2008.

⁷¹ San Francisco Public Utilities Commission, *San Francisco Sewer System Master Plan Project, Combined Sewer Overflows*, <http://www.sfsewers.org/combinedseweroverflows.asp?groupid=10398>, accessed October 16, 2008.

⁷² San Francisco Public Utilities Commission, *Recycled Water Master Plan*, March 2006, p. 34. Available at http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/165/MTO_ID/290/C_ID/2920/Keyword/recycled%20water%20master%20plan, accessed October 16, 2008.

⁷³ San Francisco Public Utilities Commission, *Stormwater Management*, available at http://sfwater.org/msc_main.cfm/MC_ID/14/MSC_ID/361, accessed October 17, 2008.

water body under Section 303(d) of the Clean Water Act, which indicates water quality standards are not expected to be met after implementation of technology-based effluent limitations, and because CSO discharges contain pollutants for which the Bay is impaired. However, the City is undertaking a number of measures to reduce the quantity and frequency of overflows and improve the water quality of overflows. In light of these efforts, individual and cumulative impacts of the proposed project on stormwater runoff would be less than significant.

Groundwater (14b)

The project site is developed and completely covered with impervious surfaces, namely the existing structure. The project would not change the amount of impervious surface on the site. The existing water supply to the project site is provided from reservoirs in the SFPUC water system.

Project development would require excavation up to a depth of 9 feet 8 inches. As discussed in Section E.13, Geology and Soils, Question 13a (p. 64), groundwater is estimated in the project area at approximately 15 feet below the ground surface. If the proposed excavation requires dewatering at the site, groundwater produced during construction dewatering would be discharged to the combined sewer system in accordance with Article 4.1 of the San Francisco Public Works Code, as supplemented by Order No. 158170, which regulates the quantity and quality of discharges to the combined sewer system. This permit would contain appropriate discharge standards and may require installation of meters to measure the volume of the discharge. As part of its Water Pollution Prevention Program, the Environmental Regulation and Management Department of the SFPUC must be notified of projects necessitating dewatering, and may require water analysis before discharge.

Should dewatering be necessary, the final soils report would address the potential settlement and subsidence impacts of this dewatering. The report would contain a determination as to whether a lateral movement and settlement survey should be done prior to dewatering to monitor for any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey were recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the San Francisco Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the streets would be borne by the project sponsor.

In view of the above, the proposed project would not have an individual or cumulative significant impact on groundwater supplies or levels.

Erosion, Flooding, and Runoff (14c, 14d, and 14e)

There are no surface water channels on the project site. Although project development would occur within an area that is already developed, construction activities such as earthwork could lead to erosion when soil is exposed, particularly during wet weather. During construction, measures to reduce potential erosion would be implemented pursuant to California Building Code Chapter 33, Excavation and Grading, including an analysis for efficient stormwater management during construction and operation of the proposed project. For these reasons, significant individual and cumulative water quality impacts with respect to erosion and siltation would not occur.

As with the existing building, the proposed project would generally be built to the property lines. The overall amount of ground coverage would not change substantially under the proposed project. Thus, the project would not individually or cumulatively substantially affect or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or exceed the capacity of existing or planned stormwater drainage and wastewater systems.

Flood Hazard (14g and 14h)

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

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

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).⁷⁴ On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map. According to the preliminary map, the project site is not located within a flood zone designated on the City's interim floodplain map. In addition, there are no natural waterways within or near the project site that could cause stream-related flooding. Therefore, no impacts related to placement of housing or other structures in a 100-year flood zone would occur.

Levee or Dam Failure (14i)

The project site is not located within an area that would be flooded as the result of failure of a levee or dam.⁷⁵ Therefore, no impact would occur.

Seich, Tsunami, or Mudflow (14j)

The project site is not located within an area that is subject to inundation by seiche, tsunami, or mudflow.⁷⁶ Therefore, no impact would occur.

⁷⁴ City and County of San Francisco, Office of the City Administrator, *San Francisco Floodplain Management Program Fact Sheet*, Revised July 18, 2008, available at http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed October 17, 2008.

⁷⁵ Association of Bay Area Governments, *Dam Failure Inundation Hazard Map for San Francisco*, available at <http://www.abag.ca.gov/cgi-bin/pickdamx.pl> (Environment/ Earthquake Maps/ Dam Failure after Earthquakes), accessed October 17, 2008.

⁷⁶ Association of Bay Area Governments, ABAG Tsunami Information, available at <http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>, accessed October 17, 2008.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hazardous Materials Transport, Use, and Disposal (15a)

During operation, the proposed project would involve residential and retail uses that would require relatively small quantities of hazardous materials for routine business and household purposes. The project would likely result in the use of common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All of these products are labeled to inform users of risks, and to instruct them in proper disposal methods. Most of these materials are consumed or neutralized through use, resulting in little hazardous waste. Businesses are required by law to ensure employee safety by identifying hazardous materials, providing safety information, and adequately training workers in hazardous material transport, handling, and disposal. For these reasons, hazardous material use by the project would not pose a substantial project-specific or cumulative public health or safety hazard.

Hazardous Materials (15b and 15d)

The following discussion focuses on the potential for exposure to hazardous materials in soil or groundwater beneath the project site, or in the existing buildings on the site.

A Phase I Environmental Site Assessment (ESA) was conducted for the proposed project.⁷⁷ The purpose of the ESA is to identify recognized environmental conditions at the site, defined as the presence or likely presence of hazardous substances or petroleum products that may indicate an existing, past or material threat of a release of such material to the structures, soil, or groundwater at the site. The ESA investigated past site uses by reviewing the results of a search of environmental databases and records at relevant government agencies, and by conducting a reconnaissance of the site and surrounding area. The assessment revealed no evidence of a recognized adverse environmental condition at the site.

Project construction would involve extending the existing basement that is 7 feet below ground level to 9 feet 8 inches below ground level, requiring the excavation and removal of 462 cubic yards of soil.

Potential Impacts Related to Materials in Soil or Groundwater

The Phase I ESA focused on off-site facilities with known contamination in soil and groundwater that were most likely to represent potential environmental concerns at the site. These areas include nearby properties that were hydraulically up gradient of the site. The estimated direction of groundwater flow is to the northeast within the immediate site vicinity. Two properties with potential environmental concerns were identified: 580 Howard Street and 222 2nd Street.

The facility at 580 Howard Street, Dahl-Beck Electric, approximately 75 feet west and upgradient of the project site, was listed on the California leaking underground storage tank (LUST) and underground storage tank (UST) lists.⁷⁸ A 1,000-gallon gasoline storage tank was removed in 1991. Very low levels of gasoline and benzene, toluene, ethylbenzene, and xylenes (BTEX) were detected in the excavated soil during the tank removal activities. In 1995, the property was granted case closure by the San Francisco Department of Public Health (DPH) with no further action required based on soil sample results that no groundwater was impacted. Based on the regulatory case closure, the potential for this property to affect the environmental conditions at the site is considered minimal.

The facility at 222 2nd Street, approximately 450 feet southwest and upgradient from the project site, is listed as a State of California LUST site. The property is reported as being a gasoline

⁷⁷ Treadwell & Rollo, Phase I Environmental Site Assessment, 564 Howard Street, San Francisco, California, August 22, 2008. A copy of this letter report is available for review by appointment at 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File 2007.1135E.

⁷⁸ The site is now a mixed use building, identified as 580-586 Howard Street.

service station between 1929 and 1974. Reportedly, the service station and associated USTs were dismantled and removed in 1974 and 1975. This facility performed groundwater monitoring as per DPH request, and based on the analytical results, the DPH issued a site closure letter dated October 13, 2006 with no further action required. Based on the regulatory case closure, the potential for this property to affect the environmental conditions at the site is considered minimal.

Twenty-six historical auto stations and 22 historical dry cleaners existed within one-quarter mile of the project site. However, these facilities were either down- or cross-gradient or a significant distance from the site, had no violations, no further action required, or were case-closed and are therefore unlikely to have affected soil or groundwater at the project site.

The Phase I ESA revealed no evidence of any recognized conditions related to materials in the soil or groundwater in connection with the 564 Howard Street project site, and no further action is recommended.

Potential Impacts Related to Building Materials

The proposed project would involve demolition of the existing building. Given the age of the existing structure (which was built in 1907), lead-based interior or exterior paint, asbestos-containing building materials, and polychlorinated biphenyls (PCBs) related to fluorescent lighting may be present.

Lead-Based Paint

Work that could result in the disturbance of lead paint must comply with Section 3407 of the San Francisco Building Code (Building Code), Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead-based paint on the exterior of any building built prior to December 31, 1978, Chapter 34 Section 3407 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. Generally affixed to a drape that covers all or portions of a building, these notices are a required part of the Section 3407 notification procedure.)

Section 3407 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards), and identifies prohibited practices that may not be used in disturbance or

removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

Section 3407 also includes notification requirements and requirements for signs. Prior to commencement of work, the responsible party must provide written notice to the Director of DBI of the location of the project; the scope of work including specific location; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property, the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. The code contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance. Compliance with these regulations and procedures required by the Building Code would ensure that potential impacts related to the demolition and renovation of structures with lead-based paint are less than significant.

Asbestos

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified 10 days in advance of any proposed demolition or abatement work.

Required notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished or altered including its size, age and prior use, and the approximate amount of friable (subject to crumbling) asbestos; scheduled start and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, BAAQMD will inspect any removal operation for which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow

State regulations contained in Title 8, Sections 341.6 through 341.14, and Section 1529 of the California Code of Regulations where there is asbestos-related work involving 100 sf or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor/hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and its disposal. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above. These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

PCBs and other Building Materials

Spent fluorescent light tubes commonly contain mercury vapors at levels high enough to be considered a hazardous waste under California law; depending on the levels of mercury present, the light tubes may also be classified as hazardous under federal law. These and other potentially hazardous building materials could pose health risk for site workers if improperly handled. However, adherence to applicable laws and regulations for removal and disposal of these materials would reduce the potential for exposure to hazardous substances during demolition activities. Therefore, this impact would be less than significant.

Schools (15c)

There are no public or private schools within one-quarter mile of the project site; therefore, this topic is not applicable to the proposed project.

Airports and Airstrips (15e and 15f)

The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip. Therefore, these topics are not applicable to the proposed project.

Emergency Response (15g)

The proposed project would not change the existing traffic circulation network in the vicinity. Residents, employees, and visitors to the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." The proposed project would conform to these standards. Therefore, project-specific and cumulative impacts related to interference with emergency response or evacuation plans would be less than significant.

Fire Safety (15h)

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. The proposed project would be required to conform to those provisions, which include additional life-safety protections for high-rise buildings. Therefore, the proposed project would have no significant individual or cumulative impacts related to fire hazards.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mineral Resources (16a and 16b)

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

Energy Resources (16c)

The project would involve the construction of a multi-unit residential building with retail uses. The increase in residents, employees, and visitors would result in an increase in energy use. However, the increase in site population and employment would be small in the context of overall population and employment in San Francisco. For that reason, the project would not result in the use of large amounts of fuel, water, or energy. The project would meet current State and local standards regarding energy consumption, including Title 24 of the California Code of

Regulations enforced by the Department of Building Inspection. Thus, the project would not result in a wasteful use of energy, and no significant impacts would occur.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE RESOURCES					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in the City of San Francisco, an urban area, and therefore not agricultural in nature. The California Department of Conservation designates no land within the City boundaries as Williamson Act properties or important farmland.⁷⁹ The proposed project would not convert farmland to a non-agricultural use, would not conflict with agricultural zoning or Williamson Act contracts, nor cause other changes that would lead to the conversion of Farmlands of Statewide Importance to nonagricultural use.

⁷⁹ San Francisco is identified as "Urban and Built Up Land" on the California Department of Conservation's map, Important Farmland in California, available at http://www.conservation.ca.gov/dlrp/fmmp/overview/Pages/survey_area_map.aspx, accessed October 17, 2008.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
18. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effects on Biological and Cultural Resources (18a)

As discussed in Section E.12, Biological Resources, the project site is located in a fully developed urban area and would not significantly affect biological resources. As discussed in Section E.4, Cultural Resources, the project site is located in an area sensitive for prehistoric archaeological deposits. Mitigation Measures 1 and 2, contained in Section G below, would reduce construction-related archaeological and noise impacts to less-than-significant levels.

Cumulative Project Impacts (18b)

Potential cumulative impact discussions are contained under each above topic discussion. The proposed new development and any surrounding development would be anticipated to add activity (including construction activity) to the project vicinity. However, cumulative impacts of the proposed project or temporary effects of its construction would not be cumulatively significant.

Effects on Human Beings (18c)

As discussed in Section E.6, Noise, project construction would potentially result in noise impacts on human beings; however, Mitigation Measure 2, contained in Section F below, would reduce construction-related potential noise impacts to a less than significant level. Potential adverse effects on human beings have been considered as part of the analysis of individual environmental topics in this Initial Study. The project would not result in significant adverse effects on humans.

F. SUMMARY OF NEIGHBORHOOD CONCERNS

On October 29, 2008, the Planning Department mailed a Notice of Project Receiving Environmental Review for the project to property owners within 300 feet of the project site, tenants adjacent to the site, and other potentially interested parties. Three parties responded to the notification requesting information on the status of the project as it relates to the Transbay Redevelopment Plan; however, no parties commented on the environmental effects of the proposed project at 564 Howard Street.

The project sponsor responded to the public notice by stating that the project description as presented in the notice does not accurately reflect the project. The project sponsor's opinion is that the project would not demolish the existing building but would add eight stories and tear out the inside fixturing in the existing building. As discussed in footnote 1 of this document (p. 1), the Planning Department has determined that the project is a demolition because it would replace more than 70 percent of the building and the façade.

G. MITIGATION MEASURES AND IMPROVEMENT MEASURES

Mitigation Measure 1: Subsurface Archaeological Resources

Based on a reasonable presumption that archaeological 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 archaeological resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified below. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archaeological research design and treatment plan (Anthropological Studies Center, Sonoma State University, *Archaeological Resources Study of 564 Howard Street, San Francisco: An Addendum to the San Francisco-Oakland Bay Bridge, West Approach replacement: Archaeological Research Design and Treatment Plan*, September 2008) at the direction of the Environmental Review Officer (ERO).

In instances of inconsistency between the requirement of the project archaeological research design and treatment plan and of this archaeological mitigation measure, the requirement of this archaeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.

Archaeological 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 archaeological resource as defined in CEQA Guidelines Sect. 15064.5(a)(c).

Archaeological Testing Program

The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological 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 archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological 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 archaeological resource; or
- B. A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program (AMP)

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

- The archaeological 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 archaeological consultant shall determine what project activities shall be archaeologically 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 archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;

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

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

Archaeological Data Recovery Program

The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological 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 archaeological 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 archaeological 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 archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological 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 archaeological 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 Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological

testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Mitigation Measure 2: Pile Driving

Should pile driving be necessary for installation of pile foundations as part of project construction, the project sponsor shall require project contractors to pre-drill holes to the maximum depth feasible on the basis of soil conditions to reduce construction-related noise and vibration. Project contractors shall also use construction equipment with state-of-the-art noise shielding and muffling devices, and schedule pile driving activity for times of the day that are consistent with the San Francisco Noise Ordinance to disturb the fewest people.

H. DETERMINATION

On the basis of this initial study:

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



Bill Wycko
Environmental Review Officer
for

John Rahaim
Director of Planning

DATE February 9, 2009



SAN FRANCISCO PLANNING DEPARTMENT

Addendum to Mitigated Negative Declaration

Date of Publication of Final MND: March 5, 2009
Case No.: **2007.1135E**
Project Title: **562-564 Howard Street Addendum**
Block/Lot: 3721/019
Project Sponsor: Claude Gruen
415 433-7598
Lead Agency: San Francisco Planning Department
Staff Contact: Jeanie Poling – (415) 575-9072
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REMARKS

Background

Section 31.19(c)(1) of the San Francisco Administrative Code states that a modified project must be reevaluated and that, “If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefor shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.”

A Final Mitigated Negative Declaration (FMND), file number 2007.1135E, for the subject project was adopted and issued on March 5, 2009. Subsequent to the issuance of the FMND and prior to any project approvals, the proposed project was modified. This addendum to the FMND evaluates whether the modifications to the proposed project would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the FMND.

Project Analyzed in the FMND

The project analyzed in the FMND (“the original project”) was the demolition of an existing 30-foot-high, two-story, 7,000-square-foot (sf) building, constructed in 1907 and currently used as office space, and the construction of a 111-foot high, 10-story, 24,050 sf building. The original project would have contained 22,500 sf of residential space consisting of 19 dwelling units (8 two-bedroom, 1,065 sf units, and 11 one-bedroom 475–600 sf units); 1,550 sf of neighborhood-serving retail or a restaurant on the ground floor; and no parking facilities.

The original project would have required approvals for exceptions from the rear yard requirement pursuant to Planning Code Section 309(a)(1); a variance for exceptions to Planning Code Section 140 which requires that each dwelling face directly a public street, alley, yard, or open unobstructed area; and the purchase of 9,050 in development rights pursuant to Planning Code Section 128.

Proposed Project

Table 1 provides a summary of the revisions to the proposed project. The proposed 22,465 sf building is 1,585 sf smaller than the originally proposed 24,050 sf project. The proposed 13-story, 136'4"-tall building is three stories (25'4") taller than the originally proposed 111'-tall project. Compared to the originally proposed project, one level of office space has been added at the second floor, and a 25-foot rear yard has been incorporated into the project. The proposed project has six fewer dwelling units than the original project, and the type of units has changed. (The proposed project has nine two-bedroom units and four one-bedroom units, and the original project had eight two-bedroom units and 11 one-bedroom units.) There is no parking currently on site; no parking was proposed in the original project, and no parking is currently proposed.

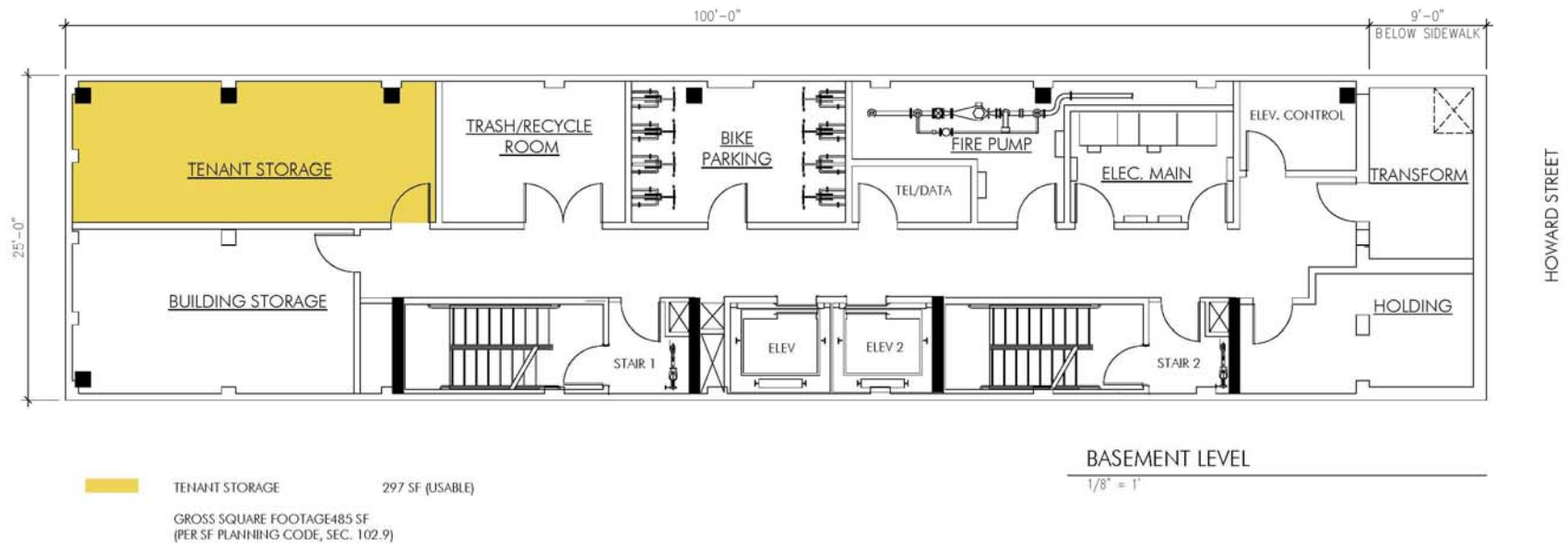
Table 1 – Proposed Revisions to Project

Project Element	Current Conditions	Original Project (Analyzed in FMND)	Proposed Project
Building height	30'	111'	136'4"
Stories	2	10	13
Area	7,000 sf	24,050 sf	22,465 sf
Residential	0	9 stories/22,500 sf	11 stories/20,702 sf
Dwelling Units (2BR / 1BR)	0	19 (8 / 11)	13 (9 / 4)
Retail (sf)	0	1,550 sf on ground level	1,450 sf on ground level
Office	2 stories / 7,000 sf	0	1 story on second level / 1,466 sf

The project has been modified to meet the rear yard requirement established by Section 134, which requires a minimum rear yard depth equal to 25 percent of the total depth of the lot; thus, the proposed project would not require approval for an exception from Section 134 of the Planning Code. In addition, the project has been modified such that it would not need a variance for exceptions to Planning Code Section 140, which requires that each dwelling face directly onto a public street, alley, yard, or open unobstructed area. The amount of transfer of development rights (TDR) that the project sponsor would need to purchase would change: the original project required the project sponsor to purchase 3.62 times the project area, or 9,050 sf in development rights. The proposed project would require the purchase of 7,465 sf in development rights.¹ The subject property is located in the Downtown Office Special Development (C-3-O (SD)) Zoning District and thus would still require Section 309 review.

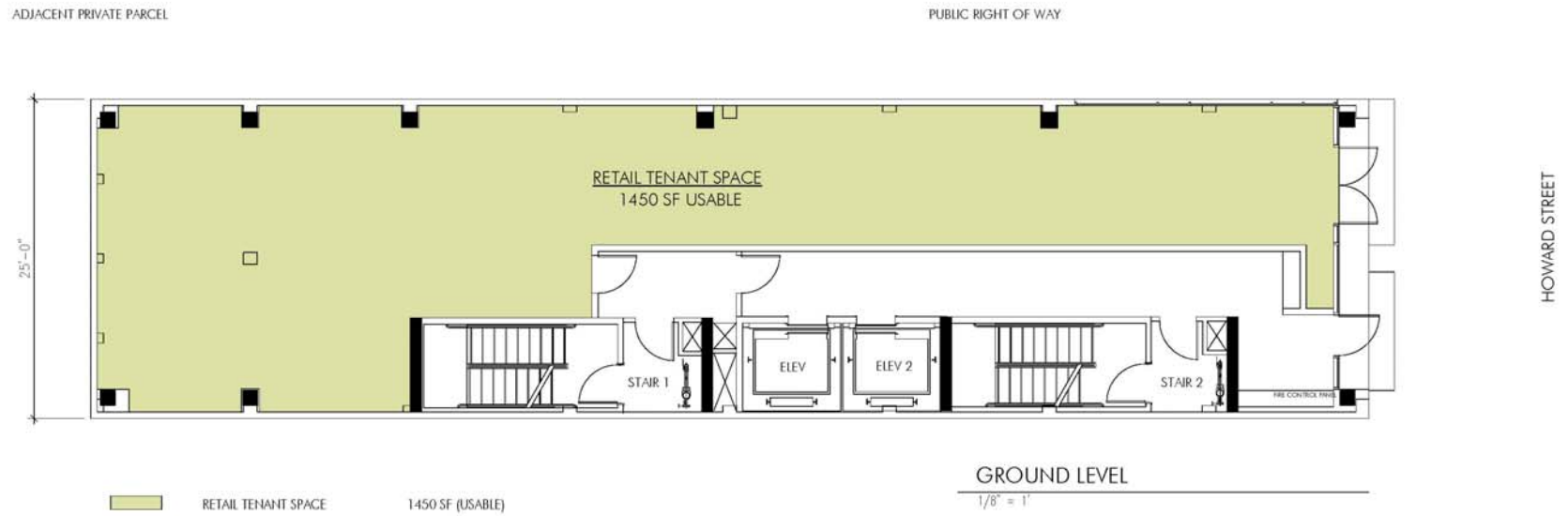
Figures 1–9 present plans and elevations of the proposed project.

¹ The project floor area ratio (FAR) is calculated as the project area (22,465 sf) divided by the lot area (2,500 sf), or 8.986 to 1. The zoning permits 6 to 1 development density. Thus, the project sponsor would need to purchase 2.986 times the project area, or 7,465 sf in development rights.



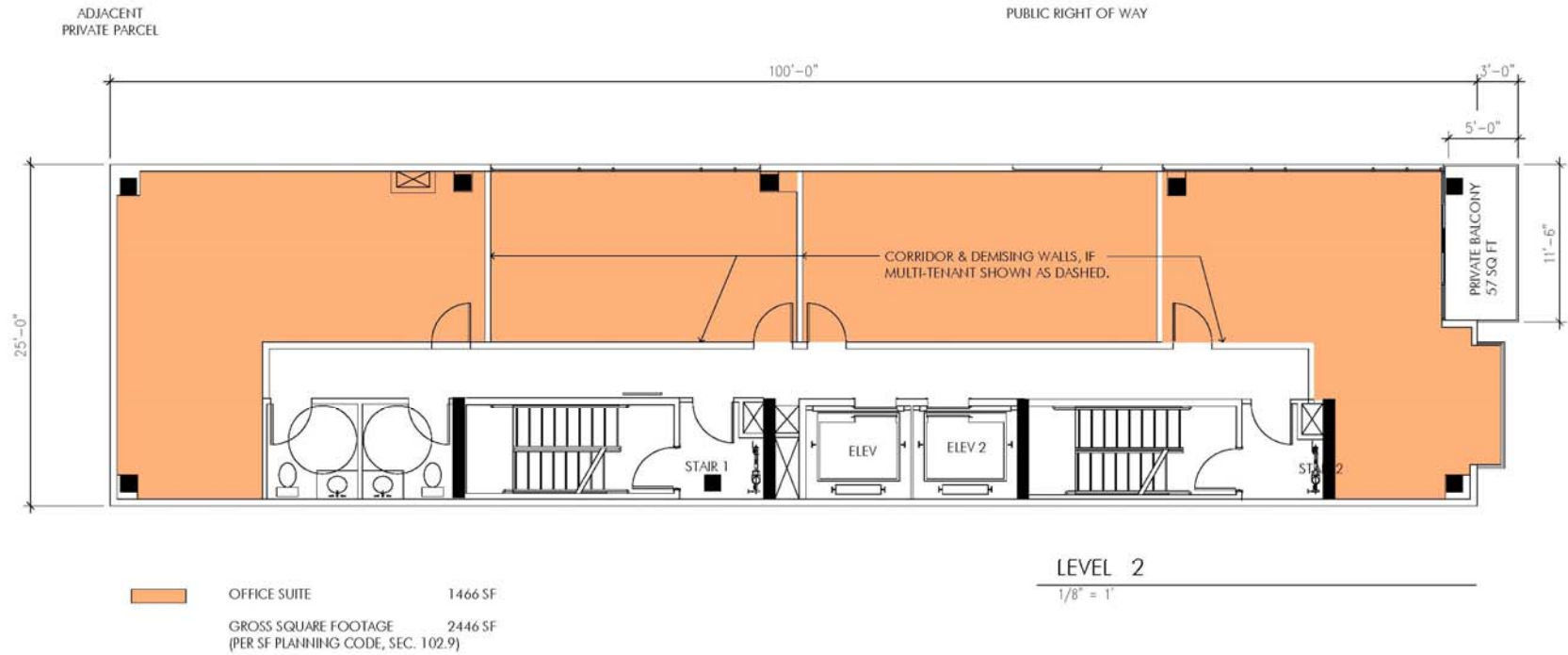
Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 1: Basement Level



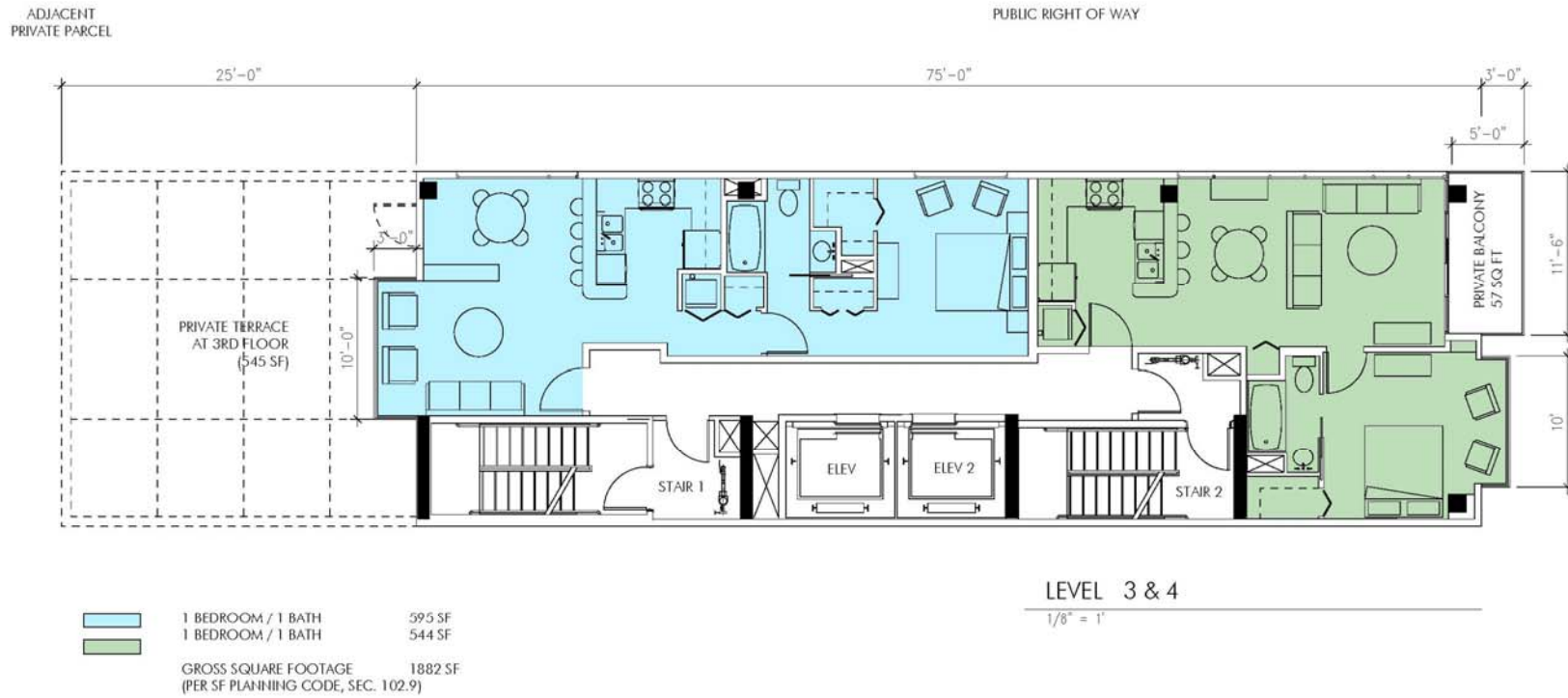
Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 2: Ground Level



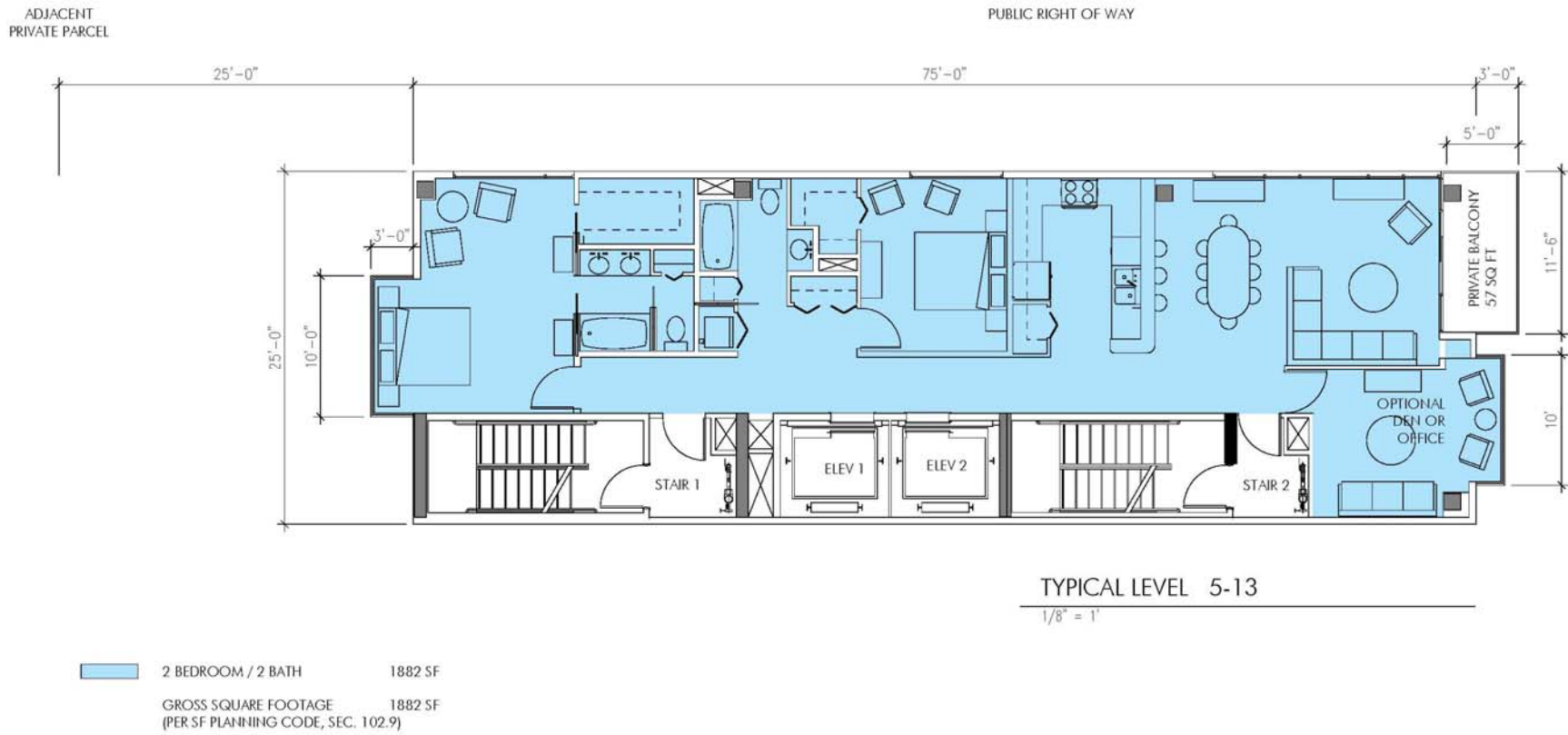
Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 3: Second Level



Source: Fee Munson Ebert Architecture and Design, 2010.

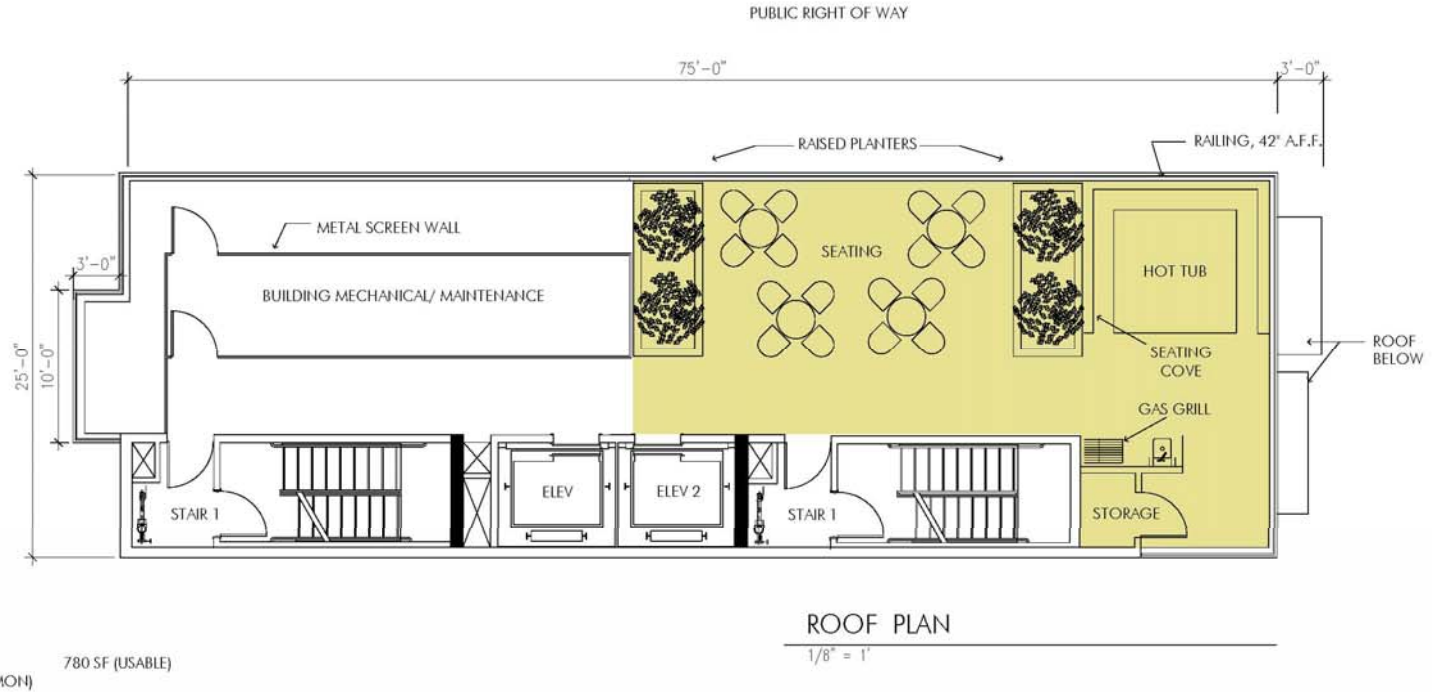
Figure 4: Levels 3-4



Source: Fee Munson Ebert Architecture and Design, 2010.

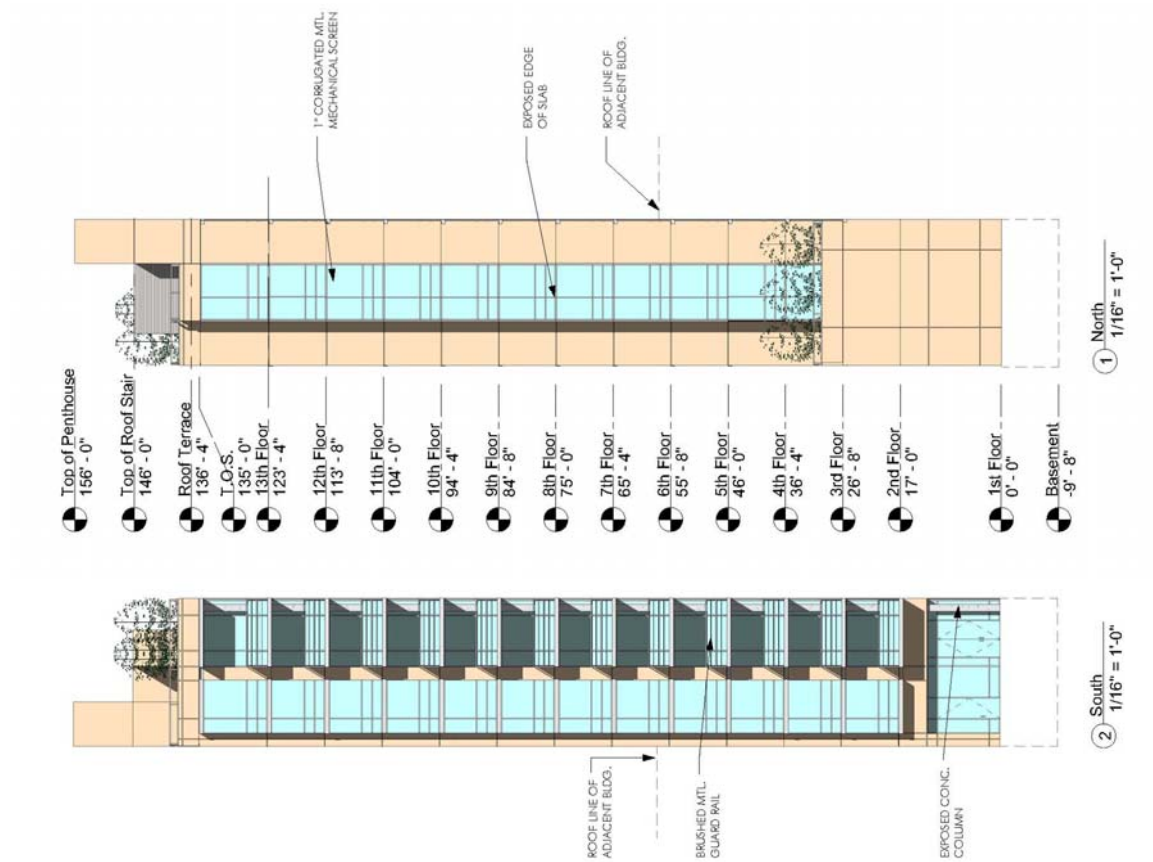
Figure 5: Typical Floor 5-13

ADJACENT
PRIVATE PARCEL



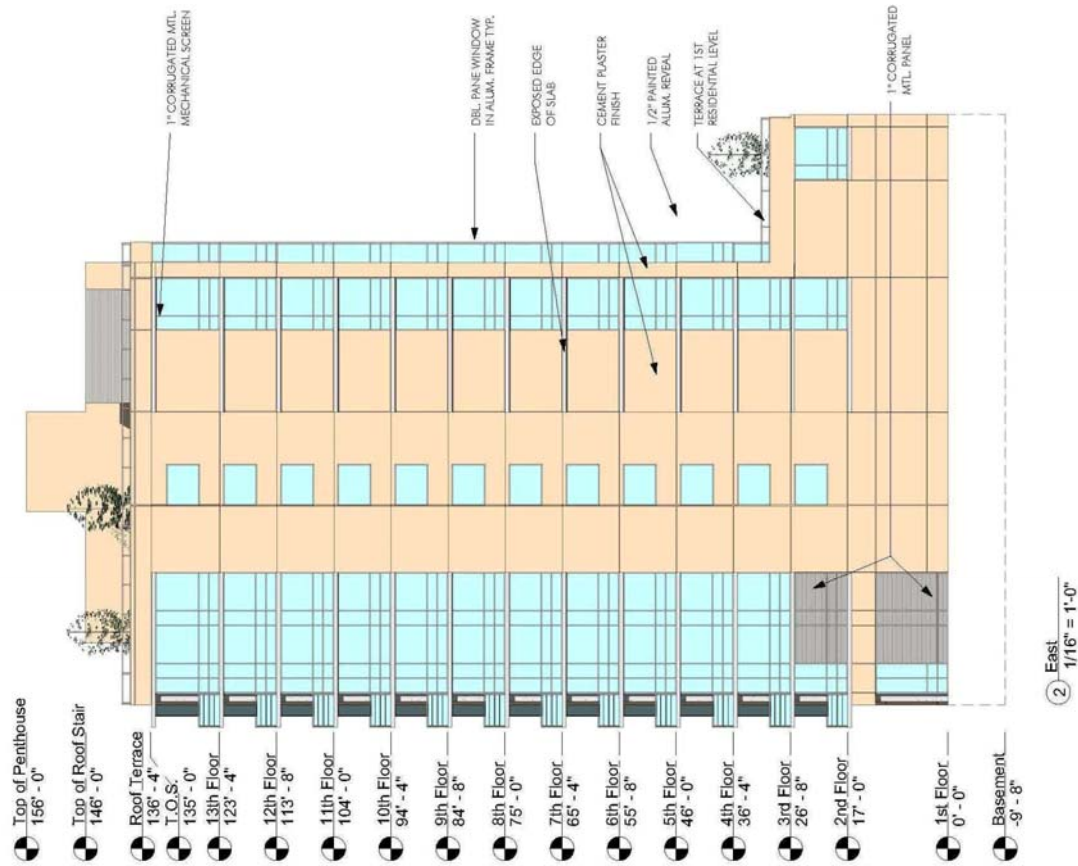
Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 6: Roof Plan



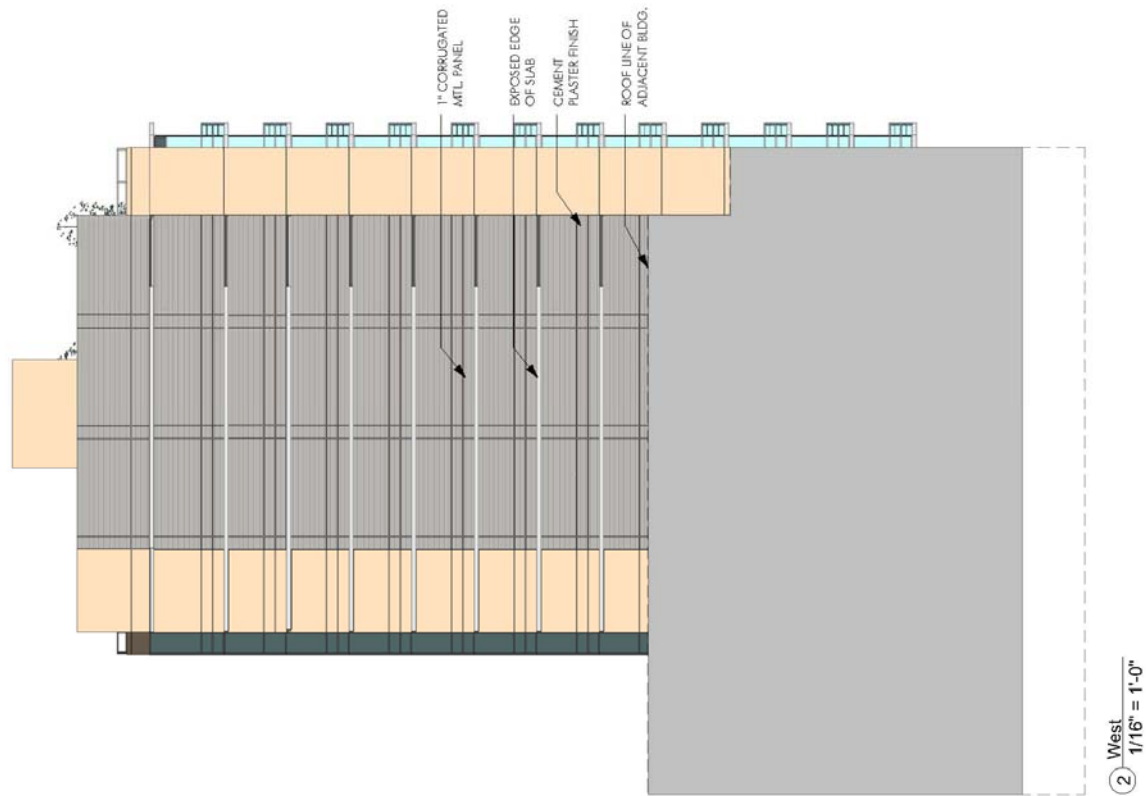
Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 7: North and South Elevations



Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 8: East Elevation



Source: Fee Munson Ebert Architecture and Design, 2010.

Figure 9: West Elevation

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Analysis of Potential Environmental Effects

Aesthetics

The proposed 13-story, 136'4" tall building would be 25'4" taller than the original project, but the overall massing of the building would be smaller because the third through thirteenth levels would be 75 feet deep, as opposed to the 100-foot-depth of the original building. Viewers from nearby buildings and the adjacent existing Transbay Terminal would observe a taller, narrower building than the original project. While its appearance would change, the building would still be a minor addition to an already densely built urban environment and would remain consistent with the general pattern of new construction in the downtown area. In addition, the 111' tall building would remain well below the 450 feet allowed in the parcel's height district. Therefore, the proposed project would result in less-than-significant impacts related to aesthetics.

Transportation and Circulation

Compared to the original project analyzed in the FMND, the proposed project would have 1,585 sf less residential area and 100 sf less retail area, and it would add 1,466 sf of office area. Travel demand for the modified project was calculated using the San Francisco Planning Department's October 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. The project would result in 43 PM peak-hour trips, compared to 49 PM peak-hour trips generated by the original project. Thus, the proposed project would result in less-than-significant impacts related to transportation and circulation.

Wind

A wind/comfort study was conducted for the proposed project based on a site visit and a review of current plans and elevations.² The letter report notes that the project size, massing, and orientation would ensure that wind accelerations would be mild and would not occur in pedestrian areas. The report further notes that the long axis of the building, which has a northwest-to-southwest alignment, would intercept prevailing winds. In addition, the report notes that the proposed structure's massing would assure that any wind accelerations generated by the structure would mostly occur above the roofs of adjacent buildings and would not affect pedestrian spaces. The report concludes that the project would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. Thus, this impact would be less than significant.

Shadow

Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless it is determined that the impact would be insignificant. To determine whether this project would conform to Section 295, a shadow fan analysis for

² Donald Ballanti, Certified Consulting Meteorologist, *Wind/Comfort Studies for the 564 Howard Street Residential Expansion Project, San Francisco*, April 29, 2010. This letter report is available for review as part of Case File 2007.1135E.

the 136'4"-tall building was prepared by the Planning Department.³ The analysis determined that the project would not shade any properties subject to Section 295.

Other Issues

The Initial Study for the original project determined that for the following topics, any project or cumulative environmental effects associated with the original project would either be insignificant or would be reduced to a less-than-significant level, by implementation of specific mitigation measures: land use, aesthetics, population and housing, cultural and paleontological resources, transportation and circulation, noise, air quality (including greenhouse gas emissions), wind and shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards/hazardous materials, mineral/energy resources, and agricultural resources.

The Initial Study for the original project identified two mitigation measures. Mitigation Measure 1, Subsurface Archaeological Resources, would avoid any potentially significant adverse effect from the proposed project on buried archaeological resources. Mitigation Measure 2, Pile Driving, would reduce construction noise impacts to less than significant. Mitigation Measures 1 and 2 would be applicable to the modified project. The Initial Study, including the significance conclusions reached therein, remains applicable to the proposed project.

Conclusion

Based on the foregoing, it is concluded that the analyses conducted and the conclusions reached in the FMND adopted and issued on March 5, 2009, remain valid and that no supplemental environmental review is required. The proposed revisions to the project would not cause new significant impacts not identified in the FMND, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that would cause significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

Date of Determination

June 2, 2010

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



BILL WYCKO
Environmental Review Officer

cc: Claude Gruen, Project Sponsor; Jim Miller, Neighborhood Planner; Distribution List; Virna Byrd, Master Decision File/Bulletin Board.

³ San Francisco Planning Department, 562-564 Howard Street Shadow Analysis, May 4, 2010. This document is available for public review as part of Case File No. 2007.1135E.

564 Howard Street, San Francisco

Residential Condominium Project

Architectural Exhibit

SITE INFORMATION

Property Owner: 564 Howard, LLC
 Contact Person: George Gruen
 Address: 564 Howard Street
 San Francisco, CA 94105
 Phone: 415-989-7598
 Email: cgruen@ggrassoc.com

Block #: 3721
 Lot#: 019
 Zoning District: C-3-O5D
 Height/3rd District: 450-5

Site Square Footage: 2500 s.f.
 Allowable F.A.R.: 9.1
 Actual F.A.R.: 22,500 s.f.
 Actual Area (Per Planning Dept): 22,465 s.f.

Occupancy: R-1, B
 Construction: Type I

PROJECT DESCRIPTION

The project proposes to expand an existing 2-story office building at 564 Howard Street. It will be increased to a 13-story residential building that includes 13 affordable and market-rate units, 2nd-floor office space, and ground-floor retail.

AREA CALCULATIONS

LEVEL	GROSS SQUARE FEET USE	AREA(Sq)
Roof	0	0
13	Residential	1882
12	Residential	1882
11	Residential	1882
10	Residential	1882
9	Residential	1882
8	Residential	1882
7	Residential	1882
6	Residential	1882
5	Residential	1882
4	Residential	1882
3	Residential	1882
2	Office	1,466
1	Retail	1,490
Basement	Storage	**297
TOTAL		22,465

* Empty, per Section 102.9
 ** Tenant Storage

SHEET INDEX

Sheet Number	Sheet Name
PD - 0.0	Cover Sheet
PD - 0.1	Site Images 1
PD - 0.2	Site Images 2
PD - 0.3	Site Plan
PD - 0.4	Basement Level Plan
PD - 0.5	Ground Level Plan
PD - 0.6	Level 2 Plan
PD - 0.7	Level 3 Plan
PD - 0.8	Typical Level (5-13) Plan
PD - 0.9	Roof Level Plan
PD - 0.10	East Elevation
PD - 0.11	West Elevation
PD - 0.12	North South Elevations
PD - 0.13	Photostrip Images
PD - 0.14	Aerial and Back Images
PD - 0.15	Parcel and Appraisal Maps
PD - 0.16	Diagrams

Private Open Space

Floors 3-13, 11 units w/ Private Balconies
 1 at 36 Sq Ft Required Per Unit
 8 or 57 Sq Ft Provided Per Unit

Common Open Space

Floors 3-4, 2 units total without Balconies
 2 units x 36sq ft x 1.33 =
 95.76 Sq Ft Required
 1120 Sq Ft Provided at Roof Deck





Photo C shows the Southeastern facade of 564 Howard, taken from across the street.



Photo D shows the Southeastern facade of 564 & 568 Howard, taken from across the street, under the Elevated Transbay Loop.



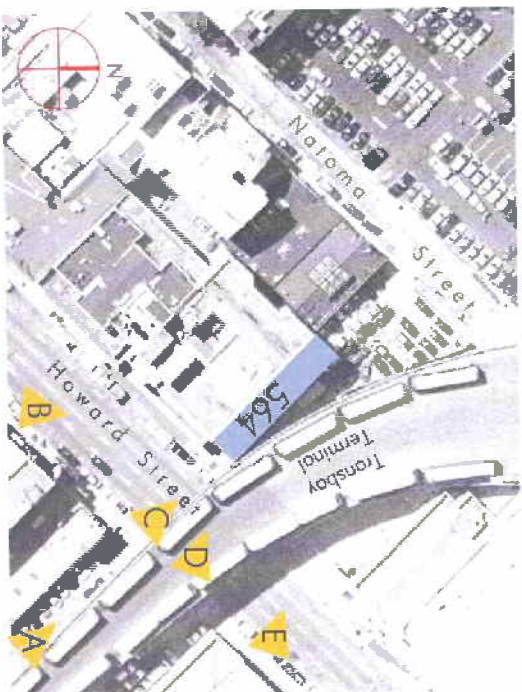
Photo E shows the view of the project site from the other side of the elevated Transbay Loop. This is also how automobile traffic would view the site.



Photo A shows the Southeastern facade of 564 Howard, taken from the corner of Thomas St.



Photo B shows the Southeastern facade of 564 Howard, 568 Howard, & the Transbay Loop, taken from 585 Howard.



F I L M I E

THE ROSSIGNOL ELEVATED TRANSBAY LOOP, OFFICE AND RESIDENTIAL DEVELOPMENT
 410 CALIFORNIA STREET, SAN FRANCISCO, CALIFORNIA 94108

564 Howard Street, San Francisco Residential Expansion Study

Gruen Gruen + Associates

04/22/10

PD - 0.1



Photo H was taken from 564 Howard, looking east toward 1st Street with the Transbay Loop above.



Photo I was taken from 564 Howard, looking South.



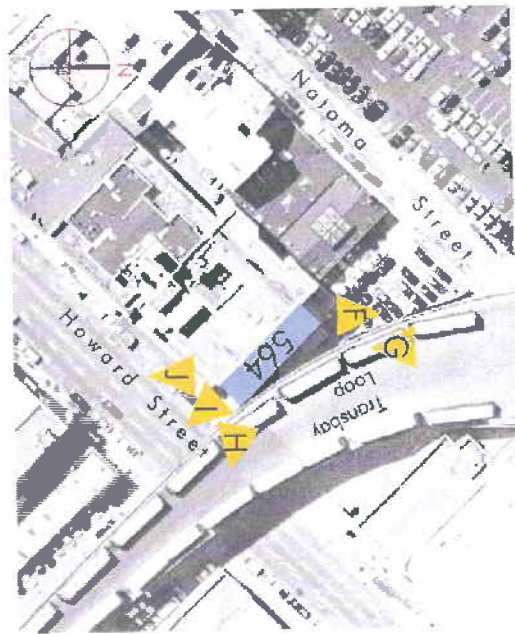
Photo J was taken from 564 Howard, looking South toward 1st Street.



Photo F was taken from the Northeast Corner of the project site, looking North toward Northern St, with the elevated Transbay Loop above.



Photo G was taken from below the Transbay Loop, looking at the Northeast facade of the existing building on the project site.



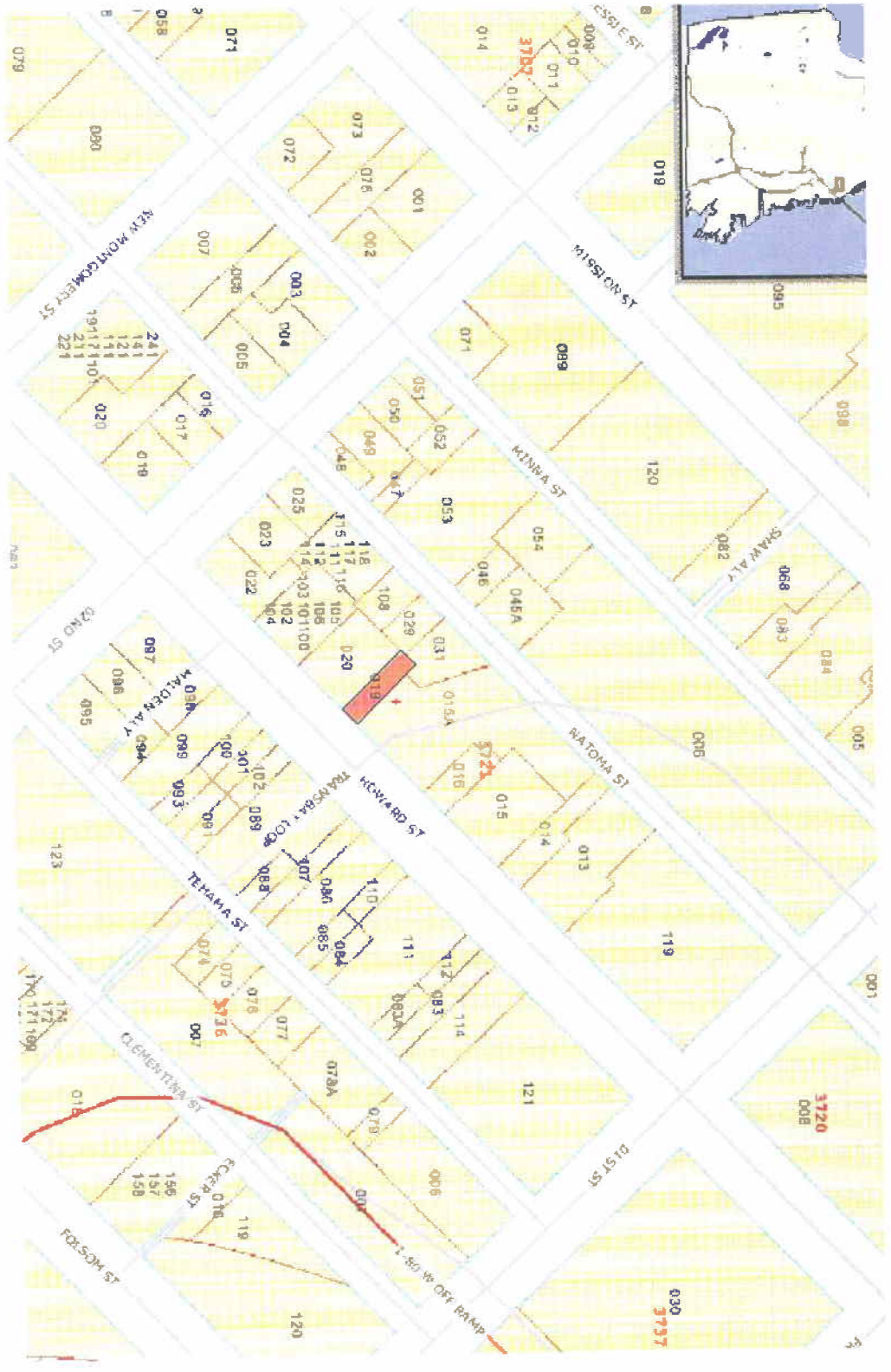
F I L M I E
 FLEMINGTON, EBERT, JACOBSON/CELESTIA CONSULTANTS
 100 CALIFORNIA STREET, SUITE 1000
 SAN FRANCISCO, CA 94104
 WWW.FILMIE.COM

564 Howard Street, San Francisco

Residential Expansion Study

Gruen Gruen + Associates

04/22/10
 PD - 02



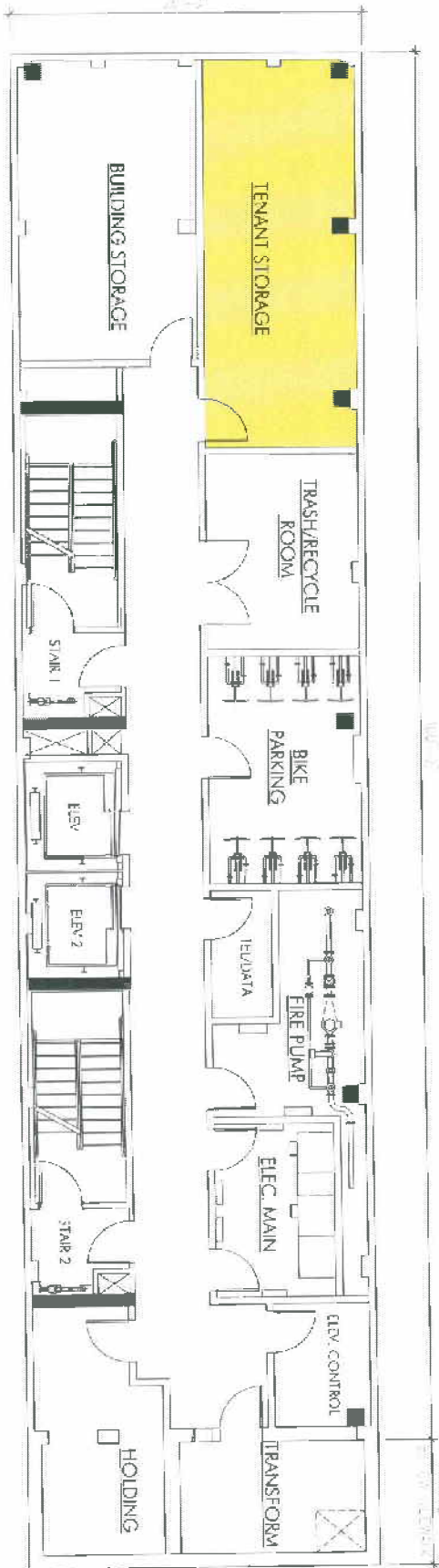
SITE PLAN
NTS

564 Howard Street, San Francisco
 Residential Expansion Study

564 Howard Street, San Francisco
 Residential Expansion Study

TENANT STORAGE 297 SF (USABLE)
 GROSS SQUARE FOOTAGE: 84 SF
 (PER SF PLANNING CODE, SEC. 102.9)

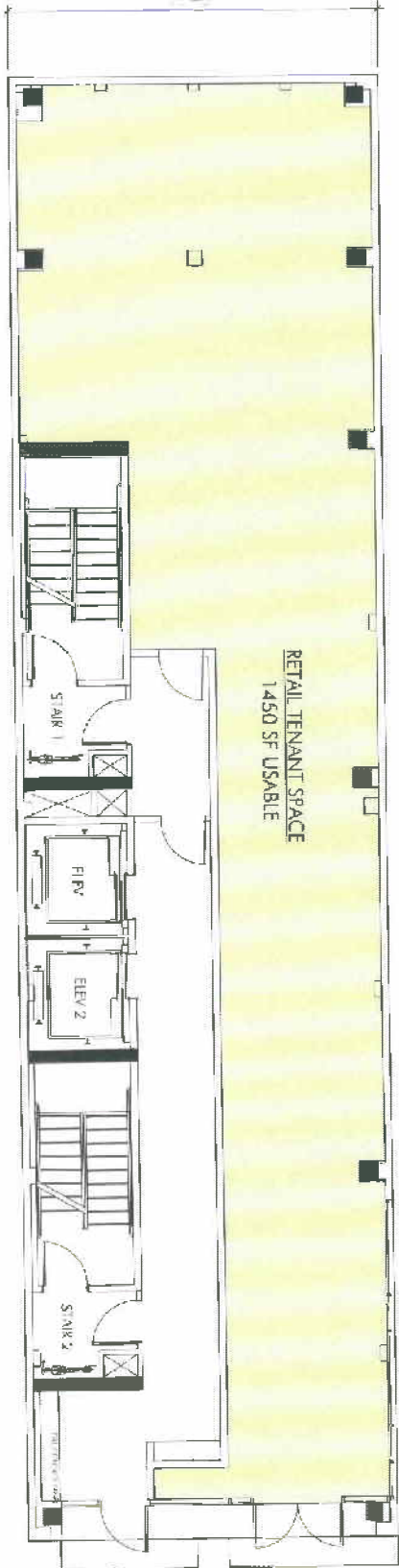
BASEMENT LEVEL



HOWARD STREET

ADJACENT PRIVATE PARCEL

PUBLIC RIGHT OF WAY



RETAIL TENANT SPACE

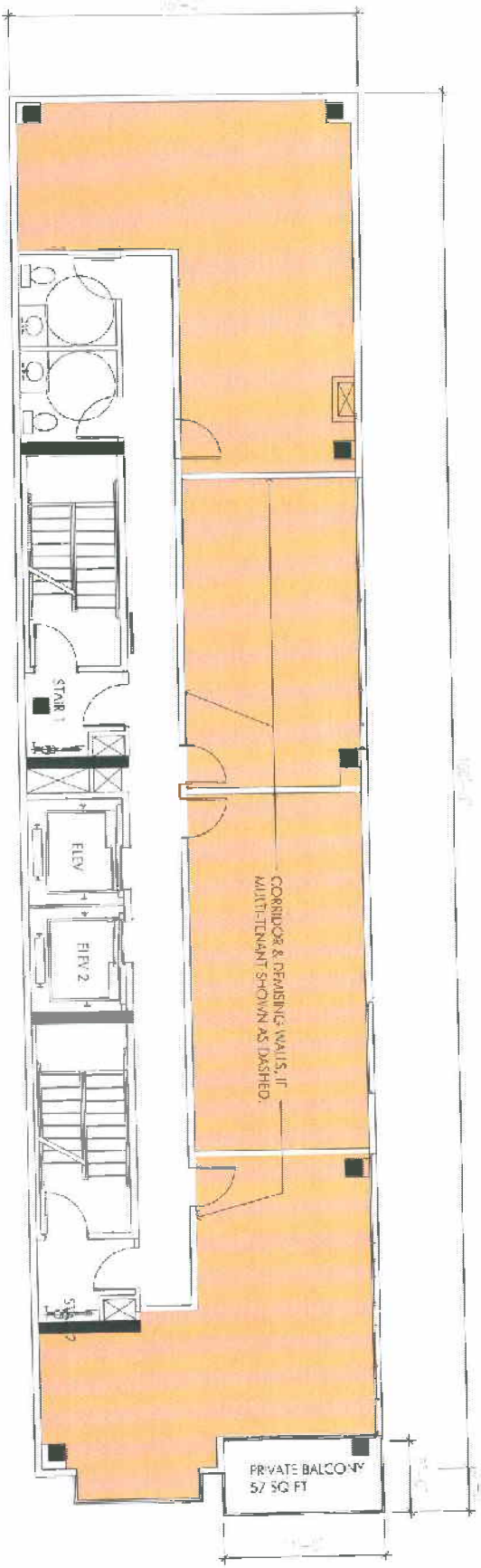
1450 SF (USABLE)

GROUND LEVEL

HOWARD STREET

ADJACENT
PREVAIL PARCEL

PUBLIC RIGHT OF WAY



OFFICE SUITE 1466 SF
 GROSS SQUARE FOOTAGE 2446 SF
 PER SF PLANNING CODE, SEC. 102.9)

LEVEL 2

ADJACENT
PRIVATE PARCELS

PUBLIC RIGHT-OF-WAY

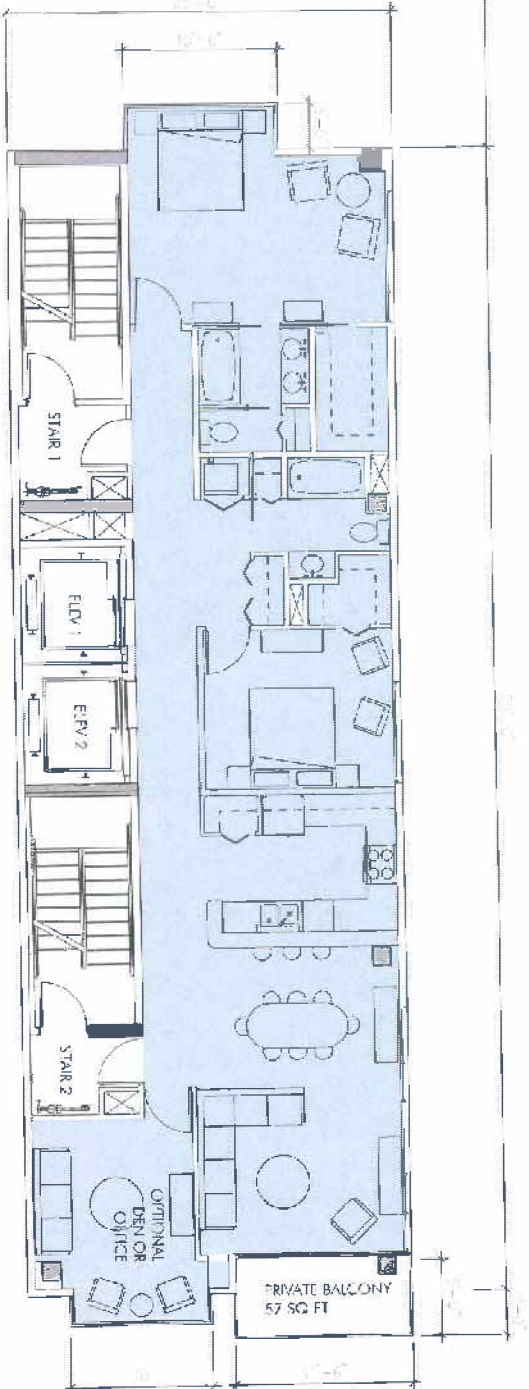


LEVEL 3 & 4

	1 BEDROOM / 1 BATH	595 SF
	1 BEDROOM / 1 BATH	544 SF
	GROSS SQUARE FOOTAGE	1897 SF
	(PER SF PLANNING CODE SEC. 102.17)	

ADJACENT
PRIVATE PARCEL

PUBLIC RIGHT-OF-WAY

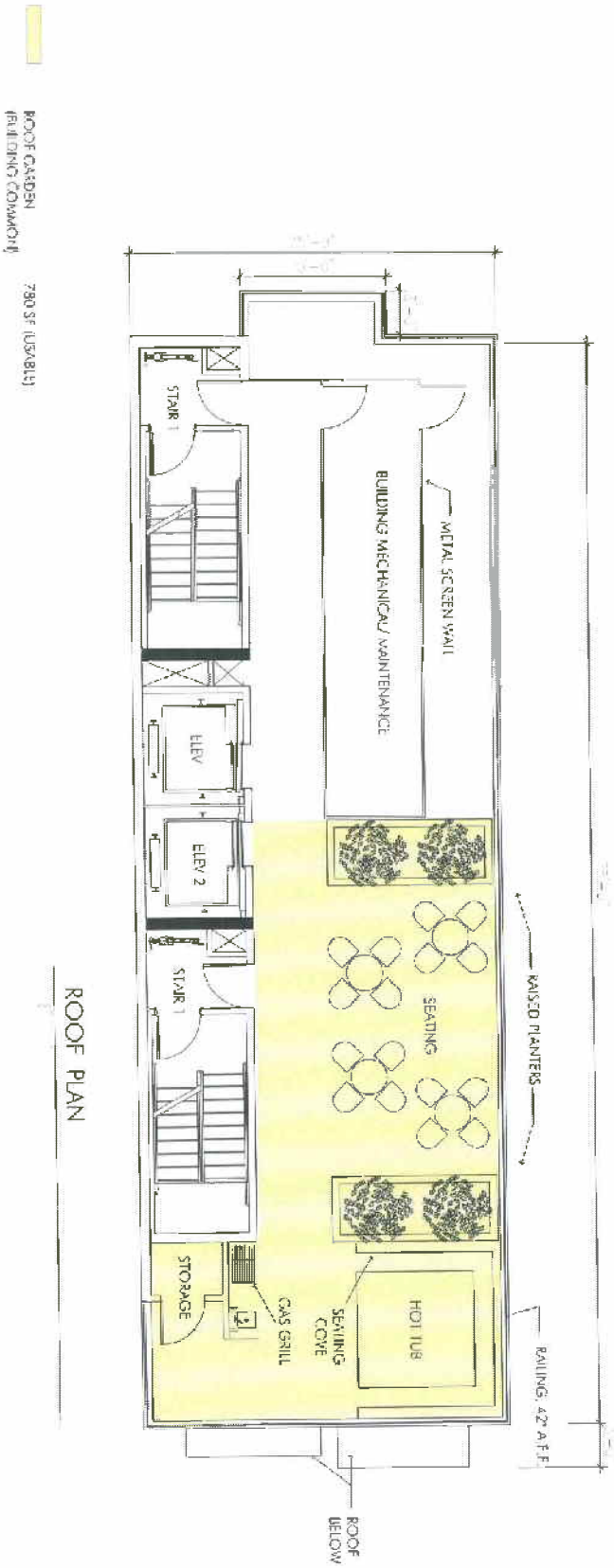


TYPICAL LEVEL 5-13

2 BEDROOM / 2 BATH 1882 SF
GROSS SQUARE FOOTAGE 1882 SF
(PER SF PLANNING CODE, SEC. 102.9)

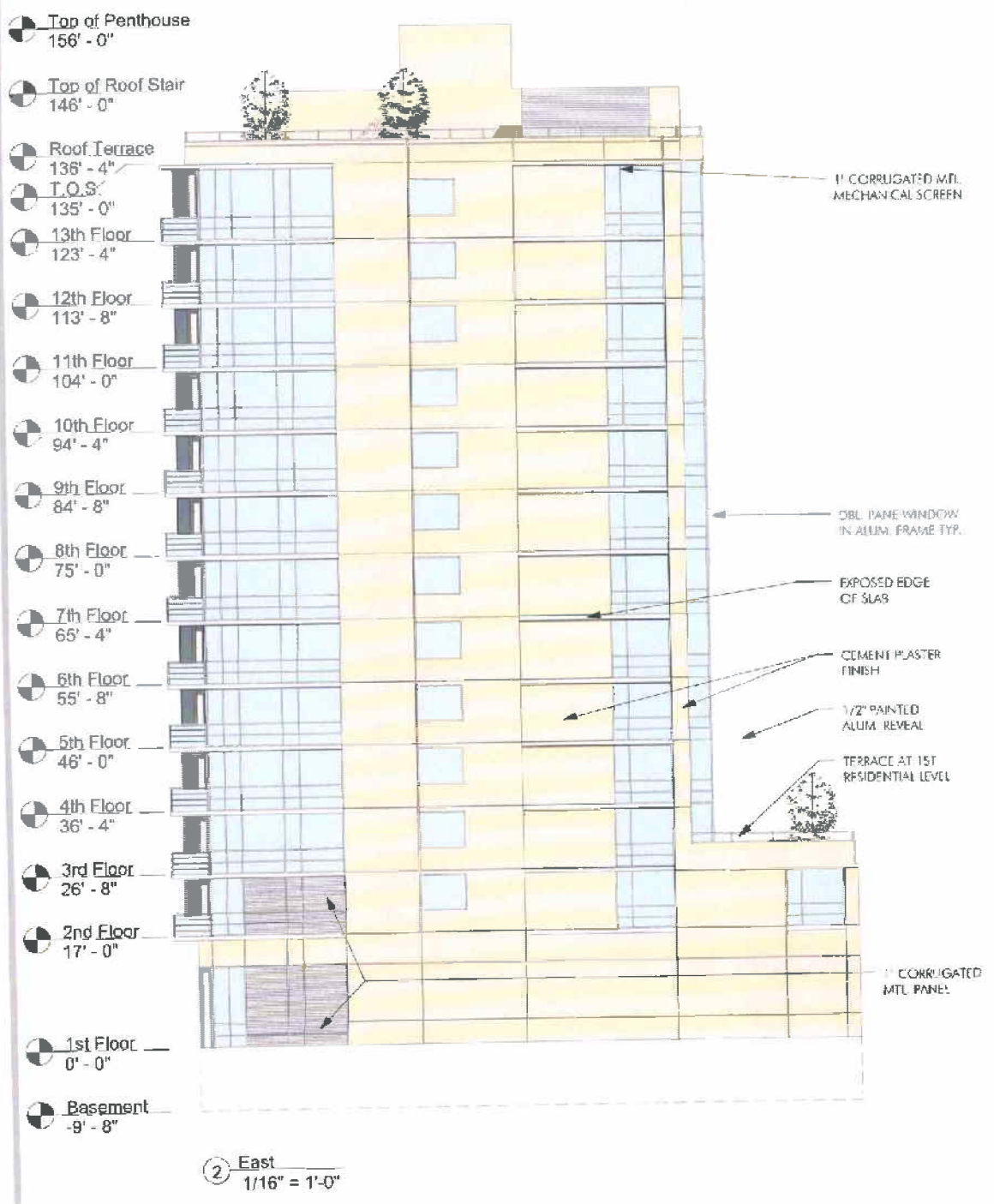
ADJACENT PRIVATE PARCEL

PUBLIC RIGHT OF WAY

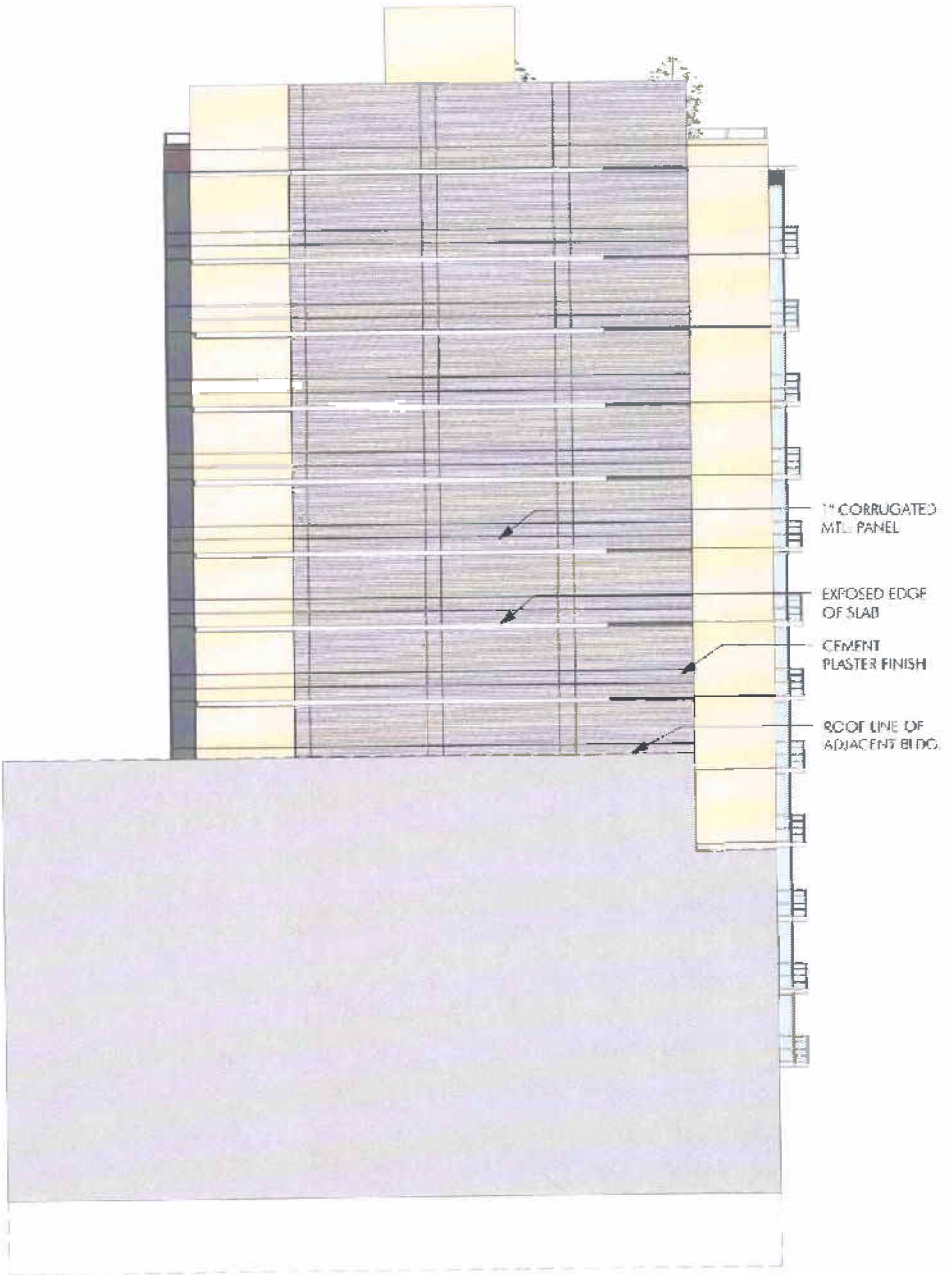


ROOF PLAN

564 Howard Street, San Francisco
 Residential Expansion Study

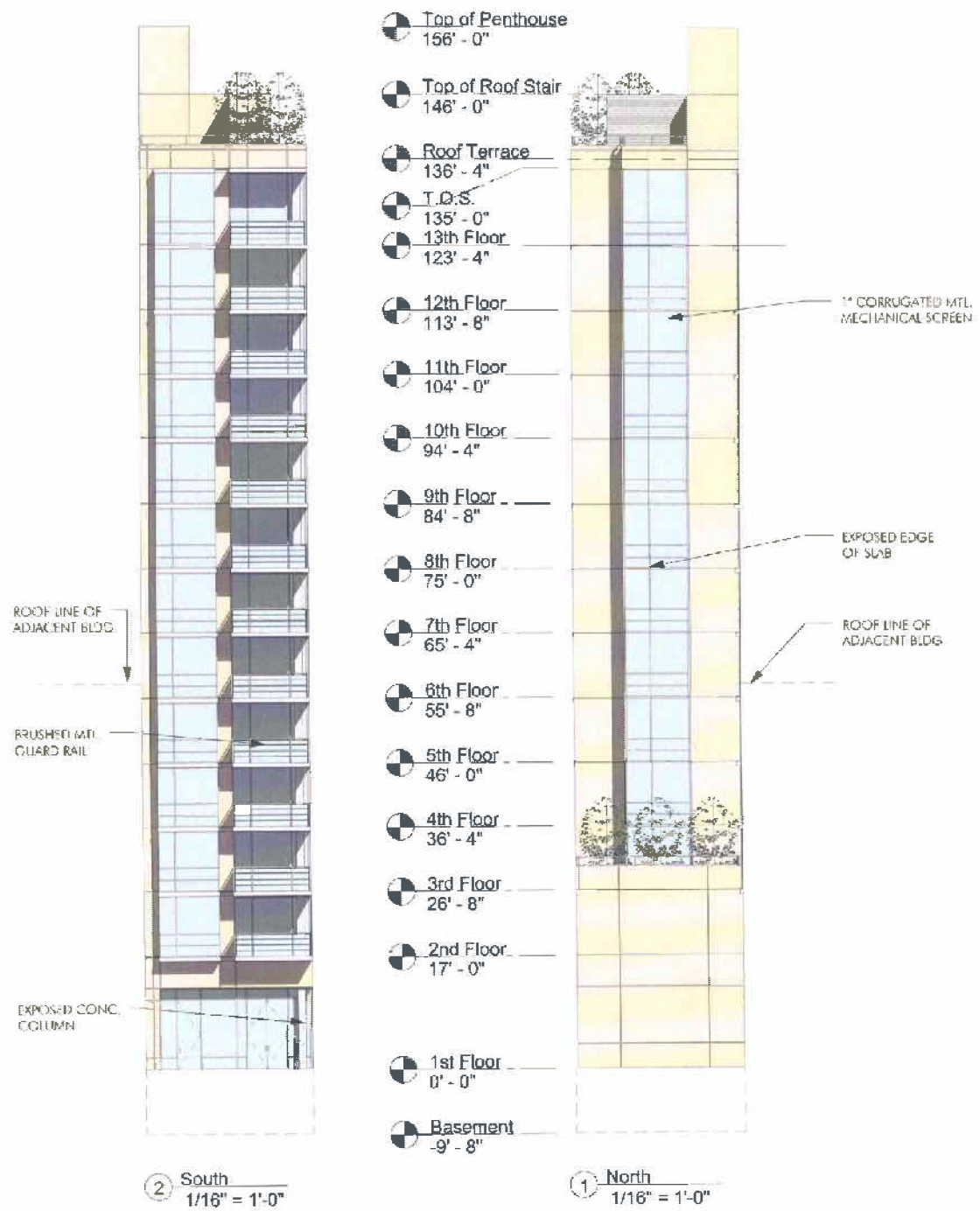


564 Howard Street, San Francisco
 Residential Expansion Study



② West
 1/16" = 1'-0"

564 Howard Street, San Francisco
 Residential Expansion Study





F I L M I E

THE HONORABLE CLARENCE B. BOGGS
PRESIDENT OF THE BOARD OF SUPERVISORS
SAN FRANCISCO, CALIFORNIA

564 Howard Street, San Francisco

Residential Expansion Study

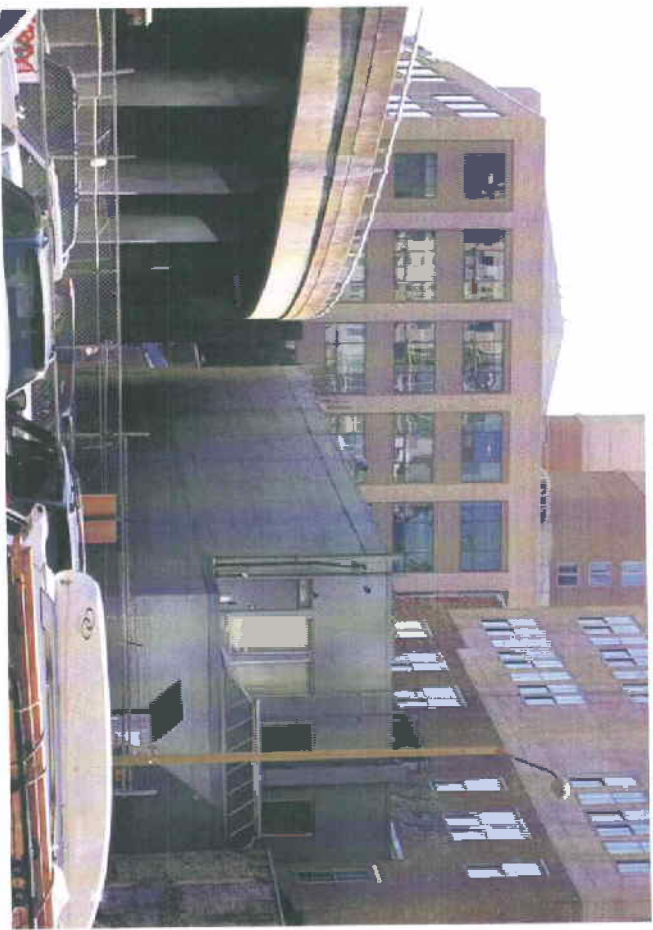
Gruen Gruen + Associates
Architects

April 21, 2010
PD - 0.13



Aerial View - 564 Howard Street

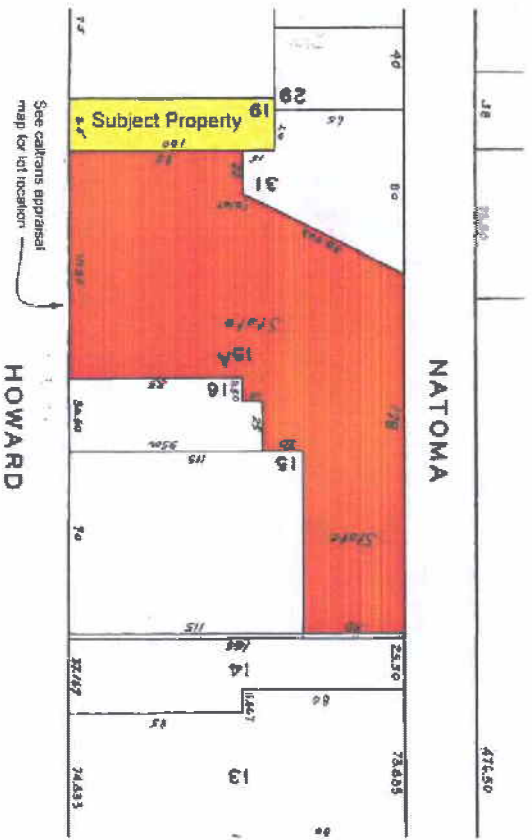
Subject property is the low, narrow building just to the left of the transit ramp. The rear of the building aligns with the back of the adjacent building. Both are currently constructed to their respective property lines.



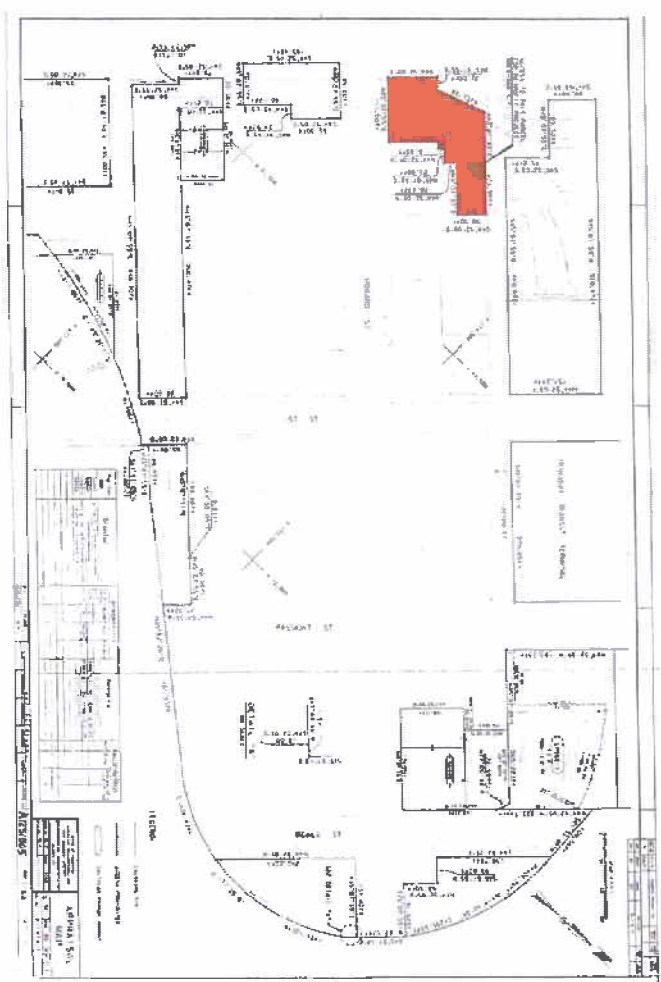
View of back of property. Note ramp height only extends to second floor. The lower two floors of the project are retail and office. The upper residential floors will face out over the ramp, which is a Caltrans right-of-way and state property. The existing rear elevation is at the north property line as is the adjacent building to the right.

564 Howard Street, San Francisco

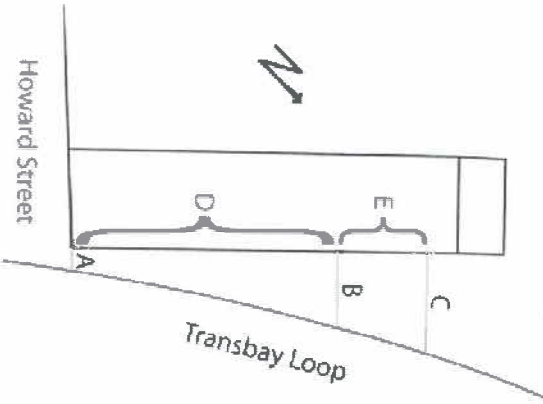
Residential Expansion Study



Parcel map. Subject property is adjacent to Caltrans (State of California) owned property that serves as a street right-of-way. See next page for official Caltrans Appraisal Map.

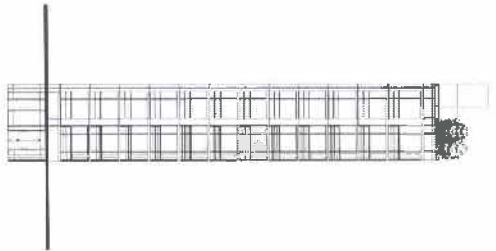


Appraisal Map. Parcels outlined in heavier solid lines are "Caltrans R/W." Subject property is adjacent (southwest) to the state property shown in red.

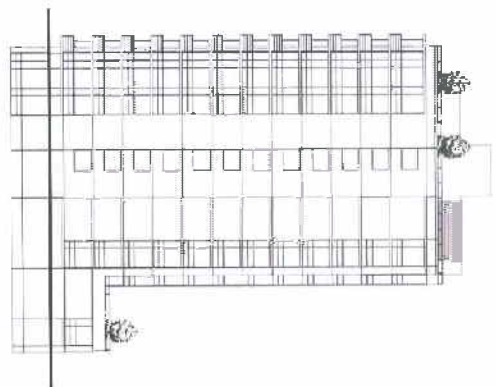


A:	3'5"
B:	19'6"
C:	25'8"
D:	61'
E:	23'

Lateral distance from the building to the edge of the ramp. At Point A, the distance is approximately 41 inches from the second floor of the building at Howard Street. This distance increases to more than 25 feet at the rear of the building. Point B corresponds to the wall separating the front and rear residential units on the upper floors of the proposed project, while Point C corresponds to the adjacent parcel line.



2 South Elevation
1" = 40'-0"



1 East Elevation
1" = 40'-0"

