



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary

HEARING DATE: JANUARY 17, 2013

*Date:* January 3, 2013  
*Case No.:* **2011.1043 CEKUX**  
*Project Address:* **1400 MISSION STREET**  
*Zoning:* C-3-G (Downtown General)  
150-S/200-S Height and Bulk District  
*Block/Lot:* 3507/042  
*Project Sponsor:* Mara Blitzer  
Tenderloin Neighborhood Development Corporation  
201 Eddy Street  
San Francisco, CA 94102  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project sponsor proposes to construct an approximately 150-foot-tall, 10-to-15-story, mixed-use building on an approximately 25,000 sq. ft. lot. It would be a total of approximately 241,745 gsf in size, consisting of approximately 190 units of affordable housing over approximately 4,350 gsf of ground floor retail space with 42 off-street parking spaces.

Of the 190 total units, 167 of the units serve as the off-site below-market-rate units for the previously-approved project at 201 Folsom Street. Pursuant to Ordinance 20-04, all of the units designated as the off-site units for 201 Folsom Street must be completed within 5 years of the start of construction of the 201 Folsom Street project. Of the remaining 23 units, 20 of them are affordable units pursuant to Planning Code Section 124(f) – meaning they are affordable for 20 years to households whose incomes are within 150 percent of the median income – and three of the units are the corresponding on-site below-market-rate units pursuant to Planning Code Section 415. The dwelling-unit mix would consist of 4 studios, 66 one-bedrooms, 102 two-bedrooms, and 18 three-bedrooms.

There is no FAR available for the project site because it was previously applied to the adjacent “Crescent Heights” (10<sup>th</sup> and Market Street) development, and as such, all components of the project must be either be excluded from gross floor area, as defined in Planning Code Section 102.9, or be allowed to exceed the “base” floor area through a Conditional Use Authorization. The only floor area proposed in this project that is not excluded from the gross floor area calculations under Planning Code Section 102.9 is the component of the project (20 units) dedicated as affordable housing for households whose incomes are within 150 percent of the median income, pursuant to Planning Code Section 124(f), which is allowed to exceed the “base” floor area ratio with a Conditional Use authorization.

The proposed project would include an at-grade parking garage for up to 42 vehicles and one loading facility. The parking garage would include 20 standard surface spaces, 20 stalls utilizing car lifts, one Americans with Disabilities Act (ADA)-compliant space, and one car-share stall. Access to the parking garage would be from Jessie Street, with internal access to the residential/retail portion of the building from within the garage. Pedestrian access to the project would be from Mission and 10th Streets.

The currently proposed project is variable in height, with the 10<sup>th</sup> Street and corner portions of the building being 15 stories, and the western segment of the building fronting Mission Streets being ten stories. A podium courtyard would also be located on the second floor of the proposed project and approximately 58 of the units would contain private balconies or patios.

## **PROJECT HISTORY**

There have been several development proposals at the subject property over the last decade: the original project was proposed in 2004, with revisions proposed in 2007 and 2009, and a new project proposed in this application.

The 2004 project and the 2007 revision describe development on Assessor's Block 3507, Lot 039, an approximately 95,000 sq. ft. site, consisting at that time of seven vacant office buildings, and an active, 155-space surface parking lot (the surface parking lot is the portion of the previous project that is subject to this application).

The project site has since been subdivided into Lots 042 (southeasterly-most parcel, the Subject Property) and Lot 041 (northwesterly-most parcel), of Block 3507. The 2009 revision and the proposed project consist of the development of Lot 042, an approximately 25,000 sq. ft. parcel fronting Mission Street and Tenth Street.

On October 14, 2004, the Planning Commission certified a Final EIR for the original project, involving the demolition of seven vacant office buildings, and an active, 155-space surface parking lot, located on the west side of Tenth Street, between Market and Mission Streets, and the construction of a mixed-use development including office, housing, parking, retail, and community-serving uses. The project consisted of three buildings: (1) a 150-foot-tall affordable housing building on the corner of Mission and Tenth Streets (Mission Street Affordable Housing), consisting of up to 200 units over 3,500 gsf of ground floor retail space; (2) a 200-foot-tall residential building on Tenth Street, consisting of up to 250 units; and (3) a 320-foot-tall municipal office building on the corner of Tenth and Market Streets. The original 2004 project would have resulted in a total of 513,250 gsf of office space, 450 residential units, 12,750 gsf of ground floor commercial/retail space, and 313 parking spaces (ten spaces attributable to the Mission Street Affordable Housing building). The original project also entailed subdivision of the project site into at least two parcels.

According to the 2004 EIR, Tenderloin Neighborhood Development Corporation and Citizens Housing Corporation were going to develop the Mission Street Affordable Housing and the Tenth Street Housing, while the Myers Development Company would be responsible for developing the Office Building, intended for use by the City.

Following certification of the 2004 EIR, the Mission Street Affordable Housing and the Tenth Street Housing were approved by the Planning Commission in November of 2004, but the Office Building component was never approved, as the City made alternate plans for its municipal office needs.

Subsequently, in 2007, the Tenth and Market LLC purchased from TNDC and CHC a portion of the project site for the purpose of developing a high-rise residential project, the “Market Street Residential Building.” That portion of the site consisted of the Office Building and Tenth Street Housing locations. Under the 2007 revision, the number of units in the Mission Street Affordable Housing building (200 units) was unchanged from the original project; however, it proposed a different building envelope on the revised project site. The 2007 revision covered two buildings with three towers (one tower associated with the Mission Street Affordable Housing building, and two towers associated with the newly proposed Market Street Residential Building). The Mission Street Affordable Housing tower included approximately 10,000 gsf of ground-floor retail (an increase of about 6,500 gsf from the original project). The two Market Street Residential Building towers were connected by a two-story landscaped podium, and included ground-floor retail below both towers.

The 2007 revision’s EIR Addendum also covered an affordable housing Variant for the Mission Street Affordable Housing building. The revised project Variant included 200 residential units; however, instead of affordable, senior housing, the Variant included 200 units of affordable, family housing, with a different one- and two-bedroom unit mix. In addition, the Variant included 36 parking spaces (an increase of 26 spaces compared to the revised project) and approximately 3,500 gsf of ground floor commercial/retail space (a decrease of about 6,500 gsf compared to the revised project).

In 2009, the project was further revised and consisted of development on an approximately 25,000-sf parcel that was an active, 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. Under the 2009 revision, the project included approximately 150 units of affordable, family housing space over 3,640 gsf of ground floor commercial/retail space. The project was variable in height, with the portion fronting Jessie Street being five stories, the portion fronting Mission Street being ten stories, and the portion fronting Tenth Street being 15 stories. The building was proposed to be approximately 150 feet tall (up to 15 stories) and would include 18 off-street parking spaces and one loading facility.

## **SITE DESCRIPTION AND PRESENT USE**

The project is located on the west side of 10th Street between Mission and Jessie Streets; Lot 042 in Assessor’s Block 3507. The project site is on an approximately 24,631 sq. ft. lot. It is located in the South of Market neighborhood within the Downtown Area Plan and the Downtown Support (C-3-G) Zoning District with split 150-S and 200-S Height and Bulk Districts. The site is developed as a surface parking lot, which is currently used as a staging area for the residential development of the adjacent parcel on the southwest corner of Market and 10th Streets (Crescent Heights development).

## **SURROUNDING PROPERTIES & NEIGHBORHOOD**

The project site comprises a single parcel in the Downtown Area Plan and the South of Market (SoMa) neighborhood. The project site is within the C-3-G (Downtown-General Commercial) Zoning District, and in the 150-S and 200-S Height and Bulk Districts. The project site is adjacent to the Market and Octavia Neighborhood Plan Area and is in close proximity to the Western SoMa Community Plan Area.

The existing site was formerly used as a surface parking lot and currently the parking lot is being used as a construction staging area for the adjacent Crescent Heights residential development. Currently, the project area is in transition from low- and mid-rise commercial and industrial uses, to high-density mid- to high-rise office and residential uses. Existing land uses in the vicinity of the project site include residential, retail, hotel, office, institutional, mixed uses, and parking. Development fronting Mission Street between Van Ness Avenue and 8th Street is characterized by a range of low- to high-rise commercial and residential buildings that have ground-floor retail space and are built out to the sidewalk and property lines.

### **ENVIRONMENTAL REVIEW**

The physical effects of the construction of affordable housing at 1400 Mission Street were analyzed in the Final Environmental Impact Report, which the Commission certified as adequate, accurate and complete on October 14, 2004, by Motion No. 16871, in compliance with CEQA, the CEQA Guidelines and Chapter 31. On October 28, 2004, by Motion No. 16880 the Commission adopted findings, including a statement of overriding considerations and an MMRP, pursuant to CEQA.

Planning Department staff has reviewed the proposed project and issued an Addendum to Environmental Impact Report on August 8, 2012, consistent with CEQA Guidelines Sections 15162 and 15164, finding that (1) the proposed project has not been substantially revised so as to result in new significant impacts or a worsening of significant impacts identified in the previously certified EIR; (2) the background conditions under which the proposed project would be constructed have not changed substantially from those conditions described in the previously certified EIR; and (3) new information of substantial importance has not surfaced.

The mitigation measures presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum would continue to apply to the currently proposed project except as follows: (1) the currently proposed project would not result in significant impacts on transportation, and therefore the mitigation measures from the 2004 EIR are replaced by improvements measures from the 2009 Addendum suggested to address less-than-significant impacts of the currently proposed project, and (2) the City has adopted a Construction Dust Control Ordinance, ensuring that potential dust-related air quality impacts would be reduced to a less-than-significant level, which replaces mitigation measures related to air quality from the original project. The Addendum also updates the mitigation measures to reflect current Planning Department practices. The MMRP has been revised accordingly, and summarized in an “Agreement to Implement Mitigation Measures”, dated August 7, 2012. The updated mitigation measures do not change the conclusions of significant reached in the 2004 EIR, 2007 Addendum, and 2009 Addendum.

### **HEARING NOTIFICATION REQUIREMENTS**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	December 28, 2012	December 26, 2012	22 days
Posted Notice	20 days	December 28, 2012	December 28, 2012	20 days
Mailed Notice	10 days	January 7, 2013	December 28, 2012	20 days

### **PUBLIC COMMENT**

To date, the Department has not received any public comment regarding the Project.

## ISSUES AND OTHER CONSIDERATIONS

- **Affordable Housing Units.** The proposed project includes 190 units. Of those 190 units, the majority of the units - 167 units – satisfy the off-site affordable housing requirements of the project at 201 Folsom Street (Motion No. 16647). Of the remaining 23 units, 20 of those units are designated as units affordable to households earning up to 150% of the area median income. The remaining 3 units are the corresponding on-site BMR units for those 20 units. The project as a whole will provide housing for a variety of affordability levels, from 70 percent to 150 percent of the area median income, consistent with the City's priority of building more affordable housing, including affordable housing for families.
- **Parking.** The Project will include 42 off-street parking spaces including one car share space – accessed off of Jessie Street – which are principally permitted as part of this Project. It is expected that most occupants of this building will use transit or bicycles, consistent with the City's Transit First Policies.
- **Planning Code Exceptions.** The project does not strictly conform to several aspects of the Planning Code. As part of the Section 309 review process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The Project requests exceptions regarding "Reduction of Ground-Level Wind Currents in C-3 Districts" (Section 148), "Required Rear Yard" (Section 134), and "Off-Street Loading" (Section 162). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Section 309 motion.
- **Ground Level Wind Currents.** The Code requires that new buildings in C-3 Districts must be designed so as not cause ground-level wind currents to exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to attenuate ambient wind speeds to meet the specified comfort level. According to the wind analysis prepared for the project, 20 out of 20 test points in the vicinity currently exceed the comfort level. Construction of the project would not create any new exceedances of the comfort levels, but would not eliminate all of the existing comfort exceedance. An exception to this requirement may be granted if the building cannot be shaped to meet the requirements without creating an ungainly building form and unduly restricting the development potential of the building site.

The existing wind environment near the project site is relatively windy, with the highest pedestrian level winds near the intersection of Market/10th Street/Polk Street, primarily attributable to the Fox Plaza building. According to the project's 2004 Final EIR, the 11 mph pedestrian comfort level is exceeded at all test points. With construction of the project, along with completion the under-construction Crescent Heights project at 10th and Market Street (also analyzed in the 2004 Final EIR), the average wind speed will remain relatively constant and the project will not cause any significant increase in pedestrian level wind speeds. The 2012 Addendum to the Final EIR confirmed that the currently proposed project will not cause any increase in average pedestrian level wind speeds (2012 FEIR Addendum, p. 36).

Since the project would not reduce the ambient wind speeds to meet the pedestrian comfort criteria, a Section 309 exception is requested. An exception is warranted because the project will not add to the

amount of time that the comfort level is exceeded. In addition, because the current exceedances are primarily attributable to the existing Fox Plaza building, the project cannot be shaped and other wind-baffling measures cannot be adopted to meet the comfort criteria without creating an unattractive and ungainly building form and without unduly restricting the development potential of the project site.

- **Off-Street Loading.** The Planning Code requires that in C-3 Districts, two off-street loading spaces for a building with from 200,001 to 500,000 gross square feet of residential space. Under the provisions of Planning Code Sections 309 and 161(i), the Commission may authorize an exception from the required off-street freight loading or service vehicle spaces if it is found to be undesirable or impractical, and meet the criteria of Planning Code Section 161(i).

One off-street freight loading space is proposed, with access from Jessie Street through a joint parking/loading entrance. One loading space is compliant if the floor area of the units and circulation space is considered; however, if all residential space is counted (including resident storage and amenity space), two spaces are required and a Section 309 exception is required. The gross residential space exceeds the 200,000 square foot threshold for a second loading space by less than 2%; and according to the 2004 EIR, the average loading space demand is 0.44 spaces per hour, well below the one loading space proposed.

- **Rear Yard.** The Planning Code requires that in C-3 Districts, buildings with residential uses are required to provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

The Project would not meet the Planning Code's minimum rear yard requirement in that the 25% rear yard does not span the full width of the lot. Although a rear yard is provided in a courtyard fashion, the building volume holds the street wall on the entirety of the Mission Street façade and a portion of the Jessie Street façade, thereby not allowing for a rear yard that spans the full width of the lot. All dwelling units face onto either this "modified" rear yard courtyard, or onto Tenth, Mission, or Jessie Streets, providing ample separation for light and air for the residential units within the Project.

## **REQUIRED ACTIONS**

In order for the project to proceed, the Commission must 1) Determine that the project complies with Planning Code Section 309, granting requests for exceptions as discussed under "Issues and Other Considerations Above"; and 2) grant Conditional Use Authorizations as discussed under "Issues and Other Considerations Above".

## **BASIS FOR RECOMMENDATION**

- The project would add add 190 affordable housing units to the City's housing stock; construction of affordable housing units is one of the City's priority policies.
- The Project would satisfy the off-site inclusionary affordable housing requirements of the 201 Folsom Street project.
- The project would bolster efforts to revitalize the Central Market Street area by adding residents and ground-floor retail services, within an area that is well-served by transit.
- The Project would provide a transition between the taller Crescent Heights development to the north and the smaller-scale older development to the south.

- The project would present a more active streetscape (with ground-floor retail uses) compared with the existing vacant lot.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Section 309.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Draft Section 309 Motion  
Draft CU Motion  
Mitigation, Monitoring, and Reporting Program  
Addendum to EIR  
EIR Motion No. 16871  
CEQA Findings Motion No. 16880  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Context Photographs  
Graphics Package from Project Sponsor

## Exhibit Checklist

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Executive Summary            | <input checked="" type="checkbox"/> Zoning District Map       |
| <input checked="" type="checkbox"/> Draft 309 Motion             | <input checked="" type="checkbox"/> Aerial Photo              |
| <input checked="" type="checkbox"/> Draft CU Motion              | <input checked="" type="checkbox"/> Context Photos            |
| <input checked="" type="checkbox"/> MMRP                         | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Environmental Determinations | Drawings: <u>Existing Conditions</u>                          |
| <input checked="" type="checkbox"/> CEQA Findings Motion         | <input checked="" type="checkbox"/> Check for legibility      |
| <input type="checkbox"/> Height & Bulk Map                       | Drawings: <u>Proposed Project</u>                             |
| <input checked="" type="checkbox"/> Block Book Map               | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Sanborn Map                  |   |

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

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EW  
Planner's Initials

EW: G:\Documents\309\1400 Mission Street\Planning Commission Documents\Executive Summary.docx





# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion Section 309

HEARING DATE: JANUARY 17, 2013

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*Case No.:* **2011.1043 CEKUX**  
*Project Address:* **1400 MISSION STREET**  
*Zoning:* C-3-G (Downtown General)  
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 Tenderloin Neighborhood Development Corporation  
 201 Eddy Street  
 San Francisco, CA 94102  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
 Elizabeth.Watty@sfgov.org

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR AN EXCEPTION FOR THE REDUCTION OF GROUND-LEVEL WIND CURRENTS UNDER PLANNING CODE SECTION 148, OFF-STREET LOADING UNDER PLANNING CODE SECTION 152.1, AND REAR YARD REQUIREMENTS UNDER PLANNING CODE SECTION 134(D), TO CONSTRUCT A 10-TO-15-STORY, APPROXIMATELY 150-FOOT TALL BUILDING WITH APPROXIMATELY 190 AFFORDABLE DWELLING UNITS AND APPROXIMATELY 4,350 GSF OF GROUND FLOOR COMMERCIAL SPACE, AT 1400 MISSION STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND THE 150-S/200-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On March 10, 2003, Steve Atkinson on behalf of Steefel Levitt & Weiss submitted an Environmental Evaluation Application with the Planning Department (“Department”), Case No. 2003.0262E, in connection with the Tenth/Market/Mission Streets Mixed-Use Project at 1400 Mission Street and 1455

Mission Street (formerly Assessor's Block 3507; Lot 039, now Assessor's Block 3507, Lot 042 and Assessor's Block 3507; Lot 041, respectively).

The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 15, 2003.

On May 14, 2004, the Department published a Draft Environmental Impact Report (EIR) for public review (Case No. 2003.0262E). The Draft EIR was available for public comment until June 28, 2004. On June 17, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the Draft EIR. On September 30, 2004, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the Project. Together, the Comments and Responses document and the DEIR comprise the Final EIR ("FEIR").

On October 14, 2004, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31.

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

On March 8, 2007, the Department prepared and published an Addendum to the previously-certified Final EIR which determined that the project would not cause and new significant impacts not identified in the original Final EIR (Case No. 2003.0262E).

On February 18, 2009, the Department prepared and published a second Addendum to the previously-certified Final EIR which determined that the project would not cause and new significant impacts not identified in the original Final EIR (Case No. 2003.0262E).

On August 8, 2012, the Department prepared and published a third Addendum to the previously-certified Final EIR which determined that (1) the proposed project has not been substantially revised so as to result in new significant impacts or a worsening of significant impacts identified in the previously certified EIR; (2) the background conditions under which the proposed project would be constructed have not changed substantially from those conditions described in the previously certified EIR; and (3) new information of substantial importance has not surfaced (Case No. 2003.0262E).

Since the FEIR was finalized, and the Addendums to the FEIR were published, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, require new or modified mitigation measures, or cause impacts of greater severity than previously reported in the FEIR, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. On October 28, 2004, by

Motion No. 16880 the Commission adopted findings, including a statement of overriding considerations and an MMRP, pursuant to CEQA, which CEQA findings are incorporated by reference in this Motion.

On August 3, 2012, Mara Blitzer of Tenderloin Neighborhood Development Corporation (hereinafter "Project Sponsor") filed an application with the Department for a Determination of Compliance with Planning Code Section 309, with exceptions to the Rear Yard requirements (Section 134), Off-Street Loading requirements (Section 152.1), and requirements for the reduction of Ground-Level Wind Currents (Section 148) within the C-3-G (Downtown General) District and a 150-S/200-S Height and Bulk District.

On November 20, 2012, the Project Sponsor also filed an application with the Department for a Conditional Use Authorization under Planning Code Sections 124(f) and 303, to allow additional square footage above that permitted by the base FAR limit for the construction of dwellings affordable for 20 years to households whose incomes are within 150 percent of the median income affordable dwelling-units within the C-3-G (Downtown General) District and a 150-S/200-S Height and Bulk District.

On January 17, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Determination of Compliance Application No. 2011.1043CEKUX.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.1043CEKUX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The mitigation measures presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum would continue to apply to the currently proposed project except as follows: (1) the currently proposed project would not result in significant impacts on transportation, and therefore the mitigation measures from the 2004 EIR are replaced by improvements measures from the 2009 Addendum suggested to address less-than-significant impacts of the currently proposed project, and (2) the City has adopted a Construction Dust Control Ordinance, ensuring that potential dust-related air quality impacts would be reduced to a less-than-significant level, which replaces mitigation measures related to air quality from the original project. The Addendum also updates the mitigation measures to reflect current Planning Department practices. The MMRP has been revised accordingly, and summarized in an "Agreement to Implement Mitigation Measures", dated August 7, 2012, which material was made available to the public and this Commission for this Commission's review, consideration and action. The updated mitigation measures do not change the conclusions of significant reached in the 2004 EIR, 2007 Addendum, and 2009 Addendum.

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 authorizes the Determination of Compliance requested in Application No. 2011.1043CEKUX, 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 west side of 10<sup>th</sup> Street between Mission and Jessie Streets; Lot 042 in Assessor's Block 3507. The project site is on an approximately 24,631 sq. ft. lot. It is located in the South of Market neighborhood within the Downtown Area Plan and the Downtown Support (C-3-G) Zoning District with split 150-S and 200-S Height and Bulk Districts. The site is currently improved with a surface parking lot that is acting as a staging area for the residential development of the adjacent parcel on the southwest corner of Market and 10<sup>th</sup> Streets (Crescent Heights development).
3. **Surrounding Properties and Neighborhood.** The project site comprises a single parcel in the Downtown Area Plan and the South of Market (SoMa) neighborhood. The project site is within the C-3-G (Downtown-General Commercial) Zoning District, and in the 150-S and 200-S Height and Bulk Districts. The project site is adjacent to the Market and Octavia Neighborhood Plan Area and is in close proximity to the Western SoMa Community Plan Area. The existing site was formerly used as a surface parking lot and currently the parking lot is being used as a construction staging area for the adjacent Crescent Heights residential development. Currently, the project area is in transition from low- and mid-rise commercial and industrial uses, to high-density mid- to high-rise office and residential uses. Existing land uses in the vicinity of the project site include residential, retail, hotel, office, institutional, mixed uses, and parking. Development fronting Mission Street between Van Ness Avenue and 8th Street is characterized by a range of low- to high-rise commercial and residential buildings that have ground-floor retail space and are built out to the sidewalk and property lines.
4. **Project History.** There have been several development proposals at the subject property over the last decade: the original project was proposed in 2004, with revisions proposed in 2007 and 2009, and a new project proposed in this application.

The 2004 project and the 2007 revision describe development on Assessor's Block 3507, Lot 039, an approximately 95,000-square-foot (sf) site, consisting of seven vacant office buildings, and an active, 155-space surface parking lot (the portion of the lot subject to this application).

The project site has since been subdivided into Lots 042 (southeasterly-most parcel, the Subject Property) and Lot 041 (northwesterly-most parcel), of Block 3507. The 2009 revision and the proposed project consist of the development of Lot 042, an approximately 25,000-sf parcel fronting Mission Street and Tenth Street.

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parking lot, located on the west side of Tenth Street, between Market and Mission Streets, and the construction of a mixed-use development including office, housing, parking, retail, and community-serving uses. The project consisted of three buildings: (1) a 150-foot-tall affordable housing building on the corner of Mission and Tenth Streets (Mission Street Affordable Housing), consisting of up to 200 units over 3,500 gsf of ground floor retail space; (2) a 200-foot-tall residential building on Tenth Street, consisting of up to 250 units; and (3) a 320-foot-tall municipal office building on the corner of Tenth and Market Streets. The original 2004 project would have resulted in a total of 513,250 gsf of office space, 450 residential units, 12,750 gsf of ground floor commercial/retail space, and 313 parking spaces (ten spaces attributable to the Mission Street Affordable Housing building). The original project also entailed subdivision of the project site into at least two parcels.

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Following certification of the 2004 EIR, the Mission Street Affordable Housing and the Tenth Street Housing were approved by the Planning Commission in November of 2004, but the Office Building component was never approved, as the City made alternate plans for its municipal office needs.

Subsequently, in 2007, the Tenth and Market LLC purchased from TNDC and CHC a portion of the project site for the purpose of developing a high-rise residential project, the "Market Street Residential Building." That portion of the site consisted of the Office Building and Tenth Street Housing locations. Under the 2007 revision, the number of units in the Mission Street Affordable Housing building (200 units) was unchanged from the original project; however, it proposed a different building envelope on the revised project site. The 2007 revision covered two buildings with three towers (one tower associated with the Mission Street Affordable Housing building, and two towers associated with the newly proposed Market Street Residential Building). The Mission Street Affordable Housing tower included approximately 10,000 gsf of ground-floor retail (an increase of about 6,500 gsf from the original project). The two Market Street Residential Building towers were connected by a two-story landscaped podium, and included ground-floor retail below both towers.

The 2007 revision's EIR Addendum also covered an affordable housing Variant for the Mission Street Affordable Housing building. The revised project Variant included 200 residential units; however, instead of affordable, senior housing, the Variant included 200 units of affordable, family housing, with a different one- and two-bedroom unit mix. In addition, the Variant included 36 parking spaces (an increase of 26 spaces compared to the revised project) and approximately 3,500 gsf of ground floor commercial/retail space (a decrease of about 6,500 gsf compared to the revised project).

In 2009, the project was further revised and consisted of development on an approximately 25,000-sf parcel that was an active, 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. Under the 2009 revision, the project included approximately 150 units of affordable, family housing space over 3,640 gsf of ground floor commercial/retail space. The project was variable in height, with the portion fronting Jessie Street being five stories, the portion fronting Mission Street being ten stories, and the portion fronting Tenth Street being 15 stories. The building was proposed to be approximately 150 feet tall (up to 15 stories) and would include 18 off-street parking spaces and one loading facility.

5. **Project Description.** The currently proposed project consists of a development on an approximately 25,000-sf parcel that was previously used as a 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. The paved parking lot parcel is currently leased to Swinerton Builders for construction staging for the Tenth Street and Market Street project (“Crescent Heights”). No permanent structures exist on the parcel that is being evaluated for the currently proposed.

The project sponsor proposes to construct an approximately 150-foot-tall, 15-story, mixed-use building. The project is variable in height, with the 10<sup>th</sup> Street and corner portions of the building being 15 stories, and the western segment of the building fronting Mission Streets being ten stories.

The Project would be a total of approximately 241,745 gsf in size and consisting of approximately 203,733 gsf of affordable, family housing (190 units), approximately 4,350 gsf of ground floor commercial/retail space, and approximately 38,012 gsf of mechanical/storage/circulation/service areas. A podium courtyard would also be located on the second floor of the proposed project and approximately 58 of the units would contain private balconies or patios.

Of the 190 total units, 167 of the units serve as the off-site below-market rate units for the 201 Folsom Street project. Pursuant to Ordinance 20-04, all of the units designated as the off-site units for 201 Folsom Street must be completed within 5 years of the start of construction of the 201 Folsom Street project. Of the remaining 23 units, 20 of them are affordable units pursuant to Planning Code Section 124(f) –affordable for 20 years to households whose incomes are within 150 percent of the median income – and three of the units are the corresponding on-site below-market rate units. The dwelling-unit mix would consist of 4 studios, 66 one-bedrooms, 102 two-bedrooms, and 18 three-bedrooms.

There is no FAR available for the project site because it was previously applied to the adjacent “Crescent Heights” development, and as such, all components of the project must be either be excluded from gross floor area, as defined in Planning Code Section 102.9, or be allowed to exceed the “base” floor area through a Conditional Use Authorization. The only floor area proposed in this project that is not excluded from the gross floor area calculations under Planning Code Section 102.9 is the component of the project (20 units) dedicated as affordable housing for households whose incomes are within 150 percent of the median income, pursuant to Planning Code Section 124(f), which is the subject of the Project’s Conditional Use authorization.

The proposed project would include an approximately 8,456 sf at-grade parking garage for up to 42 vehicles and one loading facility. The parking garage would include 20 standard surface spaces, 20 stalls utilizing car lifts, one Americans with Disabilities Act (ADA)-compliant space, and one car-share stall. Access to the parking garage would be from Jessie Street, with internal access to the residential/retail portion of the building from within the garage. Pedestrian access to the project would be from Mission and 10<sup>th</sup> Streets.

6. **Public Comment.** The Department has not received any comments expressing support or opposition to this project.
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. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown Support District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

*In the C-3-G District, the maximum floor area ratio (FAR) is 6.0:1. However, under Planning Code Section 124(f), the floor area of affordable housing to be constructed on a project site in a C-3-G District can be approved with Conditional Use Authorization over and above that permitted by the base FAR limits, provided certain requirements are met. Here, there is no existing FAR available for the project site because it was previously applied to the adjacent "Crescent Heights" development.<sup>1</sup> Thus, Conditional Use Authorization is required for all of the floor area dedicated to households whose incomes are within 150 percent of the median income, regardless of the exact amount of FAR proposed. The proposed project requests Conditional Use Authorization for approximately 55,912 sq. ft. of housing pursuant to Planning Code Section 124(f).*

- B. **Rear Yard (Section 134).** Planning Code Section 134 requires that a project's minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated at all residential levels.

*The proposed project would not meet the Planning Code's minimum rear yard requirement in that the required 25% rear yard at all residential levels is not provided. The Planning Code makes no provision for the proposed courtyard configurations as a method of complying with rear yard requirements. However, Section 134(d) allows for an exception from the strict application of these*

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<sup>1</sup> The Planning Department previously determined that the project site and the adjacent parcel constituted a single development lot for the purposes of calculating FAR, and that FAR could be allocated between the development sites. The project applicant of the Market Street Residential Building acquired the available gross square footage, and the funds are available to the non-profit owners of the project site to support the development of affordable housing. See Planning Commission Motion No. 17414.

requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas. As such, the project is seeking an exception from the rear yard requirements of Planning Code Section 134.

- C. **Residential Open Space (Section 135).** Under Planning Code Section 135, the standard residential open space requirement is 36 sf per dwelling unit if the open space is private and 47.88 sf per dwelling unit if it is provided through common open space.

*The project includes 190 units, and 58 of those units include private open space (the balconies are a minimum of 36 square feet and the patios are a minimum of 100 square feet), meeting the private open space requirements. The remaining 132 units necessitate a minimum of 6,320 square feet of common open space, which is provided in a commonly-accessible open space on top of the building's podium, which satisfies the requirement of Planning Code Section 135.*

- D. **Public Open Space (Section 138).** New buildings in the C-3-G Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The project includes approximately 4,350 sq. ft. of ground floor retail space, which is excluded from the gross floor area of the building, pursuant to Planning Code Section 102.9(b)(13). As such, there is no public open space requirement. Nonetheless, the Project includes as part of the Streetscape Plan, approximately 94 sf of publically accessible seating and open space, located along the Mission Street frontage, setback from the property line between the building's residential multipurpose room and the proposed retail space. The design of the open space will be further refined throughout the building permit review process.*

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

*The project proposes streetscape elements along Mission, 10<sup>th</sup> and Jessie Streets as part of a Streetscape plan. Features include street trees and landscaping within a continuous trench along all street frontages. The 10<sup>th</sup> Street sidewalk will be widened if allowed by the Department of Public Works, and the Mission Street frontage includes publically-accessible bike parking and public open space with seating. The Streetscape Plan will continue to be refined through the Site Permit process, as required by the Conditions of Approval.*



- F. **Exposure (Section 140).** Planning Code Section 140 requires that all dwelling units face directly onto 25 feet of open area (a public street, alley, or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

*All dwelling-units would comply fully with Section 140, by either facing one of the three abutting streets (Jessie, 10<sup>th</sup>, or Mission Streets) or by facing the outer court that measures a minimum of 25 feet.*

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

*The ground floor space along Mission Street and 10<sup>th</sup> Streets have “active uses” with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. Along Jessie Street, the Project does not include any active space, since the entire frontage is occupied by building systems or ingress for parking/loading. The Zoning Administrator has determined that those building systems do not negatively impact the quality of the ground floor space, since Jessie Street is not a through Street the other two building frontages are well designed and include more than the requisite amount of active uses.*

- H. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project has two street frontages with Active Uses: 10<sup>th</sup> Street and Mission Street. The 10<sup>th</sup> Street frontage measures 160'-3" and proposes approximately 96 feet or 60 percent of transparent frontage. The Mission Street frontage measures 153'-6" and proposes approximately 150'-0" or 97% glazing. The Jessie Street frontage contains no active uses and is thus not required to meet the transparency requirements.*

- I. **Shadows on Public Sidewalks (Section 146).** Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section

146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to construction on 10<sup>th</sup> Street, Mission Street, or Jessie Street, and therefore does not apply to the Project.*

*As it relates to Section 146(c), the project would replace a vacant parcel with a 10-to-15-story structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is zoned for the property (and significantly shorter than a portion of the zoned height) and cannot be further shaped to reduce substantial shadow impacts on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial shadow impacts to public sidewalks.*

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

*A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows from the Project.*

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing

requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

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

*The existing wind environment near the project site is relatively windy, with the highest pedestrian level winds near the intersection of Market/10th Street/Polk Street, primarily attributable to the Fox Plaza building. According to the project's 2004 Final EIR, the 11 mph pedestrian comfort level is exceeded at all test points, with the average wind velocity of 16 mph and the wind speed exceeding the 11 mph comfort level an average 27% of the time (Final EIR, p. 136). With construction of the project, along with completion of the under-construction Crescent Heights project at 10th and Market Street (also analyzed in the 2004 Final EIR), the average wind speed will remain at 16 mph and the project will not cause any significant increase in pedestrian level wind speeds. The 2012 Addendum to the Final EIR confirmed that the currently proposed project will not cause any increase in average pedestrian level wind speeds (2012 FEIR Addendum, p. 36). Nonetheless, because the project would not reduce the ambient wind speeds to meet the pedestrian comfort criteria, a Section 309 exception is requested, as discussed in Section 9 below.*

*The 2004 EIR states that under existing conditions, 16 of the 24 test point locations meet the Planning Code's wind hazard criterion of 26 mph, while eight test point locations exceed it. The original 2004 project would eliminate two of the pre-existing eight locations of wind hazard exceedances and reduce the total duration of exceedances by 25 hours per year, from 482 hours per year to 457 hours per year*

*For the 2007 Addendum, which included the 15-story Mission Street Affordable Housing component, an updated wind-tunnel study was prepared. The analysis showed that there is little difference between wind patterns predicted for the original project analyzed in the 2004 EIR and the project covered in the 2007 Addendum. Though there would continue to be exceedances, the design of the project under the 2007 Addendum would not worsen wind conditions at the project area study locations, as compared to the design of the original 2004 project, or as compared to wind conditions under the existing setting. Therefore, as the 2004 EIR concluded that the original project would not increase the occurrence of hazardous winds and would not have a significant adverse impact on wind conditions, the 2007 Addendum concluded that the revised project would also not have a significant adverse impact on hazardous wind conditions.*

*A technical memorandum was completed for the 2009 Addendum that evaluated how the then revised project could change pedestrian winds and project wind impacts in relation to designs previously tested in the wind tunnel. In the technical memorandum, it is noted that various*

*previous studies in the study area included a 15-story building at the project site within their cumulative analysis, and indicated improvement in conditions at the project site compared to existing conditions. In addition, given the project site's downwind location from the Tenth and Market Streets intersection (an area known for extreme winds), the revised 2009 project would have no effect on this intersection and would not further exacerbate this problem. The memorandum concludes that the revised 2009 project "does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site" when compared to the original 2004 project and the revised 2007 project. Therefore, the 2009 Addendum concluded that the revised project would not have a significant adverse impact on hazardous wind conditions, similar to the original 2004 project and the revised project covered in the 2007 Addendum.*

*In March 2012, a technical memorandum was prepared for the currently proposed project based on a site visit, review of project plans and elevations, and consideration of previous wind tunnel tests for proposed development on the project site and other nearby sites. The technical memorandum states that given the currently proposed project's downwind location with respect to the Tenth and Market Streets intersection and the multiple wind tunnel tests conducted for development on the project site that shows that development at Tenth and Mission Streets would have no effect on wind conditions at the Tenth and Market Streets intersection, the currently proposed project would not exacerbate the problematic winds at that location. The memorandum concludes that based on consideration of the exposure, massing, and orientation of the currently proposed project, this project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site. Furthermore, the currently proposed project would not affect winds at the known wind problem area near the Tenth and Market Streets intersection. Therefore, the currently proposed project would not have a significant adverse impact on hazardous wind conditions, similar to the original 2004 project, the 2007 Addendum, and the 2009 Addendum.*

- L. **Parking (Section 151.1).** Planning Code Section 151.1 does not require off-street parking for the project, but it allows .25 spaces per dwelling-unit as-of-right, and up to 7% of the gross floor area for non-residential uses.

*The project proposes 40 off-street parking spaces, plus one accessible van space and one car share parking space, per Section 151.1(d). The residential parking is at a ratio of .21 and thus complies with the principally permitted parking allowed in the C-3-G District. The project does not include any off-street parking for the ground floor retail uses.*

- M. **Car Share (Section 166).** Planning Code Section 166 requires one car-share space when a residential project includes between 50 and 200 residential units.

*The project provides one off-street car share parking space within the garage accessed from Jessie Street.*

- N. **Loading (Section 152.1).** Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses exceeding 200,000 square feet are required to provide two off-street loading spaces. Retail uses less than 10,000 square feet are not required to provide any loading spaces. Two service-vehicle spaces may be provided in place of one full-sized loading space.

*With a floor area of approximately 203,733 square feet, the residential component of the Project is required to provide two off-street loading spaces. No off-street loading is required for the approximately 4,350-square-foot retail/personal service space. The Project is only providing one compliant loading space, and thus requires an exception pursuant to Section 309.*

- O. **Bicycle Parking (Section 155.5).** Planning Code Section 155.5 requires projects over 50 dwelling units to provide at least 25 Class 1 bicycle parking spaces plus one space for every four dwelling units over 50.

*The project requires a minimum of 60 Class 1 bicycle parking spaces. The proposed multipurpose room would accommodate approximately 38 Class 1 bicycle parking spaces, and the ground floor storage units would provide an additional 28 Class 1 bicycle parking spaces, for a project total of 66 spaces.*

- P. **Density (Section 215).** Planning Code Section 215(a) permits up to 197 dwelling units (a ratio of 1 unit per 125 sf of lot area) and allows a density greater than that through a Conditional Use Authorization.

*The proposed residential density of 190 dwelling units would be within the permitted density for the C-3-G Zoning District, which allows up to 197 units.*

*The project also satisfies the off-site below-market-rate units for a previously approved project at 201 Folsom Street (Ordinance No. 20-04; Motion No. 16647). The rezoning ordinance for 201 Folsom Street specified that in exchange for increased heights, the project would be subject to a heightened inclusionary requirement of 25% off-site or 17.5% on-site. If an off-site project is sought, it would be required to match the dwelling-unit mix of the 201 Folsom Street project.*

*The project meets both the 25% off-site inclusionary requirement, as well as the dwelling-unit mix. The project at 201 Folsom Street includes 668 dwelling-units, which necessitates 167 off-site inclusionary units (25%). The Project includes 167 designated "off-site" units that meet the inclusionary obligations for the project at 201 Folsom Street. The project also includes a comparable mix of units, consistent with the mix of 201 Folsom Street (57 1-bedrooms, 92 2-bedrooms, and 18 3-bedrooms dedicated to the off-site portion of the project).*

*The remaining units within the project are comprised of 20 units that are maintained as affordable for at least 20 years to households whose incomes are within 150 percent of the median income,*

*pursuant to Planning Code Section 124(f), and three on-site Below Market Rate units to satisfy Planning Code Section 415.*

- Q. **Use (Sections 215(a), 218(b)).** The project site is located in a Downtown General (C-3-G) District wherein residential and commercial uses are permitted. Areas in the City identified as Downtown General include a variety of different uses, such as retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area.

*The residential and retail uses of the proposed project at the density proposed would be consistent with the permitted Downtown General uses, pursuant to Planning Code Sections 215(a) and 218(b).*

- R. **Height (Section 260).** The property is located in a split 150-S/200-S Height and Bulk District, thus permitting structures up to a height of 150 and 200 feet, respectively.

*The Project would reach a height of approximately 147'-0", conforming in it's entirety to the lesser of the property's two Height Districts. The building includes various features, such as elevator/stair penthouses, mechanical structures, and wind screens, that extend above the 150-foot height limit in accordance with Planning Code Section 260(b): features excluded from the height limit. The proposed project would therefore comply with the Planning Code's 150-foot Height and Bulk District.*

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

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

- T. **Bulk (Section 270).** The project falls under the "S" bulk designation, as defined in Planning Code Section 272.

*The "S" bulk designation includes no bulk limitations for the base of the building (which is the lowest portion of the building extending vertically to a street wall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more), but is required to be delineated from the tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means. For the lower tower, which is the portion of the building above the base and up to 160 feet, the bulk controls are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.*

*For the portion of the building above the base (above 103 feet), the maximum length would be 160 feet, the maximum diagonal dimension would be approximately 171 feet, and the maximum floor area would be 11,085 gsf. As designed, the project complies with the "S" bulk controls.*

- U. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. The Inclusionary Affordable Housing Program requirements were modified through a recent Charter Amendment, known as "Proposition C", which among other changes reduced the percentage of On-site Inclusionary Affordable Housing requirements from providing 15% of the proposed dwelling units as affordable to 12%, which is a twenty percent reduction. The Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Inclusionary Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on December 18, 2012. The EE application was originally submitted on March 10, 2003. Three dwelling-units (2 one-bedroom, and 1 two-bedroom) of the 20 units provided will be Below Market Rate affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

- V. **Affordable Housing (Section 415).** Planning Code Section 415 requires residential projects to provide affordable housing. The affordable housing requirements were modified through a recent Charter Amendment, known as "Proposition C", which among other changes reduced the percentage of on-site affordable housing requirements to 12%, which is a twenty percent reduction from the previous 15% requirement.

*The proposed project includes 167 units that satisfy the off-site affordable housing requirements of the project at 201 Folsom Street (Motion No. 16647), and includes 23 remaining units (for a project total of 190 units) that are affordable under Planning Code Section 124(f) (up to 150% of median income). These remaining 23 units require compliance with Planning Code Section 415. The project proposes three (3) on-site for-sale Below Market Rate units to satisfy the 12% affordable housing requirement.*

- W. **Street Trees (Sections 138.1 and 428).** Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

*The Project includes a total of approximately 428 feet of street frontage, along the 10<sup>th</sup>, Mission, and Jessie Street frontages, which means that 21 street trees are required. Conditions of approval have to be added to require the project to plant 21 street trees as part of the project's streetscape plan, along the Tenth, Mission, and Jessie Street frontages, unless DPW cannot grant approval for installation of any of the required trees on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare. In any such case, the requirements of Section 138.1 may be modified or waived by the Zoning Administrator.*

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

*The Project would comply by dedicating one percent of construction cost to works of art, as required through the Conditions of Approval. The conceptual plans for the Project show artwork located within the building's multipurpose room, which is visible from the Mission Street frontage, and along the 10<sup>th</sup> Street retail frontage. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.*

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

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

*The proposed project would not meet the Planning Code's minimum rear yard requirement in that the 25% rear yard does not span the full width of the lot. Although a rear yard is provided in a courtyard fashion, the building volume holds the street wall on the entirety of the Mission Street façade and a portion of the Jessie Street façade, thereby not allowing for a rear yard that spans the full width of the lot. All dwelling units face onto either this "modified" rear yard courtyard, or onto 10<sup>th</sup>, Mission, or Jessie Streets; therefore, ample separation for light and air is provided for the*



*residential units within the Project. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.*

- B. **Section 152.1: Loading.** Section 152.1 of the Planning Code requires two off-street loading spaces as part of the proposed project. Under the provisions of Planning Code Sections 309 and 161(i), the Commission may authorize an exception from the required off-street freight loading or service vehicle spaces if it is found to be undesirable or impractical, and meet the criteria of Planning Code Section 161(i).

*Planning Code Section 152.1 requires in C-3 districts one (1) freight loading space for a building with from 100,001-200,000 gross square feet of residential space; and two (2) freight loading spaces for a building with from 200,001 to 500,000 gross square feet of residential space. The project contains 203,733 gross square feet of residential spaces, including units, circulation, resident storage and residential amenity space. Excluding the resident storage and amenity space, the building contains less than 200,000 gross square feet of residential space.*

*One off-street freight loading space is proposed, with access from Jessie Street through a joint parking/loading entrance. One loading space is compliant if the floor area of the units and circulation space is considered; however, if all residential space is counted (including resident storage and amenity space), two spaces are required and a Section 309 exception is required.*

*The requested exception is warranted for the following reasons:*

- 1. The gross residential space exceeds the 200,000 square foot threshold for a second loading space by less than 2%.*
- 2. To provide two off-street loading spaces would require the joint parking/loading entrance on Jessie Street to be significantly widened, reducing the urban design amenities of that street.*
- 3. One loading space is adequate to meet project demand. The 2004 EIR determined the average loading space demand is 0.44 space per hour and the peak demand is 0.55 space per hour, well below the one loading space proposed. (See Final EIR, p. 110).*
- 4. The project units will be a condominium development, such that move-in/move-out activity will be less frequent than in a rental development.*
- 5. There is adequate curb space along 10th and Mission Streets should a need arise in the future for designation of an additional on-street loading space.*

*Based on these findings, it is appropriate to grant an exception from the off-street loading requirements of Planning Code Section 152.1.*

- C. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11

miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

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

#### Comfort Criterion

*The existing wind environment near the project site is relatively windy, with the highest pedestrian level winds near the intersection of Market/10th Street/Polk Street, primarily attributable to the Fox Plaza building. According to the project's 2004 Final EIR, the 11 mph pedestrian comfort level is exceeded at all test points, with the average wind velocity of 16 mph and the wind speed exceeding the 11 mph comfort level an average 27% of the time (Final EIR, p. 136). With construction of the project, along with completion the under-construction Crescent Heights project at 10th and Market Street (also analyzed in the 2004 Final EIR), the average wind speed will remain at 16 mph and the project will not cause any significant increase in pedestrian level wind speeds. The 2012 Addendum to the Final EIR confirmed that the currently proposed project will not cause any increase in average pedestrian level wind speeds (2012 FEIR Addendum, p. 36).*

*Nonetheless, because the project would not reduce the ambient wind speeds to meet the pedestrian comfort criteria, a Section 309 exception is requested. An exception is warranted because the project will not add to the amount of time that the comfort level is exceeded. In addition, because the current exceedances are primarily attributable to the existing Fox Plaza building, the project cannot be shaped and other wind-baffling measures cannot be adopted to meet the comfort criteria without creating an unattractive and ungainly building form and without unduly restricting the development potential of the project site.*

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

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.8:**

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

#### **Policy 1.10:**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The proposed mixed-use project responds to the need for new affordable housing by creating 190 units.*

*The project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 66 bicycles within the building's multipurpose room, which will include a bicycle workshop and toolkits to further foster the use of bicycling. Within a few blocks of the project site, there is an abundance of local and regional transit lines, including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.*

#### **OBJECTIVE 4:**

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

#### **Policy 4.5:**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The proposed project would provide for-sale housing for low and moderate income households. 170 of the units would be Below Market Rate Units retained as such for the life of the project, sold to first time home buyer households, whose gross annual income, adjusted for household size, would not exceed an average of 90 percent of Area Median Income. The remaining 20 units would be retained as affordable units for 20 years to households whose incomes are within 150 percent of the Area Median Income. The building*

*includes a mix of unit sizes, further adding to the diversity of unit types provided at a range of income levels.*

**OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.1:**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.6:**

Foster a sense of community through architectural design, using features that promote community interaction.

*The proposed project is well design and compatible with the scale and proportions of buildings in the area, and will be built of high quality materials. The design is compatible with design elements in the neighborhood and would add to the image and mixed-use orientation of the downtown district. The design of the building incorporates contemporary design and detailing that responds appropriately to the variety of heights, scales, styles and periods found in the area. The design and proportions feature clean lines with appropriately scaled massing coupled with quality materials and fixtures that will add to the evolving rich and varied pedestrian experience in this neighborhood.*

**OBJECTIVE 12:**

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

**Policy 12.1:**

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

**Policy 12.1:**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

*The project is located within a neighborhood rich with public transportation and infrastructure, and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips.*

*Within a few blocks, the project site is served by local and regional transit lines including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain. The project includes spaces for 66 bicycles in a secure location within the building's multipurpose room, which will include a bicycle workshop and toolkits to further foster the use of bicycling.*

**OBJECTIVE 13:**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1:**

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

**Policy 13.3:**

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

*The proposed project would be sustainably designed in that it would support smart growth by locating new affordable housing close to jobs and transit. Within a few blocks, the project site is served by local and regional transit lines including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain. The project includes bicycle parking for 66 bicycles within the building’s multipurpose room, which will include a bicycle workshop and toolkits to further foster the use of bicycling.*

**COMMERCE AND INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed project would add approximately 4,350 sf of new commercial space that is intended to serve residents in the building and likely draw a wider range of new neighborhood-serving retail businesses than it does today. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.*

## DOWNTOWN AREA PLAN

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

*The proposed project will bring additional housing with minimal off-street parking and an abundance of bicycle parking into a neighborhood that is well served by public transit on the outskirts of Downtown. The project will create substantial net benefits for the City without any undesirable consequences that cannot be mitigated.*

#### **OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

#### **Policy 7.1:**

Promote the inclusion of housing in downtown commercial developments.

#### **Policy 7.2:**

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

*The proposed project would construct a fifteen-story, 190-unit residential building, intended for use as affordable housing, thereby increasing the City's limited supply of affordable housing.*

*The proposed project also includes approximately 4,660 sf of ground floor commercial space, which will provide services to the immediate neighborhood. Unlike the existing undeveloped lot, this new commercial space will create pedestrian-oriented, active uses along Mission and 10<sup>th</sup> Streets.*

#### **OBJECTIVE 9:**

PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

#### **Policy 9.1:**

Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.

#### **Policy 9.2:**

Provide different kinds of open space downtown.

**Policy 9.2:**

Provide a variety of seating arrangements in open spaces throughout downtown.

*The proposed project would include street trees, landscaping, and other streetscape elements along Mission, 10<sup>th</sup>, and Jessie Streets as part of a streetscape plan. Features include a widened sidewalk along 10<sup>th</sup> Street and publically-accessible open space and bike parking and along Mission Street. The public open space would be designed to include an intimate seating area, appropriated for the size and location of the public open space. The open spaces within the project – specifically the multipurpose room on the ground floor of the building and the podium-level open space for tenants of the building – would be designed to be inviting to building residents.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 3:**

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

**Policy 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

**Policy 3.6:**

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

*The Project would result in a visual change to the project site and its surroundings because it would entail construction of a 10-to-15-story, 103-to-150-foot-tall building on a site that was previously surface parking and that is currently functioning as staging for the adjacent parcel's development. The immediate context has a mixture of buildings, with taller buildings to the north of Mission Street with lower-scale commercial buildings primarily south of Mission Street. The area includes a 12-story primarily residential building across 10<sup>th</sup> Street to the east Street (10th and Mission Family Housing), a 35-story tall building adjacent to the subject property that is under construction on 10<sup>th</sup> between Jessie and Market Street (Crescent Heights), and the adjacent 7-story tall building to the west along 11<sup>th</sup> Street between Mission and Market Streets (Bank of America Data Center). The surrounding skyline to the north, northwest, and northeast of the project site features additional buildings that are of a similar height or taller than the proposed project. Although the proposed building would be taller than several buildings in the immediate vicinity, the Project's proposed height is consistent with the requirements of the 150/200 Height District and with similar sized buildings in the area, and meets the "S" Bulk Limits.*

**OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENTAL TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*The Project will include streetscape improvements along its three street frontages, including the installation of new street trees, new landscaping, a widened sidewalk along 10<sup>th</sup> Street, new publically accessible bicycle racks along Mission Street, and a small public seating area at along the Mission Street frontage. These improvements will provide much needed streetscape improvements that will help to improve pedestrian safety through a landscaped buffer from the busy 10<sup>th</sup> and Mission Street corridors, and will help to promote a human scale and interest in an area that lacks public open space.*

10. **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 proposed project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the project site. The proposed project would enhance neighborhood-serving retail uses by providing approximately 4,660 square feet of neighborhood-serving retail space.*

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

*The proposed project would not remove any existing housing, and would create 190 new dwelling units. The project site is located within a dense, urban-infill neighborhood on Mission Street between 10<sup>th</sup> and 11<sup>th</sup> Streets and within a C-3-G Downtown General Commercial District. Existing properties within the vicinity of the project site include high-density residential, retail, office and light industrial uses of varying intensities. The proposed project would enhance the character of the neighborhood by*



*replacing a surface parking lot on the site with affordable housing. The design is compatible with design elements in the neighborhood and would add to the image and mixed-use orientation for the downtown district. The design of the building in incorporates contemporary design and detailing that responds appropriately to the variety of heights, scales, styles and periods found in this C-3-G District. The building design and proportions feature clean lines and appropriately scaled massing coupled with quality materials and fixtures that will add to the evolving rich and varied pedestrian experience in this neighborhood. The project would add to the economic diversity of the area by providing approximately 4,660 square feet of ground-floor retail space and approximately 190 new affordable housing units, with a mixed-income, economically diverse residential tenant population.*

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

*There is currently no housing on the site, so no affordable housing will be lost as part of this project. The proposed project would, however, significantly enhance the City's supply of affordable housing serving moderate income households. The proposed project would be an affordable housing development (with ground-floor retail space) which would provide approximately 190 affordable dwelling-units in a combination of studios, one-bedroom, two-bedroom and three-bedroom units. 170 of the units would be Below Market Rate Units retained as such for the life of the project, sold to first time home buyer households, whose gross annual income, adjusted for household size, would not exceed an average of 90 percent of Area Median Income. The remaining 20 units would be retained as affordable units for 20 years to households whose incomes are within 150 percent of the Area Median Income.*

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

*Commuter traffic would be extremely limited, consisting primarily of support staff and retail space employees. It is expected that the 42 proposed off-street parking spaces would be more than sufficient to satisfy the number of tenants expected to have private automobiles. The project site, located within one block of Market Street and about three blocks from the Civic Center BART and MUNI station, is very well-served by public transportation. In addition, the project will include one car-share parking space and 66 bicycle parking spaces.*

- 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.

*No industrial or service sector business would be displaced by the proposed project, and there is no commercial office space in the development. The project includes only residential dwelling units and neighborhood-serving retail. Many of the building's new residents will support the existing industrial or service sector businesses in the neighborhood, prompting the creation of more employment opportunities.*

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

*The proposed project would be constructed to meet all of the most current and rigorous seismic and life-safety requirements of the San Francisco Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake; rather, it will result in the production of seismically safe affordable housing.*

- G. That landmarks and historic buildings be preserved.

*No landmarks or historic buildings would be demolished, and the property is not part of a historic or conservation district.*

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

*The project will have no negative impact on existing parks and open spaces. Existing public parks and open space areas in the project vicinity include the Civic Center Plaza, the United Nations Plaza, the South of Market Recreation Center and Victoria Manalo Draves Park, which are all at least .2 miles away. The project would not shade any of these parks.*

11. 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.
12. The Commission hereby finds that approval of the Determination of Compliance with exceptions 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 a Determination of Compliance with Exceptions under Section 309, Application No. 2011.1043CEKUX**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. XXXXX, in general conformance with plans on file, dated December 14, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 17, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 17, 2013

## EXHIBIT A

### AUTHORIZATION

1. This authorization is for the granting of certain exceptions pursuant to Section 309 to allow the construction of a new, 10-to-15-story, approximately 150-foot tall building containing approximately 203,733 gsf of residential space and up to 190 affordable dwelling-units, and approximately 4,660 gsf of commercial space, with exceptions to Ground-Level Wind Currents in C-3 Districts (Section 148), Off-Street Loading (Section 152.1), and Rear Yard Requirements (Section 134), located at 1400 Mission Street, Block 3507, and Lot 042 within the C-3-G District and 150-S/200-S Height and Bulk District; in general conformance with plans, dated December 14, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1043CEKUX and subject to conditions of approval reviewed and approved by the Commission on **January 17, 2013**, under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

2. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **January 17, 2013**, under Motion No. **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Planning Code Section 309 Determination of Compliance and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

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

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

7. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

8. **Additional Project Authorization.** The Project Sponsor must obtain a Conditional Use Authorization, pursuant to Planning Code Sections 124(f) and 303, to allow a Floor Area Ratio (FAR) over the base permitted for affordable housing. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

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

### DESIGN – COMPLIANCE AT PLAN STAGE

10. **Affordable Units**

- a. **Number of Required Units.** The Project includes two components: 1) 167 off-site affordable units required as part of 201 Folsom Street; Block: 3746, Lot: 003 (Motion No. 16647); and 2) 23 other units that are comprised of 20 units that meet the 150% affordability requirement of Planning Code Section 124(f) and three related on-site affordable units.

Pursuant to the Ordinance 20-04, the off-site inclusionary affordable housing requirement for 201 Folsom Street (Motion No. 16647) is 25% of the proposed number of dwelling units, which shall be built as affordable dwelling units available to qualifying households. The 201 Folsom Street project contains 668 units; therefore, to satisfy the off-site inclusionary affordable housing requirements for that project, 167 affordable units are required to be built as part of this project. If the number of market-rate units change in the 201 Folsom Street Project, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

Pursuant to San Francisco Charter Section 16.110(g) for the remaining 23 units proposed as part of this Project, 12% of the proposed dwelling units are required to be provided as affordable to qualifying households. The Project contains 23 units not already designated as part of the off-site requirement for 201 Folsom Street; therefore, 3 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 3 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- b. **Unit Mix.** The 201 Folsom Street Project contains 227 one-bedroom, 368 two-bedroom, and 73 three-bedroom units; therefore, the required affordable unit mix for the portion of the project that satisfies the off-site inclusionary affordable housing requirements for 201 Folsom Street is 57 one-bedroom, 92 two-bedroom, and 18 three-bedroom units. If the market-rate unit mix changes in the 201 Folsom Street project, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

The remaining portion of this Project contains 4 studios, 7 one-bedroom, and 9 two-bedroom; therefore, the required affordable unit mix is 2 one-bedroom, and 1 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- c. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- d. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than eighty-eight (88%) percent of the each phase's total number of dwelling units as the off-site affordable units for 201 Folsom Street, and one and one-half percent (1.5%) of the each phase's total number of dwelling units as the on-site affordable units for the remaining scope of the project. Pursuant to Ordinance 20-04, all of the units designated as off-site units for 201 Folsom Street must be completed within 5 years of the start of construction of the 201 Folsom Street project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- e. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

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

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall

quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- ii. If the 170 Below Market Rate units in the building are offered for sale, the affordable unit(s) 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 ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual. The remaining 20 units would be retained as affordable units for 20 years to households whose incomes are within 150 percent of the Area Median Income, pursuant to Planning Code Section 124(f).
- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- vi. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.



- vii. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- viii. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.
11. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, ground floor, open spaces and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*
14. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

15. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

16. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating a total of twenty-one (21) street trees. The installed street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of any additional trees in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of Section 138.1 may be modified or waived by the Zoning Administrator to the extent necessary.

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

## PARKING AND TRAFFIC

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

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

18. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 48 off-street parking spaces for the residential units (.25 spaces per unit), and no more than 326 gsf of off-street parking for the retail use (7% of the retail gross square-footage).

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

19. **Usable Open Space.** A final plan showing location and area of common usable open space shall be submitted for review by, and shall be satisfactory to, the Zoning Administrator. The Project shall include the common usable open space and private usable open space patios and balconies generally as described in this Motion, as shown in Exhibit B.

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

20. **Car Share Parking.** Pursuant to Planning Code Section 166, one off-street car-share parking space is required.

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

21. **Bicycle Parking.** Although the Project proposes 66 Class 1 bicycle parking spaces, no fewer than 60 Class 1 bicycle parking spaces shall be provided as required by Planning Code Section 155.5.

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

## PROVISIONS

22. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

23. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

24. **Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), the Project shall include work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

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

25. **Art Plaques - C-3 District.** Pursuant to Planning Code Section 429(b) (formerly 149(b)) the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

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

26. **Art - C-3 District.** Pursuant to Planning Code Section 429 (formerly 149), the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

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

## MONITORING - AFTER ENTITLEMENT

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

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

28. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

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

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

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

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

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

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

32. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion HEARING DATE: JANUARY 17, 2013

*Date:* January 3, 2013  
*Case No.:* **2011.1043 CEKUX**  
*Project Address:* **1400 MISSION STREET**  
*Zoning:* C-3-G (Downtown General)  
 150-S/200-S Height and Bulk District  
*Block/Lot:* 3507/042  
*Project Sponsor:* Mara Blitzer  
 Tenderloin Neighborhood Development Corporation  
 201 Eddy Street  
 San Francisco, CA 94102  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 124(F) AND 303, TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO, WHICH HAS BEEN REDUCED TO ZERO, FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME ON THE PROPERTY AT 1400 MISSION STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND THE 150-S/200-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On March 10, 2003, Steve Atkinson on behalf of Steefel Levitt & Weiss submitted an Environmental Evaluation Application with the Planning Department (“Department”), Case No. 2003.0262E, in connection with the Tenth/Market/Mission Streets Mixed-Use Project at 1400 Mission Street and 1455 Mission Street (formerly Assessor’s Block 3507; Lot 039, now Assessor’s Block 3507, Lot 042 and Assessor’s Block 3507; Lot 041, respectively).

The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 15, 2003.

On May 14, 2004, the Department published a Draft Environmental Impact Report (EIR) for public review (Case No. 2003.0262E). The Draft EIR was available for public comment until June 28, 2004. On June 17, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the Draft EIR. On September 30, 2004, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the Project. Together, the Comments and Responses document and the DEIR comprise the Final EIR ("FEIR").

On October 14, 2004, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31.

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

On March 8, 2007, the Department prepared and published an Addendum to the previously-certified Final EIR which determined that the project would not cause and new significant impacts not identified in the original Final EIR (Case No. 2003.0262E).

On February 18, 2009, the Department prepared and published a second Addendum to the previously-certified Final EIR which determined that the project would not cause and new significant impacts not identified in the original Final EIR (Case No. 2003.0262E).

On August 8, 2012, the Department prepared and published a third Addendum to the previously-certified Final EIR which determined that (1) the proposed project has not been substantially revised so as to result in new significant impacts or a worsening of significant impacts identified in the previously certified EIR; (2) the background conditions under which the proposed project would be constructed have not changed substantially from those conditions described in the previously certified EIR; and (3) new information of substantial importance has not surfaced (Case No. 2003.0262E).

Since the FEIR was finalized, and the Addendums to the FEIR were published, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, require new or modified mitigation measures, or cause impacts of greater severity than previously reported in the FEIR, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. On October 28, 2004, by Motion No. 16880 the Commission adopted findings, including a statement of overriding considerations and an MMRP, pursuant to CEQA, which CEQA findings are incorporated by reference in this Motion.

On November 20, 2012, Mara Blitzer of Tenderloin Neighborhood Development Corporation (hereinafter "Project Sponsor") filed an application with the Department for a Conditional Use Authorization under

Planning Code Sections 124(f) and 303, to allow additional square footage above that permitted by the base FAR for the construction of dwellings affordable for 20 years to households whose incomes are within 150 percent of the median income affordable dwelling-units within the C-3-G (Downtown General) District and a 150-S/200-S Height and Bulk District.

On August 3, 2012, the Project Sponsor also filed an application with the Department for a Determination of Compliance with Planning Code Section 309, with exceptions to the Rear Yard requirements (Section 134), Off-Street Loading requirements (Section 152.1), and requirements for the reduction of Ground-Level Wind Currents (Section 148) within the C-3-G (Downtown General) District and a 150-S/200-S Height and Bulk District.

On January 17, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2011.1043CEKUX.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.1043CEKUX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The mitigation measures presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum would continue to apply to the currently proposed project except as follows: (1) the currently proposed project would not result in significant impacts on transportation, and therefore the mitigation measures from the 2004 EIR are replaced by improvements measures from the 2009 Addendum suggested to address less-than-significant impacts of the currently proposed project, and (2) the City has adopted a Construction Dust Control Ordinance, ensuring that potential dust-related air quality impacts would be reduced to a less-than-significant level, which replaces mitigation measures related to air quality from the original project. The Addendum also updates the mitigation measures to reflect current Planning Department practices. The MMRP has been revised accordingly, and summarized in an "Agreement to Implement Mitigation Measures", dated August 7, 2012, which material was made available to the public and this Commission for this Commission's review, consideration and action. The updated mitigation measures do not change the conclusions of significant reached in the 2004 EIR, 2007 Addendum, and 2009 Addendum.

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2011.1043CEKUX, 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 west side of 10<sup>th</sup> Street between Mission and Jessie Streets; Lot 042 in Assessor's Block 3507. The project site is on an approximately 24,631 sq. ft. lot. It is located in the South of Market neighborhood within the



Downtown Area Plan and the Downtown Support (C-3-G) Zoning District with split 150-S and 200-S Height and Bulk Districts. The site is currently improved with a surface parking lot that is acting as a staging area for the residential development of the adjacent parcel on the southwest corner of Market and 10<sup>th</sup> Streets (“Crescent Heights” development).

3. **Surrounding Properties and Neighborhood.** The project site comprises a single parcel in the Downtown Area Plan and the South of Market (SoMa) neighborhood. The project site is within the C-3-G (Downtown-General Commercial) Zoning District, and in the 150-S and 200-S Height and Bulk Districts. The project site is adjacent to the Market and Octavia Neighborhood Plan Area and is in close proximity to the Western SoMa Community Plan Area. The existing site was formerly used as a surface parking lot and currently the parking lot is being used as a construction staging area for the adjacent Crescent Heights residential development. Currently, the project area is in transition from low- and mid-rise commercial and industrial uses, to high-density mid- to high-rise office and residential uses. Existing land uses in the vicinity of the project site include residential, retail, hotel, office, institutional, mixed uses, and parking. Development fronting Mission Street between Van Ness Avenue and 8th Street is characterized by a range of low- to high-rise commercial and residential buildings that have ground-floor retail space and are built out to the sidewalk and property lines.
4. **Project History.** There have been several development proposals at the subject property over the last decade: the original project was proposed in 2004, with revisions proposed in 2007 and 2009, and a new project proposed in this application.

The 2004 project and the 2007 revision describe development on Assessor’s Block 3507, Lot 039, an approximately 95,000-square-foot (sf) site, consisting of seven vacant office buildings, and an active, 155-space surface parking lot (the lot subject to this application).

The project site has since been subdivided into Lots 042 (southeasterly-most parcel, the Subject Property) and Lot 041 (northwesterly-most parcel), of Block 3507. The 2009 revision and the proposed project consist of the development of Lot 042, an approximately 25,000-sf parcel fronting Mission Street and Tenth Street.

On October 14, 2004, the Planning Commission certified a Final EIR for the original project, involving the demolition of seven vacant office buildings, and an active, 155-space surface parking lot, located on the west side of Tenth Street, between Market and Mission Streets, and the construction of a mixed-use development including office, housing, parking, retail, and community-serving uses. The project consisted of three buildings: (1) a 150-foot-tall affordable housing building on the corner of Mission and Tenth Streets (Mission Street Affordable Housing), consisting of up to 200 units over 3,500 gsf of ground floor retail space; (2) a 200-foot-tall residential building on Tenth Street, consisting of up to 250 units; and (3) a 320-foot-tall municipal office building on the corner of Tenth and Market Streets. The original 2004 project would have resulted in a total of 513,250 gsf of office space, 450 residential units, 12,750 gsf of ground floor commercial/retail space, and 313 parking spaces (ten spaces attributable to the Mission Street Affordable Housing building). The original project also entailed subdivision of the project site into at least two parcels.

According to the 2004 EIR, Tenderloin Neighborhood Development Corporation and Citizens Housing Corporation were going to develop the Mission Street Affordable Housing and the Tenth Street Housing, while the Myers Development Company would be responsible for developing the Office Building for use by the City.

Following certification of the 2004 EIR, the Mission Street Affordable Housing and the Tenth Street Housing were approved by the Planning Commission in November of 2004, but the Office Building component was never approved, as the City made alternate plans for its municipal office needs.

Subsequently, in 2007, the Tenth and Market LLC purchased from TNDC and CHC a portion of the project site for the purpose of developing a high-rise residential project, the "Market Street Residential Building." That portion of the site consisted of the Office Building and Tenth Street Housing locations. Under the 2007 revision, the number of units in the Mission Street Affordable Housing building (200 units) was unchanged from the original project; however, it proposed a different building envelope on the revised project site. The 2007 revision covered two buildings with three towers (one tower associated with the Mission Street Affordable Housing building, and two towers associated with the newly proposed Market Street Residential Building). The Mission Street Affordable Housing tower included approximately 10,000 gsf of ground-floor retail (an increase of about 6,500 gsf from the original project). The two Market Street Residential Building towers were connected by a two-story landscaped podium, and included ground-floor retail below both towers.

The 2007 revision's EIR Addendum also covered an affordable housing Variant for the Mission Street Affordable Housing building. The revised project Variant included 200 residential units; however, instead of affordable, senior housing, the Variant included 200 units of affordable, family housing, with a different one- and two-bedroom unit mix. In addition, the Variant included 36 parking spaces (an increase of 26 spaces compared to the revised project) and approximately 3,500 gsf of ground floor commercial/retail space (a decrease of about 6,500 gsf compared to the revised project).

In 2009, the project was further revised and consisted of development on an approximately 25,000-sf parcel that was an active, 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. Under the 2009 revision, the project included approximately 150 units of affordable, family housing space over 3,640 gsf of ground floor commercial/retail space. The project was variable in height, with the portion fronting Jessie Street being five stories, the portion fronting Mission Street being ten stories, and the portion fronting Tenth Street being 15 stories. The building was proposed to be approximately 150 feet tall (up to 15 stories) and would include 18 off-street parking spaces and one loading facility.

5. **Project Description.** The currently proposed project consists of a development on an approximately 25,000-sf parcel that was previously used as a 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. The paved parking lot parcel is currently leased to Swinerton Builders for construction staging for the Tenth Street

and Market Street project (“Crescent Heights”). No permanent structures exist on the parcel that is being evaluated for the currently proposed.

The project sponsor proposes to construct an approximately 150-foot-tall, 15-story, mixed-use building. The project is variable in height, with the 10<sup>th</sup> Street and corner portions of the building being 15 stories, and the western segment of the building fronting Mission Streets being ten stories.

The Project would be a total of approximately 241,745 gsf in size and consisting of approximately 203,733 gsf of affordable, family housing (190 units), approximately 4,350 gsf of ground floor commercial/retail space, and approximately 38,012 gsf of mechanical/storage/circulation/service areas. A podium courtyard would also be located on the second floor of the proposed project and approximately 58 of the units would contain private balconies or patios.

Of the 190 total units, 167 of the units serve as the off-site below-market-rate units for the 201 Folsom Street project. Pursuant to Ordinance 20-04, all of the units designated as the off-site units for 201 Folsom Street must be completed within 5 years of the start of construction of the 201 Folsom Street project. Of the remaining 23 units, 20 of them are affordable units pursuant to Planning Code Section 124(f) –affordable for 20 years to households whose incomes are within 150 percent of the median income – and three of the units are the corresponding on-site below-market rate units pursuant to Planning Code Section 415. The dwelling-unit mix would consist of 4 studios, 66 one-bedrooms, 102 two-bedrooms, and 18 three-bedrooms.

There is no FAR available for the project site because it was previously applied to the adjacent “Crescent Heights” development, and as such, all components of the project must be either be excluded from gross floor area, as defined in Planning Code Section 102.9, or be allowed to exceed the “base” floor area through a Conditional Use Authorization. The only floor area proposed in this project that is not excluded from the gross floor area calculations under Planning Code Section 102.9 is the component of the project (20 units) dedicated as affordable housing for households whose incomes are within 150 percent of the median income, pursuant to Planning Code Section 124(f), which is the subject of this Conditional Use authorization.

The proposed project would include an approximately 8,456 sf at-grade parking garage for up to 42 vehicles and one loading facility. The parking garage would include 20 standard surface spaces, 20 stalls utilizing car lifts, one Americans with Disabilities Act (ADA)-compliant space, and one car-share stall. Access to the parking garage would be from Jessie Street, with internal access to the residential/retail portion of the building from within the garage. Pedestrian access to the project would be from Mission and 10<sup>th</sup> Streets.

6. **Public Comment.** The Department has not received any comments expressing support or opposition to this project.
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. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown Support District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

*In the C-3-G District, the maximum floor area ratio (FAR) is 6.0:1. However, under Planning Code Section 124(f), the floor area of affordable housing to be constructed on a project site in a C-3-G District can be approved with Conditional Use Authorization over and above that permitted by the base FAR limits, provided certain requirements are met. Here, there is no existing FAR available for the project site because it was previously applied to the adjacent "Crescent Heights" development.<sup>1</sup> Thus, Conditional Use Authorization is required for all of the floor area dedicated to households whose incomes are within 150 percent of the median income, regardless of the exact amount of FAR proposed. The proposed project requests Conditional Use Authorization for approximately 55,912 sq. ft. of housing pursuant to Planning Code Section 124(f).*

- B. **Rear Yard (Section 134).** Planning Code Section 134 requires that a project's minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated at all residential levels.

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

- C. **Residential Open Space (Section 135).** Under Planning Code Section 135, the standard residential open space requirement is 36 sf per dwelling unit if the open space is private and 47.88 sf per dwelling unit if it is provided through common open space.

*The project includes 190 units, and 58 of those units include private open space (the balconies are a minimum of 36 square feet and the patios are a minimum of 100 square feet), meeting the private open space requirements. The remaining 132 units necessitate a minimum of 6,320 square feet of common open space, which is provided in a commonly-accessible open space on top of the building's podium, which satisfies the requirement of Planning Code Section 135.*

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<sup>1</sup> The Planning Department previously determined that the project site and the adjacent parcel constituted a single development lot for the purposes of calculating FAR, and that FAR could be allocated between the development sites. The project applicant of the Market Street Residential Building acquired the available gross square footage, and the funds are available to the non-profit owners of the project site to support the development of affordable housing. See Planning Commission Motion No. 17414.

- D. **Public Open Space (Section 138).** New buildings in the C-3-G Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The project includes approximately 4,350 sq. ft. of ground floor retail space, which is excluded from the gross floor area of the building, pursuant to Planning Code Section 102.9(b)(13). As such, there is no public open space requirement. Nonetheless, the Project includes as part of the Streetscape Plan, approximately 94 sf of publically accessible seating and open space, located along the Mission Street frontage, setback from the property line between the building's residential multipurpose room and the proposed retail space. The design of the open space will be further refined throughout the building permit review process.*

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

*The project proposes streetscape elements along Mission, 10<sup>th</sup> and Jessie Streets as part of a Streetscape plan. Features include street trees and landscaping within a continuous trench along all street frontages. The 10<sup>th</sup> Street sidewalk will be widened if allowed by the Department of Public Works, and the Mission Street frontage includes publically-accessible bike parking and public open space with seating. The Streetscape Plan will continue to be refined through the Site Permit process, as required by the Conditions of Approval.*

- F. **Exposure (Section 140).** Planning Code Section 140 requires that all dwelling units face directly onto 25 feet of open area (a public street, alley, or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor..

*All dwelling-units would comply fully with Section 140, by either facing one of the three abutting streets (Jessie, 10<sup>th</sup>, or Mission Streets) or by facing the outer court that measures a minimum of 25 feet.*

- G. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Section 145.1(c)(3) of the Planning Code requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator

only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

*The ground floor space along Mission Street and 10<sup>th</sup> Streets have "active uses" with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. Along Jessie Street, the Project does not include any active space, since the entire frontage is occupied by building systems or ingress for parking/loading. The Zoning Administrator has determined that those building systems do not negatively impact the quality of the ground floor space, since Jessie Street is not a through Street the other two building frontages are well designed and include more than the requisite amount of active uses.*

- H. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project has two street frontages with Active Uses: 10<sup>th</sup> Street and Mission Street. The 10<sup>th</sup> Street frontage measures 160'-3" and proposes approximately 96 feet or 60 percent of transparent frontage. The Mission Street frontage measures 153'-6" and proposes approximately 150'-0" or 97% glazing. The Jessie Street frontage contains no active uses and is thus not required to meet the transparency requirements.*

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

*Section 146(a) does not apply to construction on 10<sup>th</sup> Street, Mission Street, or Jessie Street, and therefore does not apply to the Project.*

*As it relates to Section 146(c), the project would replace a vacant parcel with a 10-to-15-story structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is zoned for the property (and significantly shorter than a portion of the zoned height) and cannot be further shaped to reduce substantial shadow impacts on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial shadow impacts to public sidewalks.*

- J. **Shadows on Public Open Spaces (Section 147).** Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than

those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows from the Project.*

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

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

*The existing wind environment near the project site is relatively windy, with the highest pedestrian level winds near the intersection of Market/10th Street/Polk Street, primarily attributable to the Fox Plaza building. According to the project's 2004 Final EIR, the 11 mph pedestrian comfort level is exceeded at all test points, with the average wind velocity of 16 mph and the wind speed exceeding the 11 mph comfort level an average 27% of the time (Final EIR, p. 136). With construction of the project, along with completion of the under-construction Crescent Heights project at 10th and Market Street (also analyzed in the 2004 Final EIR), the average wind speed will remain at 16 mph and the project will not cause any significant increase in pedestrian level wind speeds. The 2012 Addendum to the Final EIR confirmed that the currently proposed*

*project will not cause any increase in average pedestrian level wind speeds (2012 FEIR Addendum, p. 36). Nonetheless, because the project would not reduce the ambient wind speeds to meet the pedestrian comfort criteria, a Section 309 exception is requested.*

*The 2004 EIR states that under existing conditions, 16 of the 24 test point locations meet the Planning Code's wind hazard criterion of 26 mph, while eight test point locations exceed it. The original 2004 project would eliminate two of the pre-existing eight locations of wind hazard exceedances and reduce the total duration of exceedances by 25 hours per year, from 482 hours per year to 457 hours per year*

*For the 2007 Addendum, which included the 15-story Mission Street Affordable Housing component, an updated wind-tunnel study was prepared. The analysis showed that there is little difference between wind patterns predicted for the original project analyzed in the 2004 EIR and the project covered in the 2007 Addendum. Though there would continue to be exceedances, the design of the project under the 2007 Addendum would not worsen wind conditions at the project area study locations, as compared to the design of the original 2004 project, or as compared to wind conditions under the existing setting. Therefore, as the 2004 EIR concluded that the original project would not increase the occurrence of hazardous winds and would not have a significant adverse impact on wind conditions, the 2007 Addendum concluded that the revised project would also not have a significant adverse impact on hazardous wind conditions.*

*A technical memorandum was completed for the 2009 Addendum that evaluated how the then revised project could change pedestrian winds and project wind impacts in relation to designs previously tested in the wind tunnel. In the technical memorandum, it is noted that various previous studies in the study area included a 15-story building at the project site within their cumulative analysis, and indicated improvement in conditions at the project site compared to existing conditions. In addition, given the project site's downwind location from the Tenth and Market Streets intersection (an area known for extreme winds), the revised 2009 project would have no effect on this intersection and would not further exacerbate this problem. The memorandum concludes that the revised 2009 project "does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site" when compared to the original 2004 project and the revised 2007 project. Therefore, the 2009 Addendum concluded that the revised project would not have a significant adverse impact on hazardous wind conditions, similar to the original 2004 project and the revised project covered in the 2007 Addendum.*

*In March 2012, a technical memorandum was prepared for the currently proposed project based on a site visit, review of project plans and elevations, and consideration of previous wind tunnel tests for proposed development on the project site and other nearby sites. The technical memorandum states that given the currently proposed project's downwind location with respect to the Tenth and Market Streets intersection and the multiple wind tunnel tests conducted for development on the project site that shows that development at Tenth and Mission Streets would have no effect on wind conditions at the Tenth and Market Streets intersection, the currently proposed project would not exacerbate the problematic winds at that location. The memorandum concludes that based on consideration of the exposure, massing, and orientation of the currently proposed project,*



*this project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site. Furthermore, the currently proposed project would not affect winds at the known wind problem area near the Tenth and Market Streets intersection. Therefore, the currently proposed project would not have a significant adverse impact on hazardous wind conditions, similar to the original 2004 project, the 2007 Addendum, and the 2009 Addendum.*

- L. **Parking (Section 151.1).** Planning Code Section 151.1 does not require off-street parking for the project, but it allows .25 spaces per dwelling-unit as-of-right, and up to 7% of the gross floor area for non-residential uses.

*The project proposes 42 off-street parking spaces, including an accessible van space and one car share parking space. The residential parking is at a ratio of .21 and thus complies with the principally permitted parking allowed in the C-3-G District. The project does not include any off-street parking for the ground floor retail uses.*

- M. **Car Share (Section 166).** Planning Code Section 166 requires one car-share space when a residential project includes between 50 and 200 residential units.

*The project provides one off-street car share parking space within the garage accessed from Jessie Street.*

- N. **Loading (Section 152.1).** Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses exceeding 200,000 square feet are required to provide two off-street loading spaces. Retail uses less than 10,000 square feet are not required to provide any loading spaces. Two service-vehicle spaces may be provided in place of one full-sized loading space.

*With a floor area of approximately 203,733 square feet, the residential component of the Project is required to provide two off-street loading spaces. No off-street loading is required for the approximately 4,350-square-foot retail/personal service space. The Project is only providing one compliant loading space, and thus requires an exception pursuant to Section 309.*

- O. **Bicycle Parking (Section 155.5).** Planning Code Section 155.5 requires projects over 50 dwelling units to provide at least 25 Class 1 bicycle parking spaces plus one space for every four dwelling units over 50.

*The project requires a minimum of 60 Class 1 bicycle parking spaces. The proposed multipurpose room would accommodate approximately 38 Class 1 bicycle parking spaces, and the ground floor storage units would provide an additional 28 Class 1 bicycle parking spaces, for a project total of 66 spaces.*

- P. **Density (Section 215).** Planning Code Section 215(a) permits up to 197 dwelling units (a ratio of 1 unit per 125 sf of lot area) and allows a density greater than that through a Conditional Use Authorization.

*The proposed residential density of 190 dwelling units would be within the permitted density for the C-3-G Zoning District, which allows up to 197 units.*

*The project also satisfies the off-site Below Market Rate Units for a previously approved project: 201 Folsom Street (Ordinance No. 20-04; Motion No. 16647). The rezoning ordinance for 201 Folsom Street specified that in exchange for increased heights, the project would be subject to a heightened inclusionary requirement of 25% off-site or 17.5% on-site. If an off-site project is sought, it must match the dwelling-unit mix of 201 Folsom Street.*

*The project meets both the 25% off-site inclusionary requirement, as well as the dwelling-unit mix. 201 Folsom Street includes 668 dwelling-units, which necessitates 167 off-site inclusionary units (25%). The Project includes 167 designated "off-site" units that meet the inclusionary obligations for the project at 201 Folsom Street. The project also includes a comparable mix of units, consistent with the mix of 201 Folsom Street (57 1-bedrooms, 92 2-bedrooms, and 18 3-bedrooms to satisfy the off-site component of this project).*

*The remaining units within the project are comprised of 20 units that are maintained as affordable for at least 20 years to households whose incomes are within 150 percent of the median income, pursuant to Planning Code Section 124(f), and three on-site Below Market Rate units to satisfy Planning Code Section 415.*

- Q. **Use (Sections 215(a), 218(b)).** The project site is located in a Downtown General (C-3-G) District wherein residential and commercial uses are permitted. Areas in the City identified as Downtown General include a variety of different uses, such as retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area.

*The residential and retail uses of the proposed project at the density proposed would be consistent with the permitted Downtown General uses, pursuant to Planning Code Sections 215(a) and 218(b).*

- R. **Height (Section 260).** The property is located in a split 150-S/200-S Height and Bulk District, thus permitting structures up to a height of 150 and 200 feet, respectively.

*The Project would reach a height of approximately 147'-0", conforming in it's entirety to the lesser of the property's two Height Districts. The building includes various features, such as elevator/stair penthouses, mechanical structures, and wind screens, that extend above the 150-foot height limit in accordance with Planning Code Section 260(b): features excluded from the height limit. The proposed project would therefore comply with the Planning Code's 150-foot Height and Bulk District.*

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

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

- T. **Bulk (Section 270).** The project falls under the "S" bulk designation, as defined in Planning Code Section 272.

*The "S" bulk designation includes no bulk limitations for the base of the building (which is the lowest portion of the building extending vertically to a street wall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more), but is required to be delineated from the tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means. For the lower tower, which is the portion of the building above the base and up to 160 feet, the bulk controls are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.*

*For the portion of the building above the base (above 103 feet), the maximum length would be 160 feet, the maximum diagonal dimension would be approximately 171 feet, and the maximum floor area would be 11,085gsf. As designed, the project complies with the "S" bulk controls.*

- U. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. The Inclusionary Affordable Housing Program requirements were modified through a recent Charter Amendment, known as "Proposition C", which among other changes reduced the percentage of On-site Inclusionary Affordable Housing requirements from providing 15% of the proposed dwelling units as affordable to 12%, which is a twenty percent reduction. The Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Inclusionary Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable*

*units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on December 18, 2012. The EE application was originally submitted on March 10, 2003. Three units (2 one-bedroom, and 1 two-bedroom) of the 20 units provided will be Below Market Rate affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

- V. **Affordable Housing (Section 415).** Planning Code Section 415 requires residential projects to provide affordable housing. The affordable housing requirements were modified through a recent Charter Amendment, known as "Proposition C", which among other changes reduced the percentage of on-site affordable housing requirements to 12%, which is a twenty percent reduction from the previous 15% requirement.

*The proposed project includes 167 units that satisfy the off-site affordable housing requirements of the project at 201 Folsom Street (Motion No. 16647), and includes 23 remaining units (for a project total of 190 units) that are affordable under Planning Code Section 124(f) (up to 150% of median income). These remaining 23 units require compliance with Planning Code Section 415. The project proposes three (3) on-site Below Market Rate units to satisfy the 12% affordable housing requirement.*

- W. **Street Trees (Sections 138.1 and 428).** Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

*The Project includes a total of approximately 428 feet of street frontage, along the 10<sup>th</sup>, Mission, and Jessie Street frontages, which means that 21 street trees are required. Conditions of approval have to been added to require the project to plant 21 street trees as part of the project's streetscape plan, along the Tenth, Mission, and Jessie Street frontages, unless DPW cannot grant approval for installation of any of the required trees on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare. In any such case, the requirements of Section 138.1 may be modified or waived by the Zoning Administrator.*

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

*The Project would comply by dedicating one percent of construction cost to works of art, as required through the Conditions of Approval. The conceptual plans for the Project show artwork*

*located within the building's multipurpose room, which is visible from the Mission Street frontage, and along the 10<sup>th</sup> Street retail frontage. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.*

8. **Planning Code Section 303 (c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

*The proposed project is an 100 percent affordable home ownership project (to incomes ranging from 70% to 150% AMI) that would provide approximately 190 affordable housing units in a building ranging in height from 10-to-15-stories in a location which is ideally located about three blocks from the Civic Center BART and MUNI stations, and within walking distance to other mass transit, neighborhood retail, local employment centers, public libraries and recreation centers.*

*The Project would develop an underutilized surface parking lot with contextual mid-rise building containing residential units over ground floor retail, both of which are desirable for and compatible with the immediate neighborhood, which includes a mix of high-density residential, retail, office and light industrial uses of varying intensities. Considering the location of the project site in the C-3-G Zoning District and the 150/200-S Height and Bulk Districts, the proposed density would be consistent with the surrounding neighborhood. Furthermore, the proposed building, at a maximum of approximately 150 feet, would be substantially lower than the adjacent Crescent Heights project to the north, which is approved for approximately 350 feet, as well as the building across 10<sup>th</sup> Street (Mercy Housing), which is approximately 143 feet tall. The project would provide an appropriate transition to the south, where there are traditionally lower building heights.*

*The proposed project would also add much-needed affordable home ownership housing units to the City's housing stock. Sixty-four percent (64%) of the units would be two or three-bedroom units, meeting a neighborhood need for family-sized units.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project would be constructed within existing height and bulk limits, and the structure has been arranged appropriately on the site to be consistent with the surrounding streetscape and compatible with the surrounding buildings. The structure has varying heights and has been arranged on the site to be compatible with the visual relationship, solar orientation, and*

*transitions between new and older buildings in the neighborhood. The portion of the building fronting Tenth Street would be 15-stories tall (about 150 feet in height). The Mission Street frontage would transition from 15-stories at the corner to a 10-story structure on the west side of the property, in order to maximize the solar gain potential from this south facing direction. Overall, the design and proportions of the building would be compatible with the varying sizes of the buildings in the vicinity. The design of the building incorporates contemporary design that responds appropriately to the variety of styles and periods of this C-3 District.*

*The Project would include approximately 241,745 sq. ft. of floor area; once various exclusions have been deducted, the result is approximately 55,912 sq. ft. of floor area that is dedicated to dwelling units that are affordable for 20 years to households whose incomes are within 150 percent of the median income. Under Planning code Section 124(f), the floor area of affordable housing to be constructed on a project site in a C-3-G District can be approved by Conditional Use Authorization over and above that permitted by the base FAR. In the case of this project, the property currently contains no base FAR because all FAR was previously applied to the adjacent condominium and retail project at 1401 Market Street. Thus, conditional use Authorization is required for the square footage of the proposed project to exceed the base FAR that has already been allocated to the 1401 Market Street development. The proposed project meets the requirements for Conditional Use Authorization under Section 124(f) because the proposed dwelling units would be affordable for at least 20 years to households whose incomes range from 70 percent to 150 percent of the area median income.*

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

*Traffic to and from the Project Site would be limited due to the Site's adjacency to several modes of public transportation. It is expected that very few of the residents would own cars. Thus, it is expected that the 42 off-street parking spaces (including one car share space and one accessible van space), located in an at-grade parking garage accessed from Jessie Street, would be more than sufficient for the occupants of the building. The Project Site, located within one block of Market Street and about three blocks from the Civic Center BART and MUNI station, is well-served by public transportation. Planning Code Section 152.1 requires two off-street loading spaces for residential buildings with 200,001-500,000 gross square feet of floor area of residential space. The project proposes one off-street loading space off Jessie Street and a passenger loading zone on the west side of 10<sup>th</sup> Street, which is expected to be sufficient loading space for the occupants of the building.*

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

*The proposed project is a residential building with ground-floor retail that would not produce noxious or offensive emissions such as noise, glare, dust and odor. Lighting would be designed to avoid glare and the final lighting would comply with Planning Commission Resolution No. 9212, which prohibits the use of mirrored or reflective glass.*

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

*The proposed project would include street trees and other streetscape improvements along both the Mission and Tenth Street frontages. Street-level mechanical elements would be screened from view and the loading area would be recessed within the building and accessed from Jessie Street. Service areas would be provided in the building and parking garage lighting and signage would be typical for a residential project with ground floor retail space and the detailed lighting and signage plans would be subject to approval by the Planning Department. Approximately 6,320 square feet of compliant open space would be provided in the form of a podium level courtyard, in addition to private balconies or patios proposed at approximately 58 units.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.8:**

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

#### **Policy 1.10:**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The proposed mixed-use project responds to the need for new affordable housing by creating 190 units.*

*The project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 66 bicycles within the building's multipurpose room, which*

*will include a bicycle workshop and toolkits to further foster the use of bicycling. Within a few blocks of the project site, there is an abundance of local and regional transit lines, including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.*

**OBJECTIVE 4:**

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

**Policy 4.5:**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The proposed project would provide for-sale housing for low and moderate income households. 170 of the units would be Below Market Rate Units retained as such for the life of the project, sold to first time home buyer households, whose gross annual income, adjusted for household size, would not exceed an average of 90 percent of Area Median Income. The remaining 20 units would be retained as affordable units for 20 years to households whose incomes are within 150 percent of the Area Median Income. The building includes a mix of unit sizes, further adding to the diversity of unit types provided at a range of income levels.*

**OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.1:**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.6:**

Foster a sense of community through architectural design, using features that promote community interaction.

*The proposed project is well design and compatible with the scale and proportions of buildings in the area, and will be built of high quality materials. The design is compatible with design elements in the neighborhood and would add to the image and mixed-use orientation of the downtown district. The design of the building incorporates contemporary design and detailing that responds appropriately to the variety of heights, scales, styles and periods found in the area. The design and proportions feature clean lines with appropriately scaled massing coupled with quality materials and fixtures that will add to the evolving rich and varied pedestrian experience in this neighborhood.*

**OBJECTIVE 12:**

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



**Policy 12.1:**

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

**Policy 12.1:**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

*The project is located within a neighborhood rich with public transportation and infrastructure, and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips.*

*Within a few blocks, the project site is served by local and regional transit lines including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain. The project includes spaces for 66 bicycles in a secure location within the building's multipurpose room, which will include a bicycle workshop and toolkits to further foster the use of bicycling.*

**OBJECTIVE 13:**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1:**

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

**Policy 13.3:**

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

*The proposed project would be sustainably designed in that it would support smart growth by locating new affordable housing close to jobs and transit. Within a few blocks, the project site is served by local and regional transit lines including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain. The project includes bicycle parking for 66 bicycles within the building's multipurpose room, which will include a bicycle workshop and toolkits to further foster the use of bicycling.*

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed project would add approximately 4,350 sf of new commercial space that is intended to serve residents in the building and likely draw a wider range of new neighborhood-serving retail businesses than it does today. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.*

## **DOWNTOWN AREA PLAN**

### **Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1:**

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

*The proposed project will bring additional housing with minimal off-street parking and an abundance of bicycle parking into a neighborhood that is well served by public transit on the outskirts of Downtown. The project will create substantial net benefits for the City without any undesirable consequences that cannot be mitigated.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1:**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2:**

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

*The proposed project would construct a fifteen-story, 190-unit residential building, intended for use as affordable housing, thereby increasing the City's limited supply of affordable housing.*

*The proposed project also includes approximately 4,660 sf of ground floor commercial space, which will provide services to the immediate neighborhood. Unlike the existing undeveloped lot, this new commercial space will create pedestrian-oriented, active uses along Mission and 10<sup>th</sup> Streets.*

**OBJECTIVE 9:**

PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

**Policy 9.1:**

Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.

**Policy 9.2:**

Provide different kinds of open space downtown.

**Policy 9.2:**

Provide a variety of seating arrangements in open spaces throughout downtown.

*The proposed project would include street trees, landscaping, and other streetscape elements along Mission, 10<sup>th</sup>, and Jessie Streets as part of a streetscape plan. Features include a widened sidewalk along 10<sup>th</sup> Street and publically-accessible open space and bike parking and along Mission Street. The public open space would be designed to include an intimate seating area, appropriated for the size and location of the public open space. The open spaces within the project – specifically the multipurpose room on the ground floor of the building and the podium-level open space for tenants of the building – would be designed to be inviting to building residents.*

## **URBAN DESIGN ELEMENT**

### **Objectives and Policies**

**OBJECTIVE 3:**

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

**Policy 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

**Policy 3.6:**

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

*The Project would result in a visual change to the project site and its surroundings because it would entail construction of a 10-to-15-story, 103-to-150-foot-tall building on a site that was previously surface parking and that is currently functioning as staging for the adjacent parcel's development. The immediate context has a mixture of buildings, with taller buildings to the north of Mission Street with lower-scale commercial buildings primarily south of Mission Street. The area includes a 12-story primarily residential building across 10<sup>th</sup> Street to the east Street (10th and Mission Family Housing), a 35-story tall building adjacent to the subject property that is under construction on 10<sup>th</sup> between Jessie and Market Street (Crescent Heights), and the adjacent 7-story tall building to the west along 11<sup>th</sup> Street between Mission and Market Streets (Bank of America Data Center). The surrounding skyline to the north, northwest, and northeast of the project site features additional buildings that are of a similar height or taller than the proposed project. Although the proposed building would be taller than several buildings in the immediate vicinity, the Project's proposed height is consistent with the requirements of the 150/200 Height District and with similar sized buildings in the area, and meets the "S" Bulk Limits.*

**OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENTAL TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*The Project will include streetscape improvements along its three street frontages, including the installation of new street trees, new landscaping, a widened sidewalk along 10<sup>th</sup> Street, new publically accessible bicycle racks along Mission Street, and a small public seating area at along the Mission Street frontage. These improvements will provide much needed streetscape improvements that will help to improve pedestrian safety through a landscaped buffer from the busy 10<sup>th</sup> and Mission Street corridors, and will help to promote a human scale and interest in an area that lacks public open space.*

10. **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 proposed project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the project site. The proposed project would enhance neighborhood-serving retail uses by providing approximately 4,660 square feet of neighborhood-serving retail space.*

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

*The proposed project would not remove any existing housing, and would create 190 new dwelling units. The project site is located within a dense, urban-infill neighborhood on Mission Street between 10<sup>th</sup> and 11<sup>th</sup> Streets and within a C-3-G Downtown General Commercial District. Existing properties within the vicinity of the project site include high-density residential, retail, office and light industrial uses of varying intensities. The proposed project would enhance the character of the neighborhood by replacing a surface parking lot on the site with affordable housing. The design is compatible with design elements in the neighborhood and would add to the image and mixed-use orientation for the downtown district. The design of the building incorporates contemporary design and detailing that responds appropriately to the variety of heights, scales, styles and periods found in this C-3-G District. The building design and proportions feature clean lines and appropriately scaled massing coupled with quality materials and fixtures that will add to the evolving rich and varied pedestrian experience in this neighborhood. The project would add to the economic diversity of the area by providing approximately 4,660 square feet of ground-floor retail space and approximately 190 new affordable housing units, with a mixed-income, economically diverse residential tenant population.*

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

*There is currently no housing on the site, so no affordable housing will be lost as part of this project. The proposed project would, however, significantly enhance the City's supply of affordable housing serving moderate income households. The proposed project would be an affordable housing development (with ground-floor retail space) which would provide approximately 190 affordable dwelling-units in a combination of studios, one-bedroom, two-bedroom and three-bedroom units. 170 of the units would be Below Market Rate Units retained as such for the life of the project, sold to first time home buyer households, whose gross annual income, adjusted for household size, would not exceed an average of 90 percent of Area Median Income. The remaining 20 units would be retained as affordable units for 20 years to households whose incomes are within 150 percent of the Area Median Income.*

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

*Commuter traffic would be extremely limited, consisting primarily of support staff and retail space employees. It is expected that the 42 proposed off-street parking spaces would be more than sufficient to satisfy the number of tenants expected to have private automobiles. The project site, located within one block of Market Street and about three blocks from the Civic Center BART and MUNI station, is very*

*well-served by public transportation. In addition, the project will include one car-share parking space and 66 bicycle parking spaces.*

- 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.

*No industrial or service sector business would be displaced by the proposed project, and there is no commercial office space in the development. The project includes only residential dwelling units and neighborhood-serving retail. Many of the building's new residents will support the existing industrial or service sector businesses in the neighborhood, prompting the creation of more employment opportunities.*

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

*The proposed project would be constructed to meet all of the most current and rigorous seismic and life-safety requirements of the San Francisco Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake; rather, it will result in the production of seismically safe affordable housing.*

- G. That landmarks and historic buildings be preserved.

*No landmarks or historic buildings would be demolished, and the property is not part of a historic or conservation district.*

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

*The project will have no negative impact on existing parks and open spaces. Existing public parks and open space areas in the project vicinity include the Civic Center Plaza, the United Nations Plaza, the South of Market Recreation Center and Victoria Manalo Draves Park, which are all at least .2 miles away. The project would not shade any of these parks.*

11. 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.
12. 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 a Conditional Use Authorization under Section 303, Application No. 2011.1043CEKUX**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. XXXXX, in general conformance with plans on file, dated December 14, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND 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 with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 17, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 17, 2013

## EXHIBIT A

### AUTHORIZATION

1. This authorization is for the granting of a Conditional Use Authorization pursuant to Sections 124(f) and 303 to allow the construction of a new, 10-to-15-story, approximately 150-foot tall building containing approximately 203,733 gsf of residential space and up to 190 affordable dwelling-units, and approximately 4,660 gsf of commercial space, including approximately 55,912 sq. ft. of housing pursuant to Planning Code Section 124(f), for the property located at 1400 Mission Street, Block 3507, and Lot 042 within the C-3-G District and 150-S/200-S Height and Bulk District; in general conformance with plans, dated December 14, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1043CEKUX and subject to conditions of approval reviewed and approved by the Commission on **January 17, 2013**, under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

2. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **January 17, 2013**, under Motion No. **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

5. Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.



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

### PERFORMANCE

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

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

7. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

8. **Additional Project Authorization.** The Project Sponsor must obtain a Planning Code Section 309 Determination of Compliance with exceptions to Ground-Level Wind Currents in C-3 Districts (Section 148), Off-Street Loading (Section 152.1), and Rear Yard Requirements (Section 134). The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

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

### MONITORING - AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code

Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

**Exhibit C**  
**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p><b>NOISE</b></p> <p>Contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices.</p> <p>The Project Sponsor shall require that its geotechnical engineering contractor conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts prior to receiving a building permit. If recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, the Project Sponsor shall require ground-borne vibration monitoring of nearby structures. The Project Sponsor shall also require its construction contractor to use feasible noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques may include pre-drilling pile holes (depending on soil type) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible.</p> <p>At least 48 hours prior to pile driving activities, the Project Sponsor shall notify building owners and occupants within 200 feet of the project site of the dates, hours, and expected duration of such activities.</p>	<p>Project Sponsor/ Construction Manager</p> <p>Project Sponsor/ Construction Manager</p> <p>Project Sponsor/ Architect</p>	<p>Prior to construction</p> <p>Throughout construction</p> <p>Within plan set submitted for building permit applications</p>	<p>Construction Manager and Department of Building Inspection (DBI)</p> <p>Construction Manager and DBI</p> <p>Project Architect</p>	<p>Pre-drill holes</p> <p>Use noise shielding and muffling devices</p> <p>Attenuation measures would be incorporated into project construction, summarized on plan set submitted for building permit applications</p>	<p>Construction Manager and DBI</p> <p>Construction Manager and DBI</p> <p>Project Sponsor/ Architect</p>	<p>Noise control plan detailing pre-drill holes and state-of-the-art noise shielding and muffling devices on construction equipment submitted to SFPD and DBI</p> <p>Summary of attenuation measures submitted to SFPD</p>	<p>Person Reporting</p> <p>_____</p> <p>MEA Notification Date</p> <p>_____</p> <p>SFPD Sign-off</p> <p>_____</p> <p>DBI Sign-off</p> <p>_____</p> <p>Person Reporting</p> <p>_____</p> <p>EP Notification Date</p> <p>_____</p> <p>SFPD Sign-off</p> <p>_____</p>
<p><b>WATER QUALITY</b></p> <p>If dewatering were necessary, the Project Sponsor shall follow the recommendations of the geotechnical engineer or environmental remediation consultant, in consultation with the Bureau of Environmental Regulation and Management of the Department of Public Works, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system.</p> <p>If dewatering were necessary, groundwater pumped from the site shall be retained in a holding tank to allow suspended particles to settle, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works to reduce the amount of sediment entering the combined sewer system.</p> <p>The Project Sponsor shall require the general contractor to install and maintain sediment traps in local stormwater intakes during construction to reduce the amount of sediment entering the combined sewer system, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works.</p>	<p>Project Sponsor/ Construction Manager and Geotechnical Engineer hired by Project Sponsor</p> <p>Project Sponsor/ Construction Manager and Geotechnical Engineer hired by Project Sponsor</p>	<p>If dewatering is necessary, during dewatering</p> <p>If dewatering is necessary, during dewatering</p> <p>If dewatering is necessary, during excavation and construction</p>	<p>Construction Manager</p> <p>Construction Manager</p> <p>Construction Manager</p>	<p>Instruments shall be used to monitor potential settlement and subsidence and the geotechnical engineers' recommendations regarding dewatering will be followed</p> <p>Recommendations of the final geotechnical reports will be followed</p>	<p>Construction Manager, Geotechnical Engineer and DBI</p> <p>Construction Manager, Geotechnical Engineer and DBI</p>	<p>Prepare daily field reports and monthly compliance reports for the Public Works Department</p>	<p>Report Received</p> <p>_____</p> <p>Person Reporting</p> <p>_____</p> <p>DPW Sign-off</p> <p>_____</p> <p>SFPD Sign-off</p> <p>_____</p>
<p><b>HAZARDOUS MATERIALS</b></p> <p>In addition to local, state, and federal requirements for handling hazardous materials,</p>	<p>Project Sponsor/</p>	<p>Prior to demolition</p>	<p>Project Sponsor/</p>	<p>Provide hazardous</p>	<p>Project Sponsor/</p>	<p>Registered</p>	<p>Report Received</p>

**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p>underground storage tanks, and soil and groundwater-containing chemical contaminants, the Project Sponsor shall enter into a remedial action agreement with the Department of Public Health pursuant to Health and Safety Code Section 101480 et seq. At a minimum, the Project Sponsor shall undertake the following work and any additional requirements imposed by the Department of Public Health under the agreement.</p> <p>a. A Phase II investigation has been performed to evaluate soil and groundwater quality at the site as a result of former operations at the site and in the site vicinity. Soil and groundwater were evaluated for the presence of petroleum hydrocarbons, metals, volatile organic compounds, semi-volatile organic compounds and polynuclear aromatic hydrocarbons.</p> <p>b. A site mitigation plan shall be developed to address any contaminated soil and/or groundwater, underground storage tanks, or other hazardous materials identified during the Phase II investigation or subsequent demolition activities.</p> <p>If deemed necessary, all impacted materials shall be mitigated prior to construction. Soils with elevated petroleum hydrocarbon or lead concentrations may require excavation and off-site disposal. Soil levels in excess of applicable federal, state, or local limits for petroleum hydrocarbon or lead concentrations shall be disposed of off site in accordance with California hazardous waste disposal regulations (CCR Title 26) or shall be managed in place with approval of the California Department of Toxic Substances Control or the Regional Water Quality Control Board.</p> <p>If the site mitigation results in earth-moving activities that require the preparation of a site safety and health plan because contaminated soils and/or groundwater may be encountered, in addition to measures that protect on-site workers, the plan shall include measures to minimize public exposure to contaminated soils. Such measures would include dust control, appropriate site security, restriction of public access, and posting of warning signs. Such measures would apply from the time of surface disruption through the completion of earthwork construction.</p> <p>c. Prior to any demolition or excavation at the project site, the Project Sponsor shall conduct surveys to identify any potentially hazardous materials (e.g., asbestos, lead-based paint, PCBs, mercury) in existing buildings or building materials. At a minimum, these surveys shall identify any hazardous materials that would require removal and disposal prior to demolition. These surveys shall be completed by a state registered inspector or a similarly qualified individual who states that all necessary mitigation measures have been implemented.</p> <p>d. All reports and plans prepared in accordance with this mitigation measure shall be provided to the San Francisco Department of Public Health (DPH) and any other agencies identified by DPH. When all hazardous materials have been removed from existing buildings and soil and groundwater analysis and other activities have been completed, as appropriate, the Project Sponsor shall submit to the San Francisco Planning Department and DPH a report stating that the mitigation measure has been implemented. The report shall describe the steps taken to comply with the mitigation measure and include all verifying documentation. The report shall be certified by a Registered Environmental Assessor or a similarly qualified</p>	Construction Manager		Construction Manager	material reports to DPH, enter into a remedial action agreement with the DPH, if hazardous materials are encountered dispose of in accordance with applicable regulations	Construction Manager	Environmental Assessor certifies report that mitigation have been implemented, report submitted to SFPD and DPH	<hr/> Person Reporting <hr/> EP Notification Date <hr/> SFPD Sign-off <hr/> DBI Sign-off <hr/> DPH Sign-off <hr/> CA DPH Sign-off <hr/>

**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p>individual who states that all necessary mitigation measures have been implemented.</p> <p>e. Should elevated levels of contamination remain at the site, a deed notification shall be required for the project site along with a DPH-approved Cap Maintenance Plan. The deed notification is to be recorded on the deed, prior to DPH issuing a "No Further Action" letter for the project site.</p>							
<p><b>ARCHAEOLOGICAL RESOURCES</b></p> <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 historical 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 implement the archaeological research design and treatment plan (ARD/TP). 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 ARD/TP (Archeo-Tec, <i>Draft Archaeological Research Design/Treatment Plan, Tenth/Market/Mission Mixed Use Project</i>, June 26, 2003) at the direction of the Environmental Review Officer (ERO). In instances of any inconsistency between the requirements of the project ARD/TP and of this archaeological mitigation measure, the requirement of this latter 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).</p> <p><b>Archaeological Testing Program.</b> The archaeological consultant shall prepare and submit to the ERO for review and approval a final 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 a historical resource under CEQA.</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 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</p>	<p>Project Sponsor/ Historic Resource Expert hired by Project Sponsor</p>	<p>Prior to any physical removal of buildings or site features</p>	<p>Project Sponsor</p>	<p>Prepare ATP documentation; submit completed documentation to the Environmental Review Officer (ERO)</p> <p>In consultation with the Project Sponsor and ERO, the archaeological consultant shall prepare a archaeological data recovery plan (ADRP) and submit it to the ERO.</p> <p>Prepare and submit a draft final archaeological resources report (FARR) to the ERO.</p>	<p>Project Sponsor</p>	<p>Submit completed documentation to the required repositories prior to any physical removal of buildings or site features</p>	<p>Person Reporting _____ Documentation Received _____ SF Planning Dept. (SFPD) Sign-off _____</p>

**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p>present and that the resource could be adversely affected by the proposed project, at its own discretion, the Project Sponsor may either:</p> <ul style="list-style-type: none"> <li>• Redesign the proposed project so as to avoid any adverse effect on the significant archaeological resource; or</li> <li>• Implement a data recovery program, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</li> </ul> <p><b>Archaeological Monitoring Program.</b> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program is to be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>• The archaeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the archaeological monitoring program 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 (e.g., demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles for foundation or shoring, site remediation) shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>• The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archaeological resource;</li> <li>• 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 project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</li> <li>• The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual materials as warranted for analysis;</li> <li>• 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.</li> </ul> <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>							

**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p><b>Archaeological Data Recovery Program.</b> 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.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.</li> <li>• <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>• <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.</li> </ul> <p><b>Human Remains and Associated or Unassociated Funerary Objects.</b> 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), which 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><b>Final Archaeological Resources Report.</b> The archaeological consultant shall submit a draft</p>							

**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
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<p>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.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: The California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>							
<b>IMPROVEMENT MEASURES</b>							
<b>TRANSPORTATION</b>							
<p>The transportation improvement measures noted in the transportation impacts analysis above are summarized below for ease of reference.</p> <p>The Proposed Project does not meet Planning Code requirements for the amount of loading spaces and currently has a deficiency of one space in the Mission Street building. The Project Sponsor plans to seek a variance from this requirement if they should proceed with the approved Mission Street Senior Housing at this site.</p> <p>The Project Sponsor would address the issues of truck/van access, especially the maneuvers required for trucks to back into the loading stalls and procedures for service vehicles to enter and park in the designated spaces within the garage at the Market Street Residential Building.</p> <ul style="list-style-type: none"> <li>• Signage should be posted on Tenth Street directing all loading/unloading vehicles to enter Jessie Street (trucks larger than 35 feet would be prohibited).</li> <li>• On Jessie Street, signs should direct trucks to pull up to the end of the Jessie Street and back into the loading stalls. The signs should direct service vehicles into the garage where valet attendants will assist them in finding the service spaces.</li> <li>• Loading stalls should be clearly signed so drivers know they are permitted to use these spaces.</li> <li>• Signs should also be placed on Jessie Street to warn pedestrians and motorists that trucks may be backing into loading stalls.</li> <li>• In order to assist trucks in safely backing up and avoiding conflict with incoming vehicles, large exterior convex mirrors should be placed on the Mission Street Affordable Housing building so truck drivers can clearly see vehicles entering</li> </ul>	Project Sponsor	Prior to project occupancy	Project Sponsor in consultation with the Department of Parking and Traffic (DPT)	DPT will coordinate with MUNI to assess potential secondary effects of changing signal timing at the intersection	Project Sponsor and DPT	DPT and Traffic reports findings to Project Sponsor and coordinates signal timing, if appropriate	<p>Person Reporting _____</p> <p>Documentation Received _____</p> <p>Department of Parking and Traffic Sign-off _____</p>



**Exhibit C**

**1400 MISSION STREET MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORTING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p>Jessie Street behind them.</p> <ul style="list-style-type: none"> <li>• Within the garage, signs should be prominently posted at the exits warning motorists that trucks may be backing into loading stalls and directing them to use the mirrors for better visibility.</li> <li>• The Project Sponsor should install a warning system that triggers a red light when trucks are backing up in order to stop vehicles exiting the garage. In lieu of this system, the project sponsor should place a Dock Master at the loading area.</li> </ul>							
<p>Pedestrian Improvement Measure:</p> <p>The Proposed Project would add 286 PM peak hour vehicles to Jessie Street, which would be entering and exiting the garages on Jessie Street onto Tenth Street. The City should clearly designate the pedestrian crosswalk with striping at Tenth and Jessie Streets in order to discourage vehicle traffic from blocking the pedestrian pathway.</p>	The City of San Francisco	Prior to Project occupancy	DPT	DPT will coordinate with the City to ensure that the measure is implemented	DPT	The City reports to DPT	Person Reporting _____ Documentation Received _____ DPT Sign-off _____
<p>Construction Traffic Improvement Measure:</p> <p>Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak-hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would decrease the capacity of streets and slow the movement of traffic, including MUNI buses. During the AM peak period on one-way, southbound Tenth Street and during off-peak period, traffic volumes may accommodate construction vehicles without substantial delay to traffic. Although construction impacts would be temporary and of relatively short duration, the following improvement measures would lessen their impacts:</p> <ul style="list-style-type: none"> <li>• To the extent possible for the Proposed Project, truck movements should be limited to the hours before 3:30 p.m.</li> <li>• Prior to any lane closure and encroachment on traffic lanes, proper permits must be obtained from the City.</li> <li>• The Project Sponsor must seek special permission for sidewalk closure if no alternative is found and should meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible traffic measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project.</li> <li>• To ensure that construction activities do not impact MUNI bus stops or routes in the area, the project applicant should coordinate with MUNI's Chief Inspector prior to construction.</li> </ul>	Project Sponsor	Prior to construction	DPT, Traffic Engineering Division; Fire Department	DPT will coordinate with the Project Sponsor	Project Sponsor and DPT	DPT submits permit to Project Sponsor	Person Reporting _____ Documentation Received _____ DPT Sign-off _____



# SAN FRANCISCO PLANNING DEPARTMENT

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## ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

Date: August 8, 2012  
Case No.: 2011.1043E  
Project Title: 1400 Mission Street Affordable Family Housing  
Zoning: C-3-G (Downtown-General Commercial) Zoning District  
150-S and 200-S Height and Bulk Districts  
Block/Lot: 3507/042  
Lot Size: 24,631 square feet (0.57 acres)  
Project Sponsor: Tenderloin Neighborhood Development Corporation Mara  
Blitzer, (415) 358-3922  
Lead Agency: San Francisco Planning Department  
Staff Contact: Don Lewis – (415) 575-9095  
[Don.Lewis@sfgov.org](mailto:Don.Lewis@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**

## INTRODUCTION AND PROJECT DESCRIPTION

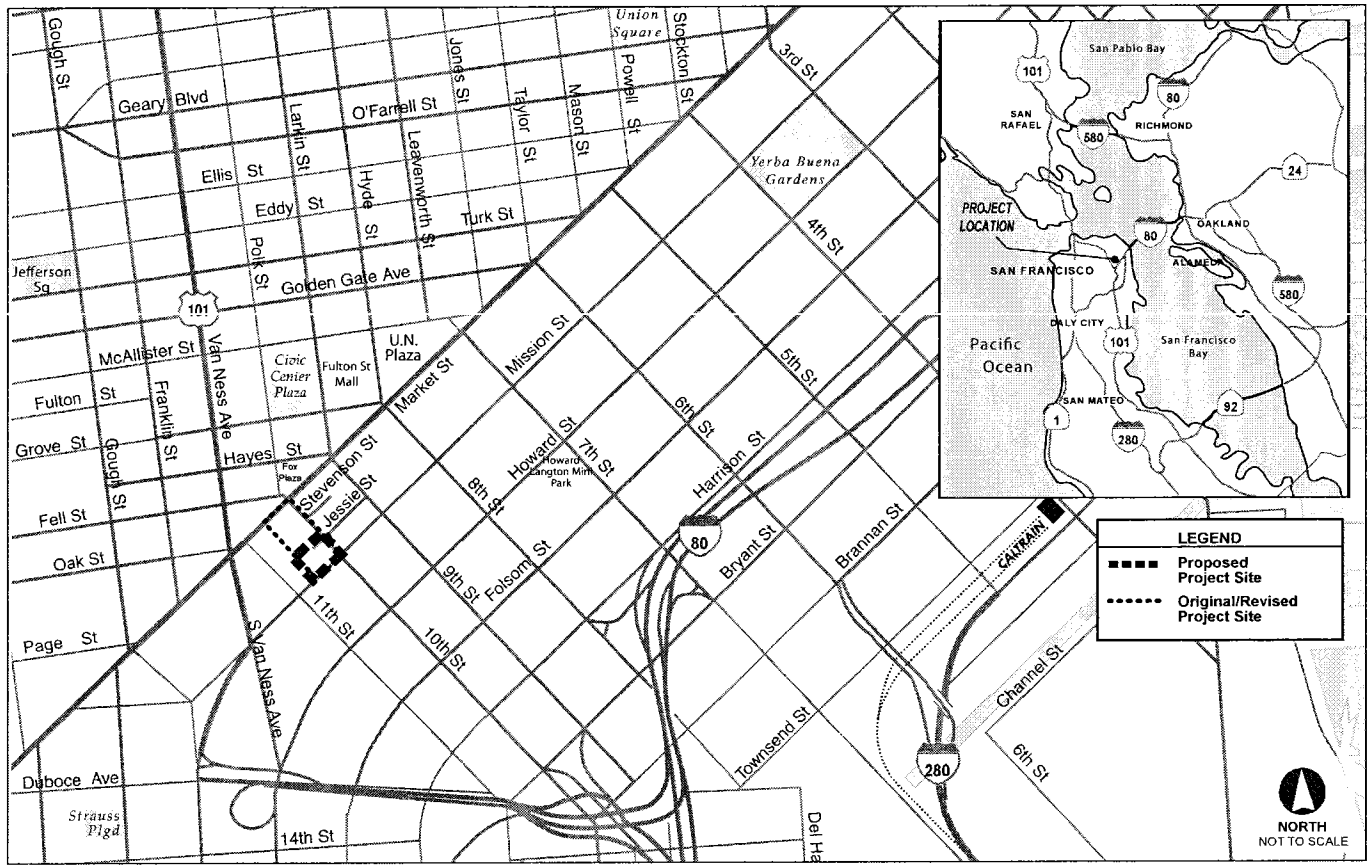
This Addendum to the 2004 Environmental Impact Report (2004 EIR) describes the proposed project site and provides brief summaries of the original project, as analyzed in the 2004 EIR, and two revised projects, as analyzed in the 2007 Addendum to the EIR (2007 Addendum) and the 2009 Addendum to the EIR (2009 Addendum). The 2004 EIR was prepared for the original project and was certified by the San Francisco Planning Commission on October 14, 2004.<sup>1</sup> Following certification, the original project was revised, and the revised project was analyzed in an EIR Addendum, published on March 8, 2007.<sup>2</sup> In 2009, revisions were made to a portion of the revised project and the Mission Street Affordable Housing building was analyzed in an EIR Addendum published in March 2009.<sup>3</sup> Currently, the project sponsor is proposing further revisions to the project evaluated in the 2009 Addendum.

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<sup>1</sup> San Francisco Planning Department. 2004. *Tenth/Market/Mission Streets Mixed-Use Project, Final EIR*, October 14. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

<sup>2</sup> San Francisco Planning Department. 2007. *Tenth/Market/Mission Streets Mixed-Use Project, EIR Addendum*, March 8. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

<sup>3</sup> San Francisco Planning Department. 2009. *Tenth/Market/Mission Streets Mixed-Use Project, EIR Addendum*, March. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.



SOURCE: Clement Designs; Atkins, 2008.

1400 MISSION STREET  
 FIGURE 1: PROJECT LOCATION

The original 2004 project, the revised 2007 and 2009 projects, and the currently proposed project, described below, have been proposed at various times on the project site. The 2004 EIR and the 2007 Addendum describe development on Assessor's Block 3507, Lot 39, an approximately 95,000-square-foot (sf) site, consisting of seven vacant office buildings, and an active, 155-space surface parking lot, located on the west side of Tenth Street, between Market and Mission Streets, adjacent to the Bank of America Data Center at Market and 11th Streets, as shown in Figure 1, Project Location. Where "project site" is used with reference to the original 2004 project and the revised 2007 and 2009 projects, it refers to this site.

The project site has since been subdivided into Lots 42 (southeasterly-most parcel) and 41 (northwesterly-most parcel), of Block 3507. The 2009 Addendum and the proposed project analyzed herein consist of the development of Lot 42, an approximately 25,000-sf parcel fronting Mission Street and Tenth Street. Where "project site" is used with reference to the currently proposed project, it refers to this site.

## **SUMMARY OF THE ORIGINAL PROJECT**

On October 14, 2004, the City's Planning Commission certified a Final EIR for the original project, involving the demolition of seven vacant office buildings, and an active, 155-space surface parking lot, located on the west side of Tenth Street, between Market and Mission Streets, and the construction of a mixed-use development including office, housing, parking, retail, and community-serving uses. The project analyzed in the 2004 EIR consisted of three buildings: (1) a 150-foot-tall affordable housing building on the corner of Mission and Tenth Streets (Mission Street Affordable Housing), consisting of up to 200 units (about 105,333 gross square feet (gsf) of residential use) and 3,500 gsf of ground floor commercial/retail space; (2) a 200-foot-tall residential building on Tenth Street (Tenth Street Housing), consisting of up to 250 units; and (3) a 320-foot-tall municipal office building (Office Building) on the corner of Tenth and Market Streets. The original project would have resulted in a total of 513,250 gsf of office space, 450 residential units, 12,750 gsf of ground floor commercial/retail space, 31,750 gsf of lobby, mechanical, and storage space, and 313 parking spaces (ten spaces attributable to the Mission Street Affordable Housing building). The original project also entailed subdivision of the project site into at least two parcels.

The original 2004 project included an Office Building to meet the long-term occupancy and financial objectives of the City. The City's intention was to consolidate its offices currently in leased space in the Civic Center area in a new office building that would be owned by the City.

According to the 2004 EIR, Tenderloin Neighborhood Development Corporation (TNDC) and Citizens Housing Corporation (CHC) would develop the Mission Street Affordable Housing and the Tenth Street Housing, while the Myers Development Company (MDC) would be responsible for developing the Office Building.

Following certification of the 2004 EIR, the Mission Street Affordable Housing and the Tenth Street Housing were approved by the Planning Commission in November of 2004, but the Office Building component was never approved, as the City made alternate plans for its municipal office needs.

**SUMMARY OF THE 2007 ADDENDUM**

Subsequently, Tenth and Market LLC purchased from TNDC and CHC a portion of the project site for the purpose of developing a high-rise residential project, the “Market Street Residential Building.” That portion of the site consisted of the Office Building and Tenth Street Housing locations. Under the 2007 Addendum, the number of units in the Mission Street Affordable Housing building (200) was unchanged from the original project; however, the 2007 Addendum proposed a different building envelope on the revised project site. The 2007 Addendum covered two buildings with three towers (one tower associated with the Mission Street Affordable Housing building, and two towers associated with the newly proposed Market Street Residential Building). The Mission Street Affordable Housing tower included approximately 10,000 gsf of ground-floor retail (an increase of about 6,500 gsf from the original project). The two Market Street Residential Building towers were connected by a two-story landscaped podium, and included ground-floor retail below both towers.

The 2007 Addendum also covered an affordable housing Variant for the Mission Street Affordable Housing building. The revised project Variant included 200 residential units; however, instead of affordable, senior housing, the Variant included 200 units of affordable, family housing, with a different one- and two-bedroom unit mix. In addition, the Variant included 36 parking spaces (an increase of 26 spaces compared to the revised project) and approximately 3,500 gsf of ground floor commercial/retail space (a decrease of about 6,500 gsf compared to the revised project). Because the Variant was also a family housing project, similar to the currently proposed project, analysis of the currently proposed project in comparison to the previous projects refers extensively to the Variant.

**SUMMARY OF THE 2009 ADDENDUM**

In 2009, the project was further revised and consisted of development on an approximately 25,000-sf parcel that was an active, 155-space surface parking lot, located on the west side of

Tenth Street, between Mission and Jessie Streets. Under the 2009 Addendum, the project included approximately 124,900 gsf of affordable, family housing space (150 units), 3,640 gsf of ground floor commercial/retail space, and 15,000 gsf of semi-private open space in a podium and two roof gardens, for a total of about 210,540 gsf. The residential portion of the project covered under the 2009 Addendum included a unit mix of about 11 studios, 34 one-bedrooms, 78 two-bedrooms, and 27 three-bedrooms.

The building evaluated in the 2009 Addendum was variable in height, with the portion fronting Jessie Street five stories, the portion fronting Mission Street ten stories, and the portion fronting Tenth Street 15 stories. The building was proposed to be approximately 150 feet tall (up to 15 stories) and would include 18 automobile parking spaces and loading facilities (space for one medium sized truck), in an off-street, approximately 7,100-gsf parking garage. The rooftop gardens would be located on the portions of the building fronting Mission Street and Tenth Street. A podium courtyard would also be located on the second floor of the building. Additional features of the project covered under the 2009 Addendum included a community room, meeting facilities, television room, and “toddler” room. As previously stated, approximately 3,640 gsf of ground floor commercial/retail would be included on the ground floor and could occur as up to three separate commercial/retail spaces, directly accessible from Mission Street and Tenth Street.

## **SUMMARY OF THE PROPOSED PROJECT**

The currently proposed project consists of a development on an approximately 25,000-sf parcel that was previously used as a 155-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets. The paved parking lot parcel is currently leased to Swinerton Builders for construction staging for the Tenth Street and Market Street project called Crescent Heights. The Crescent Heights project was originally included as a component of the development evaluated in the 2004 EIR. The Tenth Street and Market Street portion of the 2004 project site was sold and approved for a high-rise condominium project in 2007. No permanent structures exist on the parcel that is being evaluated for the currently proposed project in this Addendum.

The project sponsor proposes to construct an approximately 150-foot-tall, 15-story, mixed-use building. It would be a total of approximately 215,545 gsf in size and consisting of approximately 160,080 gsf of affordable, family housing (197 units), approximately 4,910 gsf of ground floor commercial/retail space, and approximately 33,478 gsf of mechanical/storage/circulation/service areas. The residential unit mix would be approximately 8 studios, 78 one-bedrooms, 87 two-bedrooms, and 24 three-bedrooms. The proposed project would include an approximately 8,937 sf at-grade parking garage for up to 48 vehicles and one

loading facility. The parking garage would include one Americans with Disabilities Act (ADA)-compliant space, one car-share stall, 23 standard surface spaces, and 23 stalls utilizing car lifts. The loading facility would include one space for medium-sized trucks. Access to the parking garage would be from Jessie Street, with internal access to the residential/retail portion of the building from within the garage. Pedestrian access to the project would be from Mission Street. Access would also be available to the retail portions of the project site from both Mission Street and Tenth Streets. The proposed project also includes approximately 8,140 gsf of semi-private open space. The semi-private open space would be provided on the podium and unit balconies. Figure 2 through Figure 5, below, illustrate the building's layout, typical floor plans, and elevations.

The currently proposed project is variable in height, with the portion fronting Mission Street ten stories and the portion fronting Tenth Street 15 stories. A podium courtyard would also be located on the second floor of the proposed project and approximately 45 of the units would contain balconies.

Construction of the currently proposed project would cost approximately 49 million dollars and would take approximately 16 months to complete. The architect is Brand and Allen.

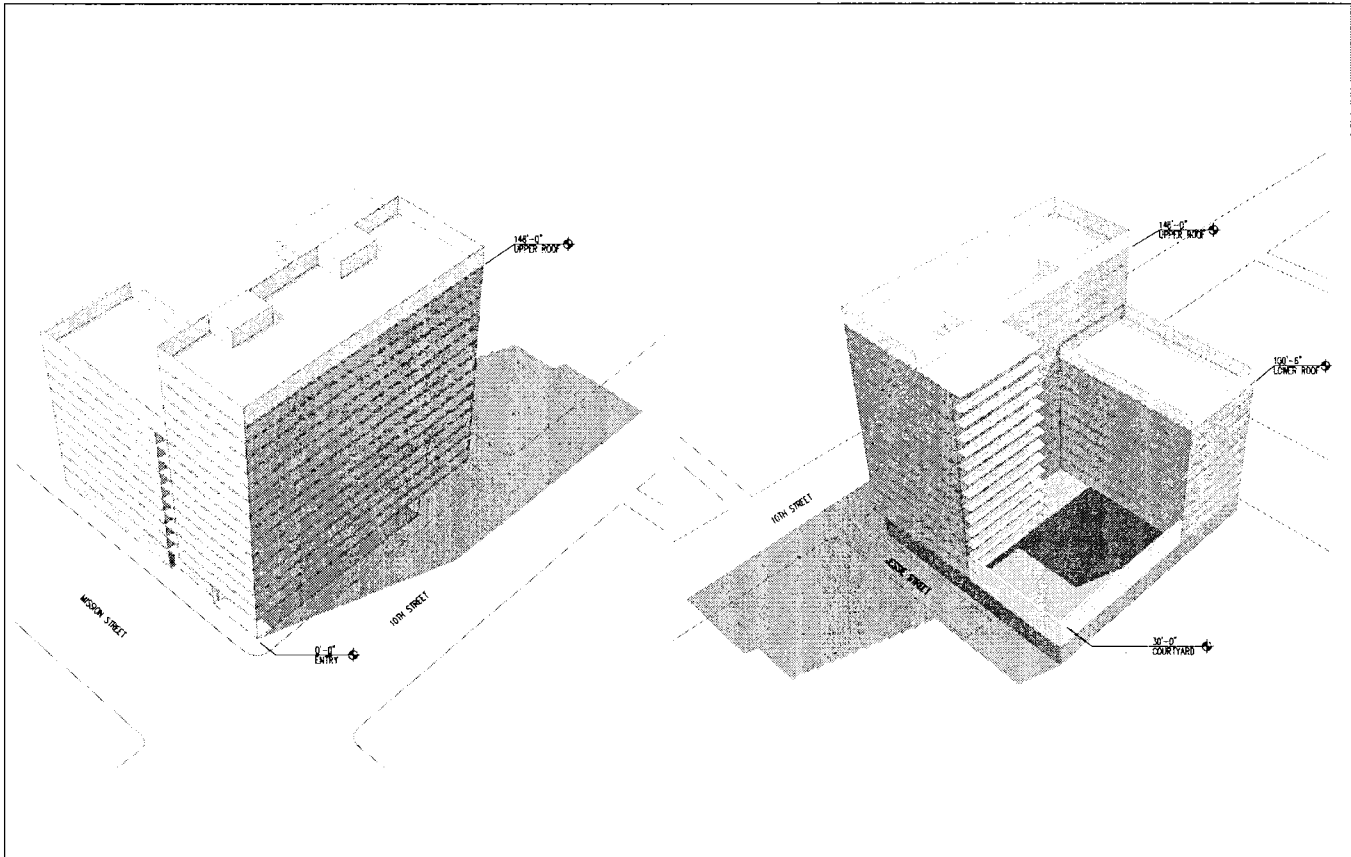
### **Approvals Required for the Proposed Project**

Approvals required may include, but are not limited to, the following:

- Planning Commission:
  - Conditional Use Authorization for a Floor Area Ratio of 8.75:1<sup>4</sup>: *Planning Code* Sections 124(f) and 303
  - Design Review Approval: *Planning Code* Section 309
  - Exception for rear yards: *Planning Code* Section 134(d) through Section 309 review process
  - Exception for ground-level wind currents: *Planning Code* Section 309
  - Exception for street frontages: *Planning Code* Section 145.1
- Department of Building and Inspection:
  - Building Permit (for new construction)
- Department of Public Works and Board of Supervisors:
  - Requested Passenger Loading Zone (on Tenth Street)

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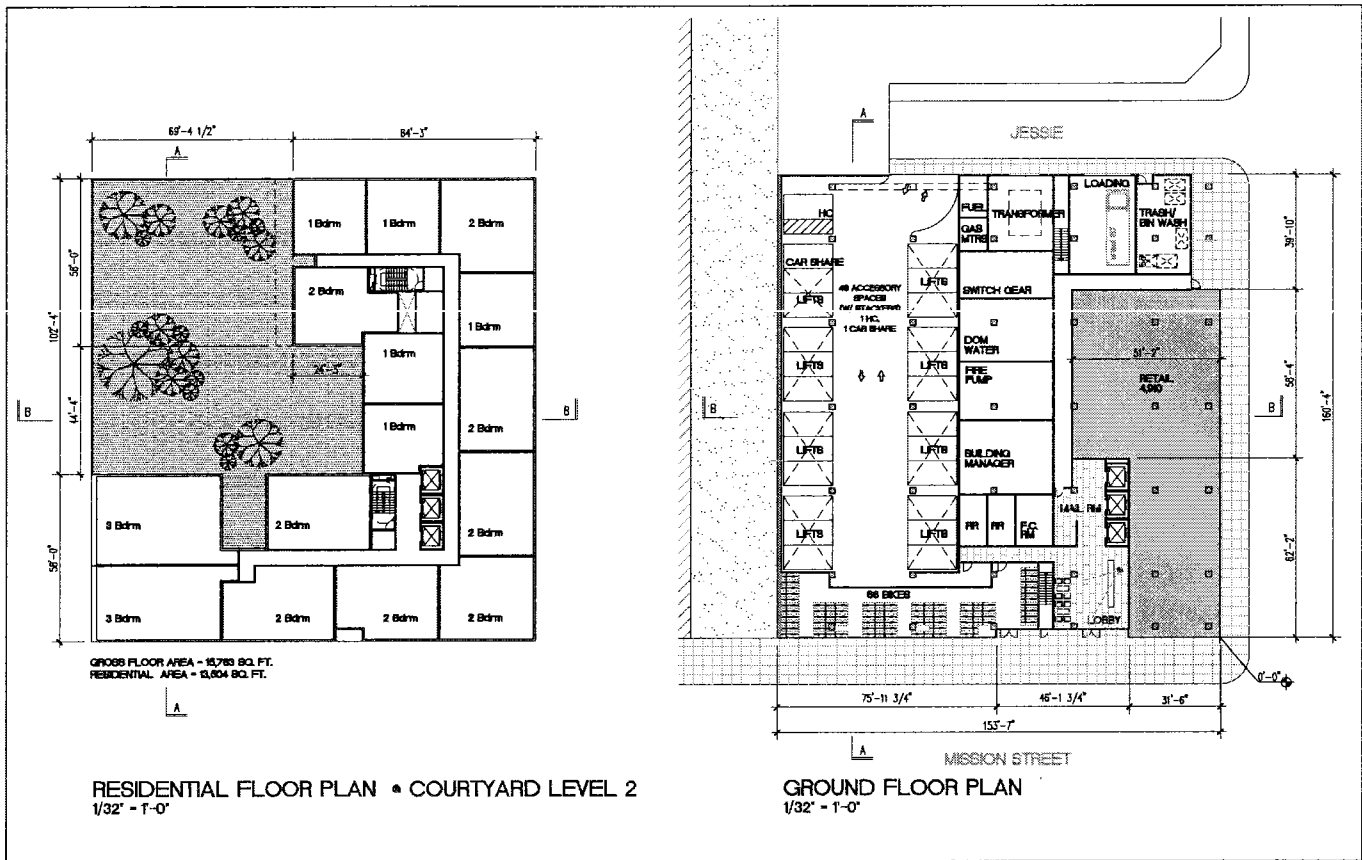
<sup>4</sup> The FAR of 8.55 is the “unadjusted” FAR, which does not take into account the exceptions allowed under the *Planning Code*, Section 102.9.



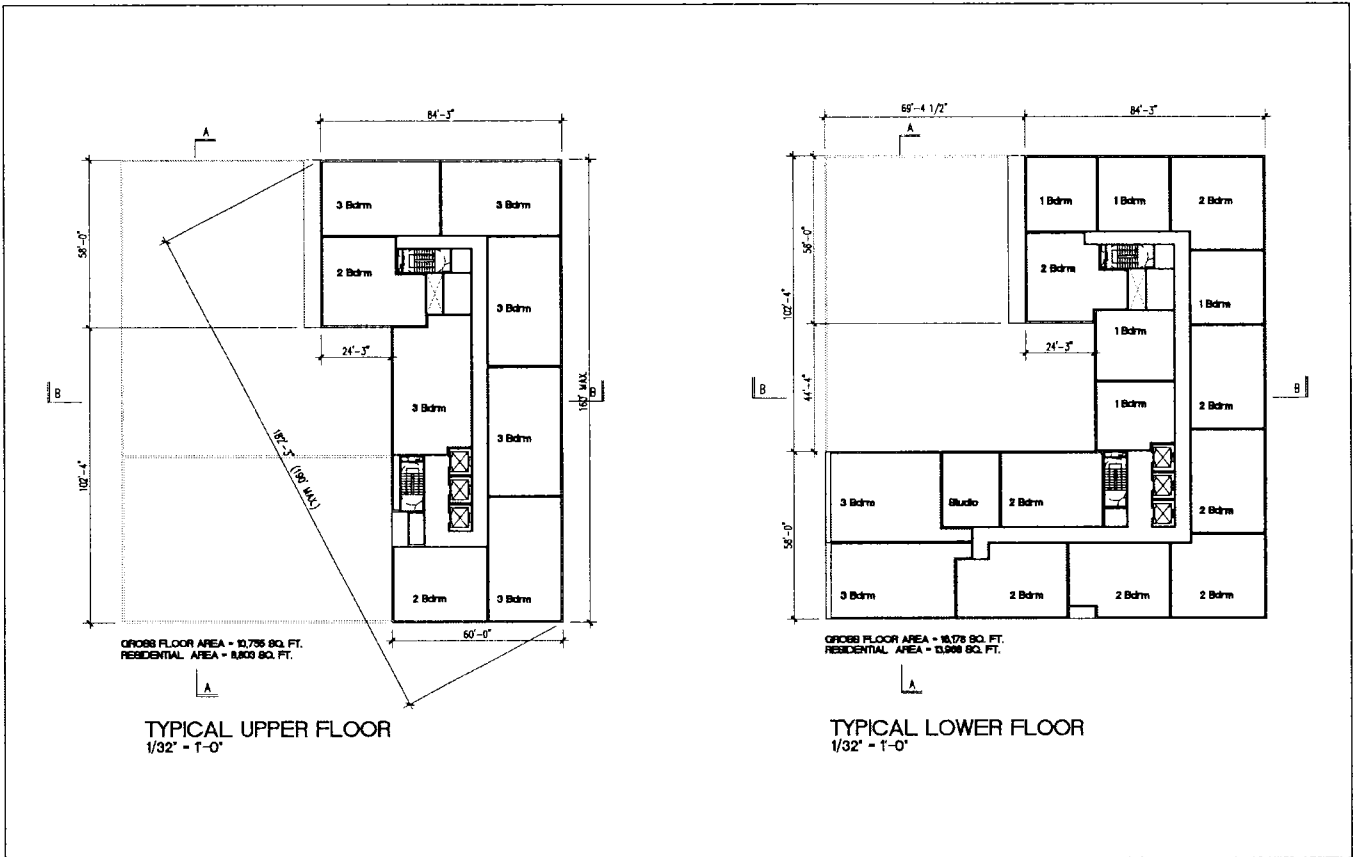
SOURCE: Brand + Allen Architects, Inc., 2012

1400 MISSION STREET  
**FIGURE 2: BUILDING LAYOUT**



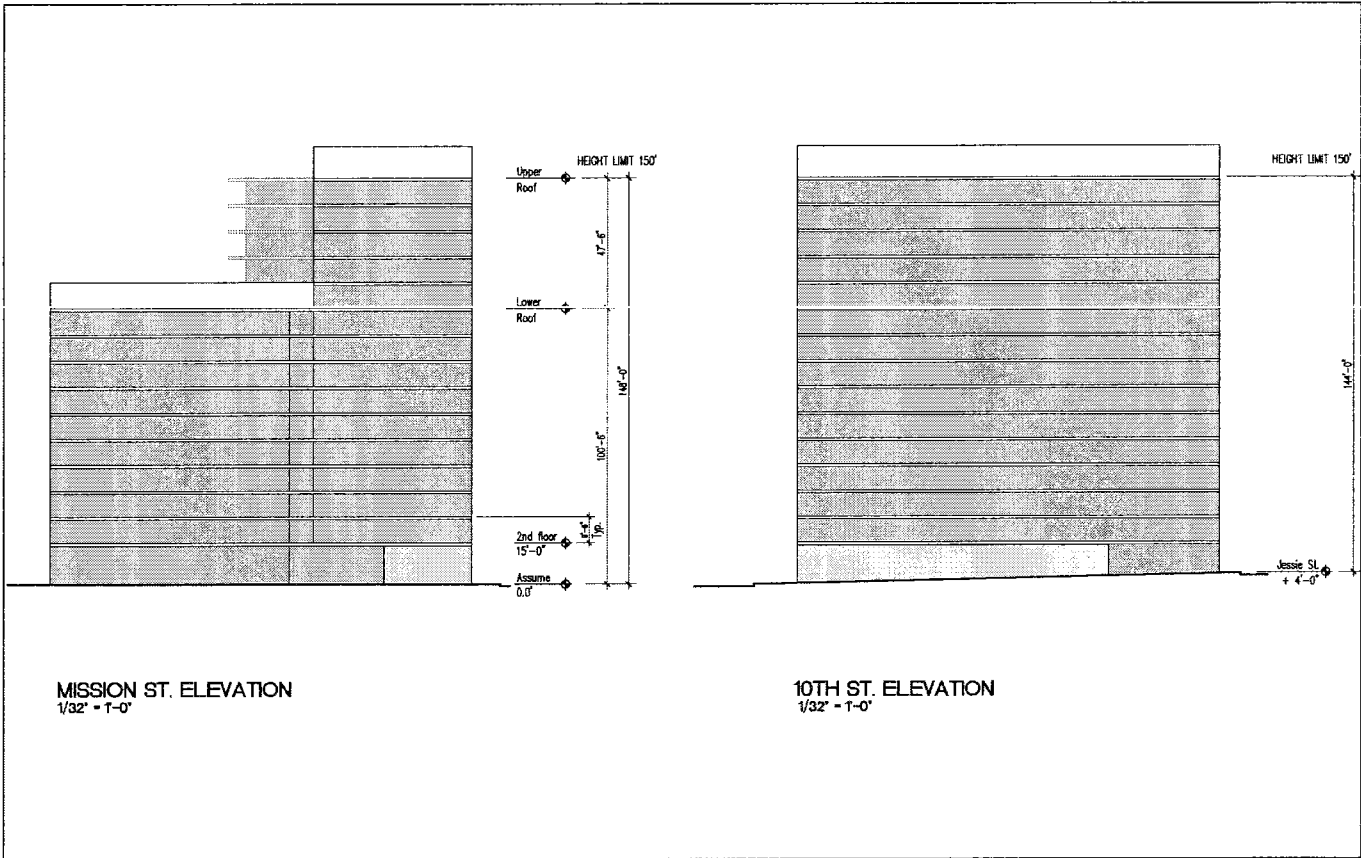


SOURCE: Brand + Allen Architects, Inc., 2012.



SOURCE: Brand + Allen Architects, Inc., 2012

1400 MISSION STREET  
**FIGURE 4: TYPICAL UPPER AND LOWER FLOOR PLANS**



SOURCE: Brand + Allen Architects, Inc., 2012

1400 MISSION STREET  
**FIGURE 5: BUILDING ELEVATIONS**

## **COMPARISON OF THE ORIGINAL PROJECT, 2007 ADDENDUM, 2009 ADDENDUM, AND PROPOSED PROJECT**

Table 1, Project Comparison, compares the original 2004 project, the revised 2007 and 2009 projects, and the currently proposed project. Under the currently proposed project, the residential unit count would be approximately 197 (approximately 160,080 gsf of residential use). This is a reduction of three units compared to the original 2004 project, but an increase of approximately 54,747 gsf of residential use compared to the original 2004 project (due to increased unit size [two- and three-bedroom units]), a decrease of approximately 39,920 gsf when compared to the project covered in the 2007 Addendum (due to a decrease in three units), and an increase in 47 units and 35,180 gsf when compared to the project covered in the 2009 Addendum. Under the currently proposed project, the total commercial/retail use would be approximately 4,910 gsf. This is an increase of approximately 140 gsf in commercial/retail use compared to the original 2004 project and the project covered in the 2007 Addendum, and an increase in approximately 1,270 gsf when compared to the project covered in the 2009 Addendum. The height of the currently proposed project would remain the same, approximately 150 feet (ft) as under the original 2004 project and revised 2007 and 2009 projects. The currently proposed project would provide 48 off-street parking spaces which is an increase of 38 spaces, 12 spaces, and 30 spaces when compared to the original 2004 project, the project covered in the 2007 Addendum, and the project covered in the 2009 Addendum, respectively.

Vehicular access from Jessie Street under the currently proposed project is the same as the projects covered in the 2007 and 2009 Addenda; however, the original project covered in the 2004 EIR considered vehicular access from 10<sup>th</sup> Street instead of on Jessie Street as proposed in the current project.

## **CEQA REVIEW OF THE PROPOSED PROJECT**

Based on the new application submitted to the City (for the proposed project), the City must determine what level of environmental review is required to comply with the California Environmental Quality Act (CEQA). An Addendum may be prepared if (1) the proposed project is not substantially revised so as to result in new significant impacts or a worsening of significant impacts identified in the previously certified EIR; (2) the background conditions under which the proposed project would be constructed have not changed substantively from those conditions described in the previously certified EIR; and (3) new information of substantial importance has not surfaced (see Section 15162 of the *CEQA Guidelines* for a detailed description of the conditions that trigger preparation of a subsequent EIR). The proposed

**TABLE 1  
PROJECT COMPARISON**

<b>Type of Use</b>	<b>Original Project Mission Street Affordable Housing Component</b>	<b>2007 Addendum Mission Street Affordable Housing Component<sup>a</sup></b>	<b>2009 Addendum 1400 Mission Street Project</b>	<b>Current Proposed Project 1400 Mission Street Project</b>
Studio (units)	142	—	11	8
One-bedroom (units)	58	120	34	78
Two-bedroom (units)	—	80	78	87
Three-bedroom units (units)	—	—	27	24
<i>Total Residential (units)</i>	up to 200	up to 200	150	197
<i>Total Residential (gsf)</i>	105,333	up to 200,000	124,900	160,080
Commercial/Retail (gsf)	3,500	up to 10,000	3,640	4,910
Restaurant/Non-restaurant Retail (gsf)	—	—	—	—
Mechanical/Storage/Circulation/Service Areas (gsf)	875	875	74,900	33,478
Height (exclusive of mechanical penthouse)	150 feet 15 stories	up to 150 feet up to 15 stories	up to 150 feet up to 15 stories	up to 150 feet up to 15 stories
Parking (gsf)	3,620		7,100	8,937
Automobile parking (spaces)	(10 spaces)	(36 spaces)	(18 spaces)	(48 spaces) <sup>b</sup>
Bicycle parking (spaces)	13 spaces	—	64 spaces	66 spaces
Residential open space (gsf)	8,000	8,000	15,000 <sup>c</sup>	8,140
Public open space (gsf)	—	—	—	—
<b><i>Total (gsf)</i></b>	<b>140,600</b>	<b>up to 222,495</b>	<b>210,540</b>	<b>215,545<sup>d</sup></b>

*Source:* Original Project: TCM Mid-Market Venture, 2003.  
2007 Addendum: Heller Manus Architects, March 2006.  
2009 Addendum: Saida Sullivan Design Partners and Barnhart Associates, Architects Inc., December 2008.  
Proposed Project: Brand + Allen Architects, Inc., December 2011.

*Notes:* gsf = gross square feet

- a. The Mission Street Affordable (Family) Housing development was a "Variant," analyzed within the 2007 Addendum. The other option analyzed within the 2007 Addendum was "senior housing," which would have exclusively consisted of up to 200 studio/one-bedroom units for qualifying seniors; however, for a comparison of impacts between projects, only the Variant is shown.
- b. Includes car lifts.
- c. This number not included in the total gsf.
- d. This number indicates the gross floor area which was calculated per Section 102.9 of the San Francisco Planning Code.

project would not result in any new significant impacts compared to those identified in the 2004 EIR for the original project, the 2007 Addendum for the revised project, and the 2009 Addendum. Therefore, under Section 15162 of the *CEQA Guidelines*, a subsequent EIR does not need to be prepared. This Addendum conforms to the requirements of CEQA Guidelines Section 15164 and discloses potential changes in physical effects relating to project modifications.

As described above, when compared to the original 2004 project, the currently proposed project would decrease the number of residential units by three, increase the size of commercial/retail use by approximately 1,410 gsf, and increase the number of off-street parking spaces by 38 with the use of car stackers on the ground-floor level. The project site and its surroundings have remained largely the same as when they were analyzed within the 2004 EIR, 2007 Addendum, and 2009 Addendum, with the exception of Twitter moving into the 1355 Market Street building, which was formerly occupied by the SF Mart. However, this change is not considered substantial enough to alter the cumulative analysis of the 2004 EIR or the 2007 and 2009 Addenda. New significant effects or increases in the severity of previously identified significant effects are not expected to result from the proposed project, and a subsequent EIR is, therefore, not necessary. Accordingly, an Addendum is appropriate for CEQA clearance of the proposed project.

## **ENVIRONMENTAL ANALYSIS**

### **LAND USE, PLANS, AND ZONING**

The project site is approximately 25,000-sf in size, and fronts Tenth Street to the east and Mission Street to the south in the South of Market (SoMa) neighborhood. The project site is within the C-3-G (Downtown-General Commercial) Zoning District, and in the 150-S and 200-S Height and Bulk Districts (150 foot and 200 foot maximum height; the S bulk district establishes the building base at 1.25 times the width of the adjacent street). The project site is adjacent to the Market and Octavia Neighborhood Plan Area and is in close proximity to the Western SoMa Community Plan Area. The existing site was formerly used as a surface parking lot and currently the parking lot is being used as a construction staging area for the adjacent Crescent Heights development. Currently, the project area is in transition from low- and mid-rise commercial and industrial uses, to high-density mid- to high-rise office and residential uses. Existing land uses in the vicinity of the project site include residential, retail, hotel, office, institutional, mixed uses, and parking. Development fronting Mission Street between Van Ness Avenue and 8th Street is characterized by a range of low- to high-rise commercial buildings that have ground-floor retail space and are built out to the sidewalk and property lines.

The original project analyzed in the 2004 EIR included office, residential, commercial/retail uses, open space, and parking. The currently proposed project would include primarily residential uses with some commercial/retail uses.

The currently proposed project would provide a total of approximately 197 residential units (about 160,080 gsf of residential use), approximately 4,910 gsf of commercial/retail use, and approximately 8,140 gsf of semi-private open space for the residents (including 45 private balconies for residences). The proposed project would also include 48 off-street parking spaces (approximately 8,937 gsf).

The proposed project would increase the total gsf of development on the project site from that under the original 2004 project by approximately 74,945 gsf; however, the total number of residential units would decrease by three units in the currently proposed project, when compared to the original 2004 project. Residential and commercial/retail uses are permitted under the current C-3-G zoning designation. As discussed in the 2004 EIR, the project vicinity is in "transition from low- and mid-rise commercial and residential uses to mid- to high-rise, high-density offices and residential development" (EIR p. 46). The uses adjacent to the project site include a mix of office, residential, governmental, and cultural uses around the Civic Center. In addition, the 2004 EIR notes other residential or residential mixed-use projects under construction, approved, or under Planning Department review in the vicinity of the project site (EIR p. 49). Furthermore, the 2004 EIR states that the original project and other major developments in the project vicinity are part of a trend to increase the amount of high-density residential and commercial uses in the project area (EIR p. 58). The 2004 EIR states that the original project would "not disrupt or divide the physical arrangement of an established community" (EIR p. 59). The 2004 EIR concluded that while the original project would increase densities on the project site, compared to existing conditions, the project would be generally compatible with planned or under-construction uses in the area adjacent to the project block. Similar to the original 2004 project, the currently proposed project would involve a change of use from a surface parking lot to a primarily residential, high-density, affordable housing development at the project site. This change of use would be consistent with the project area, which includes high-density residential use, and would be permitted on the project site. Furthermore, since the publication of the 2004 EIR, construction of the Crescent Heights development has begun on the adjacent parcel that was evaluated in the EIR and, thus, has increased the residential density in the immediate project vicinity. Therefore, the currently proposed project would be compatible with planned or under construction residential uses in the vicinity, and would not disrupt or divide an established community.

The proposed project would have less-than-significant land use impacts, as was identified in the 2004 EIR, 2007 Addendum, and 2009 Addendum.

## **Compatibility with Existing Zoning and Plans**

### Planning Code

In the C-3-G district, the maximum floor area ratio (FAR) is 6.0:1. However, under *Planning Code* Section 124(f), the floor area of affordable housing to be constructed on a project site in a C-3-G district can be approved with conditional use authorization over and above that permitted by the base FAR limits, provided certain requirements are met. Here, there is no existing FAR available for the project site because it was previously applied to the adjacent Market Street Residential Building.<sup>5</sup> Thus, conditional use authorization is required for the proposed project regardless of the FAR proposed. The proposed project would include approximately 215,545 gross square feet of floor area (not including exclusions under Section 102.9) on a lot area of 24,631 square feet, for a requested FAR of approximately 8.75:1.

The proposed residential density of one unit for every 125-sf of lot area would be within the permitted C-3-G zoning district density of one unit for every 125-sf of lot area. The project applicant is seeking approval of the proposed project under *Planning Code* Section 309, which allows for exceptions to certain requirements of the *Planning Code*. The project applicant would also request approval from the Department of Public Works (DPW) for a passenger loading zone on Tenth Street.

In addition, exceptions would be needed for rear yard, ground-level wind currents, and street frontages. Per Section 134 of the *Planning Code*, a minimum rear yard equal to 25 percent of the total depth of the lot must be provided at the lowest story containing a dwelling unit, and at each succeeding level. The *Planning Code* makes no provision for the proposed courtyard configurations as a method of complying with rear yard requirements. However, Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas.

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<sup>5</sup> The Planning Department determined that the project site and the adjacent parcel constituted a single development lot for the purposes of calculating FAR, and that FAR could be allocated between the development sites. The project applicant of the Market Street Residential Building acquired the available gross square footage, and the funds are available to the non-profit owners of the project site to support the development of affordable housing. See Planning Commission Motion No. 17414 on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2006.0584KXCV.



Section 148 of the *Planning Code* includes specific comfort- and hazard-level criteria for ground-level wind currents. If the project creates new exceedances of the comfort-level criteria, or if the project fails to ameliorate existing exceedances, an exception may be sought through the Section 309 review process.

Pursuant to Section 145.1 of the *Planning Code*, all ground floor frontage that is not used for parking and loading access, building egress, and mechanical systems must be occupied by active uses. The bicycle frontage that would be located along the Mission Street frontage does not meet the definition of an "active use", as stated in Section 145.1(b)(2). In addition, Section 145.1(c)(2) of the *Planning Code* limits the width of parking and loading access along a given frontage to no more than one-third the width of the abutting street. Based on this standard, the aggregate width of the parking and loading access along Jessie Street should not exceed 12 feet. However, a total of 27 feet of parking and loading access is proposed along this frontage.

San Francisco General Plan

The City's *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. *General Plan* policies pertaining to other issues but not affecting the physical environment are not discussed in this document, but will be considered by decision makers as part of their decision whether to approve or disapprove the proposed project. No substantial conflict with any environmental objective or policy within the *General Plan* was identified in the 2004 EIR for the original project. Similarly, the proposed project would not result in substantial conflict with any environmental *General Plan* objective or policy. The issue of *General Plan* conformity will be reconsidered by the Planning Commission during their deliberations over the proposed project. Any potential conflicts with the *General Plan* identified as part of that process would not alter the physical and environmental effects of the proposed project. Further, the conclusions reached in the 2004 EIR that the original project would not conflict with relevant plans would remain applicable to the proposed project. Thus, the proposed project would have similar less-than-significant land use impacts, as was identified in the 2004 EIR.

**VISUAL QUALITY**

The 2004 EIR found that, in terms of visual quality, the original project "would be consistent with the visual character of existing (and approved or proposed) development in the vicinity" (EIR p. 76). As shown by the visual simulations in the 2004 EIR, the original project would be consistent with the urban character of downtown San Francisco, and would not degrade the existing visual character of development along Market, Tenth, or Mission Streets (EIR pp. 66-70). In addition, the original project would not obstruct views of hills or open space from

Market Street, at Van Ness Avenue. The proposed project's visual impacts would not be substantially different from those of the Mission Street Affordable Housing component of the original project.

The proposed project would have a maximum height of approximately 150 feet (15 stories), which would represent no change from the project covered in the 2009 Addendum. In addition, the proposed project would be within the 150-S to 200-S height and bulk districts as shown in 2004 EIR, Figure 11 (EIR p. 53). The design of the currently proposed project is not final; however, the conceptual design and massing has been established and would be similar to that under the 2004 EIR, 2007 Addendum, and 2009 Addendum. Figure 17 and Figure 18, as presented and discussed in the Visual Quality section of the 2004 EIR, represent distant viewpoints of the project site, with and without the original project. The differences between the original 2004 project and the currently proposed project would not be distinguishable from those locations (EIR p. 69-70).

Figure 3 in the 2009 Addendum shows the existing view and the proposed view of the project site looking north on Tenth Street at Howard Street (similar to the viewpoint in the 2004 EIR, Figure 15; discussed in the 2004 EIR, p. 64). Similar to the project in the 2009 Addendum, the currently proposed project's effect on this view would not substantially differ from that discussed in the 2004 EIR, which concluded that the original 2004 project would be similar in height among the existing high-rise buildings of the area and that the original project would obstruct views of the California State Automobile Association (CSAA) building on Van Ness Avenue. However, these visual changes would be consistent with the urban character of downtown San Francisco and would not degrade the existing visual character of development on Tenth Street. Similar to the original 2004 project and the revised 2007 and 2009 projects, the currently proposed project would not obstruct views of hills or open space from this viewpoint.

Figure 4 in the 2009 Addendum shows the existing and proposed view of the project site from I-80, looking north, near Seventh Street (similar to the viewpoint in the 2004 EIR, Figure 16; discussed in the 2004 EIR, p. 68). The view shows that the project under the 2009 Addendum would expand the grouping of high-rises along the Market Street corridor. Similar to the project in the 2009 Addendum, the currently proposed project's effect on this view would not substantially differ from that of the original 2004 project. The 2004 EIR concluded that the original 2004 project would be comparable in height to existing buildings along Market Street; would not degrade the existing visual character from this view; and would not obstruct views of hills or open space from I-80 near Bryant Street.

The above analysis indicates that similar to the original 2004 project, and the revised projects analyzed in the 2007 Addendum and 2009 Addendum, the currently proposed project would not degrade the visual character of this urbanized portion of San Francisco; would not have a demonstrable adverse aesthetic effect; would not substantially degrade visual quality; and would not result in substantial light or glare. Therefore, the currently proposed project would have less-than-significant aesthetic impacts, as was identified in the 2004 EIR for the original project, and in the 2007 Addendum and 2009 Addendum for the revised projects.

## **TRANSPORTATION**

This section provides an updated assessment of the transportation impacts associated with the proposed project. This assessment is based on a technical memorandum prepared for the proposed project, dated June 12, 2012.<sup>6</sup>

### **Trip Generation Methodology**

Trip generation was conducted to estimate the total trips from the proposed project and quantify the impact of the net new trips on the surrounding roadway network. Trip generation calculations were based on SF Guidelines and assumed a daily trip rate of 7.5 trips for every studio or one bedroom unit, 10 trips for every two and three bedroom units, and 150 trips per 1,000 gross square feet of retail space. Trip generation calculations also assumed that 17.3 percent of the daily residential trips, and 9 percent of the retail trips, would occur during the PM peak hour. These assumptions were used for both the 2009 addendum scenario and the proposed project scenario to calculate the net difference in project generated trips due to the proposed project. This assessment accounts for the changes from the revised to the proposed project, an increase in the number of dwelling units and an increase in retail space. Mode split information for the proposed project land uses was based on the *SF Guidelines* for the C-3 District.<sup>7</sup> Residential mode split data were obtained from the 2000 Census for Census Tract 176.01.

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<sup>6</sup> Atkins. *Transportation Summary for 1400 Mission Street*, June 12, 2012. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1043E.

<sup>7</sup> San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002. This document is also known as SF Guidelines.

## Proposed Project Trip Generation and Comparison to Previous Studies

Table 2 summarizes the PM peak hour total and net new trips generated from the proposed project.<sup>8</sup>

Travel Modes	Residential Trips		Retail Trips		Total	
	Daily	Pm Peak	Daily	Pm Peak	Daily	Pm Peak
Auto	352	61	209	19	561	80
Transit	651	113	125	11	776	124
Walk	558	97	317	28	875	125
Other	192	33	84	8	276	41
<b>Total</b>	<b>1,753</b>	<b>304</b>	<b>735</b>	<b>66</b>	<b>2,491</b>	<b>370</b>

*Source: Atkins, 2012*

Average vehicle occupancy factors obtained from the SF Guidelines were applied to the auto mode split to obtain the vehicle trips due to the proposed project. Resultant PM peak-hour vehicle trips are shown in Table 3 along with the person trips for other modes of travel. Table 3 includes a comparison of PM peak-hour project trips for the proposed project against the 2009 Addendum.

Trip Types	Proposed Project			2009 Addendum			Difference		
	In	Out	Total	In	Out	Total	In	Out	Total
Vehicle	34	20	54	26	15	41	8	5	13
Transit*	80	44	124	61	33	94	19	11	30
Walk*	78	47	125	59	35	94	19	12	31
Other*	26	15	41	20	11	31	6	4	10
<b>Total</b>	<b>218</b>	<b>126</b>	<b>344</b>	<b>165</b>	<b>95</b>	<b>260</b>	<b>53</b>	<b>31</b>	<b>84</b>

*\*-denotes person trips*  
*Source: Atkins, 2012*

Analysis of the projected trips from the proposed project indicates that the revised land use would result in the following additional trips as compared to the 2009 Addendum: 13 vehicle trips during the PM peak hour, 30 transit trips, and 31 walk trips and 10 other trips, see Table 3.

<sup>8</sup> Detailed trip generation information is available for review in Case File No. 2011.1043E at 1650 Mission Street, Suite 400, San Francisco.

As shown in Table 3, the proposed project would result in an increase of 13 PM peak-hour project-generated vehicle trips as compared to the vehicle trips for the 2009 Addendum. Thirteen vehicle trips distributed to local intersections would represent approximately two vehicle trips per intersection. Therefore, the proposed project would have less-than-significant traffic impacts due to vehicle trips generated by the proposed project.

Following is a brief summary of the findings of the original study, the 2009 Addendum, and the proposed project. This summary and analysis is included to help understand the impact of the project in relation to the changes proposed to the project land use for the various scenarios. The proposed project would be subject to queuing condition of approval.

#### Original Study (2004 FEIR)

The impact analysis conducted for the 2004 FEIR indicated that total project trips would result in an impact to the intersection of Mission Street and South Van Ness Avenue for both, existing plus project and cumulative plus project conditions.

**Existing Plus Project Conditions (2004 FEIR).** Addition of project trips identified an increase in intersection delay at Mission Street and South Van Ness Avenue from 72.8 second per vehicle (LOS E) to 90.2 seconds per vehicle (LOS F) under existing plus project conditions. The EIR identified Mitigation Measure A.1 to optimize the signal cycle length and the signal splits. Following implementation of the mitigation measure, the intersection would operate at LOS E (same as the existing condition) with an average delay of 71.6 seconds.

In addition, review of pedestrian, bicycle and transit impact analysis in the 2004 Project EIR indicates that the project (on the entire block) would not result in any impacts to pedestrian and bicycle facilities.

The screenline analysis for MUNI for the 2004 Project indicated that additional MUNI riders generated by the proposed project would worsen the current conditions for the Third Street corridor and Mission Street corridor (southeast screenline) by exceeding its capacity, thus having a significant impact on MUNI operation. The proposed municipal office space (Parcel X) was identified as being subject to the Transit Impact Development Fee (TIDF) unless special consideration was taken to exempt this fee based on the government office use. This would mitigate the portion of the new PM peak riders generated by the project but not to a less-than-significant level. Project trips did not result in significant impacts to regional transit.

**Cumulative Plus Project Conditions (2004 FEIR).** Under the 2004 Project EIR analysis, and similar to the existing plus project condition in that analysis, project trips would result in impacts to intersection operations for the intersection of Mission and South Van Ness Avenue.

Addition of project trips would increase intersection delay to 100.3 seconds per vehicle (LOS F) for future 2020 conditions. The EIR identified a mitigation measure (A.1) to optimize the intersection signal timing, same as proposed for existing plus project conditions that would also improve the level of service for the Future Cumulative condition. Implementation of this mitigation measure would result in the intersection operating at LOS E under Cumulative (2020) conditions with a delay slightly higher than existing condition (78.9 seconds per vehicle).

Review of transit impact analysis results indicate that the project would not result in any impacts to transit facilities. The proposed project would contribute negligible amounts of riders to the growth in volume for regional transit lines and would not be considered as having a significant impact on regional ridership.

For future (2020) cumulative conditions, ridership for the four MUNI screenlines were projected to increase by 19 percent and capacity by 14 percent from existing conditions. Cumulative conditions would approach capacity at all screenlines. The largest project trip contribution would be to the southeast screenline in the Third Street and the Mission Street corridors, which were projected to operate at 85 and 89 percent capacity, respectively. The project trip contributions to other corridors do not result in capacity exceeding demand since future capacity utilization metrics for these corridors range between 57 and 96 percent with project trips. The proposed project's contributions to growth in transit demand were found to not be considerable, nor constitute a significant impact on MUNI operations.

#### Project Addendum (2009 Revision)

Revisions to the project land use that were proposed as a part of the 2009 Addendum resulted in an increase of approximately one PM peak-hour vehicle trip under the 2009 Addendum and a decrease of approximately three PM peak-hour vehicle trips under the 2009 project variant, as compared to the original 2004 FEIR project and the original 2004 FEIR variant, respectively. The Addendum indicated that the change of one to three peak-hour vehicle trips would not affect the LOS analysis, the project impact, and the resultant mitigation measures presented in the original 2004 FEIR study.

#### Proposed Project (2012 Revision)

Analysis of the projected trips from the proposed project (as shown in Table 3) indicates that the revised land use would result in the following additional PM peak-hour trips: 13 vehicle trips, 30 transit trips, 44 walk trips and 15 other trips.

The proposed project would result in minimal changes (13 trips) in project generated vehicle trips as compared to the vehicle trips for the 2009 Addendum. Assignment of these 13

additional trips to the network would result in a volume change of approximately two trips per intersection which would result in a negligible change to projected intersection delay for both existing and future conditions.

The 30 additional transit trips would be distributed across the various transit facilities. A third (10 trips) of these additional trips would be added to the northwest and southeast screenlines each. The addition of these new trips would result in an increase in future capacity utilization by a tenth of one percent resulting in no substantial difference in transit impacts.

Additional pedestrian trips generated from the project would be relatively low and would be distributed over Mission, Tenth, and Market Streets sidewalks which experience moderate to low pedestrian traffic. The sidewalks along Mission, Tenth, and Market Streets are between 10 feet and 12 feet wide and currently experience low to moderate pedestrian volume. It is estimated that adequate capacity is available to accommodate project-generated pedestrian trips. Due to the high concentration of transit services in the study area, the transit-related pedestrian trips would likely occur within a block or two of the project site. Considering additional project-generated pedestrian trips and transit trips, the additional pedestrian trips as compared to the 2009 Addendum would not cause significant impacts to pedestrian facilities.

Comparing parking demand to potential supply, the original 2004 EIR indicated a short fall of 119 parking spaces. The proposed project's change in land use would result in increasing this short fall by an additional 57 additional spaces. As a result, the total unmet parking demand compared to supply is estimated to be 176 spaces. The existing off-street parking facilities in the study area operate with some available capacity (76 percent occupied or approximately 396 spaces available during the midday, and 17 percent occupied or 1,459 spaces available during the evening). The unmet residential demand (176 spaces) would be expected to be accommodated by these facilities.

As discussed in the original 2004 EIR document, a parking shortage is not considered to be a permanent condition and is also not considered to be a physical environmental impact even though it is understood to be an inconvenience to drivers. Therefore, the creation of or an increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not itself be considered a significant environmental effect under CEQA. In the absence of such physical environmental impacts, CEQA does not require environmental documents to propose mitigation measures solely because a project is expected to generate parking shortfalls.

The Planning Code requires that two loading spaces be provided for residential developments between 200,000 and 500,000 sf. The proposed project would provide a total of seven off-street

loading spaces two of which would be for the residential and commercial land uses. Thus the project would provide enough loading spaces to meet project demand and the loading demand would not be an adverse effect.

The 2007 and 2009 Addenda determined that the revised project would not alter the conclusions reached in the 2004 FEIR. Transportation-related mitigation measures identified in the original FEIR document would be applicable to the proposed project. As part of the proposed project, the project applicant shall ensure that Mitigation Measure A.1 (working with SFMTA to lengthen the cycle at South Van Ness Avenue and Mission Street) as outlined in the 2004 FEIR, is implemented. The FEIR identified that this traffic impact at South Van Ness Avenue and Mission Street would remain significant and unavoidable even after the mitigation, and this impact was included in the statement of overriding considerations adopted with the original project approval. As discussed above, this analysis indicates that the conclusions drawn in the 2009 Addendum will not substantially change transportation conditions due to the latest proposed changes to the land use. Therefore, it can be concluded that the transportation effects of the proposed project would be similar to those identified in the 2004 FEIR.

## **AIR QUALITY**

The 2004 EIR determined that construction and operational emissions associated with the original project would be less than significant because the original project would be required to implement all feasible construction-related measures recommend by the Bay Area Air Quality Management District (BAAQMD) and the City. For operational emissions, the original project would not exceed the BAAQMD thresholds (in place in 2004) for particulate matter (PM<sub>10</sub>), nitrogen oxide (NO<sub>x</sub>), or reactive organic gases (ROG). The original project was also analyzed for potential carbon monoxide (CO) hotspots. The modeling determined that impacts would be less than significant. As previously discussed, the proposed project has been altered, compared to the original project that was analyzed in 2004. The proposed project now includes 197 affordable family housing units and 4,910 gsf of commercial/retail uses, which is a three-unit decrease in the number of units and an increase of 1,410 gsf in commercial/retail square footage. Although the design of the proposed project is not final, the conceptual design and massing has been established and would be similar to the previously proposed projects under the 2004 EIR, 2007 Addendum, and 2009 Addendum.

As stated in the 1400 Mission Street Transportation Summary (dated June 12, 2012), prepared by Atkins, the proposed project would result in an increase of 13 vehicle trips compared to the revised project previously analyzed in the 2009 Addendum. Operational emissions would remain less than significant as the increase of project-related traffic would not be substantial compared to the revised project. From an air quality standpoint, an increase of 13 vehicle trips



would not be considered a significant change from the revised project, nor would it alter the findings of the 2004 EIR, the 2007 Addendum, and the 2009 Addendum.

As stated in the 2009 Addendum, the air quality mitigation measures set forth in the 2004 EIR would no longer apply to the proposed project, as the City adopted a Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The Construction Dust Control Ordinance was adopted 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 the Department of Building Inspection (DBI).

The San Francisco Building Code Section 106A.3.2.6.3 requires a “no visible dust” requirement 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 on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Building Code requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI.

Since the project site is over one half acre in size, the Building Code requires the project sponsor to designate a person or persons who will be responsible for monitoring compliance with dust control requirements. The designated person or persons shall be on the site or available by telephone or other means during all times that site preparation, demolition, or construction activities may be in progress, including holidays and weekends. The name and telephone number where such person or persons may be reached at all times shall be provided to the Director of DBI and to the Director of Public Health prior to commencement of work on the project.

Below are the following regulations and procedures set forth in Section 106A.3.2.6.3 of the San Francisco Building Code’s General Dust Control Requirements:

- Water all active construction areas sufficiently to prevent dust from becoming airborne. Increased watering frequency may be necessary whenever wind speeds exceed 15 mile 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;

- Provide as much water as necessary to control dust (without creating run-off) in an area of land clearing, earth movement, excavation, drillings, and other dust-generating activity;
- During excavation and dirt-moving activities, wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday;
- Cover any inactive (no disturbance for more than seven days) stockpiles greater than ten cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil with a 10 mil (0.01 inch) polyethylene plastic or equivalent tarp and brace it down or use other equivalent soil stabilization techniques; and
- Use dust enclosures, curtains, and dust collectors as necessary to control dust in the excavation area.

Compliance with the San Francisco Building Code's General Dust Control Requirements would ensure that the project's fugitive dust impacts would be less than significant.

In addition, Article 38 was added to the San Francisco Health Code to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM 2.5<sup>9</sup> concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m<sup>3</sup>).<sup>10</sup> Sponsors of projects on sites where the PM 2.5 concentration exceeds the 0.2 ug/m<sup>3</sup> action level are required to install ventilation systems or otherwise redesign the project to reduce PM 2.5 concentrations for habitable areas of dwelling units by a performance standard of 80 percent. The project site is located within the Potential Roadway Exposure Zone, triggering the application of San Francisco Health Code Article 38. An Air Quality Assessment was completed by the Department of Public Health for the project site on July 29, 2008.<sup>11</sup> The results indicate that the proposed project at 1400 Mission Street does not exceed the action level of 0.2 micrograms per cubic meter annual exposure and mitigation measures are not required. Therefore, the project would not expose new project residents to substantial concentrations of air pollutants.

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<sup>9</sup> PM 2.5 is a measure of smaller particles in the air that are 2.5 microns or less in diameter. PM 10 (10 microns or greater in diameter) has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

<sup>10</sup> See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

<sup>11</sup> Modeling completed by Thomas Rivard of the San Francisco Department of Public Health on July 29, 2008. Modeling results are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Project File No. 2011.1043E.

Based on the above, the proposed project would have less than significant impacts related to air quality, as was identified in the 2004 EIR for the original project, the 2007 Addendum, and the 2009 Addendum.

## **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 GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO<sub>2</sub>E).<sup>12</sup>

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global 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. 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.<sup>13</sup>

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E), or about 535 million U.S. tons.<sup>14</sup> The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity

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<sup>12</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

<sup>13</sup> California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: <http://www.climatechange.ca.gov/publications/faqs.html>. Accessed November 8, 2010.

<sup>14</sup> California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_2009-03-13.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf). Accessed March 2, 2010.

generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.<sup>15</sup> In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 MMTCO<sub>2</sub>E emitted in 2007.<sup>16</sup> Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.<sup>17</sup>

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

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.<sup>18</sup> The Scoping Plan estimates a reduction of 174 million metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 4. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.<sup>19</sup> Some measures may 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

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<sup>15</sup> California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_2009-03-13.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf). Accessed March 2, 2010.

<sup>16</sup> Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed March 2, 2010.

<sup>17</sup> Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed March 2, 2010.

<sup>18</sup> California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed March 4, 2010.

<sup>19</sup> California Air Resources Board. *AB 32 Scoping Plan*. Available Online at: [http://www.arb.ca.gov/cc/scopingplan/sp\\_measures\\_implementation\\_timeline.pdf](http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf). Accessed March 2, 2010.

emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

**TABLE 4  
GHG REDUCTIONS FROM THE AB 32 SCOPING PLAN SECTORS<sup>20</sup>**

<b>GHG Reduction Measures By Sector</b>	<b>GHG Reductions (MMT CO<sub>2</sub>E)</b>
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
<b>Total</b>	<b>174</b>
<b>Other Recommended Measures</b>	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	9
• Anaerobic Digestion	
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
<b>Total</b>	<b>42.8-43.8</b>

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375

<sup>20</sup> California Air Resources Board. *AB 32 Scoping Plan*. Available Online at: [http://www.arb.ca.gov/cc/scopingplan/sp\\_measures\\_implementation\\_timeline.pdf](http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf). Accessed March 2, 2010.

requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a “sustainable communities strategy” in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission’s 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project’s potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR’s amendments to the CEQA Guidelines as well as BAAQMD’s 2010 CEQA Air Quality Guidelines and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.<sup>21</sup> State law defines GHGs 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. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity

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<sup>21</sup> Governor’s Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*. June 19, 2008. Available at the Office of Planning and Research’s website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by replacing a surface parking lot with a 150-foot-tall, 15-story building with up to 197 residential units and 4,910 square feet of commercial space at the ground floor. The new development could result in an increase in overall energy and also water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the 2010 CEQA Air Quality Guidelines. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions to the BAAQMD.<sup>22</sup> This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;

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<sup>22</sup> San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco*. 2010. The final document is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

- 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.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's Strategies to Address Greenhouse Gas Emissions identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO<sub>2</sub>E and 2005 GHG emissions are estimated at 7.82 MMTCO<sub>2</sub>E, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's Strategies to Address Greenhouse Gas Emissions and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."<sup>23</sup>

Based on the BAAQMD's 2010 CEQA Air Quality Guidelines, projects that are consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's Strategies to Address Greenhouse Gas Emissions, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 5.

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<sup>23</sup> Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: <http://www.sfplanning.org/index.aspx?page=1570>. Accessed November 12, 2010.



**TABLE 5  
GHG REGULATIONS APPLICABLE TO THE PROPOSED PROJECT**

<b>Regulation</b>	<b>Project Requirements</b>
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.
Transportation Management Programs (Planning Code, Section 163)	Development of the proposed project would exceed 100,000 square feet. The project sponsor would be required to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.
Transit Impact Development Fee (Administrative Code, Chapter 38)	The project sponsor would comply with the Transit Impact Development Fee by paying commercial development fees to the SFMTA to improve local transit services.
Bicycle Parking in Residential Buildings (Planning Code, Section 155.5)	The project sponsor will provide 66 bicycle parking spaces as a part of the proposed project.
Car Sharing Requirements (Planning Code, Section 166)	The residential development would be required to comply with the car sharing requirements.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated System and in compliance with the Green Building Ordinance, all new residential buildings would be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	The project would be required to manage stormwater on-site using low impact design and comply with LEED® Sustainable Sites Credits 6.1 and 6.2.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	The project sponsor would be required to comply with the Residential Water Conservation Ordinance.
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	The project sponsor would be required to comply with the Residential Energy Conservation Ordinance.
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	The project sponsor would be required to comply with the San Francisco Green Building Requirements for solid waste.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The project sponsor would be required to comply with the Mandatory Recycling and Composting Ordinance.
San Francisco Green Building Requirements for construction and Demolition Debris Recycling (SF Building Code, Chapter 13C)	Demolition activities associated with construction would be required to comply with the San Francisco Green Building Requirements for Construction and Demolition Debris Recycling.
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage. The project sponsor would be required to comply with the Street Tree Planting Requirements for New Construction.

**TABLE 5  
GHG REGULATIONS APPLICABLE TO THE PROPOSED PROJECT**

Regulation	Project Requirements
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Project construction would not include the installation of wood burning fireplaces. The project would be required to comply with the Wood Burning Fireplace Ordinance.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

Depending on a proposed project’s size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State’s ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City’s ability to meet San Francisco’s local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco’s sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project’s contribution to climate change; and (5) San Francisco’s Strategies to Address Greenhouse Gas Emissions meet BAAQMD’s requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco’s regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco’s Strategies to Address Greenhouse Gas Emissions.<sup>24</sup> As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

**NOISE**

In February 2012, a noise technical report was prepared to evaluate potential noise impacts associated with the construction and operation of the currently proposed project.<sup>25</sup>

The 2004 EIR states that the original project would have involved construction of a mixed-use development with offices, senior affordable housing, other housing, parking, retail, and other residential community-serving uses, including meeting rooms. Demolition of existing structures

<sup>24</sup> *Greenhouse Gas Analysis: Compliance Checklist*. April, 2012. This document is on file in Case File No. 2011.1043E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

<sup>25</sup> Atkins, *1400 Mission Street Noise Technical Report*, February 29, 2012. This document is on file in Case File No. 2011.1043E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

on the project site would have been necessary to accommodate the originally proposed structures that would have been located along Tenth Street between Market and Mission Streets. The demolition and construction effort would have occurred over approximately two years and would have included pile driving. The currently proposed project would consist of one building and no demolition of existing structures would be required. Excavation and foundation work would be similar to the originally proposed 2004 project and pile driving may still be required for construction of the currently proposed project. Construction noise and vibration impacts would be similar to the originally proposed 2004 project, but the construction schedule for the currently proposed project would be shorter due to the downsizing of the originally proposed 2004 project. Implementation of the mitigation measure identified in the 2004 Initial Study (Appendix A of the 2004 EIR), which is similar to mitigation measure NO-1.1 from the 2012 Noise study, would reduce potential project-related noise and vibration impacts on the environment to less-than-significant levels. This mitigation measure is included later in this document as Mitigation Measure C.1.

In addition to construction noise, the 2004 EIR states that the original project would have included stationary noise sources associated with the mixed-use development. Mechanical equipment, parking spaces, loading/unloading, trash bins and pumps were proposed to be located in the ground floor and contained in mechanical rooms. These stationary noise sources would not have caused a noise impact. The currently proposed project would include operation related stationary noise sources. These stationary noise sources would be similar to those described in the 2004 EIR. The currently proposed project would include HVAC, parking, loading/unloading activities, and trash bins. As stated above, these stationary noise sources would be located within mechanical rooms. Stationary noise impact evaluation for the currently proposed project would be similar to those described in the 2004 EIR, and no new impacts would occur.

The 2004 EIR states that the original project would have included traffic noise increases associated with an increase in traffic volumes on project area roadways due to the mixed-use development. The original analysis evaluated the amount of additional project traffic combined with existing and future traffic volumes qualitatively. The project evaluated in the 2004 EIR would not have caused a doubling of traffic volumes, which in turn would not cause a noticeable or perceptible increase in traffic noise at existing noise sensitive receptors. Similar to the 2004 EIR, the currently proposed project would cause an increase in traffic volumes on project area roadways. Quantifying the change in traffic volumes and then predicting traffic noise levels based on this change resulted in a minimal increase (+1 dBA Ldn) along one roadway segment. Traffic noise increases with implementation of the currently proposed

project would be similar to those described for the original project in the 2004 EIR, and no new impacts would occur.

The 2004 EIR states that the original project would have been exposed to ambient noise in the project area due primarily to traffic. The original analysis called for the 2004 project to comply with Title 24 standards and showed that exterior noise levels would not exceed the City's exterior noise standard at the common outdoor activity area. Thus, the 2004 EIR concluded that the original project would be compatible with the ambient noise environment. Like the original project analyzed 2004 EIR, the currently proposed project would be exposed to ambient noise in the project area due primarily to traffic also. The currently proposed project would also have an outdoor activity area that is protected from traffic noise levels and would comply with the City's exterior noise level at the common outdoor activity area. With adherence to Title 24 guidelines, interior noise levels at noise sensitive uses would achieve 45 dBA or less, and therefore, the currently proposed project would be compatible with the ambient noise environment. In addition, both construction and operation of the currently proposed project would be required to comply with Article 29 (Regulation of Noise) of the San Francisco Municipal Code, which would ensure that this project has a less-than-significant impact on noise levels, similar to the less-than-significant impact identified for the revised projects in the 2007 and 2009 Addenda.

## **WIND**

The 2004 EIR states that under existing conditions, the average speed at all test point locations in the project area meets the *Planning Code's* pedestrian comfort criterion value of 11 miles per hour (mph). The 2004 EIR found that the original project generally would not affect overall wind conditions at the project site and in the vicinity. The 2004 EIR states that under existing conditions, 16 of the 24 test point locations meet the *Planning Code's* wind hazard criterion of 26 mph, while eight test point locations exceed it. The original 2004 project would eliminate two of the pre-existing eight locations of wind hazard exceedances and reduce the total duration of exceedances by 25 hours per year, from 482 hours per year to 457 hours per year. With cumulative development, the total duration of wind hazard exceedances would be further reduced to 245 hours per year. Thus, the 2004 EIR concluded that the original project, in combination with cumulative development, would not result in either project specific or cumulative wind impacts.

For the 2007 Addendum, which included the 15-story Mission Street Affordable Housing component, an updated wind-tunnel study was prepared. The analysis showed that there is little difference between wind patterns predicted for the original project analyzed in the 2004 EIR and the project covered in the 2007 Addendum. Though there would continue to be

exceedances, the design of the project under the 2007 Addendum would not worsen wind conditions at the project area study locations, as compared to the design of the original 2004 project, or as compared to wind conditions under the existing setting.<sup>26</sup> Therefore, as the 2004 EIR concluded that the original project would not increase the occurrence of hazardous winds and would not have a significant adverse impact on wind conditions, the 2007 Addendum concluded that the revised project would also not have a significant adverse impact on hazardous wind conditions.

A technical memorandum was completed for the 2009 Addendum that evaluated how the then revised project could change pedestrian winds and project wind impacts in relation to designs previously tested in the wind tunnel. In the technical memorandum, it is noted that various previous studies in the study area included a 15-story building at the project site within their cumulative analysis, and indicated improvement in conditions at the project site compared to existing conditions. In addition, given the project site's downwind location from the Tenth and Market Streets intersection (an area known for extreme winds), the revised 2009 project would have no effect on this intersection and would not further exacerbate this problem. The memorandum concludes that the revised 2009 project "does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site" when compared to the original 2004 project and the revised 2007 project. Therefore, the 2009 Addendum concluded that its revised project would result in a less-than-significant wind impact, similar to the original 2004 project and the revised project covered in the 2007 Addendum.

In March 2012, a technical memorandum was prepared for the currently proposed project based on a site visit, review of project plans and elevations, and consideration of previous wind tunnel tests for proposed development on the project site and other nearby sites.<sup>27</sup> The technical memorandum states that given the currently proposed project's downwind location with respect to the Tenth and Market Streets intersection and the multiple wind tunnel tests conducted for development on the project site that shows that development at Tenth and Mission Streets would have no effect on wind conditions at the Tenth and Market Streets intersection, the currently proposed project would not exacerbate the problematic winds at that

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<sup>26</sup> As compared to the existing setting (six exceedances), it was estimated that the revised project would result in three additional exceedances; however, those exceedances would mostly be as a result of the Market Street building, proposed as a part of the original and revised projects. It was estimated that with cumulative development in the area, exceedances would be reduced to below existing conditions (five exceedances). (See 2007 Addendum, Table 25).

<sup>27</sup> Ballanti, Donald. *Wind Impact Evaluation for the Proposed 1400 Mission Street Project*, San Francisco, March 2, 2012. This report is available for review in Case File No. 2011.1043E at 1650 Mission Street, Suite 400, San Francisco, CA.

location. The memorandum concludes that based on consideration of the exposure, massing, and orientation of the currently proposed project, this project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site. Furthermore, the currently proposed project would not affect winds at the known wind problem area near the Tenth and Market Streets intersection. Therefore, the currently proposed project would result in a less-than-significant wind impact, similar to the original project, the 2007 Addendum, and the 2009 Addendum.

## **SHADOW**

The shadow analysis in the 2004 EIR concluded that the original project would not create substantial adverse shadows effects on open space or other pedestrian areas (p. 143). The original 2004 project would cause no net new shading on public open space in the project vicinity (Civic Center Plaza) subject to *Planning Code* Section 295 at any time of year from one hour after sunrise to one hour before sunset. The original 2004 project would not have adverse shadow effects on open space subject to *Planning Code* Section 147 such as Fulton Street Mall or United Nations Plaza.

The currently proposed project would have a maximum height of approximately 150 feet (15 stories). This would represent no change from the original 2004 project, or from the revised projects under the 2007 Addendum and the 2009 Addendum. Similar to the revised projects covered under the 2009 Addendum, the currently proposed project would not create new shadows on Civic Center Plaza at times specified in *Planning Code* Section 295.<sup>28</sup> The proposed project would also not affect shadow conditions subject to *Planning Code* Section 147, such as the United Nations Plaza. Therefore, the shadow analysis conclusions for the original 2004 project would apply to the currently proposed project. The currently proposed project would have less-than-significant shadow impacts, as was identified in the 2004 EIR for the original project, and for the revised projects covered under the 2007 and 2009 Addenda.

## **OTHER ENVIRONMENTAL EFFECTS**

The 2004 EIR for the original project states that the Initial Study (Appendix A of the 2004 EIR), published on November 15, 2003, determined that the following effects of the original project would either be insignificant or would be reduced to a less-than-significant level by implementation of the mitigation measures included in the Initial Study: Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water

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<sup>28</sup> San Francisco Planning Department. *1400 Mission Shadow Analysis*, July 21, 2008 and February 7, 2012. These documents are on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1043E.

Quality, Noise, Population/Housing, Public Services, and Utilities/Service Systems (p. 46). Therefore, the 2004 EIR did not discuss these issues. However, an updated Noise study was prepared for this Addendum and information from that study is discussed above. The Initial Study also found that project-related land use changes would not cause potential significant environmental effects, but this topic (Land Use/Planning) was presented in the 2004 EIR for informational purposes.

The Initial Study analysis remains relevant to the currently proposed project, and all mitigation and improvement measures applicable to the original 2004 project from the Initial Study and the 2004 EIR would be carried forward, except as otherwise provided below, under the "Mitigation Measures" section of this document.

On May 23, 2006, the Board of Supervisors adopted Ordinance 116-06, directing the City to use a CEQA Initial Study Checklist based on the form included in Appendix G of the State's CEQA Guidelines. Accordingly, the City's Planning Department subsequently adopted a new Initial Study Checklist, consistent with Appendix G, but also incorporating additional questions specific to the urban environment of the City. This new checklist includes some questions not included in the Initial Study for the original 2004 project. The following discussion provides information about the currently proposed project's effects on those issues included in the new checklist, which were also analyzed for the revised projects within the 2007 Addendum and 2009 Addendum.

## **Recreation**

Recreation and Park Department properties within six blocks of the project site include Howard-Langton Mini Park, at Howard Street and Langton Street, about five blocks southeast of the project site; Civic Center Plaza, at Hayes Street and Polk Street, about two blocks northeast of the project site; and Patricia's Green (also known as Hayes Green), at Hayes Street and Octavia Boulevard, about five blocks west of the project site.

The currently proposed project would provide about 8,140 gsf of semi-private open space for residents. The project would be located within walking distance of the above-noted parks and open spaces. Thus, residents of the currently proposed project would have convenient access to semi-private and public open space. The currently proposed project would have a less-than-significant impact on recreation, because it would not substantially increase demand for or use of neighborhood parks or citywide facilities, such as Golden Gate Park, in a manner that would cause substantial physical deterioration of these facilities, similar to the less-than-significant impact identified for the revised projects covered in the 2007 and 2009 Addenda.

## **Utilities and Public Services**

As described in the Initial Study for the original 2004 project (Appendix A of the 2004 EIR), meeting project utilities and public services needs would not require new or substantially expanded infrastructure to maintain service standards. Existing water supply entitlements and resources could serve project water and wastewater demand. Solid waste from the currently proposed project would be recycled by Recology (formerly Norcal Waste Systems). The City's waste is taken to a transfer station and then diverted to Waste Management's Altamont Landfill, located approximately 60 miles from the City at 10840 Altamont Pass Road in Livermore. The landfill is owned and operated by Waste Management of Alameda County. The currently proposed project would comply with federal, State, and local statutes and regulations related to solid waste. Meeting public service demand for police, fire, schools, parks, or other services would not require new or altered governmental facilities in order to maintain acceptable performance standards. The currently proposed project would have a less-than-significant impact on utilities and public services, similar to the less-than-significant impact identified for the revised projects in the 2007 Addendum and 2009 Addendum.

## **Biological Resources**

The currently proposed project would result in similar less-than-significant impacts as those identified for the revised projects in the 2007 Addendum and 2009 Addendum because there are no adopted habitat conservation plans applicable to the project site, nor does the site include any riparian habitat or other significant biological resources.

## **Hydrology and Water Quality**

The currently proposed project would result in similar less-than-significant impacts as those identified in the Initial Study for the original 2004 project (Appendix A of the 2004 EIR). The Initial Study concluded that the original 2004 project would be included in the San Francisco Public Utilities Commission's Urban Water Management Plan and, thus, would not substantially increase the existing water demand beyond expected levels. The Initial Study further explained that the original 2004 project would comply with all local wastewater discharge requirements and, therefore, would not substantially degrade water quality. Since the project site is entirely made up of impervious surfaces and the currently proposed project would similarly cover the project site with impervious surfaces, its construction would not substantially alter site drainage. Furthermore, no use of groundwater currently exists on the site. Therefore, groundwater resources would not be substantially degraded or depleted, and the currently proposed project would not interfere substantially with groundwater recharge. The currently proposed project would not result in any additional disturbance outside the



original footprint evaluated in the 2004 EIR, nor would it create additional impervious surfaces than previously evaluated. Therefore, the currently proposed project would result in similar less-than-significant impacts as identified for the revised projects in the 2007 and 2009 Addenda.

## **Geology/Soils**

The Initial Study for the original 2004 project (Appendix A of the 2004 EIR) stated on page A-15 that impacts related to geology and topography had been determined to be either less than significant or to be mitigated to insignificance through measures included in the project. Geology and topography issues were explained on pages A-36 through A-39 of the Initial Study (as summarized below) and required no further environmental analysis in the 2004 EIR.

The 2007 Addendum stated on p. 8 that impacts related to geology and topography had been determined by the Initial Study analysis (Appendix A of the 2004 EIR) to be either less than significant or to be mitigated to insignificance through measures included in the original project and that the effects of the revised 2007 project would be largely the same. The 2007 Addendum and 2009 Addendum stated the 2004 Initial Study analysis, including that of geology and topography issues, remained applicable to the revised project(s).

An additional geotechnical report was prepared in January 2008 and summarized in the 2009 Addendum for the then revised project. The surface of the project site consists of 3 to 6 inches of asphaltic concrete pavement. The pavement is underlain by as much as 5 feet of loose to medium dense fill over 20 to 25 feet of medium dense native dune sand, which in turn, overlies about a 4 foot layer of marsh deposit (medium stiff sandy clay and loose to medium dense clayey sand containing organic material) and 20 to 60 feet of interbedded dense to very dense sand, silt, and clay of the Colma formation. Groundwater was encountered between 19 and 23 feet bgs.<sup>29</sup> According to the geotechnical report, because design and construction at the project site would continue to be regulated by the SFBC, no additional impacts beyond those identified in the Initial Study for the original 2004 project would be created by the 2009 change in the original project. The impacts of the 2009 revised project would be less than significant.

Until January 1, 2008, the *California Building Code* (CBC) was based on the then current *Uniform Building Code* and contained Additions, Amendments and Repeals specific to building conditions and structural requirements in California. The 2010 CBC, effective January 1, 2011, is

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<sup>29</sup> Treadwell & Rollo. 2008. *Geotechnical Investigation, 10<sup>th</sup> and Mission Streets, San Francisco, California*, January 11, pp. 4 and 5, Figure 3, and Appendix A. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

based on the current (2009) *International Building Code (IBC)*.<sup>30</sup> Each jurisdiction in California may adopt its own building code based on the 2010 CBC. Local codes are permitted to be more stringent than the 2010 CBC, but, at a minimum, are required to meet all state standards and enforce the regulations of the 2010 CBC beginning January 1, 2011.

San Francisco adopted the 2010 CBC as the basis for its Building Code by Ordinances 271-10, 275-10, and 276-10, on November 2, 2010. The full 2010 San Francisco Building Code (SFBC)<sup>31</sup> consists of the 2009 IBC, as amended by the 2010 CBC, and as further modified by San Francisco amendments designed to be used in conjunction with the 2010 CBC and the 2010 California Green Building Standards Code. The SFBC amendments were adopted by the Board of Supervisors became effective January 1, 2011.

The impacts associated with the currently proposed project would be similar to those identified in the 2004 EIR for the original project, and in 2007 Addendum and 2009 Addendum for the revised projects. As stated in the 2009 Addendum, the recommendations identified in the 2008 Geotechnical Report for seismic design would follow the 2010 SFBC seismic standards. Thus, adherence to these standards would ensure that impacts related to geology and topography are less than significant, as identified in the 2004 Initial Study for the original project. This is applicable to the currently proposed project as well.

## **Hazards**

A Phase I Environmental Site Assessment (ESA) of the project site was prepared in November 1998.<sup>32</sup> The findings of the Phase I ESA were summarized in the Initial Study for the original project (Appendix A of the 2004 EIR). Historic uses of the project site include commercial and office uses on the northern portion, and a gas station and carwash. In January 1992, four underground storage tanks (UST) were removed from the project site (from the former gas station and carwash site), contaminated soils were excavated and disposed of, and three groundwater monitoring wells were installed. After quarterly groundwater analysis gathered between March 1991 and March 1993, the case was closed by the Regional Water Quality Control Board (RWQCB) in August 1993. Adjacent to the project site, at 1455 Market Street, soil and groundwater contamination was detected in March 1989. This case was subsequently

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<sup>30</sup> California Building Standards Commission, *2010 California Building Code*, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, effective January 1, 2011, website: <http://publicecodes.citation.com/st/ca/st/b200v10/index.htm>, accessed, March 23, 2011.

<sup>31</sup> City and County of San Francisco *Building, Electrical, Housing, Mechanical and Plumbing Codes*, website: <http://www.amlegal.com/library/ca/sanfrancisco.shtml>, accessed March 23, 2011.

<sup>32</sup> San Francisco Planning Department. 2004. *Tenth/Market/Mission Streets Mixed-Use Project, Final EIR*, p. A-41, October 14. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

remediated, and the case was closed both by the San Francisco Department of Public Health and RWQCB in 1996. In addition, the project site is known to contain soils with elevated lead concentrations based on a previous subsurface investigation report conducted by Treadwell and Rollo on August 29, 2000.<sup>33</sup>

The Phase I ESA identified the possibility of residual soil contamination, and the 2004 EIR included Mitigation Measure F.1.a, which required that a Phase II investigation be conducted to characterize site contamination prior to any demolition or excavation activities. In addition, Mitigation Measure F.1.b from the 2004 EIR required that a site mitigation plan be developed to address any contaminated soils, groundwater, or other hazardous materials identified during the Phase II investigation.

Leading up to the 2009 Addendum, the project applicant took the necessary steps to implement the mitigation measures included in the 2004 EIR by conducting a Phase II Subsurface Investigation on January 7, 2008 at the project site. The Phase II report was prepared to: (1) further characterize soil for suspect elevated lead content, (2) obtain additional information to assist in evaluating excavation and soil handling options, (3) and help minimize final excess soil disposal costs.<sup>34</sup> The project site contains fill material and debris at varying depths across the site, but was generally observed from the surface to a depth of four feet bgs. Earthquake fill material typically contains higher lead concentrations than the background levels of lead found in native soils. An anomalously high lead concentration was found in the location of soil boring B10, which is located on the west side of the project site, about halfway between the north and south site boundaries.<sup>35</sup> Soil excavated from this area must be handled as Federal RCRA hazardous waste. Soil excavated to a depth of four feet bgs across the project site contains elevated soluble lead concentrations and constitutes California hazardous waste. This soil would be considered non-RCRA California hazardous waste and could thus be disposed of out-of state as Class II non-hazardous material. No soil movement has taken place since the 2008 Phase II. Improper disposal of hazardous waste could result in a significant impact; however, implementation of the mitigation measures identified in the 2004 EIR and modified below as Mitigation Measure F.1, would ensure that the currently proposed project's impacts related to

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<sup>33</sup> Treadwell & Rollo. 2000. *Phase II Environmental Assessment Report*, August 29. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

<sup>34</sup> ACC Environmental Consultants. 2008. *Phase II Subsurface Investigation Report*, January 7. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

<sup>35</sup> ACC Environmental Consultants. 2008. *Phase II Subsurface Investigation Report*, January 7. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

hazards would be less than significant, similar to the original 2004 project, the 2007 Addendum, and 2009 Addendum.

### **Mineral and Energy Resources**

The Initial Study for the original 2004 project (Appendix A of the 2004 EIR) stated on page A-15 that impacts related to energy and natural resources had been determined to be either less than significant or to be mitigated to less than significant through measures included in the original project. Energy and natural resources issues were explained on pages A-40 and A-41 of the Initial Study (as summarized in the following paragraph) and required no further environmental analysis in the 2004 EIR.

The original 2004 project would meet current State and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the Department of Building Inspection. Other than natural gas and coal fuel used to generate the electricity for the project, the original 2004 project would not have a substantial effect on the use, extraction, or depletion of a natural resource. Consequently, the original 2004 project would not cause a wasteful use of energy, and would not have a substantial adverse effect on natural resources. Both the 2007 Addendum and 2009 Addendum determined that impacts associated with mineral and energy resources would either be less than significant or mitigated to less than significant through the implementation measures included in the Initial Study.

Because the currently proposed project would also meet current State and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the Department of Building Inspection, no additional impacts would be created by this project than what was identified for the original and revised projects. Impacts to mineral and energy resources would also remain less than significant.

### **Agricultural Resources**

The currently proposed project would result in similar less-than-significant impacts as identified in the 2007 Addendum and 2009 Addendum because no agricultural resources are located on or near the project site.

### **GROWTH INDUCEMENT**

Growth inducement under CEQA considers the ways in which proposed projects could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Projects that are traditionally or most commonly considered growth inducing are those that would remove obstacles to population growth (for

example, a major expansion of a wastewater treatment plant may allow more construction in its service area, or a new freeway may allow growth at freeway exits).

With the anticipated new housing construction associated with the original 2004 project, and with other approved and proposed residential developments, the project area would increase the City's overall housing stock. However, it was determined in the 2004 EIR that implementation of the original project would not have represented a significant growth in employment or housing in the context of the City as a whole. Additionally, the original 2004 project was located in an urban area that is already serviced by the City's municipal infrastructure and public services; no expansion to municipal infrastructure or public services not already under consideration or included with the original project would have been required to accommodate new development directly or indirectly induced by the original project. The original 2004 project would not have resulted in development of new public services that would accommodate significant further growth. For these reasons, it was determined in the 2004 EIR that the original project was not considered to result in significant growth-inducing impacts.

While the currently proposed project would result in population growth in the project vicinity, it would do so on a lesser scale than the original 2004 project and the revised project covered under the 2007 Addendum, which both included 200 residential units. However, the currently proposed project would result in population growth greater than that covered for the revised project in the 2009 Addendum, which included 150 residential units. The currently proposed project would include approximately 197 residential units and would add approximately 450 new residents based on an estimate of 2.28 persons per household.<sup>36</sup> Although the currently proposed project could increase the population within the City, it would also increase the City's housing stock and would therefore contribute to the City's ability to meet its need for housing options of varying sizes, types, and levels of affordability. Thus, the currently proposed project would not induce substantial growth or concentration of population or reduce the housing supply, and would result in a less-than-significant environmental impact.

The currently proposed project would generate approximately 11 jobs<sup>37</sup> associated with the proposed commercial/retail uses; this would be approximately 25 employees less than what was identified for the original project in the 2004 EIR. As indicated in the 2004 EIR, employment generated by commercial/retail uses was not considered to be a significant contributor to

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<sup>36</sup> Association of Bay Area Governments. 2009. *Projections 2009*. San Francisco City/County Projections 2010; 2.28 persons per dwelling unit.

<sup>37</sup> Estimates for number of retail and restaurant employment was taken from Table C-1, Trip Generation Rates & Employment Densities for Typical Land Uses, *San Francisco Transportation Analysis Guidelines*, p. C-3, October 2002. Retail and restaurant uses = 1 employee per 350 gsf.

growth inducement. Since the currently proposed project would generate fewer employees than the original 2004 project, it also would not significantly contribute to growth inducement. Thus, this impact would be less than significant.

## **MITIGATION MEASURES**

This section presents mitigation measures that address significant environmental impacts identified in the Initial Study for the original project and the 2004 EIR for the original project. As noted throughout this document, the currently proposed project would not result in any new significant impacts, compared to those identified for the original project in the 2004 EIR.

The mitigation measures presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum would continue to apply to the currently proposed project except as follows: (1) the currently proposed project would not result in significant impacts on transportation, and therefore the mitigation measures from the 2004 EIR are replaced by improvement measures from the 2009 Addendum suggested to address less-than-significant impacts of the currently proposed project, and (2) the City has adopted a Construction Dust Control Ordinance; this ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level, and replaces mitigation measures related to air quality from the original project.

This Addendum updates the mitigation measures to reflect current Planning Department practices. While the language of such mitigation measures is different from that presented in the 2004 EIR, the overall intent and effects of the mitigation measures are the same. The mitigation measures have been numbered to correspond with the mitigation measures contained in the 2004 EIR. For the reasons explained below, the updated mitigation measures do not change the conclusions of significance reached in the 2004 EIR, 2007 Addendum, and 2009 Addendum.

### **A. TRANSPORTATION**

As previously explained above, while the original 2004 project resulted in significant and unavoidable project-specific and cumulative traffic impacts and project-specific transit impacts, the proposed project would result in less-than-significant traffic and transit impacts as discussed in the transportation analysis performed for the currently proposed project. Therefore, transportation-related mitigation measures identified for the original project in the 2004 EIR would no longer apply to the currently proposed project. However, transportation improvement measures were included as part of the 2009 Addendum and are included for the currently proposed project, as shown below.

## **C. NOISE**

The mitigation measure identified for the original project in the 2004 Initial Study was intended to reduce potential noise effects to a less-than-significant level. The 2012 Noise study identified the same mitigation measure and, thus, it is included here as a part of the currently proposed project. Implementation of the following mitigation measure would reduce potential noise effects to a less-than-significant level.

Contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices.

C.1 The project applicant shall require that its geotechnical engineering contractor conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts prior to receiving a building permit. If recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, the project applicant shall require ground-borne vibration monitoring of nearby structures. The project applicant shall also require its construction contractor to use feasible noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques may include pre-drilling pile holes (depending on soil type) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible.

At least 48 hours prior to pile-driving activities, the project applicant shall notify building owners and occupants within 200 feet of the project site of the dates, hours, and expected duration of such activities.

## **D. AIR QUALITY**

As discussed in the Air Quality chapter of this document the original 2004 project included mitigation measures to reduce the impacts to air quality as a result of construction activities. However, since the certification of the 2004 EIR, the City adopted a Construction Dust Control Ordinance. This ordinance includes such provisions as the preparation of a Dust Control Plan, and the placing of dust monitors around the project. The ordinance would ensure that potential dust-related air quality impacts of the currently proposed project would be reduced to a less-than-significant level, and replaces mitigation measures related to air quality from the original project.

## E. WATER QUALITY

Based on previous subsurface investigation reports prepared for the project site for the 2004 EIR, the water table appears to be at a depth of approximately 17 to 21 feet bgs. Since the currently proposed project does not include underground levels, it is unlikely that dewatering would be required. However, any groundwater encountered during construction would be subject to the requirements of the San Francisco Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified standards before being discharged into the sewer system if the project were to require dewatering.

- E.1
- a. If dewatering were necessary, the project applicant shall follow the recommendations of the geotechnical engineer or environmental remediation consultant, in consultation with the Bureau of Environmental Regulation and Management of the Department of Public Works, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system.
  - b. If dewatering were necessary, groundwater pumped from the site shall be retained in a holding tank to allow suspended particles to settle, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works to reduce the amount of sediment entering the combined sewer system.
  - c. The project applicant shall require the general contractor to install and maintain sediment traps in local stormwater intakes during construction to reduce the amount of sediment entering the combined sewer system, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works.

## F. HAZARDS

The following mitigation measure was presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum and would continue to apply to the currently proposed project. However, it has been revised to delete the requirement that the project applicant must enter into a "remedial action agreement" with the Department of Public Health pursuant to Health and Safety Code Section 101480 et. seq. The analysis in the 2004 EIR and 2007 Addendum relied on a Phase I Environmental Site Assessment (ESA).<sup>38</sup> The 2009 Addendum relied on a Phase II Subsurface

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<sup>38</sup> ATC Associates Incorporated, *Phase I Environmental Site Assessment of 10th and Market Streets, Bank of America – 10th and Market Complex*, San Francisco, California, 94102, November 4, 1998. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.



Investigation conducted in January 2008.<sup>39</sup> That investigation determined that total lead was the only constituent of concern and concluded that soil management by the Department of Public Health would not be necessary if the majority of soil containing elevated lead concentrations is removed.

F.1 In addition to local, State, and federal requirements for handling hazardous materials, underground storage tanks, and soil and groundwater containing chemical contaminants, the project applicant shall undertake the following work and any additional requirements imposed by the Department of Public Health

- a. A Phase II investigation has been performed to evaluate soil quality at the site as a result of former operations at the site and in the site vicinity. Soil was evaluated for the presence of petroleum hydrocarbons, metals, volatile organic compounds, semi-volatile organic compounds and polynuclear aromatic hydrocarbons.
- b. A site mitigation plan shall be developed to address any contaminated soil and/or groundwater, underground storage tanks, or other hazardous materials identified during the Phase II investigation or subsequent demolition activities.

If deemed necessary, all impacted materials shall be mitigated prior to construction. Soils with elevated petroleum hydrocarbon or lead concentrations may require excavation and off-site disposal. Soil levels in excess of applicable federal, state, or local limits for petroleum hydrocarbon or lead concentrations shall be disposed of off site in accordance with California hazardous waste disposal regulations (CCR Title 26) or shall be managed in place with approval of the California Department of Toxic Substances Control or the Regional Water Quality Control Board.

If the site mitigation results in earth-moving activities that require the preparation of a site safety and health plan because contaminated soils and/or groundwater may be encountered, in addition to measures that protect on-site workers, the plan shall include measures to minimize public exposure to contaminated soils. Such measures would include dust control, appropriate site security, restriction of public access, and posting of warning signs. Such measures would apply from the time of surface disruption through the completion of earthwork construction.

- c. Prior to any demolition or excavation at the project site, the project applicant shall conduct surveys to identify any potentially hazardous materials (e.g., asbestos, lead-based paint, PCBs, mercury) in existing buildings or building materials. At a minimum, these surveys shall identify any hazardous materials

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<sup>39</sup> ACC Environmental Consultants. 2008. *Phase II Subsurface Investigation Report*, January 7. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

that would require removal and disposal prior to demolition. These surveys shall be completed by a state registered inspector or a similarly qualified individual who states that all necessary mitigation measures have been implemented.

- d. All reports and plans prepared in accordance with this mitigation measure shall be provided to the San Francisco Department of Public Health (DPH) and any other agencies identified by DPH. When all hazardous materials have been removed from existing buildings and soil and groundwater analysis and other activities have been completed, as appropriate, the project applicant shall submit to the San Francisco Planning Department and DPH a report stating that the mitigation measure has been implemented. The report shall describe the steps taken to comply with the mitigation measure and include all verifying documentation. The report shall be certified by a Registered Environmental Assessor or a similarly qualified individual who states that all necessary mitigation measures have been implemented.
- e. Should elevated levels of contamination remain at the site, a deed notification shall be required for the project site along with a DPH-approved Cap Maintenance Plan. The deed notification is to be recorded on the deed, prior to DPH issuing a "No Further Action" letter for the project site.

## **G. ARCHAEOLOGICAL RESOURCES**

The following mitigation measure was identified for the original project in the 2004 EIR, carried through to the 2007 Addendum and 2009 Addendum for the revised projects, and would continue to apply to the currently proposed project. The 2004 EIR identified that the original project would require excavation throughout the site and pile driving at greater depths. Therefore, the original 2004 project and subsequent projects could potentially adversely affect legally significant archaeological resources within the project area. Implementation of the following measure would reduce any potentially significant disturbance, damage, or loss of archaeological resources to a less-than-significant level.

- G.1 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 historical resources. The project applicant shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall implement the archaeological research design and treatment plan (ARD/TP). 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 ARD/TP (*Archeo-Tec, Draft Archaeological*

*Research Design/Treatment Plan, Tenth/Market/Mission Mixed Use Project, June 26, 2003*) at the direction of the Environmental Review Officer (ERO). In instances of any inconsistency between the requirements of the project ARD/TP and of this archaeological mitigation measure, the requirement of this latter 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 a final 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 a 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 its own discretion, the project applicant may either:

- Redesign the proposed project so as to avoid any adverse effect on the significant archaeological resource; or

- Implement a data recovery program, 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.* If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program is to be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project applicant, and ERO shall meet and consult on the scope of the archaeological monitoring program 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 (e.g., demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles for foundation or shoring, site remediation) 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), how to identify the evidence of the expected resource(s), and 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 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 materials 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 applicant, 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), which shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project applicant, 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.

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

## **IMPROVEMENT MEASURES**

Most of the improvement measures presented in the 2004 EIR, 2007 Addendum, and 2009 Addendum would continue to apply to the currently proposed project; however, several measures were modified or would no longer be applicable to the currently proposed project, as they were intended to be implemented by the Market/Tenth Street project. The modifications to the improvement measures are as follows:

1. Transportation Improvement Measure that recommends that "signs should direct service vehicles into the garage where valet attendants will assist them in finding the service space" is no longer applicable because this measure was intended for the Market/Tenth Street project and the project is not proposing valet parking.

2. The Wind Improvement Measure previously recommended that interior plazas, walkways, and terraces be landscaped to reduce wind and improve usability. The Wind Improvement Measure proposed below does not include interior plazas and walkways because they are not proposed as part of the project.

## **A. TRANSPORTATION**

### **Loading Improvement Measures**

The project applicant would address the issues of truck/van access:

- Signage should be posted on Tenth Street directing all loading/unloading vehicles to enter Jessie Street (trucks larger than 35 feet would be prohibited).
- On Jessie Street, signs should direct trucks to pull up to the end of the Jessie Street and back into the loading stalls.
- Loading stalls should be clearly signed so drivers know they are permitted to use these spaces.
- Signs should also be placed on Jessie Street to warn pedestrians and motorists that trucks may be backing into loading stalls.
- In order to assist trucks in safely backing up and avoiding conflict with incoming vehicles, large exterior convex mirrors should be placed on the Mission Street Affordable Housing building so truck drivers can clearly see vehicles entering Jessie Street behind them.
- Within the garage, signs should be prominently posted at the exits warning motorists that trucks may be backing into loading stalls and directing them to use the mirrors for better visibility.
- The project sponsors should install a warning system that triggers a red light when trucks are backing up in order to stop vehicles exiting the garage. In lieu of this system, the project sponsor should place a Dock Master at the loading area.

### **Pedestrian Improvement Measure**

- The City should clearly designate the pedestrian crosswalk with striping at Tenth and Jessie Streets in order to discourage vehicle traffic from blocking the pedestrian pathway.

### **Construction Traffic Improvement Measures**

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak-hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would decrease the capacity of streets and slow the movement of traffic, including MUNI buses. During the AM peak period

on one-way, southbound Tenth Street and during off-peak period, traffic volumes may accommodate construction vehicles without substantial delay to traffic. Although construction impacts would be temporary and of relatively short duration, the following improvement measures would lessen their impacts:

- To the extent possible for the proposed project, truck movements should be limited to the hours before 3:30 p.m.
- Prior to any lane closure and encroachment on traffic lanes, proper permits must be obtained from the City.
- The project applicant must seek special permission for sidewalk closure if no alternative is found and should meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible traffic measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project.
- To ensure that construction activities do not impact MUNI bus stops or routes in the area, the project applicant should coordinate with MUNI's Chief Inspector prior to construction.

**B. WIND**

Terraces could be landscaped to reduce wind and improve usability. Porous materials or structures (vegetation, hedges, screens, latticework, and perforated or expanded metal structures) could be used to offer superior wind shelter compared to a solid surface. Wind-sheltering elements should have sufficient height to shelter the area in question. (Wind shadows behind porous wind screens or shelter belts generally provide shelter a distance downwind equivalent to three to five times the height of the wind screen). Any outdoor furniture and any landscape structures could be firmly attached to the ground or buildings to resist being blown over.

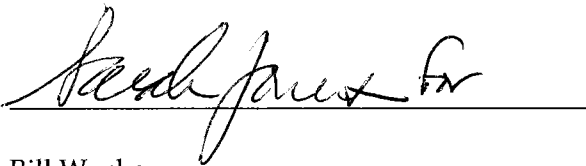


## CEQA CONCLUSION

Based on the analysis and discussion presented in this document, no supplemental or subsequent environmental analysis is needed pursuant to the *CEQA Guidelines*, Sections 15162, 15163, and 15164. It is concluded that the analyses conducted and the conclusions reached in the original EIR, certified on October 14, 2004, remain valid. The currently proposed project would not cause new significant impacts not identified in the original 2004 EIR or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the original 2004 or revised 2007 and 2009 projects that would cause significant environmental impacts to which the currently proposed project would contribute considerably, and no new information has become available that shows that the original (2004), revised (2007 or 2009), or currently proposed project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this Addendum.

August 7, 2012

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



Bill Wycko  
Environmental Review Officer

Cc:    Project Sponsor; Supervisor Kim, District 6; Distribution List; Bulletin Board

October 14, 2004

File No: 2003.0262E  
Tenth/Market/Mission Streets Mixed-Use Project  
Assessor's Block 3507, Lot 039

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 16871

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL  
ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED TENTH /  
MARKET / MISSION STREETS MIXED-USE PROJECT**

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as case file No. 2003.0262E, Tenth/Market/Mission Streets Mixed-Use Project (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines," and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 15, 2003.

b. On May 15, 2004, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

c. Notices of Availability of the DEIR and of the date and time of the public hearing were posted near the project site on May 15, 2004.

d. On May 15, 2004, copies of the DEIR were delivered to the State Clearinghouse for distribution to government agencies. On May 15, 2004, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies.

e. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 15, 2004.

2) The Commission held a duly advertised public hearing on said DEIR on June 17, 2004 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on June 28, 2004.

- 3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a "Draft Summary of Comments and Responses," published on September 30, 2004, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.
- 4) A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
- 5) Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review by appointment at the Department offices at 1660 Mission Street, and are part of the record before the Commission.
- 6) On October 14, 2004, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA guidelines and Chapter 31 of the San Francisco Administrative Code.
- 7) The Planning Commission hereby does find that the FEIR concerning File No. 2003.0262E: Tenth/Market/Mission Streets Mixed-Use Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Summary of Comments and Responses contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.
- 8) The Commission, in certifying the completion of said FEIR, hereby does find that the proposed project described and evaluated in the EIR would result in the following unavoidable significant impacts:
- (a) A project-related traffic impact at Mission Street / South Van Ness Avenue, if mitigation is not implemented by the San Francisco Department of Parking and Traffic;
  - (b) A significant contribution to cumulative traffic impacts at Mission Street / South Van Ness Avenue, if mitigation is not implemented by the San Francisco Department of Parking and Traffic; and
  - (c) A project-related transit impact on MUNI operations on the Third Street corridor and Mission Street corridor.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of October 14, 2004.

Linda Avery  
Commission Secretary

AYES: Antonini, Hughes, S. Lee, W. Lee

NOES: None

ABSENT: Bradford Bell, Olague

ADOPTED: October 14, 2004

PLANNING COMMISSION

Case No. 2003.0262EIXCVMRTZ  
Tenth and Market Mixed-Use Project  
1401-1435 Market Street  
Assessor's Block 3507, Lot 039

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16880

**ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING A STATEMENT OF OVERRIDING CONSIDERATIONS, FOR THE TENTH/MARKET/MISSION STREETS MIXED USE PROJECT THAT WOULD CONSIST OF (1) A RESIDENTIAL BUILDING WITH UP TO 200 AFFORDABLE DWELLING UNITS FOR SENIOR CITIZENS, (2) A RESIDENTIAL BUILDING WITH UP TO 250 MARKET RATE UNITS, AND GROUND FLOOR RETAIL USES, PLUS A POTENTIAL CITY OFFICE BUILDING AND RELATED ACTIONS, LOCATED ON BLOCK 3507, LOT 39, THE EASTERN HALF OF THE BLOCK BOUNDED BY MARKET, TENTH, MISSION AND ELEVENTH STREETS IN THE CIVIC CENTER AREA OF THE CITY.**

Preamble

Citizens Housing Corporation and Tenderloin Neighborhood Development Corporation (the "Owners") are the owners of the property located on the eastern half of the block bounded by Market, Tenth, Mission and Eleventh Streets, also known as Lot 39 in Assessor's block 3507 (the "Property"). The Owners, together with their joint venture partner, Myers Development Company (the "Applicants") have applied for several applications that would authorize the construction of a mixed-use project consisting of 6,750 gsf of retail uses, up to approximately 200 dwelling units of senior affordable housing, and up to approximately 250 units of additional housing (the "Project"). The Applicants also applied for a component of the Project that would have included approximately 513,250 gsf of municipal office uses, and additional retail uses. Applicants are not seeking approval of this component at this time.

The proposed Project was reviewed pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000 et. seq. On May 15, 2004, the San Francisco Planning Department ("Department") published a draft environmental impact report ("DEIR") for the Project. On June 17, 2004, the Planning Commission ("Commission") held a duly noticed public hearing to take comments on the DEIR. The DEIR identified significant impacts related to traffic and transportation. On September 30, 2004, the Department issued a document entitled "Response to Comments" in which the Department responded to each written and oral comment received from the public during the comment period.

On October 14, 2004, the Commission, having reviewed the DEIR and Responses to Comments, held a duly noticed public hearing and certified these documents as the Final EIR for the Project.

The Commission has reviewed and considered the information in the Final EIR in accordance with the requirements of CEQA, the State CEQA Guidelines (Title 14 California Code of Regulations Sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code.

Findings

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

1. The above Preamble is accurate and also constitutes findings of this Commission.
2. **Approvals/Project Description.** The Project described on the FEIR consists of a series of approvals that together define the terms under which the Project will occur. It is composed of the following major permits and approvals, and related and collateral actions, only some of which are before the Commission at this time:
  - a. The creation of the Tenth and Market Streets Special Use District, and associated Zoning Map amendment;
  - b. A General Plan amendment;
  - c. Approvals under Section 309 of the Planning Code, with exceptions for rear-yard requirements, bulk requirements, ground-level wind current requirements, and loading space requirements;
  - d. Conditional Use Authorization for parking in excess of permitted accessory amounts;
  - e. General Plan and Planning Code section 101.1 priority policy consistency determinations;
  - f. Granting of a rear-yard obstruction variance under Planning Code Section 305;
  - g. Project approval under City Charter Section 5.103 for the design of a public structure;
  - h. Vacation and sale of a portion of Jessie Street;
  - i. Construction document approvals;
  - j. Demolition, site and building permit issuance; and

- k. Approval of various transactional and financing documents relating to the purchase and construction of the City office building.

The following is a description of the uses contemplated by the Project and the Project's relationship to the FEIR:

The project site, 1407-1435 Market Street, 18-70 Tenth Street, and 1400 Mission Street, is approximately 95,000 square feet (about two acres) on the west side of Tenth Street between Market and Mission Streets, adjacent to the Bank of America Data Center at Market and 11th Streets. The project site is bisected by a dead end portion of Jessie Street. The project site is within the Mid-Market Redevelopment Survey Area, proposed for designation as a redevelopment area by the San Francisco Redevelopment Agency, and in the proposed Market and Octavia Neighborhood Plan Area.

The proposed project would require demolition of approximately 166,700 gross square feet (gsf) of vacant office space and removal of 155 currently active surface parking spaces (totaling approximately 24,000 gsf). The vacant office space is within seven existing buildings ranging in height from two to four stories, or from 25 to 45 feet tall.

As described in the FEIR, the project includes a municipal office building on Market Street ("Office Component"), a market-rate housing building on Tenth Street, and affordable senior housing on Mission Street (together, the "Residential Component"). The Mission Street building is intended to be restricted to be affordable to seniors earning no more than 50 percent of the Area Median Income for the San Francisco Metropolitan Statistical Area, as defined by the US Department of Housing and Urban Development and adjusted for household size. The affordability of the Tenth Street building could vary depending on available funding. Housing could be all market rate (with the required inclusionary affordable housing units), moderate income (defined as affordable to households earning no more than 120 percent of the Area Median Income), mixed income, or fully affordable for low- or very low-income households.

The Mission Street building is proposed on the southernmost portion of the site at the northwest corner of Tenth and Mission Streets and would be 15 stories, or 150 feet (plus 20 feet of mechanical space), high. The 21-story, 200-foot-high Tenth Street building is proposed on the western side of the Tenth Street. The combined residential floor area of the project would total about 316,000 gross square feet (gsf): 210,667 gsf for the Tenth Street building and 105,333 gsf for the Mission Street building. Off-street parking for about 230 vehicles (220 spaces for the Tenth Street building and 10 spaces for the Mission Street building) would be provided on the ground floor and on one level partially below grade.

The Residential Component would also contain about 6,750 gsf of retail uses. Residential open space would be provided in a central terrace on the second level, above the parking garage and between and to the west and north of the residential towers.

The Office Component as described in the FEIR is proposed on the northern portion of the site at the southwest corner of the intersection of Tenth and Market Streets. The 24-story, approximately 320-foot-tall office building would include approximately 513,250 gsf of municipal office uses (including approximately 5,000 gsf of childcare facilities) and one level of below-grade parking for approximately 83 vehicles. The total parking area for the office building would be about 31,550 gsf. The ground floor of the office building would contain a reception lobby; a public plaza; a five-story, 65-foot-tall atrium; loading facilities; and an approximately 6,000 gsf of restaurant use along Market Street. As a part of its approval actions, the Planning Commission is not considering the Section 309 approval or other actions related to the acquisition and financing of the Office Component of the Project at this time. Discussions are continuing between the Applicant and the City regarding resolution of certain design and financial issues relating to the Office Component.

For the purposes of these findings, the Project consists of the Residential Component, with the Office Component to be considered separately at a later date.

3. **Significant and Unavoidable Impacts.** The Project's Final Environmental Impact Report ("FEIR") concluded that construction of the Project as proposed in the FEIR (including the Office Component), even with mitigation, may have a significant effect on transportation, in that the Project would cause peak period level of service (LOS) at the intersection of Mission Street and South Van Ness Avenue to worsen from LOS E to F. The FEIR also concluded that the Project would result in a considerable contribution to cumulative traffic growth in 2020 at this same intersection.

Although adjusting the signal timing at this intersection would mitigate this impact, resulting in the intersection operating at LOS E, further study is necessary to determine the feasibility of implementing the mitigation measure, and thus the FEIR concludes that this would be a significant and potentially unavoidable impact.

The FEIR also finds that two MUNI transit corridors (Third Street and Mission Street) would operate at 102 percent of capacity during peak travel times, resulting in a significant impact on MUNI operations. Normally, the imposition of the Transit Impact Development Fee ("TIDF") would mitigate this impact. However, because the Office component of the project is to be owned and operated by the City for municipal office uses, the TIDF does not apply. Therefore, the FEIR concludes that such a mitigation measure is infeasible and that this impact is significant and unavoidable.



4. **Mitigation Measures.** The Project's FEIR includes a series of mitigation measures that have been identified that would reduce or eliminate potential environmental impacts of the Project. Mitigation measures described in Section IV of the FEIR include measures for transportation, noise, air quality, water quality, hazardous materials, and archaeological resources. The Commission hereby adopts these mitigation measures, as set forth in the attached Exhibit A to this motion, which shall be adopted as conditions of approval of the Project, except for the mitigation measures regarding approval by the Arts Commission (which only applies to the Office Component) and the Transportation Mitigation Measures (which would not be necessary for the Residential Component only, but would be necessary if the Office Component is finally approved in the future).
5. **Rejection of EIR Alternatives.** The California Environmental Quality Act ("CEQA") provides that alternatives analyzed in the FEIRs may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . project alternatives identified in the final EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and rejects them as infeasible for the following reasons set forth below.

In addition to the two alternatives evaluated, the FEIR also discusses alternatives considered and rejected for further discussion in the FEIR. An alternative with reduced housing was considered. Because the majority of the trips generated by the Project are connected with the Office Component, reducing or even eliminating the housing component would not result in a substantial reduction in the total trips and the Project's potentially significant transportation impacts would not be avoided or substantially lessened. For this reason a reduced housing alternative was rejected, and not evaluated in the FEIR.

An off-site alternative was not evaluated in the FEIR. The City had previously considered alternatives to the Office Component, including a proposed project at 525 Golden Gate Avenue. The Commission certified a Final EIR for this project on February 15, 2001. That EIR considered five alternatives, including an off-site alternative at the corner of Polk and Hayes streets. The 525 Golden Gate Avenue site is no longer feasible for an office building as the City has decided to use that site for a new County Law Library, and prepared an Addendum to the Final EIR to address the revised project.

No other alternative sites were identified within San Francisco where the Project could be constructed feasibly and consistent with the Project sponsor's objectives, and where the Project's environmental effects would be substantially lessened or avoided. In addition, no alternative sites for the housing were considered because no sites are under the control of the Owners that would allow the Owners to satisfy their objectives for the Residential Component of the Project.

For these reasons, the Alternatives that were eliminated from the FEIR from further consideration are again rejected as infeasible.

Alternative A-No Project Alternative. Under this alternative, there would be no change to the existing project site. Under the No Project Alternative, the seven existing vacant buildings would not be demolished, and no new residential, retail, or office space would be developed. If the No Project Alternative were implemented, none of the impacts associated with the Project would occur. The environmental characteristics of this alternative would be that generally described in the Environmental Setting chapter of the FEIR.

This alternative would not respond to the key goals of the *Downtown Plan*, the proposed *Mid-Market Redevelopment Plan*, and the proposed *Market and Octavia Neighborhood Plan*; these plans focus on the creation of more intense mixed-use districts with increased ratios of residential development to other types of land uses, and the elimination of physical and economic blight. The No Project Alternative also would not meet the Applicants' objectives of providing low- and moderate-income housing and would not meet the City's goal to own its own office space in the Civic Center area. For these reasons, the Commission hereby rejects Alternative A as infeasible.

Alternative B-Reduced Program. Under this alternative, the Office Component would be reduced to 32,350 gsf and to about two-stories in height, with total retail space of 3000 gsf. The Housing Components would remain as in the proposed Project. The off-street parking spaces for the Office Component would also be reduced, to about 43 spaces.

Under this alternative, trip generation for the Project would be reduced such that the intersection at Mission Street and South Van Ness Avenue would remain at the current LOS E under existing plus-project conditions. Under future cumulative conditions, this intersection would operate at LOS F, but the Reduced Program Alternative would not contribute substantially to this cumulative impact. Thus, Alternative B would reduce traffic impacts caused by the proposed development to less than significant levels. Alternative B would also create less shadow on nearby sidewalks and open spaces than the Project.

While Alternative B would reduce traffic impacts caused by the proposed development to less than significant levels, it would not achieve, to as great an extent, the objectives or and goals of the Applicant, or of the City. By reducing the amount of potential office space to 32,350 gsf, the alternative would not meet the City's goal of moving and consolidating a significant portion of leased office space to a building owned by the City. A smaller building on the office site would also be out of scale from an urban design perspective and would be less responsive to the Applicants' goal of contributing to the redevelopment of the Mid-Market Redevelopment Area by introducing a substantial amount of new housing, office, and retail on this portion of Market Street.

For these reasons, the Commission hereby rejects Alternative B as infeasible.

**6. CEQA - Statement of Overriding Considerations.**

Notwithstanding the significant effects noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effects on the environment. In addition, the Commission finds that those Project Alternatives rejected above are also rejected for the following specific economic, social and other considerations, in and of themselves, in addition to the specific reasons discussed in Paragraph 4 above:

- a. San Francisco continues to face a critical housing shortage, both in terms of market rate and affordable housing units. The Association of Bay Area Governments ("ABAG") has determined that San Francisco's share of the regional housing need for 1998 through June 2006 is 20,374 units, or 2,717 units per year. San Francisco would need a total production rate of 2,852 units a year through June 2006 to achieve a 5% vacancy rate over the City's housing need. Of the 20,374 housing units required to meet the City's housing demand between 1999 and 2006, 7,270 units are needed for low- or very low-income households or families. Significant numbers of additional units are likely to be needed in the City after 2006.

- b. The San Francisco Planning Department publishes an annual Housing Inventory Report. This Report provides a 20-year overview of the City's housing production trends, housing units approved for construction, and housing units completed. Between 1990 and 2000, a total of 12,460 units were completed and 1,540 units were demolished or lost by alterations, merger of units, or both, resulting in a net gain of 11,173 units. More than 50% of the new units constructed are located in the City's Downtown, Western Addition and South of Market districts. San Francisco must dramatically increase its housing production in order to meet the ABAG projections for the City's housing demand. The Housing Component provides up to 450 new housing units, of which approximately 200 will be affordable rental units for seniors. The remaining units will include additional affordable housing as required by Section 315 of the Planning Code, and also may provide units that meet "workforce affordability" levels.
- c. The San Francisco residential real estate market continues to be one of the most expensive in the United States. A February 1999 report from the National Association of Realtors found that San Francisco had the highest median price of existing homes in the United States. In the 1980s, average home prices in San Francisco rose nearly three times as fast as the overall cost of living in San Francisco, according to data from the Bay Area Council and 1990 Census.
- d. The Project also will further regional policies relating to the preservation of open space and the reduction of urban sprawl. By concentrating new housing in the City, the Project will reduce urban sprawl and lessen the pressure to develop open space in other parts of the Bay Area. The cost and consequences of urban sprawl have been documented for more than two decades.
- e. In order to effectively reduce urban sprawl, San Francisco and other Bay Area governments must support new development models that create more compact and efficient development patterns that accommodate growth. The Project is a major part of San Francisco's efforts to place high-density housing near the downtown core, where transit and jobs are readily available. The Project will directly advance the important regional goals of reducing urban sprawl and thereby reduce the pressure to develop open space areas in the Bay Area.

- f. The Project will also contribute to the goals and objectives of the proposed *Mid-Market Redevelopment Plan*, which include encouraging and assisting in the development of a more land-use intensive mixed-use district than currently exists with a special emphasis on increasing the ratio of residential development to other land uses; aiding existing businesses, attracting new commercial development and developing and rehabilitating affordable housing units.
- g. The Project will make much more efficient use of the Property, in furtherance of the goals and objectives of the City's General Plan. The Project Site currently consists of several low-rise office buildings that are unoccupied, and in a state of disrepair, as well as a surface parking lot for parking for the general public. The Project will replace the inefficient use with a an office building, up to 450 residential units, including a large number of affordable units. The Project will also provide ground floor retail, and other active street-front uses. In the future, the northern portion of the site could be developed as a City office building.
- h. The northern portion of the site at 10<sup>th</sup> and Market Streets is currently under future consideration by the City as a potential City-owned office building, pending resolution of certain financial and design issues, which could help the City meet its long-term goals of owning more office space in the Civic Center area.

Having considered these Project benefits, the Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

- 7. The Planning Department is the custodian of the documents and other materials that constitute the record of the proceedings upon which all CEQA findings set forth herein are based. Such documents and other materials are available for review by this Commission and the public at the Department's offices at 1660 Mission Street.

**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 adopts the foregoing CEQA Findings and Statement of Overdoing Considerations.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, October 28, 2004.

Linda D. Avery  
Commission Secretary

AYES: Commissioners S. Lee, Antonini, Hughes, W. Lee, and Olague  
NOES: None  
ABSENT: Commissioners Alexander and Bell  
ADOPTED: October 28, 2004

**EXHIBIT A  
FEIR MITIGATION MEASURES**

**TRANSPORTATION\***

**EXISTING (YEAR 2003) PLUS PROJECT CONDITIONS**

A.1 *Traffic Mitigation Measure.* The proposed project would constitute a considerable contribution to existing plus project traffic at the intersection of South Van Ness Avenue and Mission Street, which would result in an operating condition of LOS F. Adjustment of signal splits at the intersection is restricted by the time required for pedestrians to cross the intersection. Keeping the same cycle length and adjusting the signal timing only would not improve the level of service. It was determined using an optimization tool that by increasing the cycle length to 130 seconds and adjusting the signal splits slightly there would be an improvement in the level of service. The modified green time would be 48 seconds for the northbound and southbound directions, 32 seconds for the eastbound, and 37 seconds for the westbound direction. This adjustment would result in an intersection LOS E (same as the existing condition) with an average delay of 71.6 seconds. This indicates that with the suggested modification, this intersection would operate better than the existing condition.

Any changes to the signal timing along Mission Street could potentially affect the signal progression and MUNI bus operation along the corridor and would require further study. The project sponsor shall coordinate with Department of Parking and Traffic to assess the potential secondary effects, as well as the feasibility of this mitigation measure. If this measure has adverse effects on MUNI operations, it would not be implemented, and the impact would be unavoidable and significant.

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\* The transportation mitigation measures are not to be incorporated as conditions of approval for the Residential Component of the project that that the Commission is approving at time. At the time that the Office Component of the Project is approved by the Commission, these transportation mitigation measures would be required as conditions of approval.

## **FUTURE CUMULATIVE (YEAR 2020) CONDITIONS**

- A.2 *Traffic Mitigation Measure.* Traffic generated by the proposed project would constitute a considerable contribution to cumulative traffic at the intersection of South Van Ness Avenue and Mission Street, which would result in a future operating condition of LOS F. Mitigation Measure A.1 would also improve the level of service for future cumulative conditions. This mitigation would result in the intersection operating at LOS E with a delay slightly higher than existing condition (78.9 seconds per vehicle).

Any changes to the signal timing along Mission Street could potentially affect the signal progression and MUNI bus operation along the corridor and would require further study. The Department of Parking and Traffic shall coordinate with MUNI to assess the potential secondary effects, as well as the feasibility of this mitigation measure. If it is determined that this measure would have a significant impact on MUNI operations, it would not be implemented, and the impact would be unavoidable and significant.

## **NOISE**

Contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices.

- C.1 The project sponsor shall require that its geotechnical engineering contractor conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts prior to receiving a building permit. If recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, the project sponsor shall require ground-borne vibration monitoring of nearby structures. The project sponsor shall also require its construction contractor to use feasible noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques may include pre-drilling pile holes (depending on soil type) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible.

At least 48 hours prior to pile driving activities, the project sponsor shall notify building owners and occupants within 200 feet of the project site of the dates, hours, and expected duration of such activities.



## **AIR QUALITY**

- D.1 The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

## **WATER QUALITY**

- E.1 a. If dewatering were necessary, the project sponsor shall follow the recommendations of the geotechnical engineer or environmental remediation consultant, in consultation with the Bureau of Environmental Regulation and Management of the Department of Public Works, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system.
- b. If dewatering were necessary, groundwater pumped from the site shall be retained in a holding tank to allow suspended particles to settle, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works to reduce the amount of sediment entering the combined sewer system.
- c. The project sponsor shall require the general contractor to install and maintain sediment traps in local stormwater intakes during construction to reduce the amount of sediment entering the combined sewer system, if this were found to be necessary by the Bureau of Environmental Regulation and Management of the Department of Public Works.

## HAZARDOUS MATERIALS

F.1 In addition to local, state, and federal requirements for handling hazardous materials, underground storage tanks, and soil and groundwater containing chemical contaminants, the project sponsor shall enter into a remedial action agreement with the Department of Public Health pursuant to Health and Safety Code Section 101480 et seq. At a minimum, the project sponsor shall undertake the following work and any additional requirements imposed by the Department of Public Health under the agreement.

- a. A Phase II investigation has been performed to evaluate soil and groundwater quality at the site as a result of former operations at the site and in the site vicinity. Soil and groundwater were evaluated for the presence of petroleum hydrocarbons, metals, volatile organic compounds, semi-volatile organic compounds and polynuclear aromatic hydrocarbons.
- b. A site mitigation plan shall be developed to address any contaminated soil and/or groundwater, underground storage tanks, or other hazardous materials identified during the Phase II investigation or subsequent demolition activities.

If deemed necessary, all impacted materials shall be mitigated prior to construction. Soils with elevated petroleum hydrocarbon or lead concentrations may require excavation and off-site disposal. Soil levels in excess of applicable federal, state, or local limits for petroleum hydrocarbon or lead concentrations shall be disposed of off site in accordance with California hazardous waste disposal regulations (CCR Title 26) or shall be managed in place with approval of the California Department of Toxic Substances Control or the Regional Water Quality Control Board.

If the site mitigation results in earth-moving activities that require the preparation of a site safety and health plan because contaminated soils and/or groundwater may be encountered, in addition to measures that protect on-site workers, the plan shall include measures to minimize public exposure to contaminated soils. Such measures would include dust control, appropriate site security, restriction of public access, and posting of warning signs. Such measures would apply from the time of surface disruption through the completion of earthwork construction.

- c. Prior to any demolition or excavation at the project site, the project sponsor shall conduct surveys to identify any potentially hazardous materials (e.g., asbestos, lead-based paint, PCBs, mercury) in existing buildings or building materials. At a minimum, these surveys shall identify any hazardous materials that would require removal and disposal prior to demolition. These surveys shall be completed by a state registered inspector or a similarly qualified individual who states that all necessary mitigation measures have been implemented.
- d. All reports and plans prepared in accordance with this mitigation measure shall be provided to the San Francisco Department of Public Health (DPH) and any other agencies identified by DPH. When all hazardous materials have been removed from existing buildings and soil and groundwater analysis and other activities have been completed, as appropriate, the project sponsor shall submit to the San Francisco Planning Department and DPH a report stating that the mitigation measure has been implemented. The report shall describe the steps taken to comply with the mitigation measure and include all verifying documentation. The report shall be certified by a Registered Environmental Assessor or a similarly qualified individual who states that all necessary mitigation measures have been implemented.
- e. Should elevated levels of contamination remain at the site, a deed notification shall be required for the project site along with a DPH-approved Cap Maintenance Plan. The deed notification is to be recorded on the deed, prior to DPH issuing a "No Further Action" letter for the project site.

## ARCHAEOLOGICAL RESOURCES

G.1 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 historical 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 implement the archaeological research design and treatment plan (ARD/TP). 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 ARD/TP (Archeo-Tec, *Draft Archaeological Research Design/Treatment Plan, Tenth/Market/Mission Mixed Use Project, June 26, 2003*) at the direction of the Environmental Review Officer (ERO). In instances of any inconsistency between the requirements of the project ARD/TP and of this archaeological mitigation measure, the requirement of this latter 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 a final 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 a 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 its own discretion, the project sponsor may either:

- Redesign the proposed project so as to avoid any adverse effect on the significant archaeological resource; or
- Implement a data recovery program, 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.* If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program is to 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 archaeological monitoring program 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 (e.g., demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles for foundation or shoring, site remediation) 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), how to identify the evidence of the expected resource(s), and 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 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 materials 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.

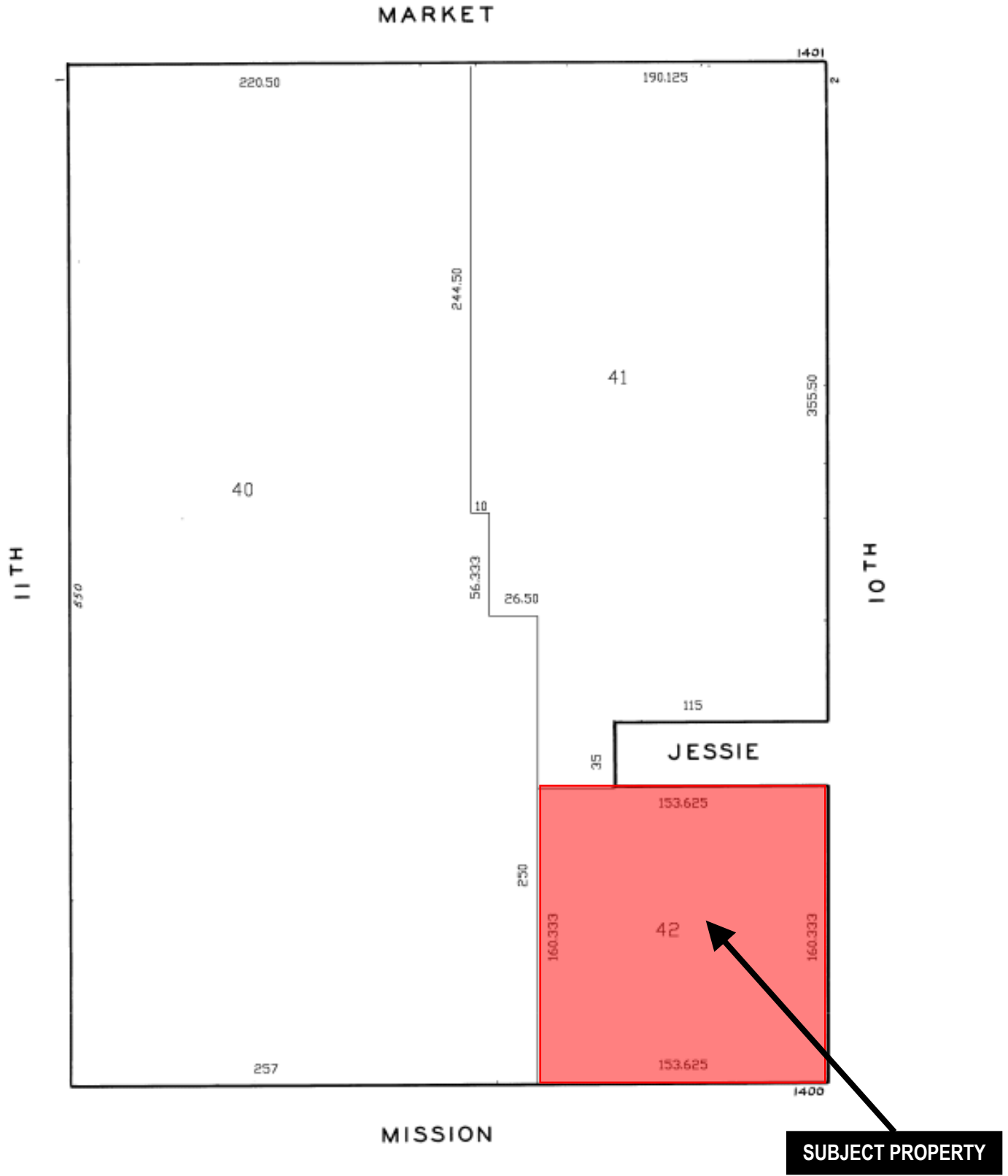
*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner 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), which 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.

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



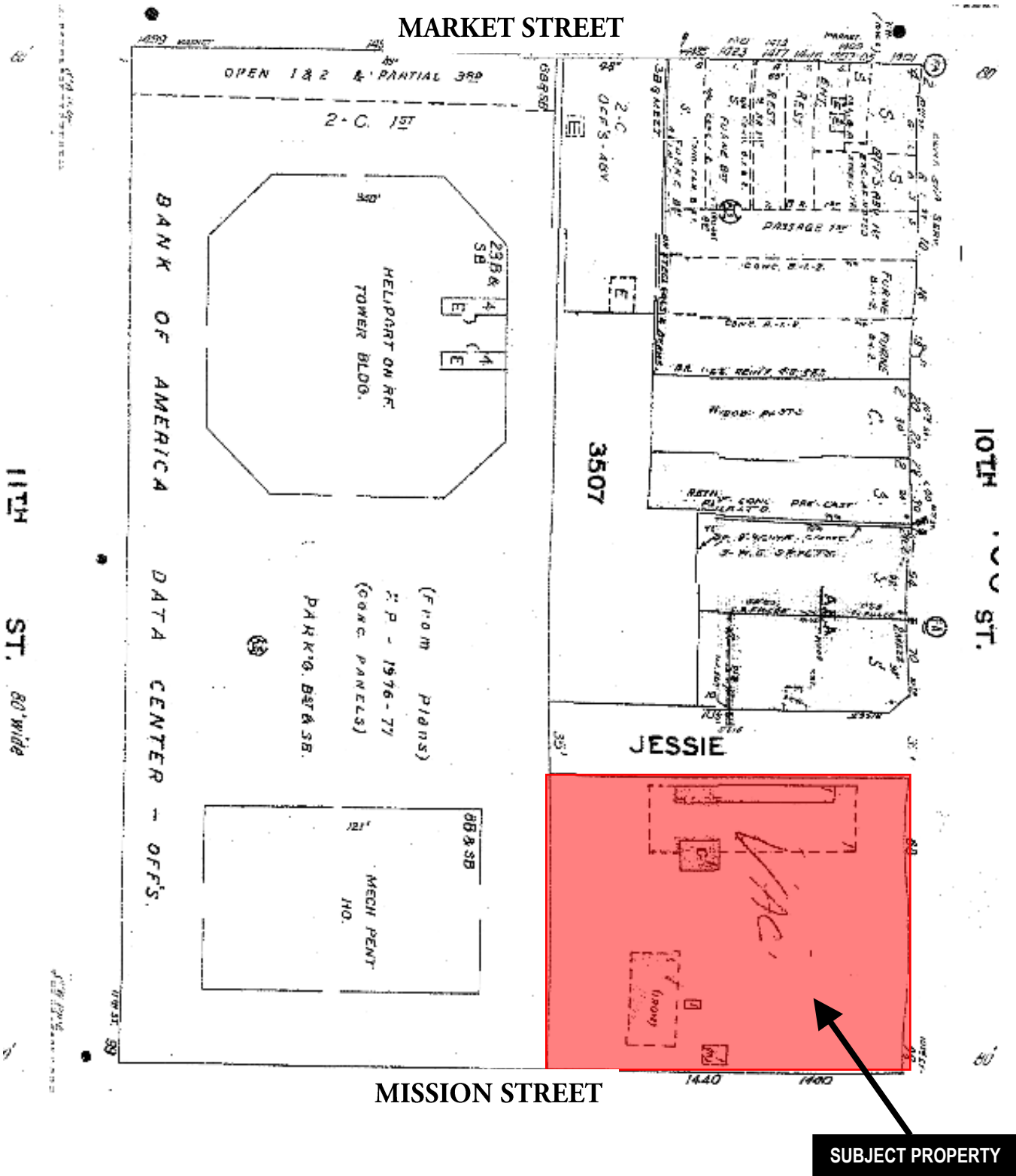
# Block Book Map



309 & CU Application  
Case Number 2011.1043 CEKUX  
1400 Mission Street



# Sanborn Map\*

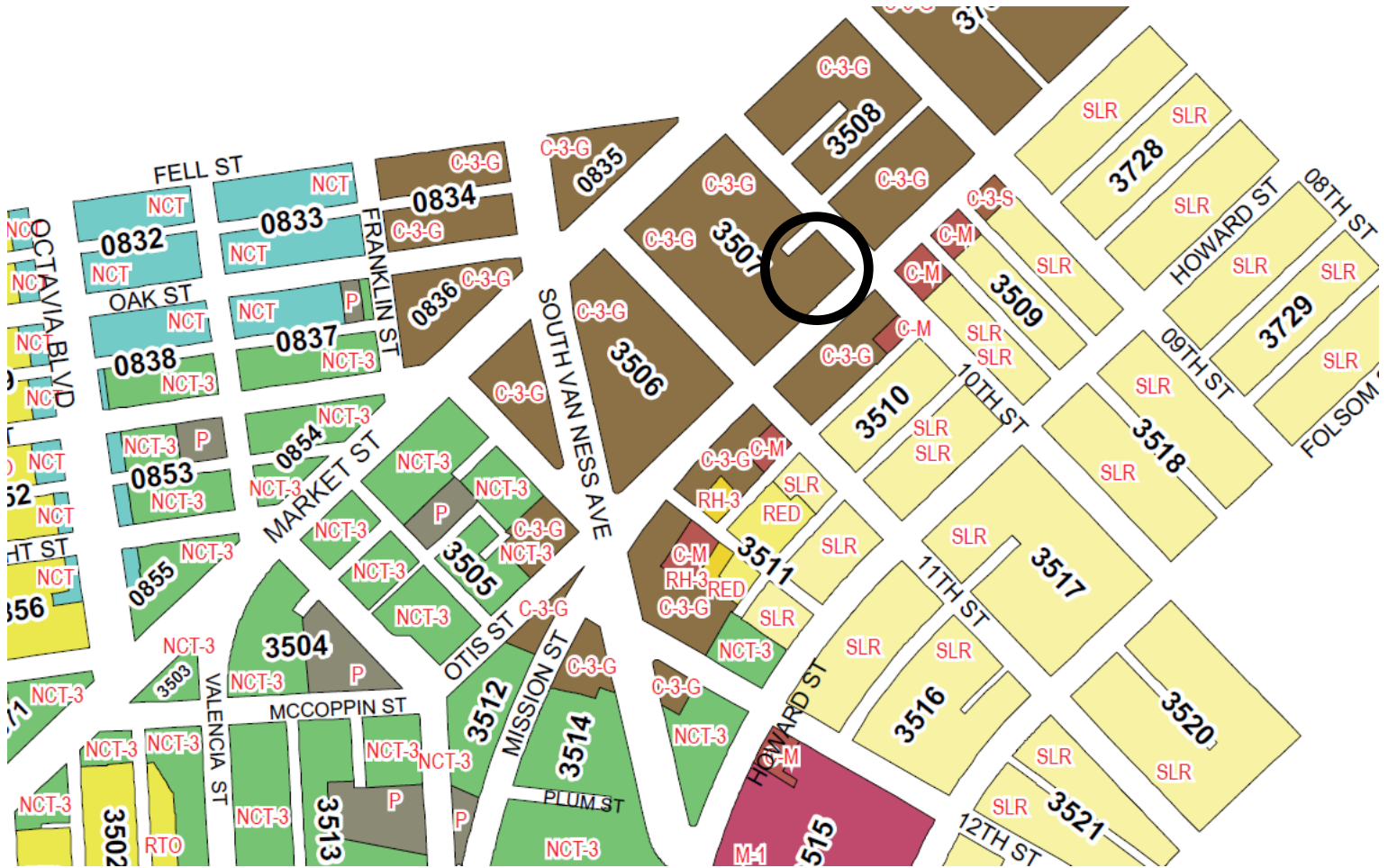


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



309 & CU Application  
 Case Number 2011.1043 CEKUX  
 1400 Mission Street

# Zoning Map



309 & CU Application  
Case Number 2011.1043 CEKUX  
1400 Mission Street

# Aerial Photo

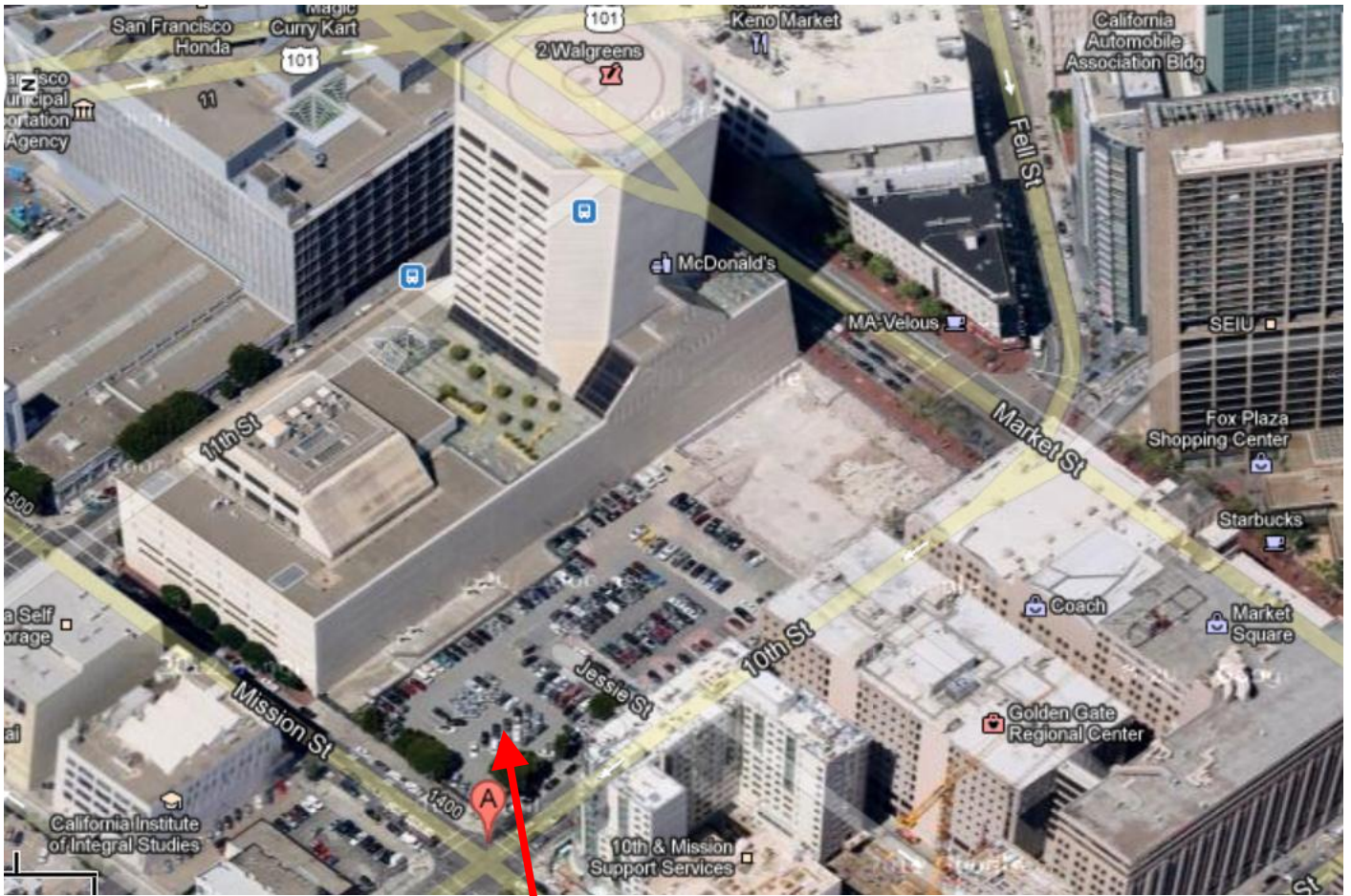


**SUBJECT PROPERTY**



309 & CU Application  
Case Number 2011.1043 CEKUX  
1400 Mission Street

# Aerial Photo

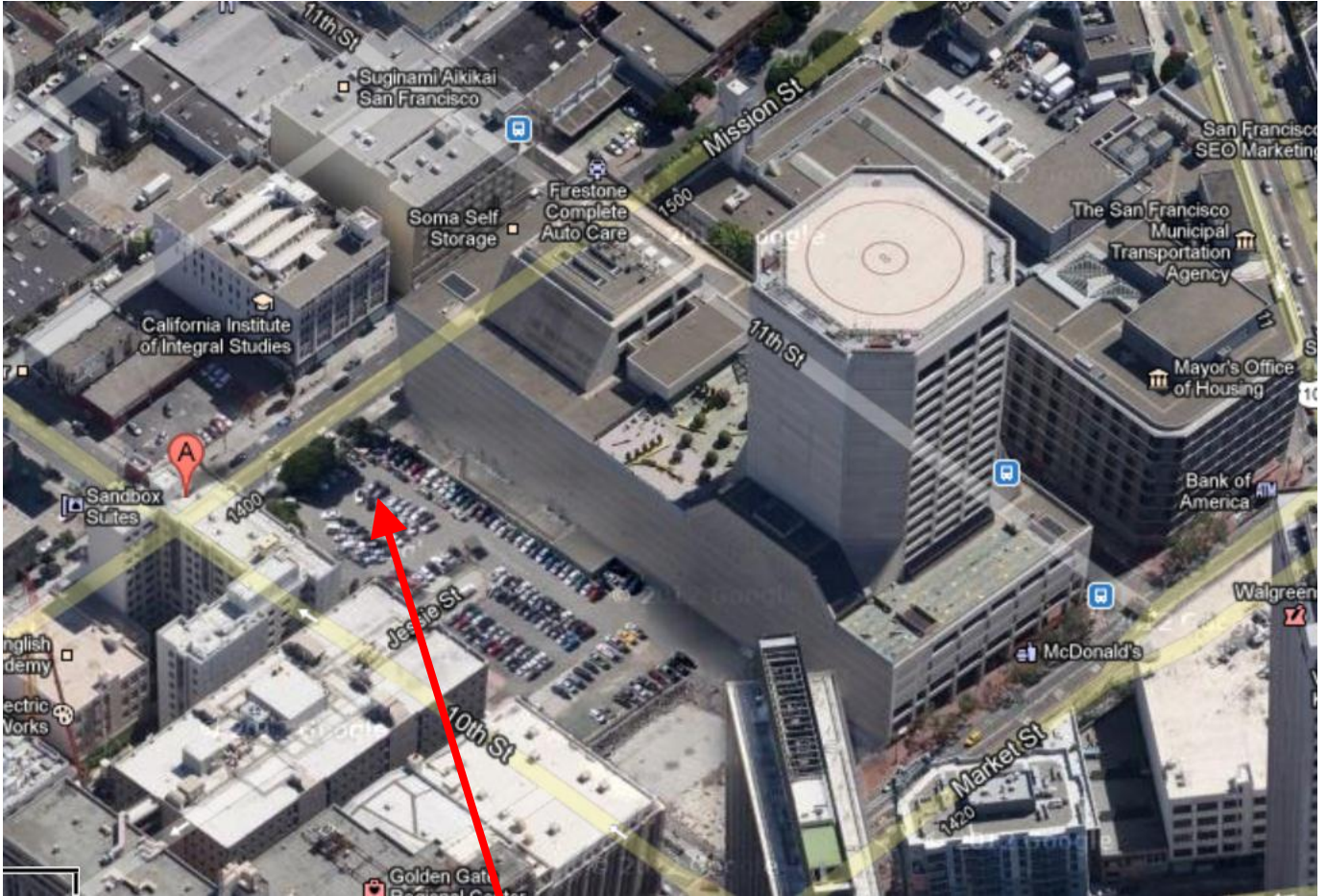


**SUBJECT PROPERTY**



309 & CU Application  
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# Aerial Photo

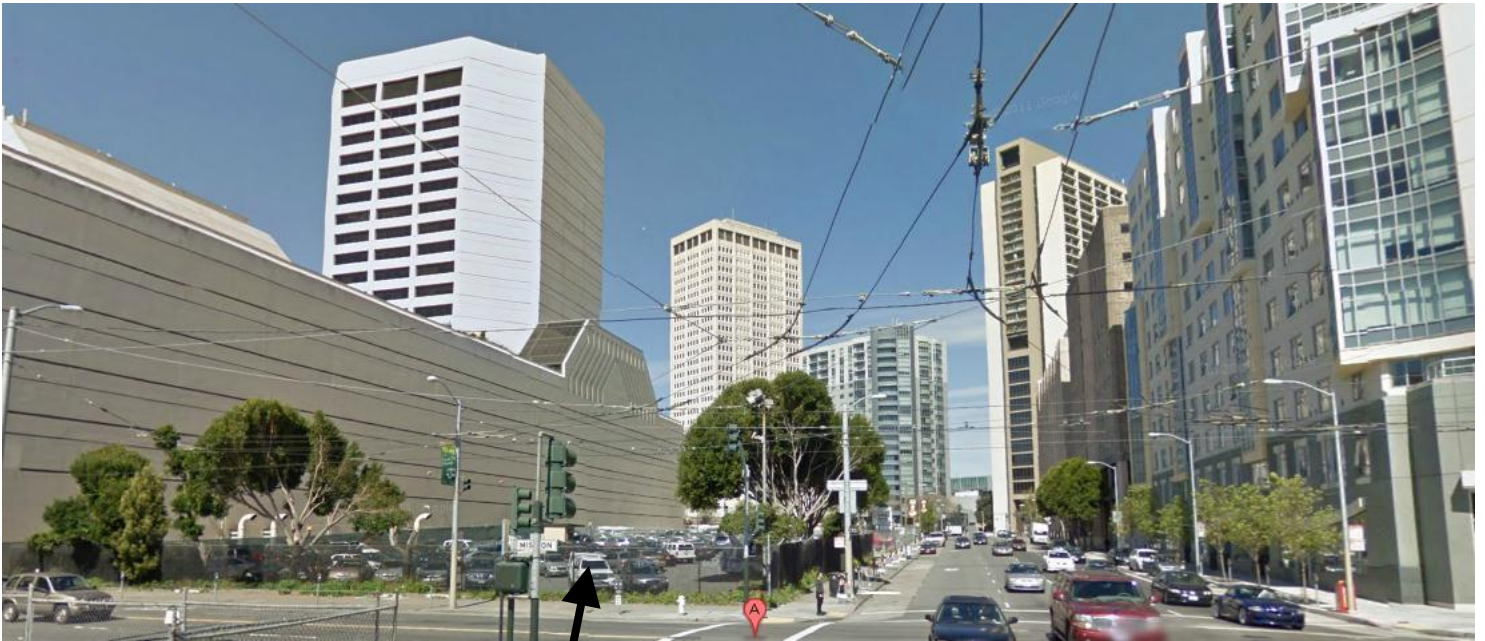


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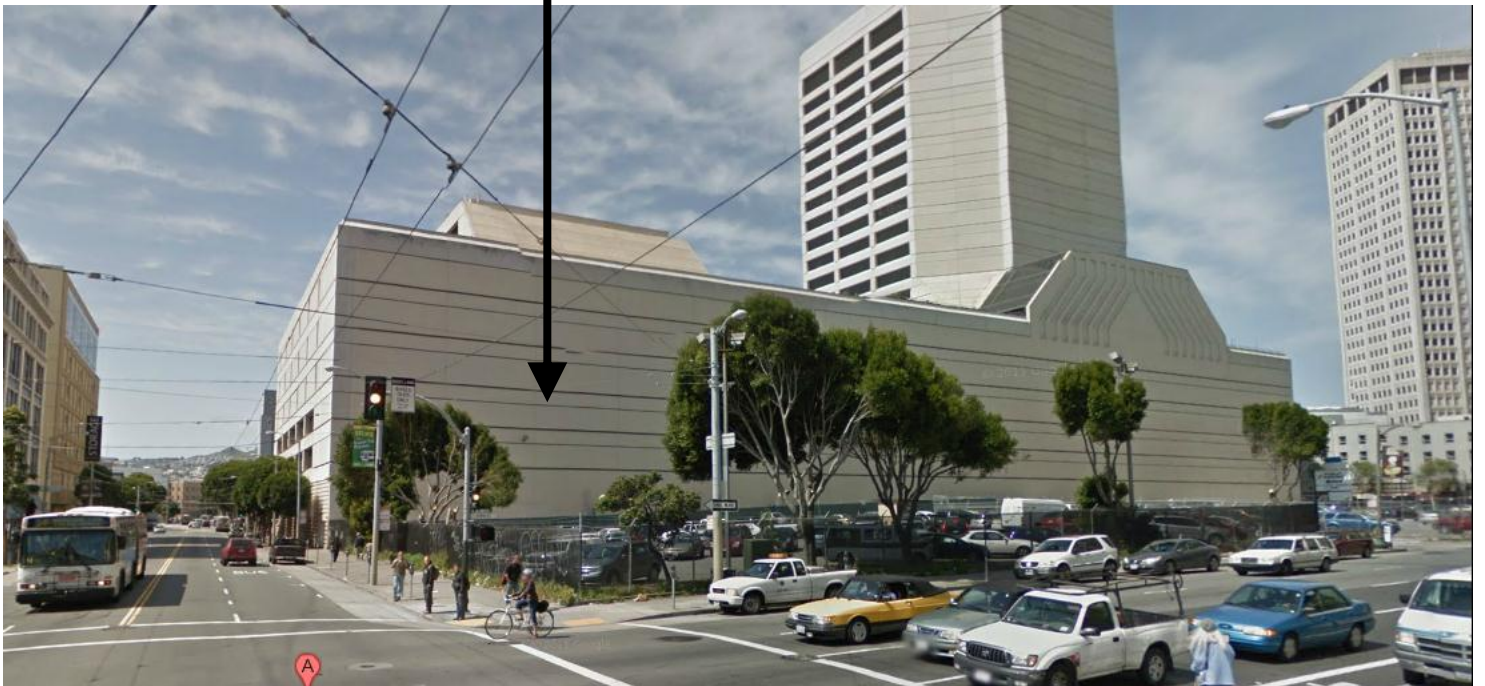


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1400 Mission Street

# Site Photo



**SUBJECT PROPERTY**



309 & CU Application  
Case Number 2011.1043 CEKUX  
1400 Mission Street



## 1400 Mission Affordable Family Housing Concept

SAN FRANCISCO, CALIFORNIA

San Francisco Planning Department-309 Submittal  
December 14, 2012

> PROJECT SPONSOR

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> ARCHITECT

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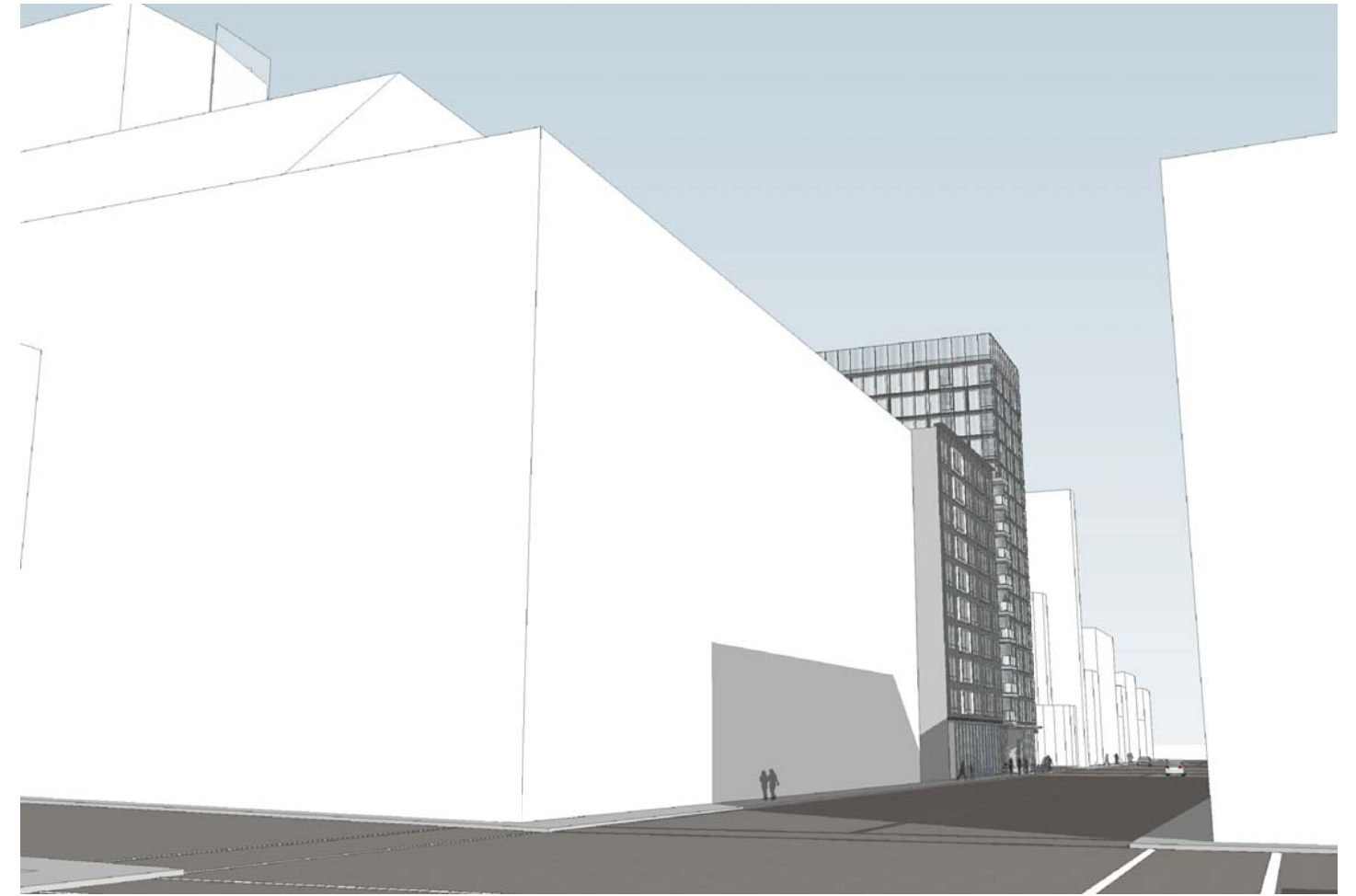
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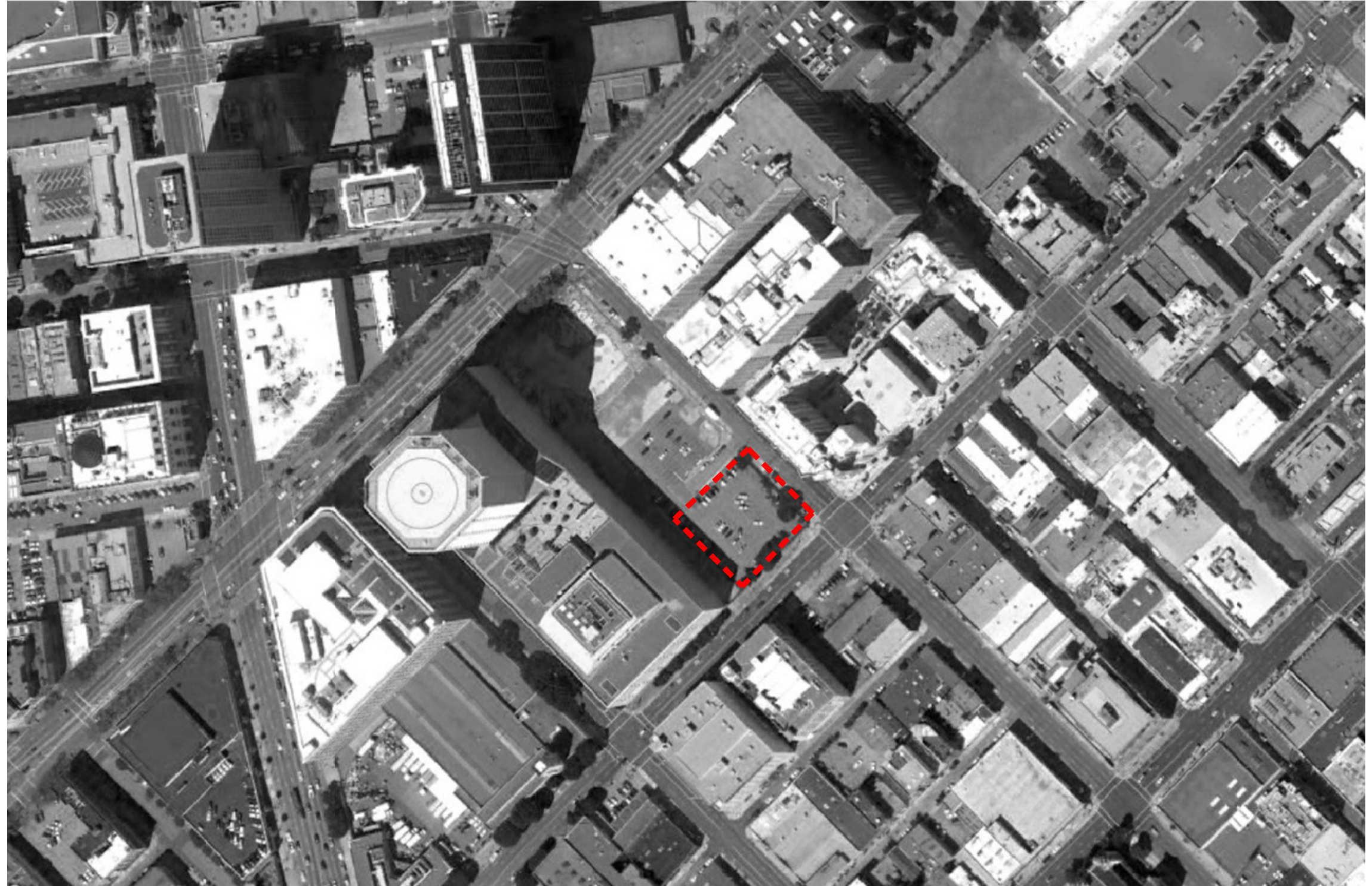
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VIEW FROM MISSION AND 10TH LOOKING SE ON 10TH ST



VIEW OF SITE FROM INTERSECTION OF 10TH AND MARKET LOOKING SE



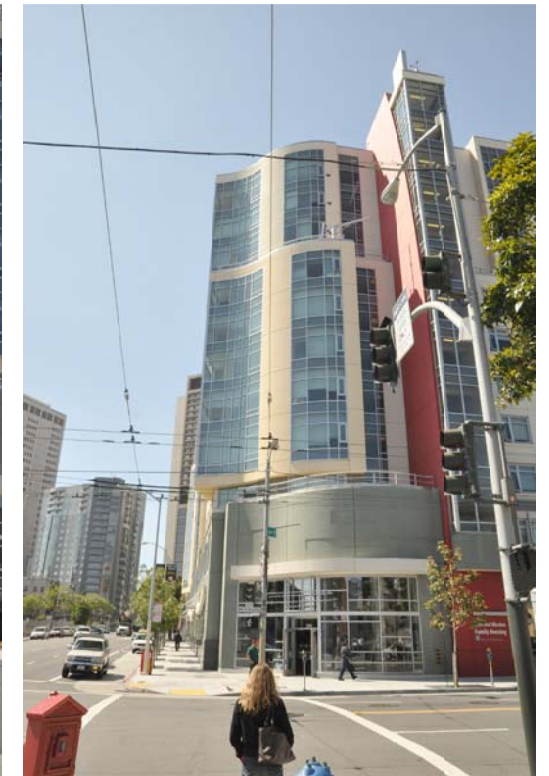
VIEW OF SITE FROM INTERSECTION OF 10TH AND MISSION LOOKING SW



VIEW FROM 10TH AND MISSION LOOKING NE ON MISSION



VIEW OF SITE FROM INTERSECTION OF 10TH AND MISSION LOOKING SW



MERCY HOUSING BUILDING FROM 10TH AND MISSION

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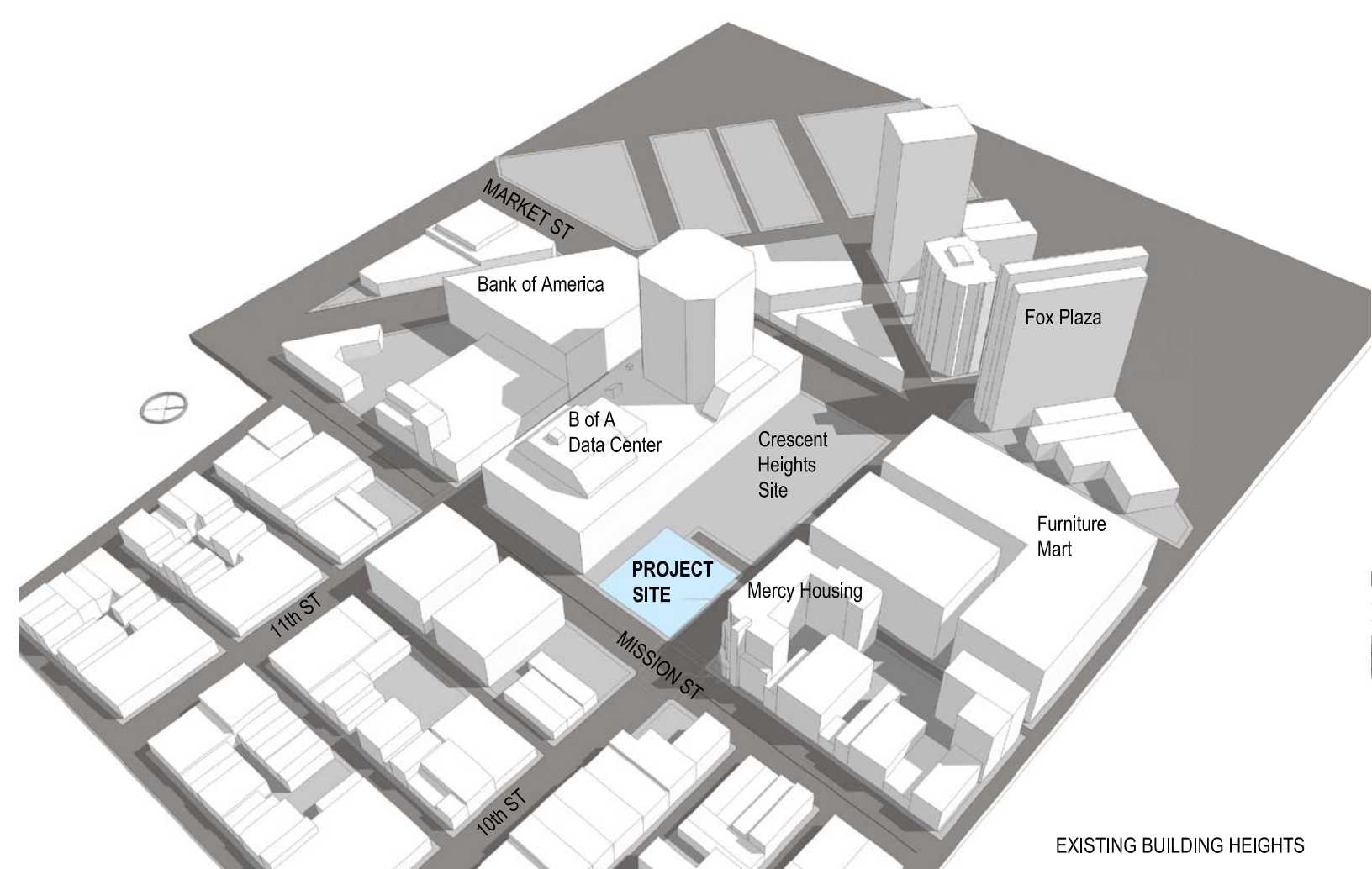
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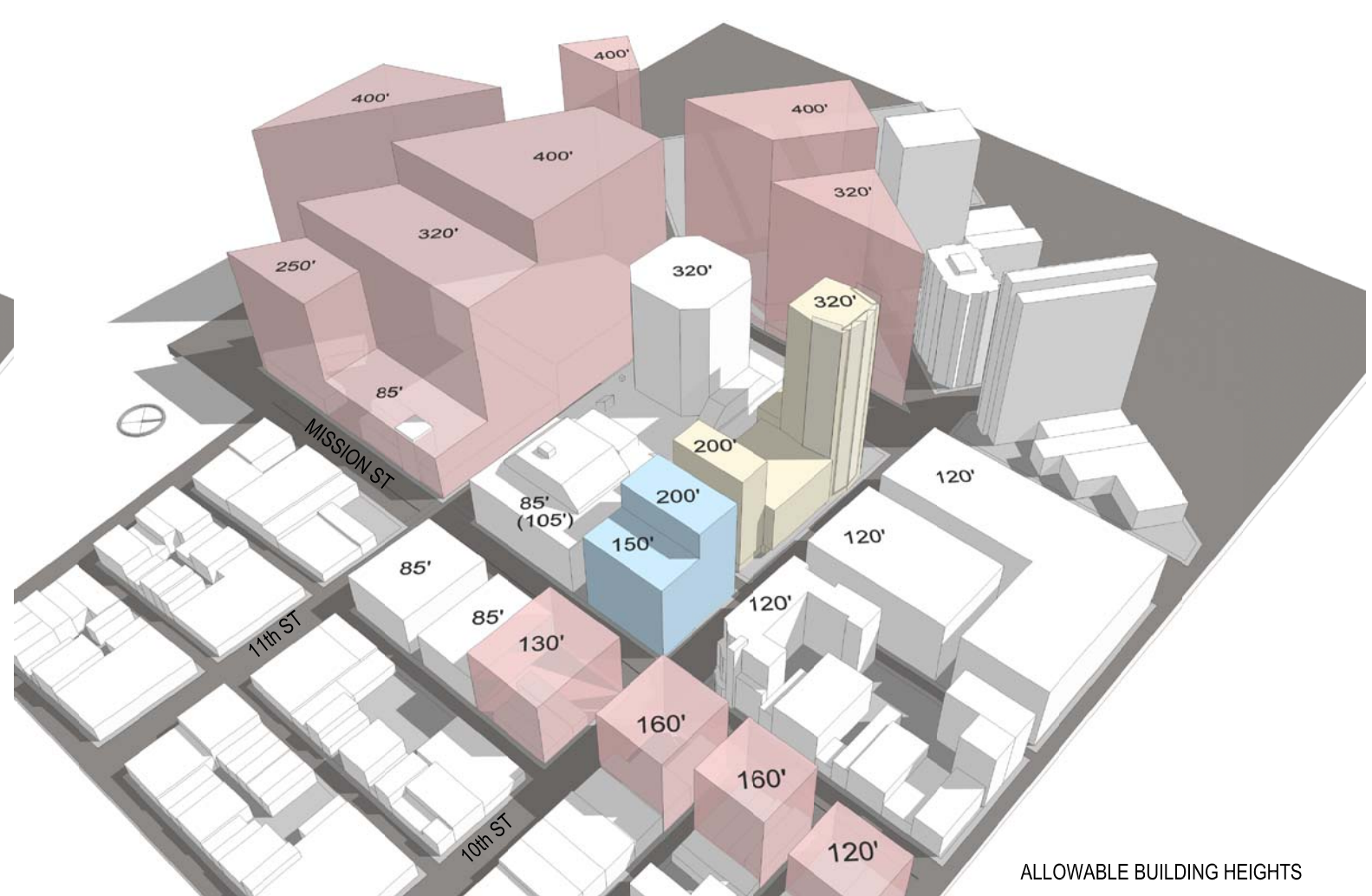
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A0.1





EXISTING BUILDING HEIGHTS



ALLOWABLE BUILDING HEIGHTS

**ACCESSORS PARCEL NUMBER:** BLOCK 3507, LOT 042  
**LOT SIZE:** 160'-" x 153'-7", 24,631 S.F.  
**USE DISTRICT:** C - 3 - G  
**HEIGHT:** MAP HT07 150S / 200S  
**UNIT DENSITY:** 1 D.U. PER 125 S.F. LOT AREA = 197

**BULK:** 200-S, 150-S  
 NO BULK REQUIREMENTS AT BASE  
 BASE: 1.25 X STREET WIDTH (82.5') = 103.125'  
 TOWER: MAX. LENGTH = 160'  
 MAX. DIAGONAL = 190'  
 MAX FLOOR AREA = 20,000 S.F.  
 MAX AVE. FLOOR AREA = 17,000 S.F.

**REAR YARD SET BACK:** SFPC SEC. 134.C.4.A  
 25% OF LOT DEPTH IS REQUIRED AS REAR YARD SETBACK  
 AT ALL RESIDENTIAL LEVELS

**OPEN SPACE:** SFPC TABLE 135  
 C-3-G: 36 S.F. OF USABLE SPACE REQ'D FOR EACH DWELLING UNIT.  
 48 S.F. REQ'D FOR COMMON OPEN SPACE  
 SFPC SEC. 15; SFPC SEC. 102.9(B) (6)1

**OFF STREET PARKING:** AFFORDABLE HOUSING: NO PARKING REQ'D FOR AFFORDABLE  
 HOUSING PROJECTS AS DEFINED BY SECTION 313.1 OR 315.1 OF THIS  
 CODE  
 ANY PARKING OVER .375 PER UNIT MUST BE CALCULATED INTO THE  
 BUILDING'S FAR  
 RETAIL: ONE FOR EACH 500 S.F. OF OCCUPIED FLOOR AREA UP TO  
 20,000 WHERE THE OCCUPIED FLOOR AREA EXCEEDS 5,000 S.F., PLUS  
 ONE FOR EACH 250 S.F. OF OCCUPIED FLOOR AREA IN EXCESS OF  
 20,000

**OFF STREET LOADING:** SFPC SEC. 152  
 RESIDENTIAL: 100,001 - 200,000 = 1  
 200,001 - 500,000 = 2  
 RETAIL: 0-10,000 = 0

**309 EXCEPTIONS:** - REAR YARD (SFPC 134)  
 - OFF-STREET LOADING (SFPC 152)  
**VARIANCES:** - STREET FRONTAGE (SFPC 145.1)

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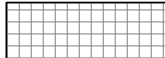
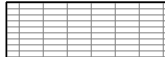


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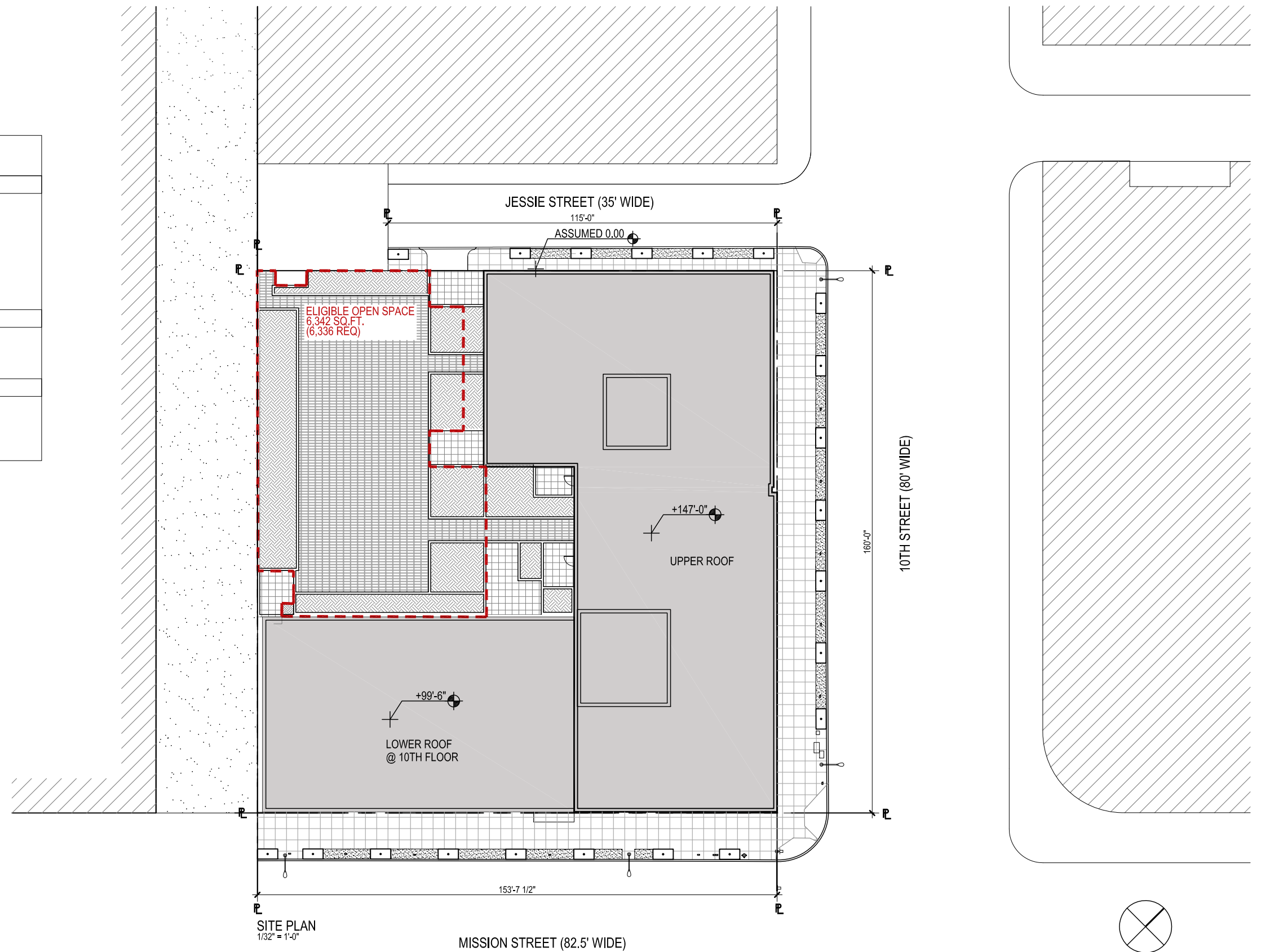




<b>CASE NO.:</b>	2003.0262E
<b>PROJECT TITLE:</b>	1400 MISSION STREET
<b>PROPOSED PROJECT</b>	
USE:	AFFORDABLE HOUSING
AREA:	203,733 GSF per section 102.9
STORIES:	15 STORIES
UNITS:	190
PARKING:	22 SPACES ON GRADE 42 WITH SINGLE STACKERS
LOADING:	1
<b>USABLE OPEN SPACE FOR DWELLING UNIT</b>	
	36 SF FOR PRIVATE OPEN SPACE
	48 SF FOR PUBLIC OPEN SPACE
	132 UNITS X 48SF = 6,336 SF REQ. OPEN SPACE
<b>PROVIDED</b>	
	58 DWELLING UNITS W/BALCONIES (SEE A1.5)
	190 UNITS - 58 = 132 DWELLING UNITS W/O BALCONIES
	132 X 48sf = 6,336 OPEN SPACE REQ'D
	6,342 SF PROVIDED

**TERRACE LEGEND**

-  PRIVATE OPEN SPACE
-  PUBLIC OPEN SPACE (HARDSCAPE)
-  RAISED PLANTER
-  COMPLIANT PUBLIC OPEN SPACE = 6,342 SF



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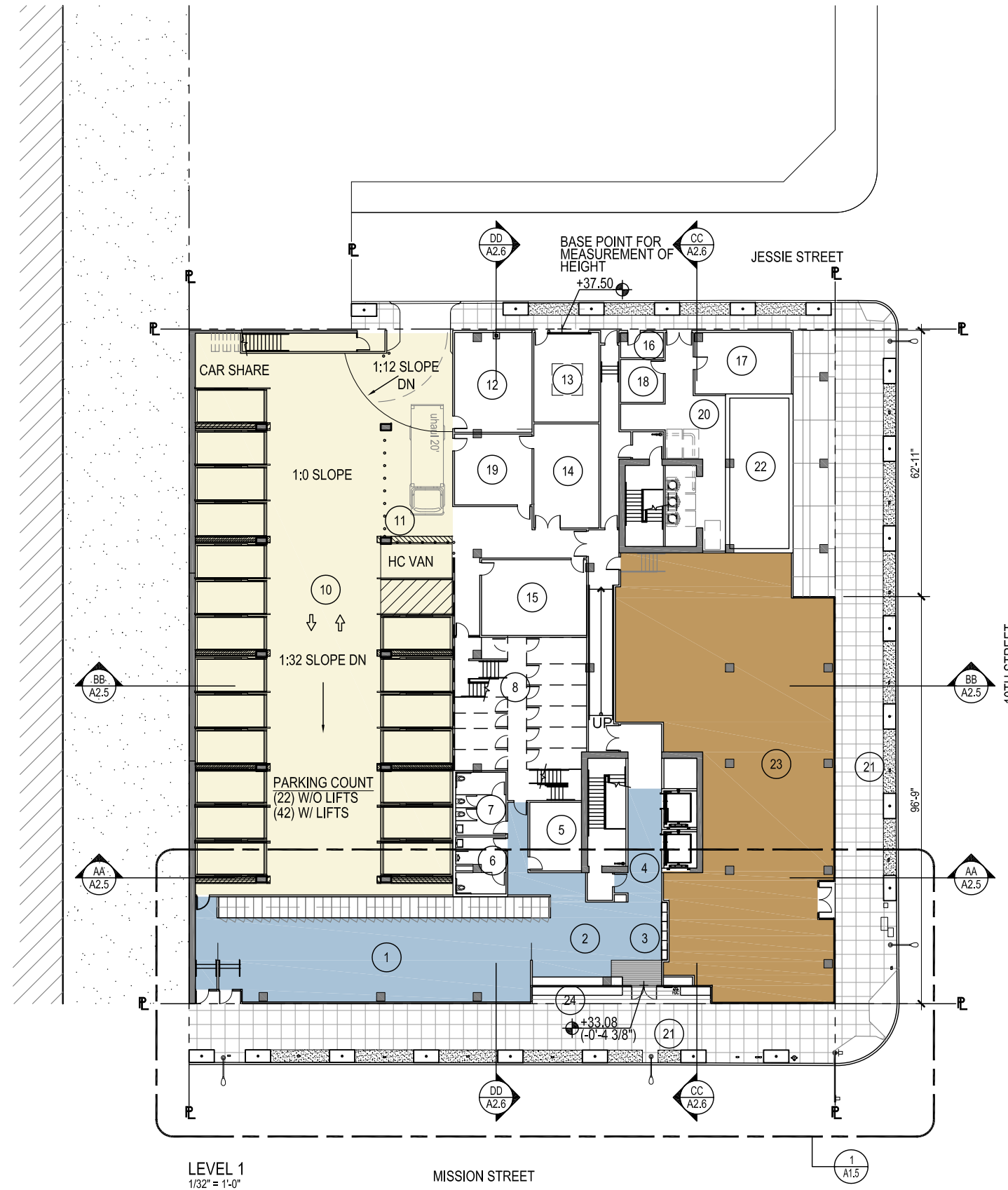
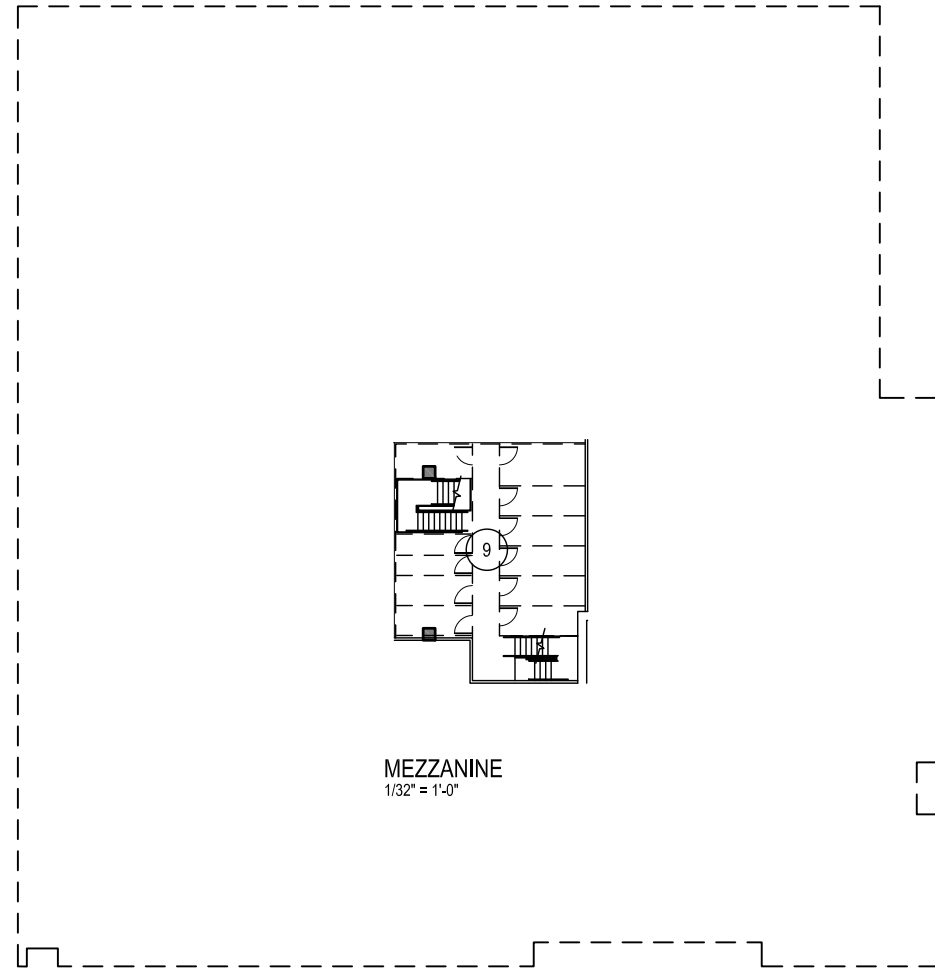
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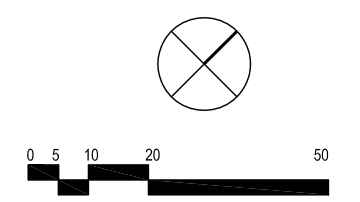
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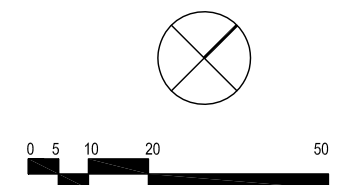
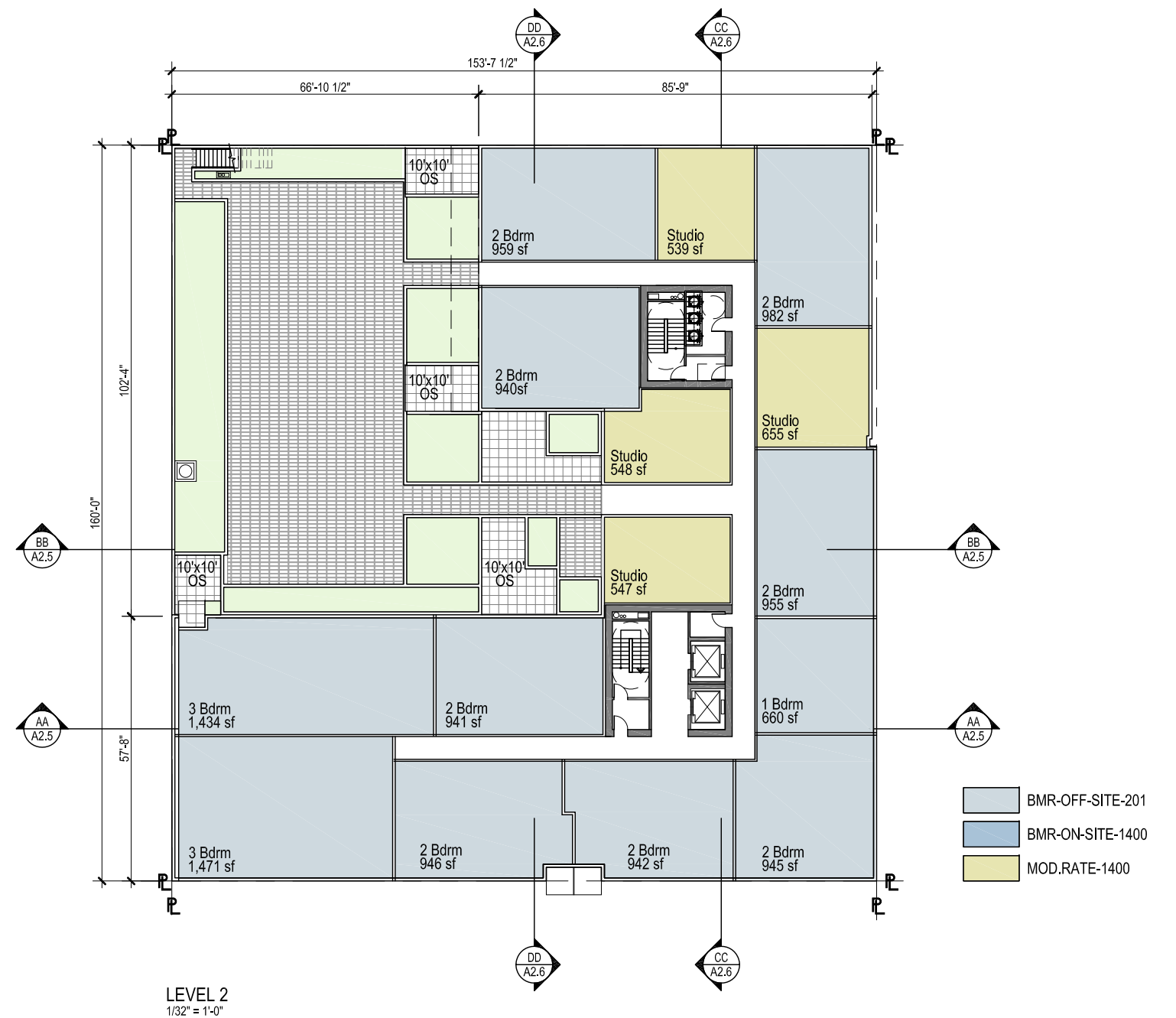
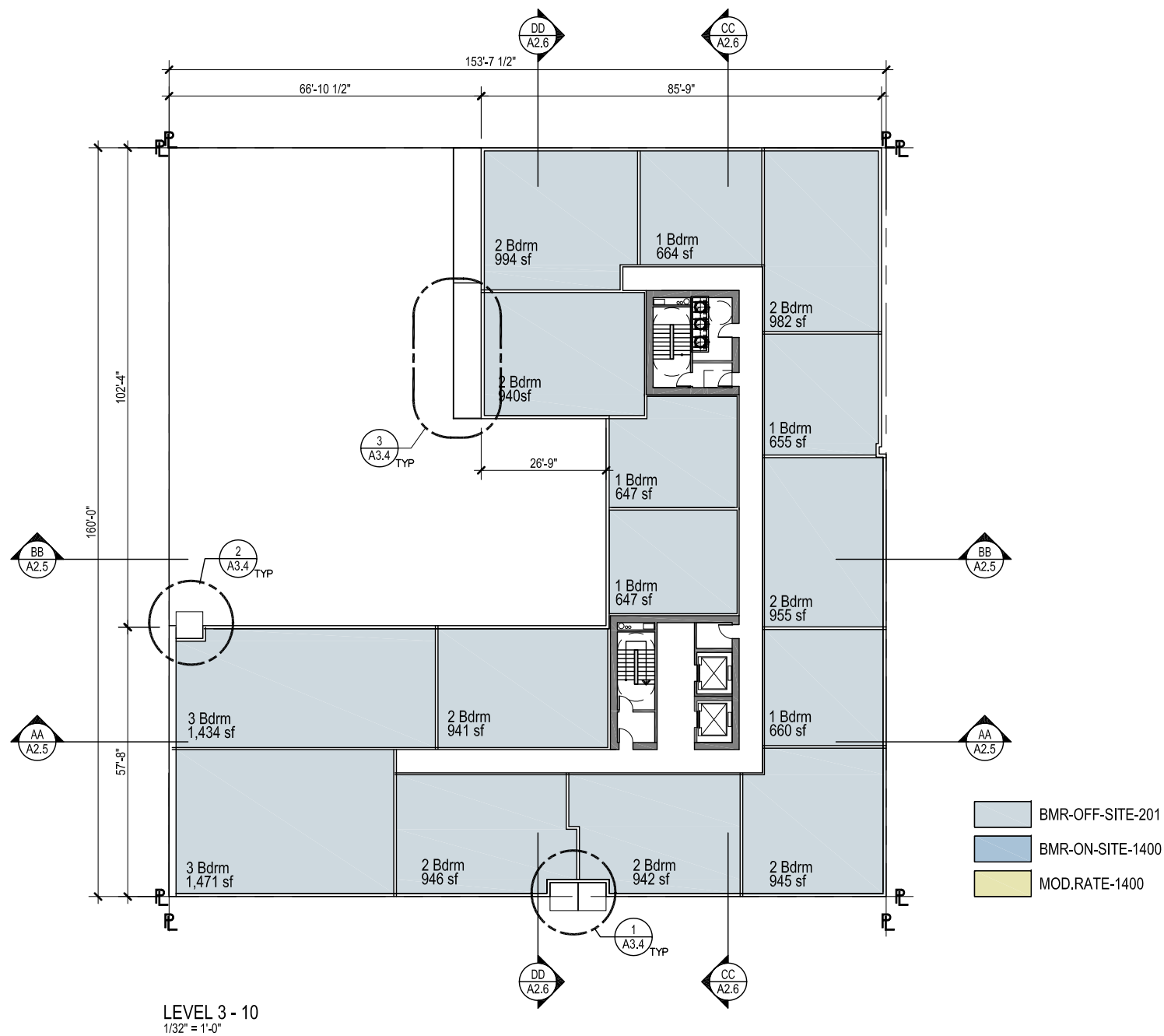
**A1.0**





- 1 MULTIPURPOSE ROOM (BIKE STORAGE/TOOL CO-OP)
- 2 LOBBY
- 3 MAIL
- 4 ELEVATOR LOBBY
- 5 FIRE CONTROL
- 6 WOMEN'S RESTROOM
- 7 MEN'S RESTROOM
- 8 STORAGE UNITS (11)
- 9 MEZZANINE STORAGE UNITS (11)
- 10 PARKING
- 11 LOADING
- 12 GENERATOR
- 13 TRANSFORMER ROOM
- 14 SWITCH GEAR
- 15 MECHANICAL/STORAGE
- 16 GAS METERS
- 17 FIRE PUMP
- 18 DOMESTIC WATER
- 19 GENERATOR SWITCHGEAR
- 20 TRASH
- 21 BIKE RACKS
- 22 SUP WATER SUPPLY  
30,000 GAL. w/o Car Lifts  
45,000 GAL. w/ Car Lifts
- 23 RETAIL
- 24 RETAIL OPEN SPACE



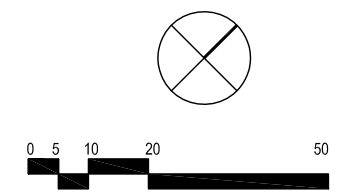
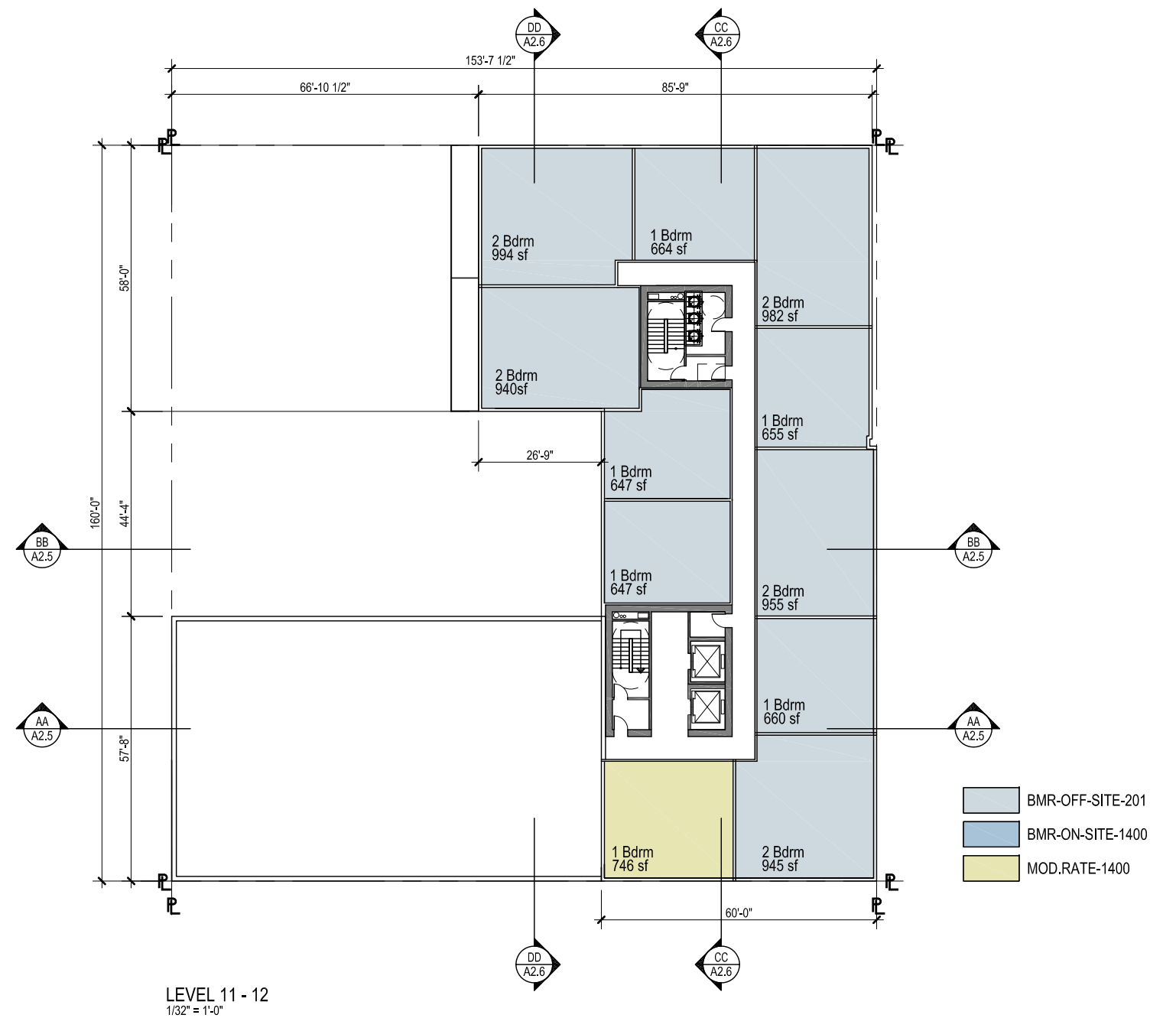
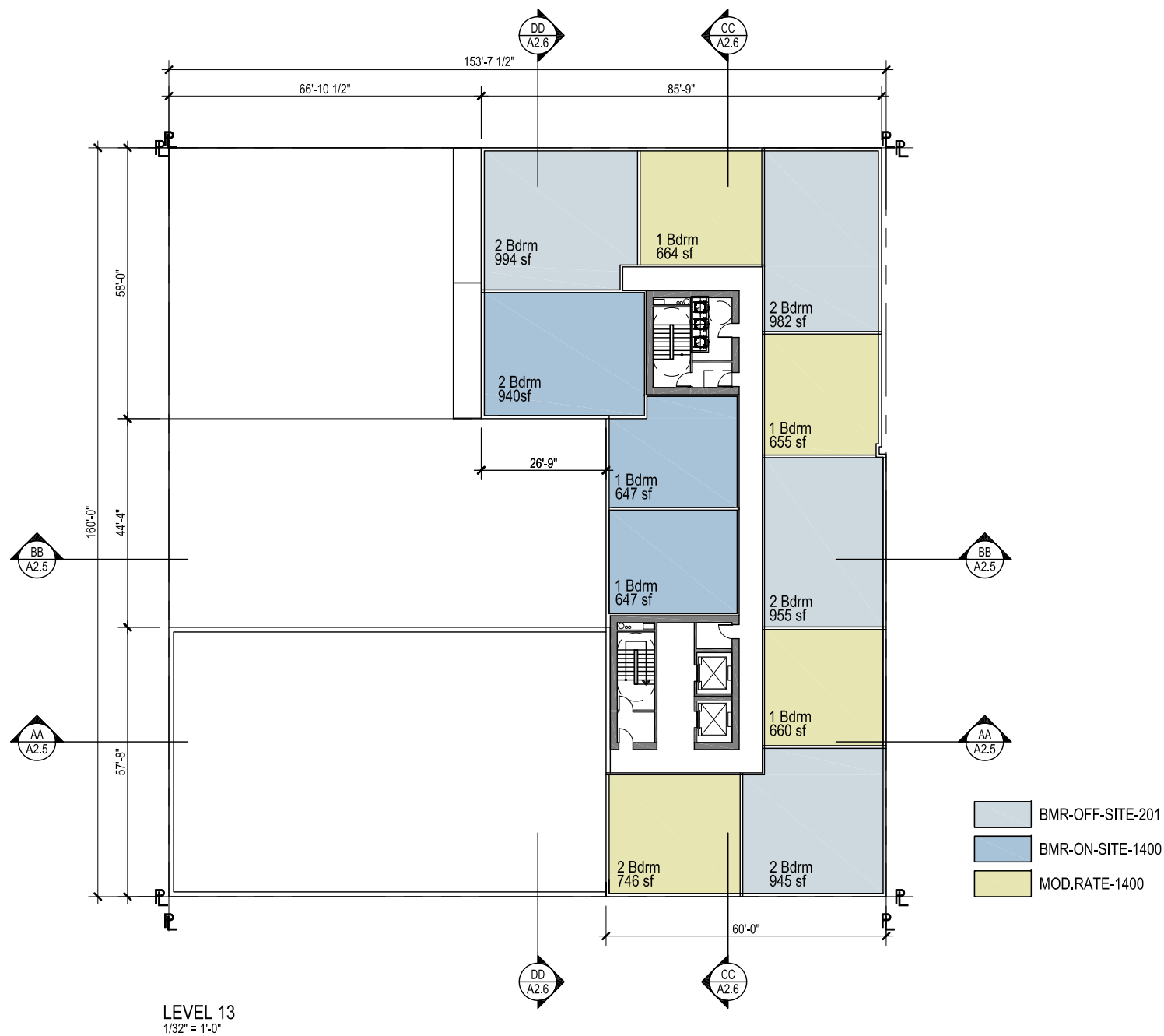


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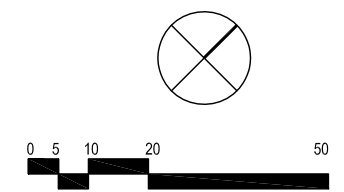
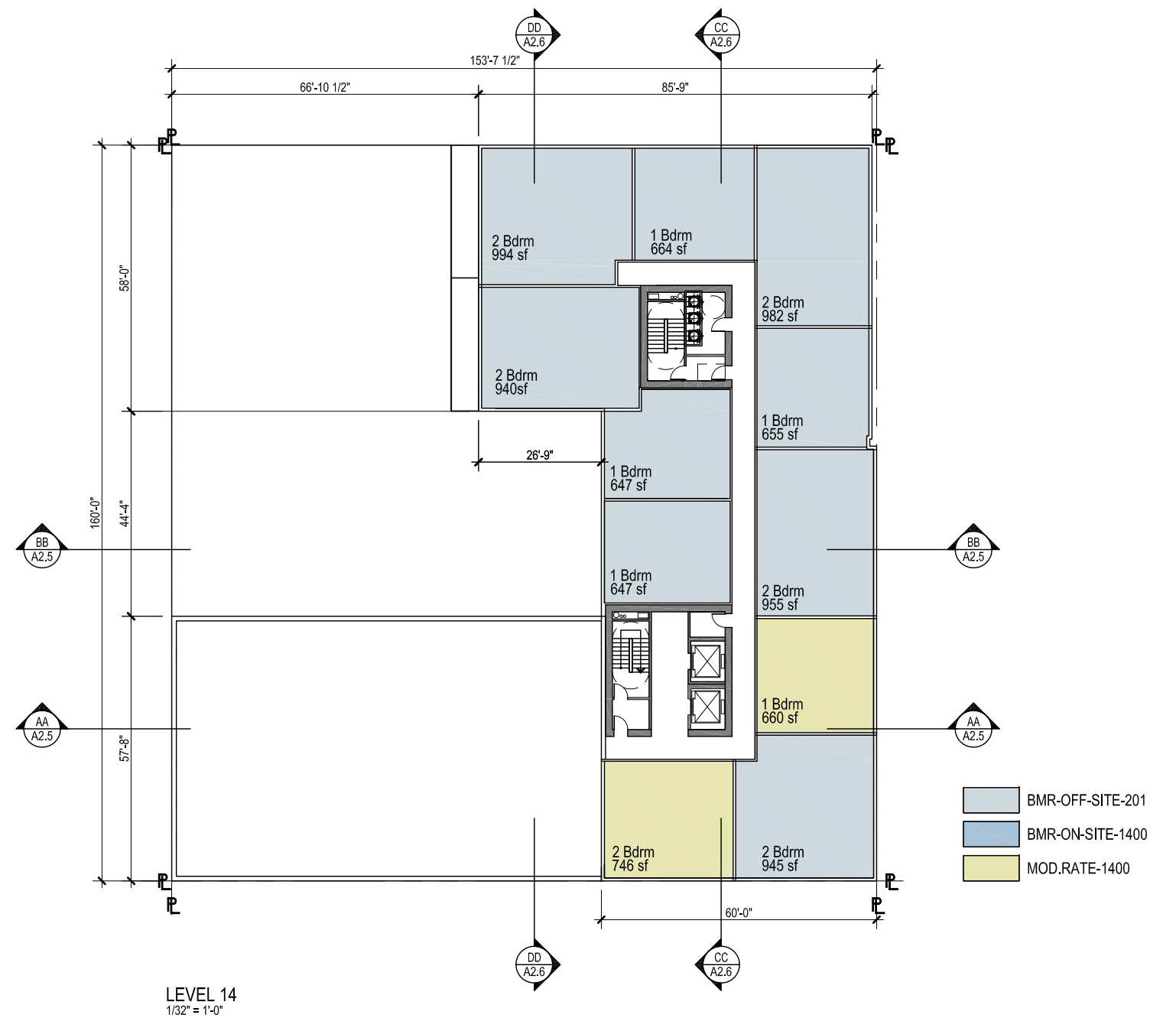
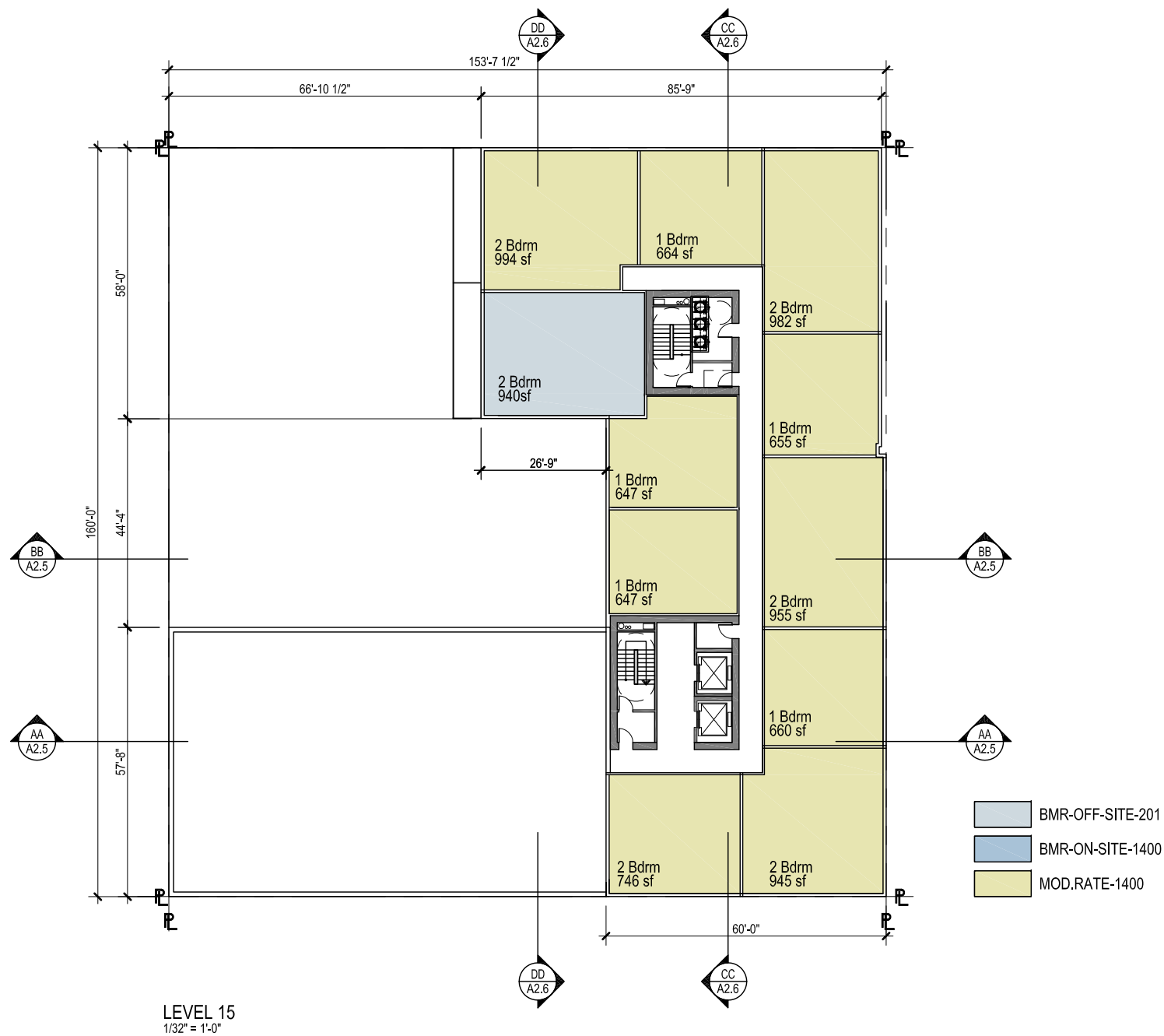


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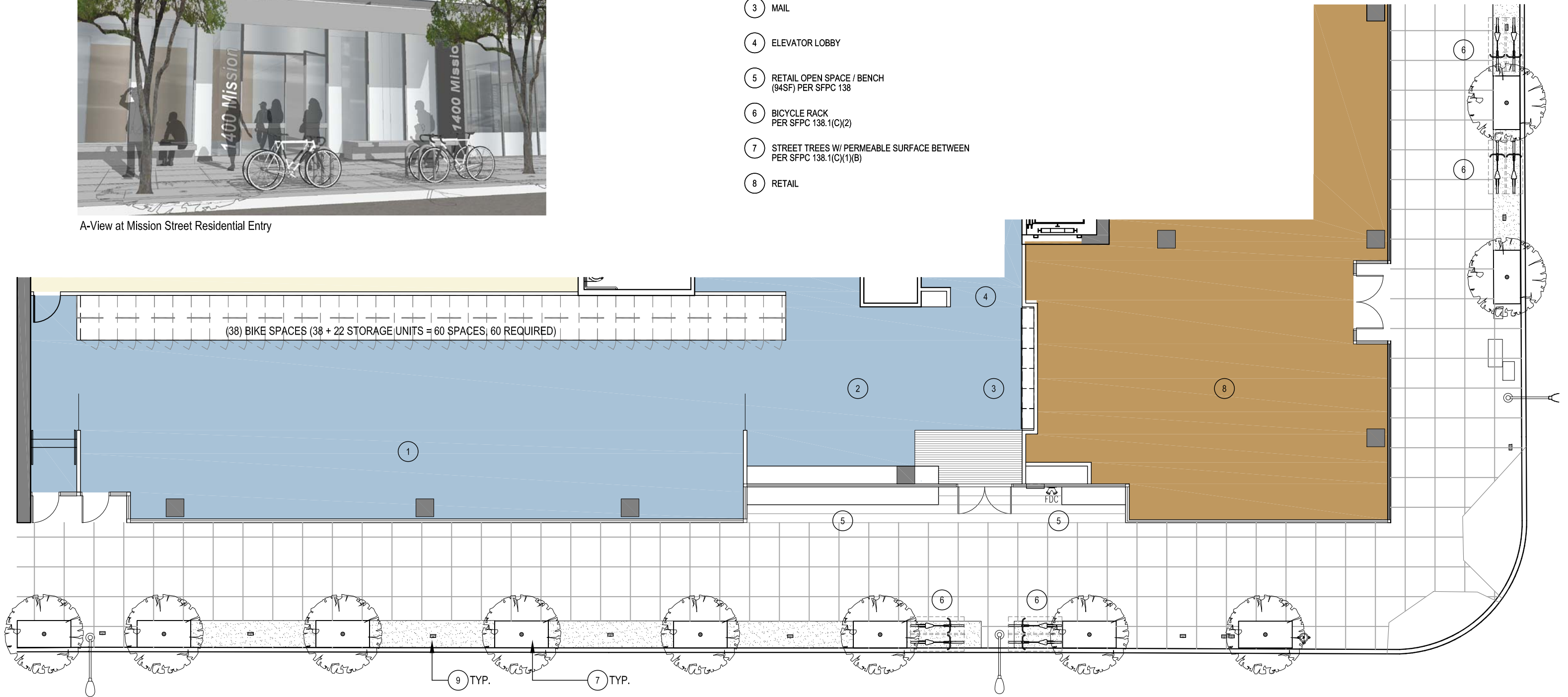
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A-View at Mission Street Residential Entry

- 1 MULTIPURPOSE ROOM  
(BIKE STORAGE/TOOL CO-OP)
- 2 LOBBY
- 3 MAIL
- 4 ELEVATOR LOBBY
- 5 RETAIL OPEN SPACE / BENCH  
(94SF) PER SFPC 138
- 6 BICYCLE RACK  
PER SFPC 138.1(C)(2)
- 7 STREET TREES W/ PERMEABLE SURFACE BETWEEN  
PER SFPC 138.1(C)(1)(B)
- 8 RETAIL



PARTIAL PLAN - LEVEL 1  
3/32" = 1'-0"

# 1400 Mission Affordable Family Housing Concept

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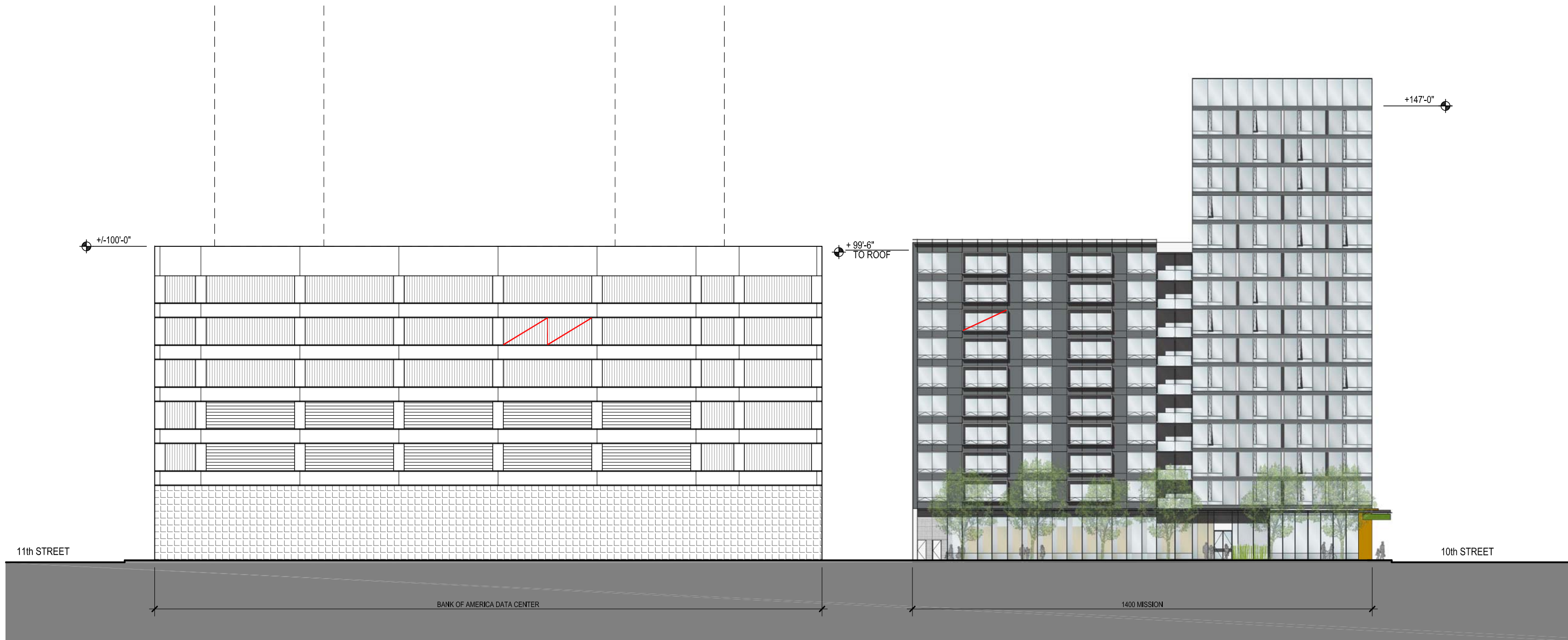
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ELEVATION MISSION STREET  
1/32" = 1'-0"



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**A2.0**





ELEVATION 10TH STREET  
1/32" = 1'-0"

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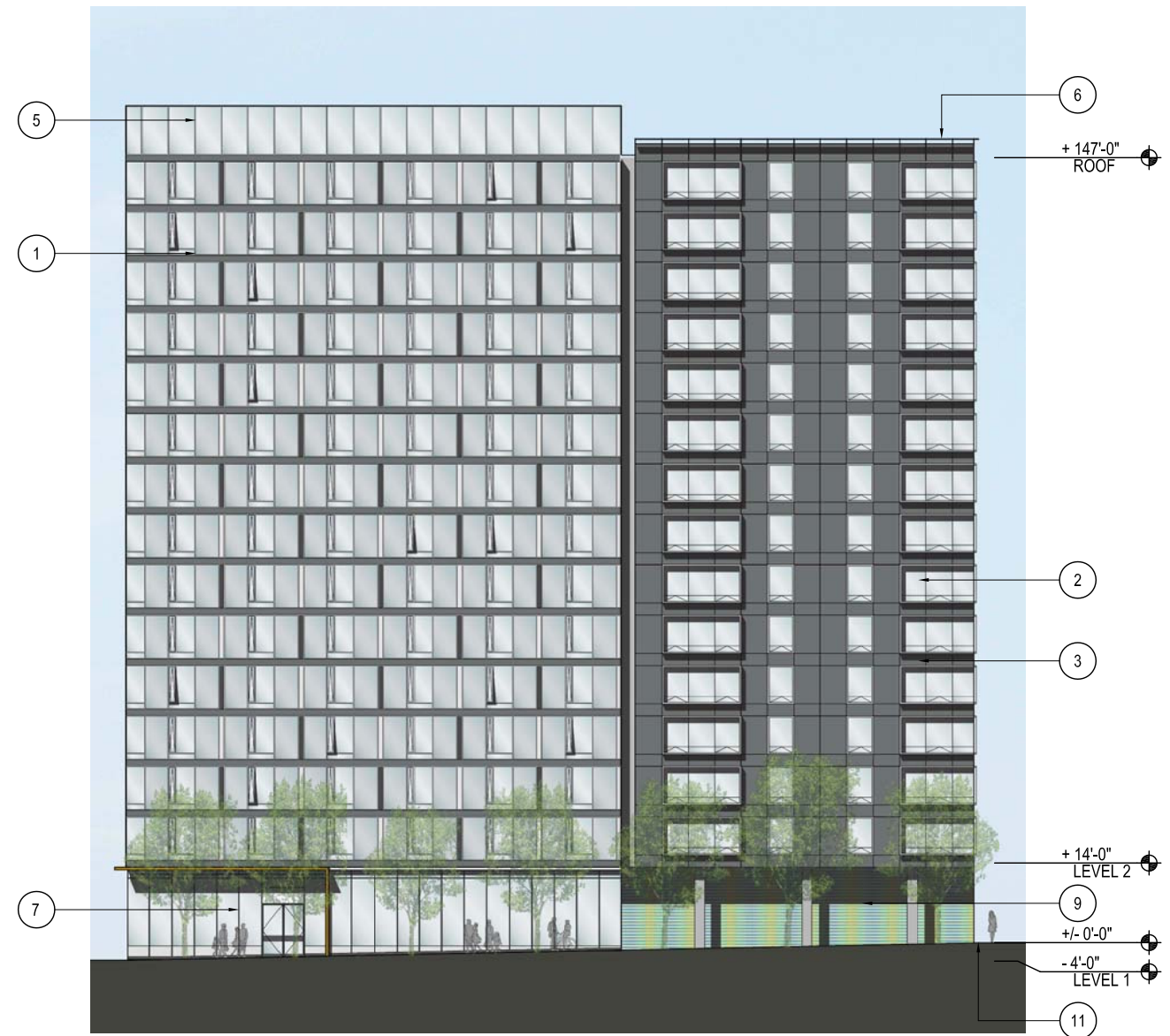
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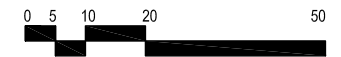




MISSION STREET ELEVATION  
1/32" = 11'02" = 1'-0"



10TH STREET ELEVATION  
1/32" = 1'-0"



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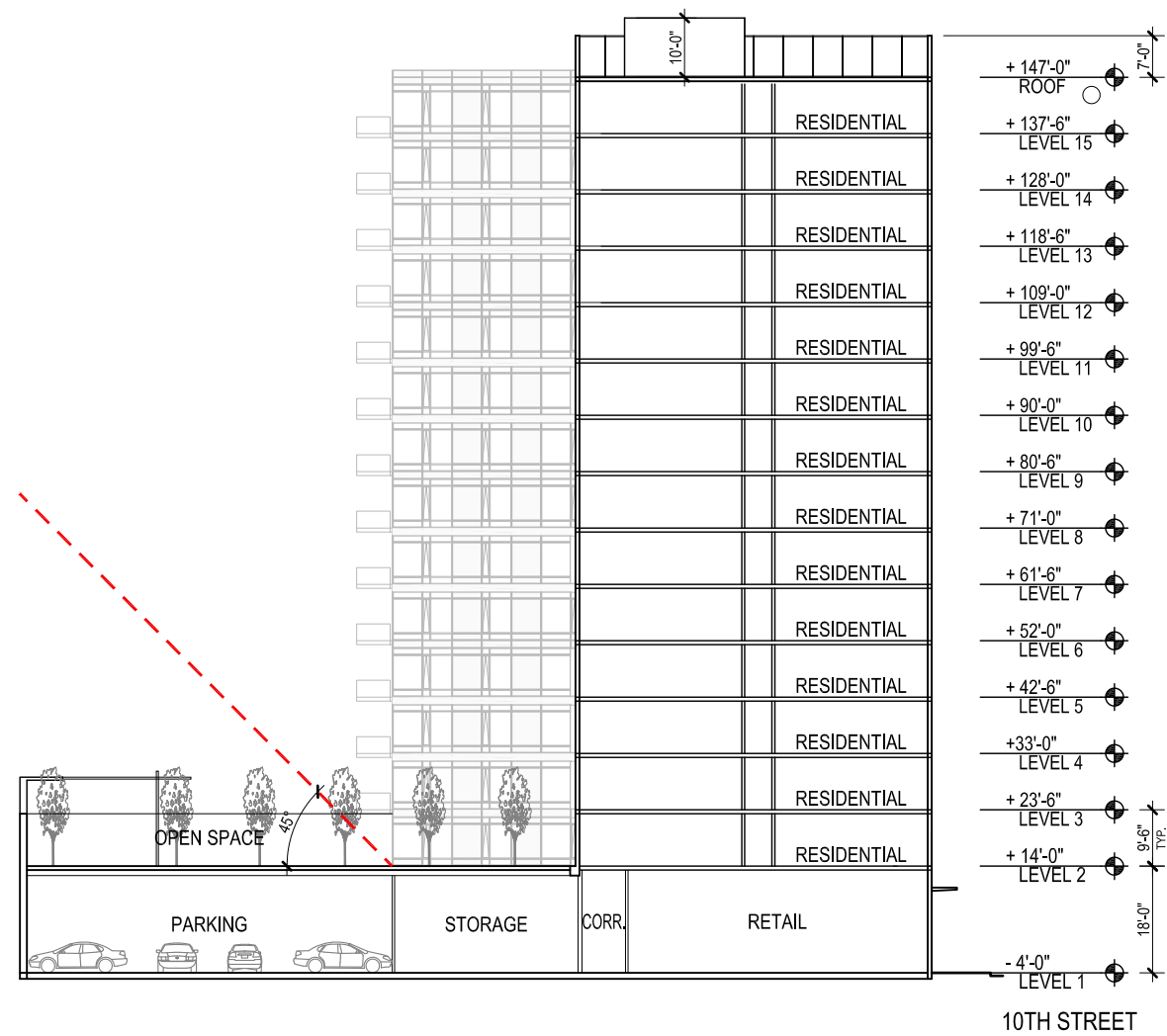
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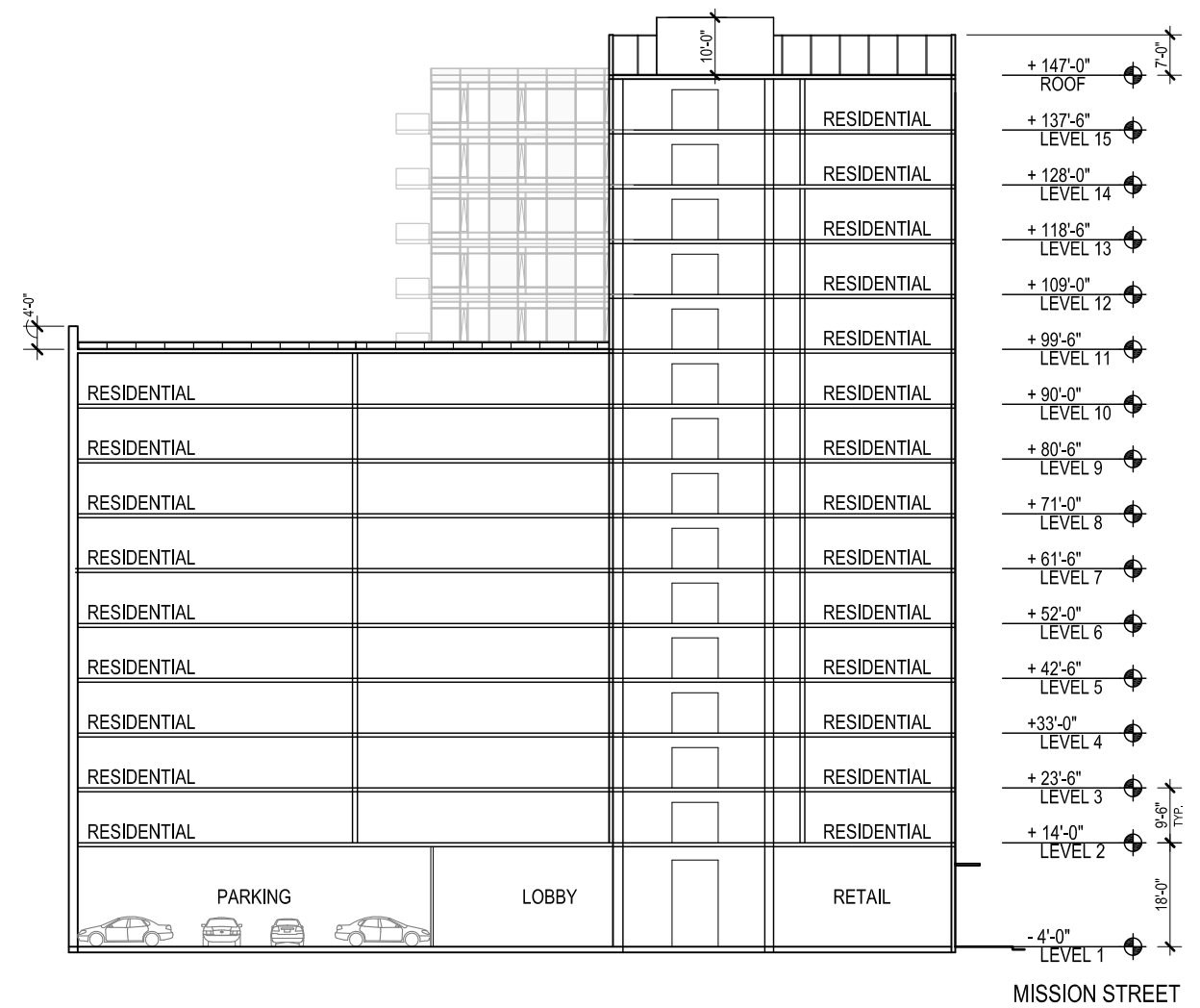
- ① CURTAIN WALL TYPE A: METAL PANEL@ SPANDREL, DBL. GLAZED VISION GLASS, BACK-PAINTED SPANDREL GLASS
- ② CURTAIN WALL TYPE B: METAL PANEL AND DBL. GLAZED VISION GLASS
- ③ METAL PANEL
- ④ BIRD-SAFE GLAZING AT BALCONIES
- ⑤ BIRD-SAFE GLAZING AT EXTENDED PARAPET
- ⑥ METAL PANEL CORNICE
- ⑦ STOREFRONT: ALUM. MULLIONS W/ VISION GLASS AND BACK-PAINTED SPANDREL
- ⑧ METAL CANOPY
- ⑨ PROPOSED LOCATION FOR PUBLIC ART
- ⑩ GARDEN WALL: METAL PANEL SLATS
- ⑪ BASE POINT FOR HEIGHT MEASUREMENT
- ⑫ HOLLOW METAL DOOR
- ⑬ COILING DOOR W/ METAL SLATS



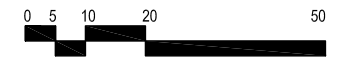
JESSIE STREET ELEVATION  
1/32" = 1'-0"



BUILDING SECTION-BB  
1/32" = 1'-0"



BUILDING SECTION-AA  
1/32" = 1'-0"



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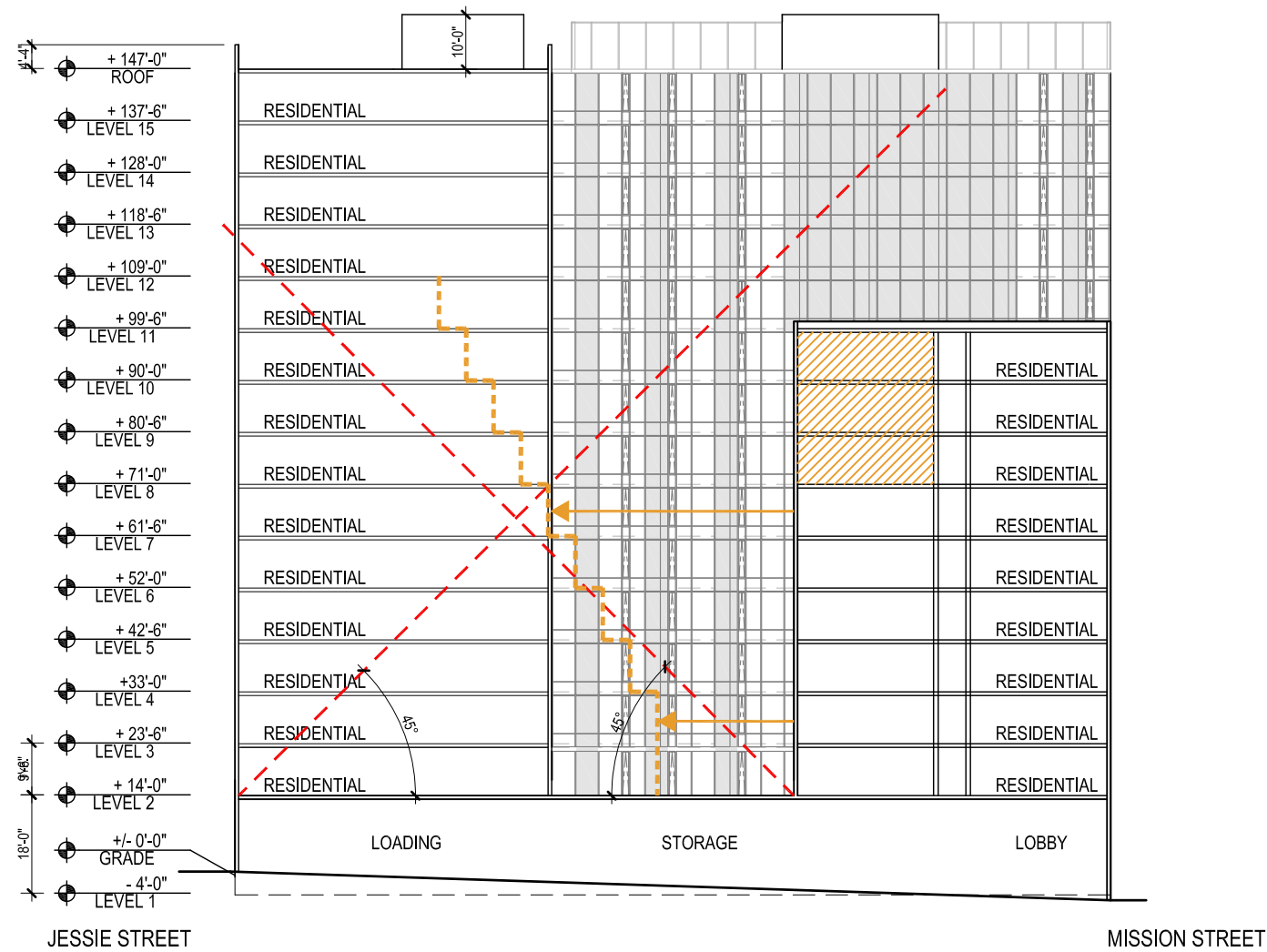
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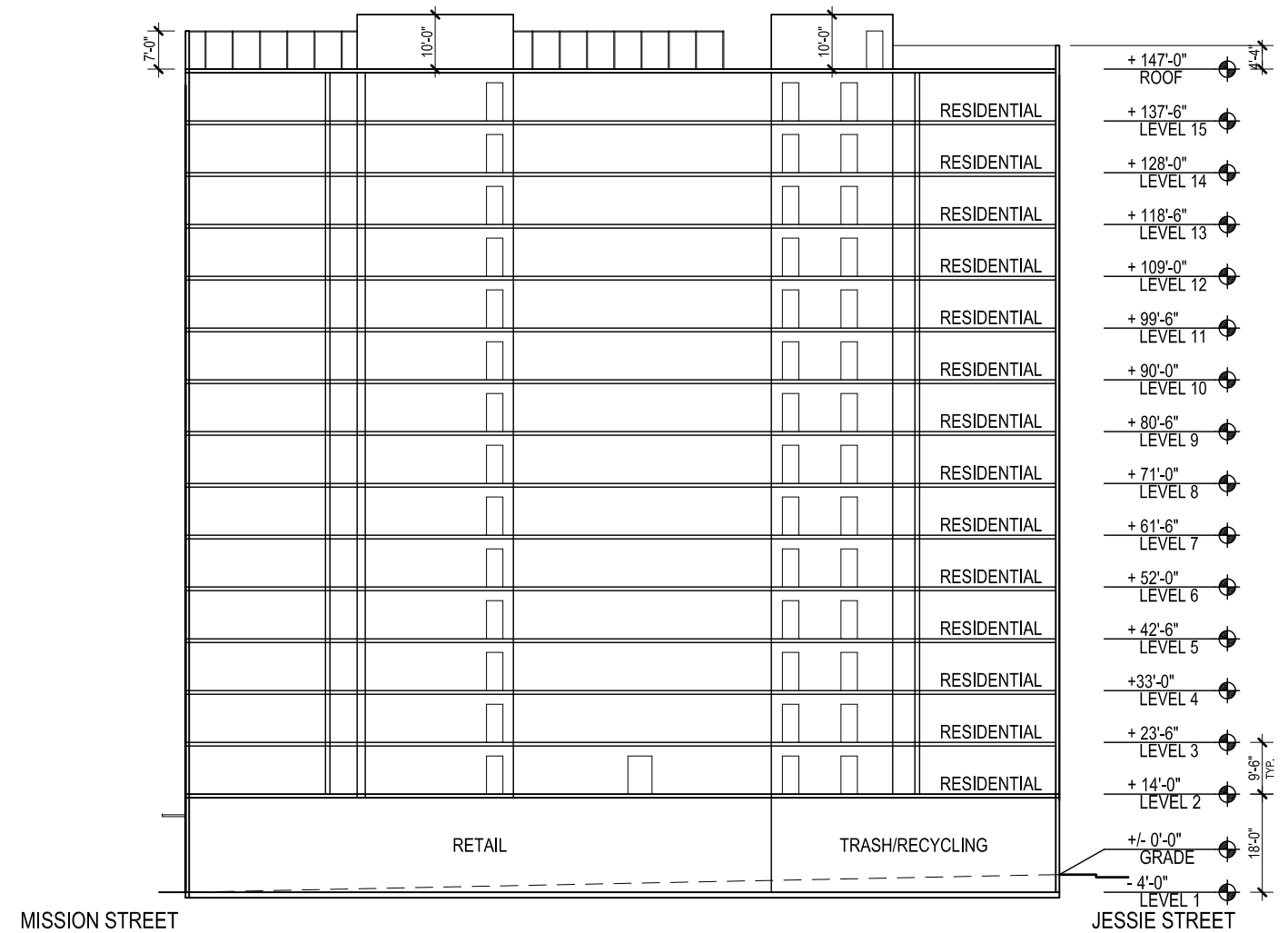
**A2.5**



 RESIDENTIAL UNITS WITH ONE ROOM FACING OPEN SPACE



BUILDING SECTION-DD  
1/32" = 1'-0"



BUILDING SECTION-CC  
1/32" = 1'-0"



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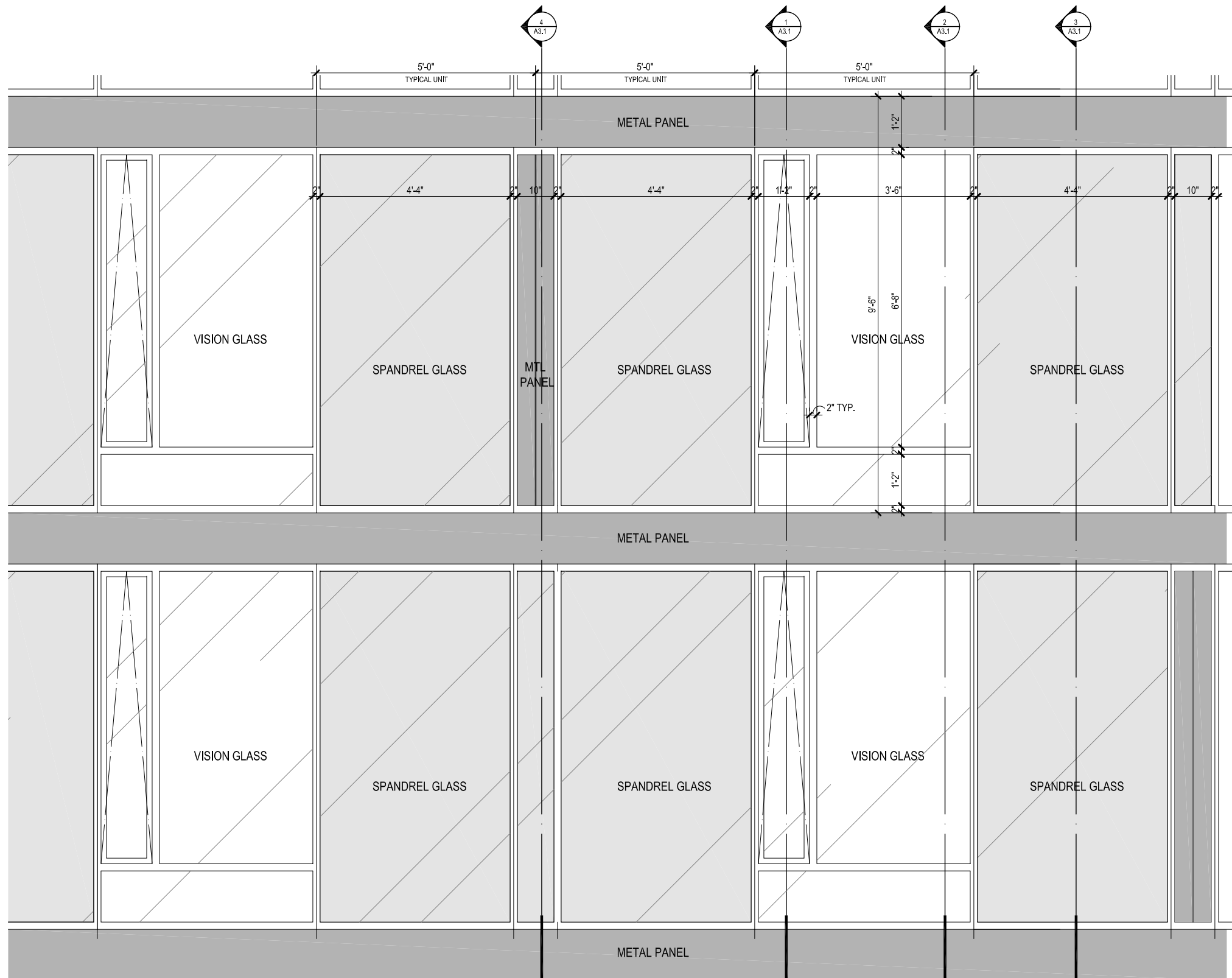
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A2.6





PARTIAL ELEVATION-CURTAIN WALL TYPE A  
 3/8" = 1'-0"

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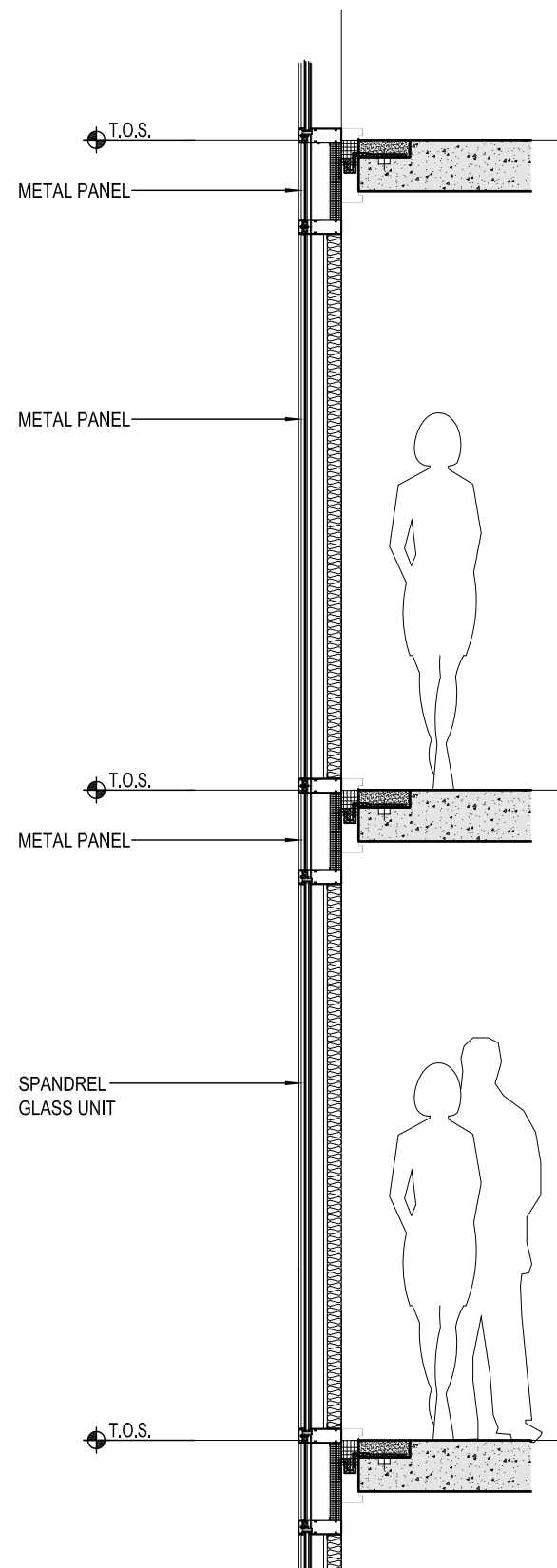
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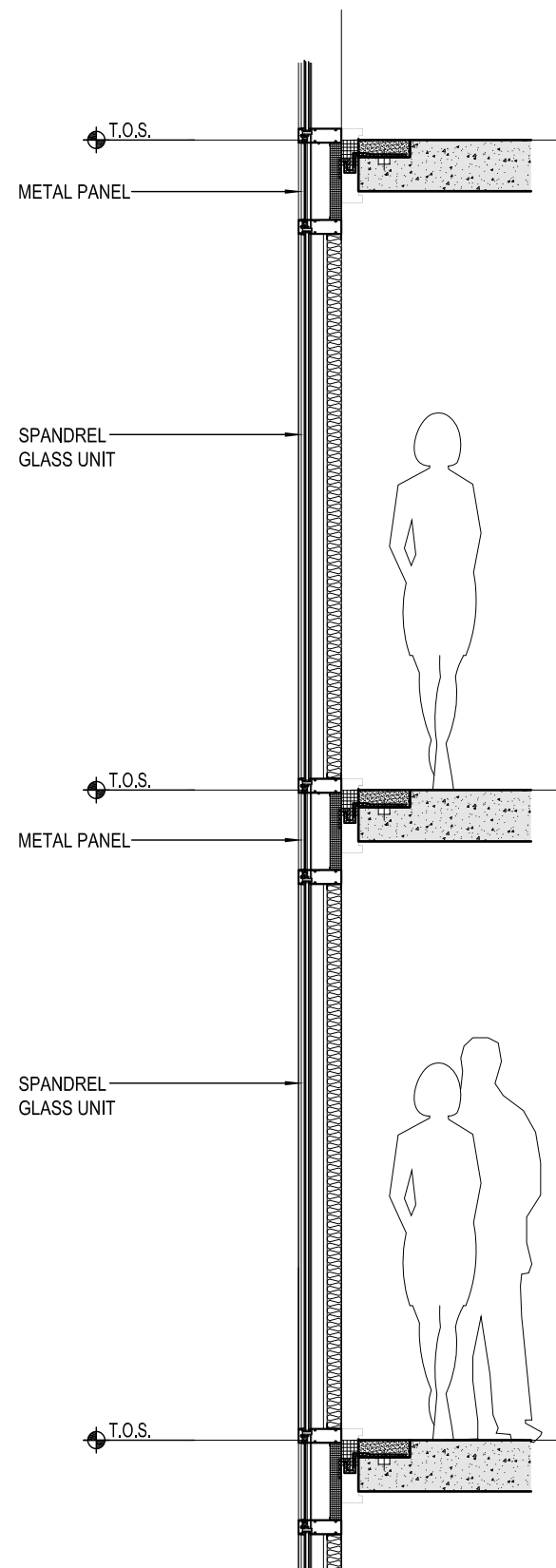
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A3.0

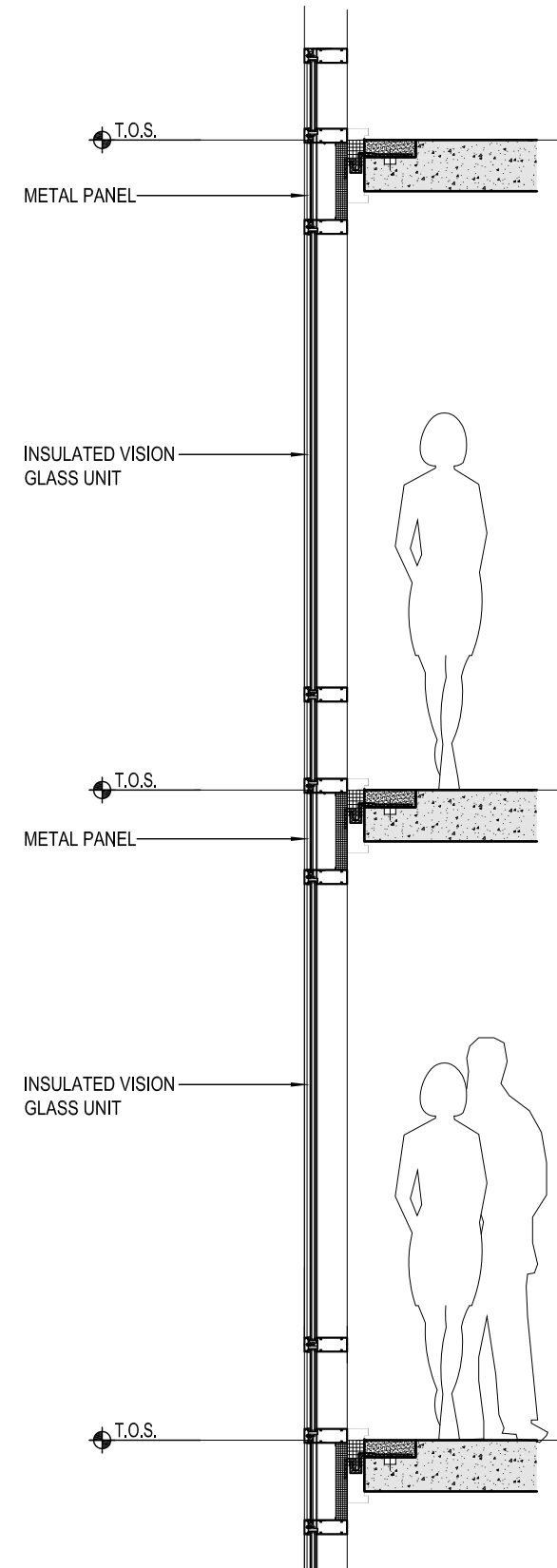




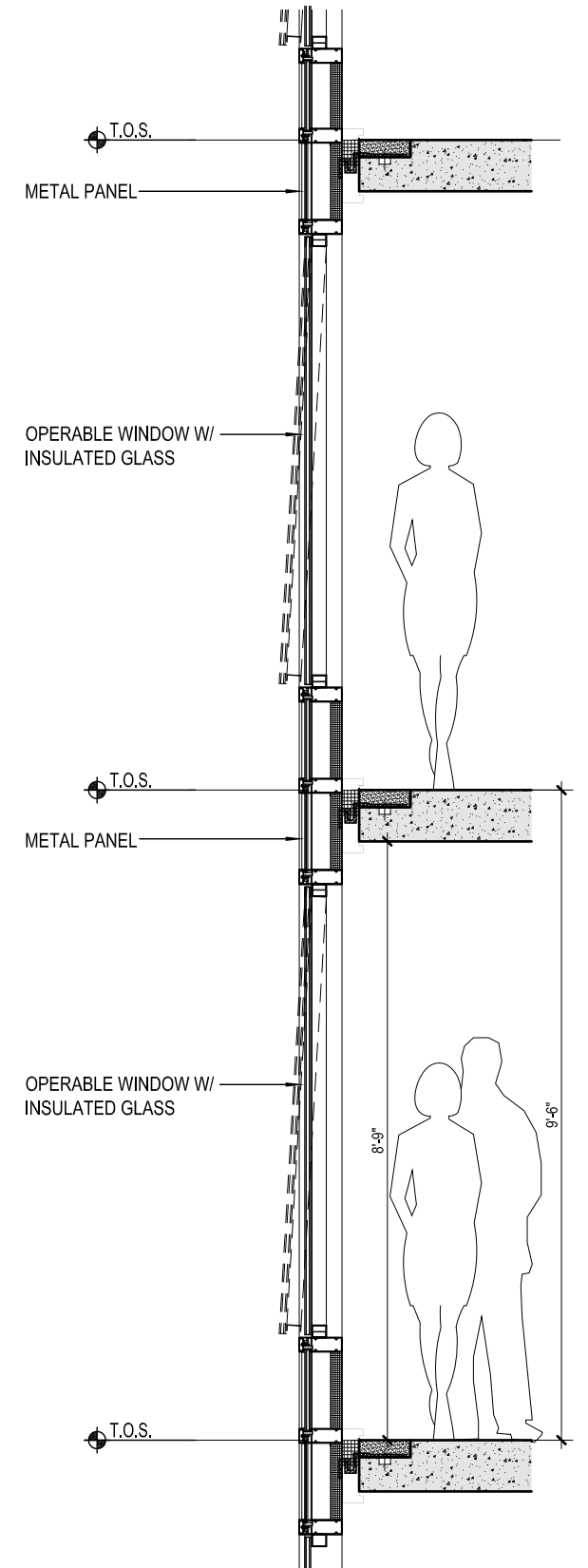
4-SECTION TYPE A  
3/8" = 1'-0"



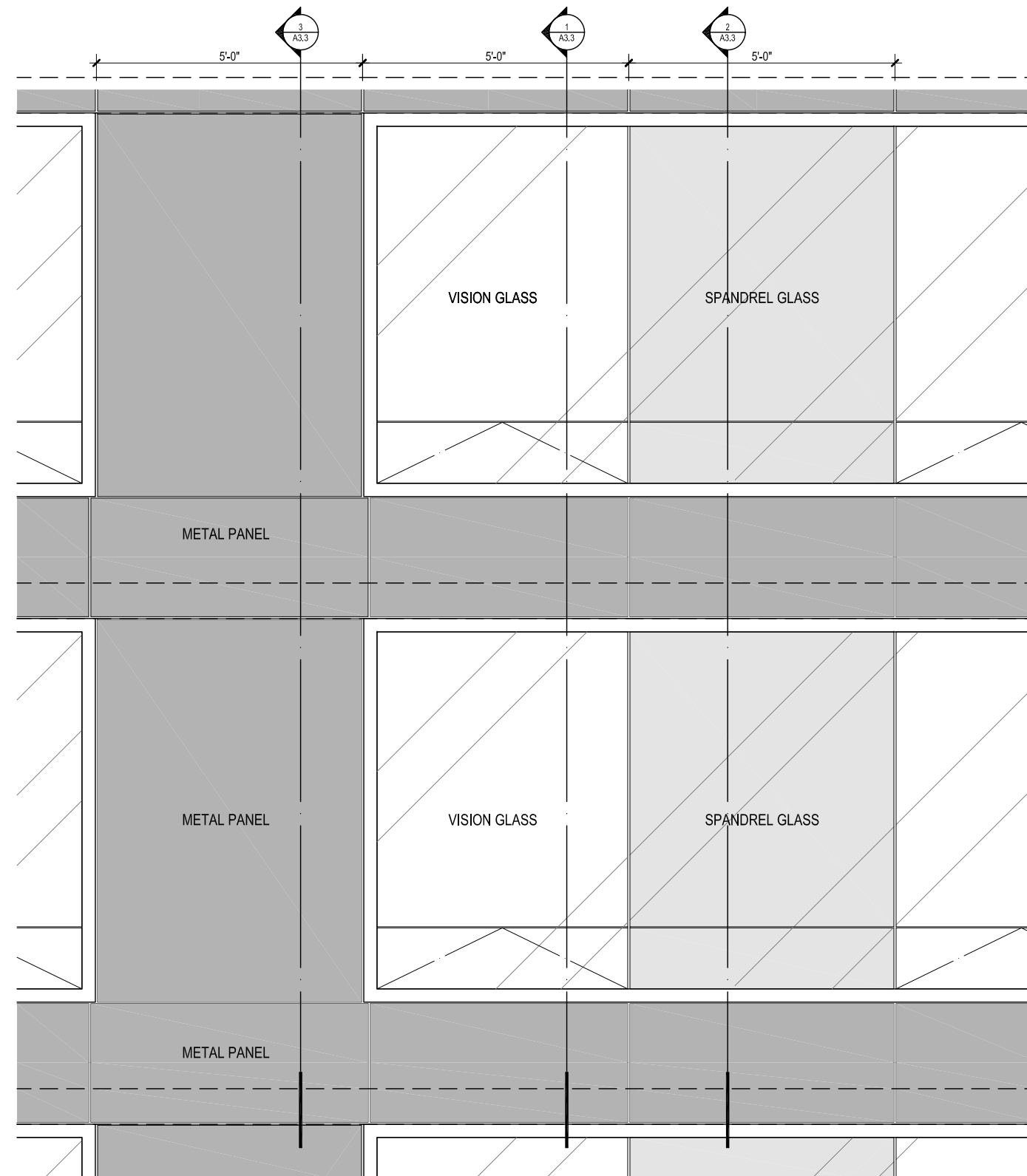
3-SECTION TYPE A  
3/8" = 1'-0"



2-SECTION TYPE A  
3/8" = 1'-0"



1-SECTION TYPE A  
3/8" = 1'-0"



PARTIAL ELEVATION-CURTAIN WALL TYPE B  
 3/8" = 1'-0"

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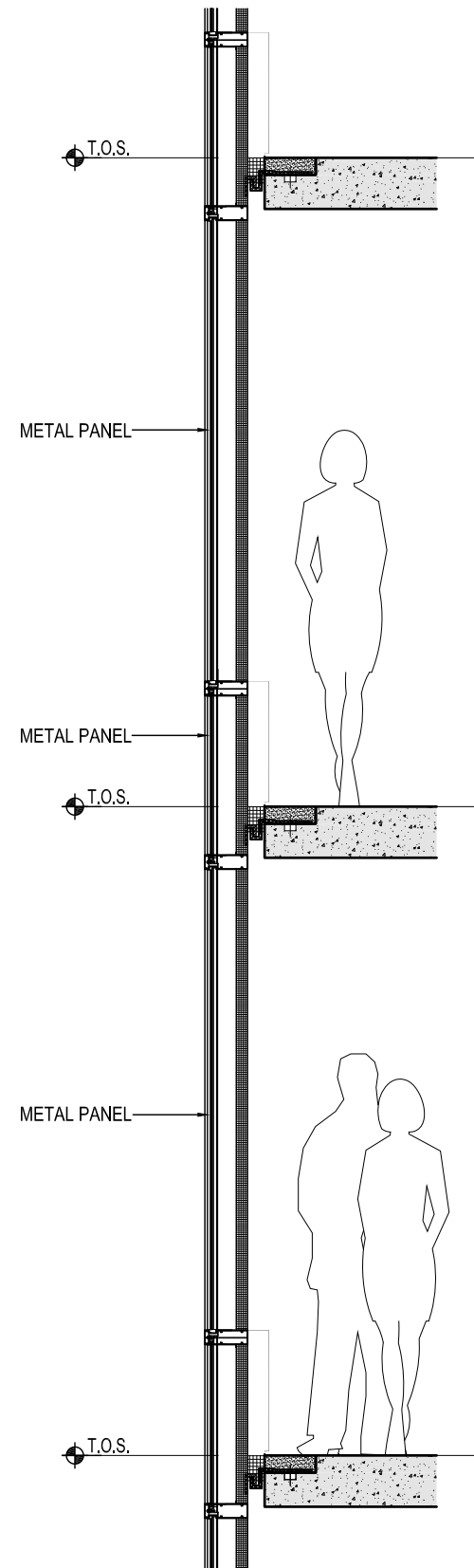
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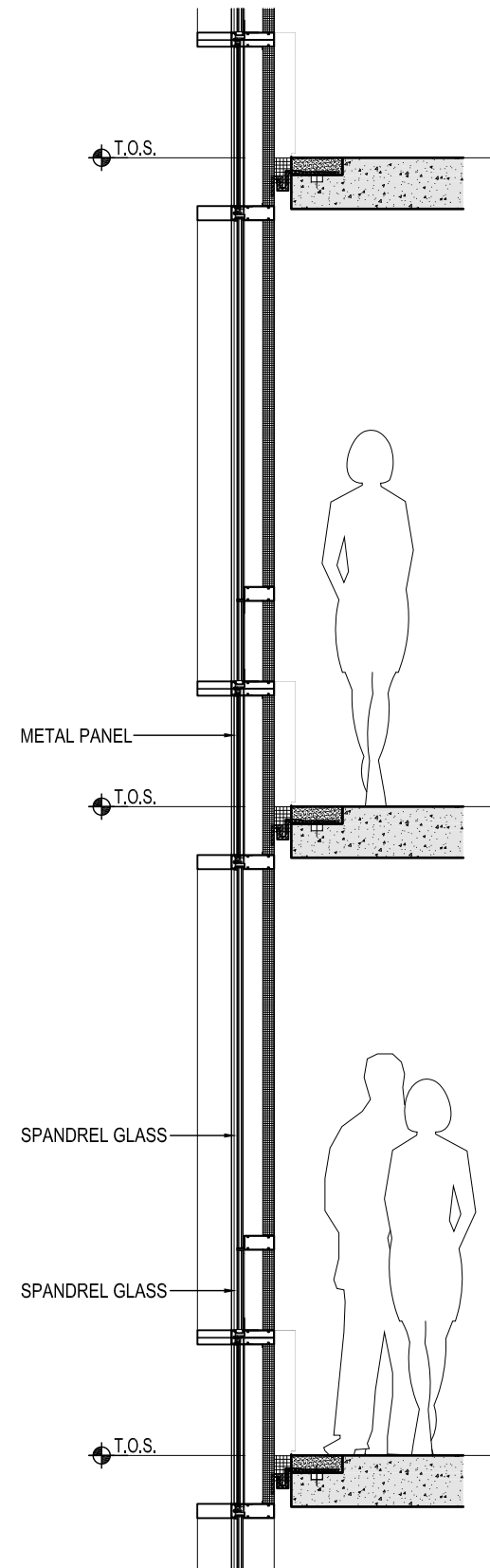
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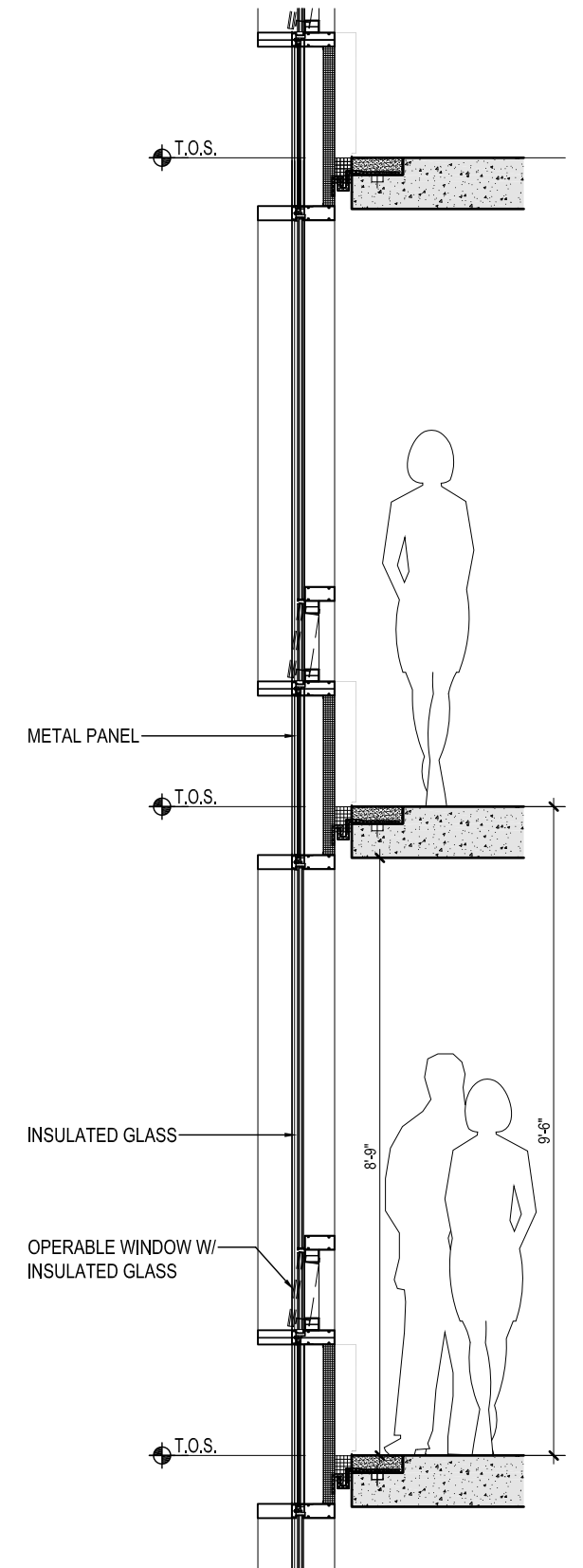
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3-SECTION TYPE B  
3/8" = 1'-0"



2-SECTION TYPE B  
3/8" = 1'-0"



1-SECTION TYPE B  
3/8" = 1'-0"

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