SAN FRANCISCO
PLANNING DEPARTMENT

Notice of Preparation of an Environmental Impact Report

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Date:	December 12, 2012
Case No.:	**2011.1122E**
Project Title:	**75 Howard Street Project**
Zoning:	C-3-O(SD) – Downtown Office (Special Development) 200-S Height and Bulk District
Block/Lot:	Block 3741/ Lot 31, Block 3742/ Lot 12, and a portion of Block 3741 / Lot 35
Lot Size:	20,595 square feet (approximately 0.48 acres)
Project Sponsor	PPF Paramount Group 75 Howard Garage, LLP
Lead Agency:	San Francisco Planning Department
Staff Contact:	Don Lewis – (415) 575-9095 don.lewis@sfgov.org

A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. The NOP/Initial Study is either attached or is available upon request from **Don Lewis**, whom you may reach at **(415) 575-9095** or at the address above. It is also available online at **http://tinyurl.com/sfceqadocs**. This notice is being sent to you because you have been identified as potentially having an interest in the project.

PROJECT DESCRIPTION

The 75 Howard Street Project site is located on the south side of Howard Street at the intersection of Howard and Steuart Streets, in San Francisco's Financial District, and within the *Transit Center District Plan* (TCDP) area. The project site consists of three lots and a portion of street right-of-way: Assessor's Block 3741 / Lot 31, which is owned by PPF Paramount, 75 Howard Garage, L.P. (the project sponsor); a portion of Assessor's Block 3741 / Lot 35 (known as Parcel 3), which is owned by the Gap, Inc.; and Assessor's Block 3742 / Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street, which is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW). Block 3741 / Lot 31, together with Parcel 3, include approximately 20,931 sq. ft. and comprise the proposed 75 Howard Street building site, which is currently developed with the existing 75 Howard Garage, a 550-space, 91-foot-tall, eight-level commercial parking garage structure built in 1976.

PPF Paramount Group, 75 Howard Garage, LLP proposes demolition of the existing 75 Howard Garage and construction, in its place, of an approximately 31-story, 350-foot-tall, 432,253-gross-square-foot (gsf) residential, high-rise tower containing 186 market rate units and approximately 5,658 gross square feet (gsf) of retail use. The ground and second floors of the proposed new building would include a restaurant, a café, the residential lobby, and services and amenities for the residents. The proposed project would contain 175 accessory off-street parking spaces for residential units in a 26,701-gsf parking garage located on two below-grade levels accessed from Howard Street. The proposed project also includes landscaping and paving improvements, resulting in a new 4,780-sq.-ft. landscaped, publicly accessible open space at Block 3742 / Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street. On-street parking along the segment of Steuart Street south of Howard Street would be eliminated. This segment of Steuart Street would be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would be eliminated. The proposed project also includes two variants as options that the project sponsor may choose to implement. These variants include a proposed Public Parking Variant and a proposed Residential / Hotel Mixed Use Variant. The proposed Public Parking Variant would provide an additional 96 non-accessory public off-street parking spaces, for a total of 271 parking spaces, to partially offset the 550 public spaces lost by demolition of the 75 Howard Garage. All 271 parking spaces would be located in stacked mechanical spaces on Basement Level 2 within the proposed 26,701-gsf parking garage. The proposed Residential / Hotel Mixed Use Variant would provide a mix of residential units and hotel rooms within the high-rise tower. Hotel rooms would be located on floors 3 through 7 and floors 10 through 12, and residential

units would be located on floors 13 through 31. This variant would also include space on floors 8 and 9 for hotel registration, a hotel restaurant, spa services, and other hotel amenity space. Under this variant, approximately 109 residential units and 82 hotel rooms with associated hotel amenity space would be constructed. As under the proposed project, the Residential / Hotel Mixed Use Variant would include a lobby, restaurant, and amenity space on the first and second floors of the high-rise tower. Parking under this variant would include a total of 271 stacked parking spaces on Basement Level 2 (the same total number of parking spaces as under the Public Parking Variant) within the 26,701-gsf parking garage area.

Alternatives to the proposed project that could reduce or eliminate significant environmental effects will be analyzed in the EIR. This will include the No Project Alternative, a Code Compliant Alternative, and a Reduced Height Alternative. The EIR will include a discussion of any alternatives that were considered but rejected and the basis for their rejection, and will identify an Environmentally Superior Alternative.

The proposed project and variants would require: amending the Planning Code Zoning Map for Height District Reclassification and amending the General Plan to revise Map 5 of the *Downtown Area Plan;* approving a Section 309 Determination of Compliance to allow for modifications to Planning Code Section 151.1 (within C-3 Districts) for off-street accessory parking, for modifications to Planning Code Section 134 (within C-3 Districts) for a rear yard setback, and for modifications to Planning Code Section 270 for specified bulk controls for the "lower tower" and "upper tower" portions of the building; approving a Conditional Use Authorization, pursuant to *Planning Code* Sections 158 and 303, for the non-accessory parking garage use proposed as part of the proposed project and project variants; approving a Conditional Use Authorization, pursuant to Planning Code Sections 216(b)(i) and 303, for a hotel containing fewer than 200 rooms; granting a Variance, per Planning Code Section 140, as the proposed project and project variants would not meet the minimum requirements for area and horizontal dimensions; and granting a Variance, per Planning Code Section 145.1, as the proposed project and variants would exceed allowable driveway width for parking and loading access.

FINDING

This project may have a significant effect on the environment, and an Environmental Impact Report is required. This determination is based upon the criteria of the State CEQA Guidelines, § 15063 (Initial Study), § 15064 (Determining Significant Effect), and § 15065 (Mandatory Findings of Significance). The purpose of the EIR is to provide information about potential significant physical environmental effects of the proposed project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the proposed project. Preparation of an NOP and an EIR does not indicate a decision by the City to approve or disapprove the proposed project. Prior to making any such decision, the decision-makers must review and consider the information contained in the EIR.

PUBLIC COMMENT PROCESS

Written comments on the scope and content of the environmental impact analysis will be accepted until 5:00 p.m. on **January 11, 2013**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. If you work for a Responsible or Trustee Agency, we need to know the views of your agency regarding the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency. If you have questions concerning environmental review of the proposed project, please contact **Don Lewis** at (415) 575-9095 or don.lewis@sfgov.org.

December 11, 2012
Date

Bill Wycko
Environmental Review Officer

INITIAL STUDY
75 HOWARD STREET PROJECT
PLANNING DEPARTMENT CASE NO. 2011.1122E

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ACRONYMS AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
amsl	above mean sea level
ARDTP	Archeological Research Design and Treatment Plan
AWSS	Auxiliary Water Supply System
BAAQMD	Bay Area Air Quality Management District
BMR	Below Market Rate
CCR	California Code of Regulations
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CO	carbon monoxide
CSO	combined sewer overflow
DBI	Department of Building Inspection
DPW	Department of Public Works
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EMS	emergency medical service
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FIRMs	Flood Insurance Rate Maps
gsf	gross square foot/feet
HMBP	hazardous materials business plan
LEED	Leadership in Energy and Environmental Design
mgd	million gallons per day
MRZ-4	Mineral Resource Zone 4
NFIP	National Flood Insurance Program
NO_2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyls
PM	particulate matter ($PM_{2.5}$ and $PM_{10)}$
PRMMP	Paleontological Resources Monitoring and Mitigation Program
RHND	Regional Housing Needs Determination
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sq. ft.	square foot/feet
SFDPH	San Francisco Department of Public Health
SFFD	San Francisco Fire Department
SFHA	special flood hazard area
SFPD	San Francisco Police Department
SFPUC	San Francisco Public Utilities Commission
SFUSD	San Francisco Unified School District
SO_2	sulfur dioxide
SVOCs	Semi-Volatile Organic Compounds
TCDP	*Transit Center District Plan*

INITIAL STUDY
75 HOWARD STREET PROJECT
PLANNING DEPARTMENT CASE NO. 2011.1122E

A. PROJECT DESCRIPTION

PROJECT OVERVIEW

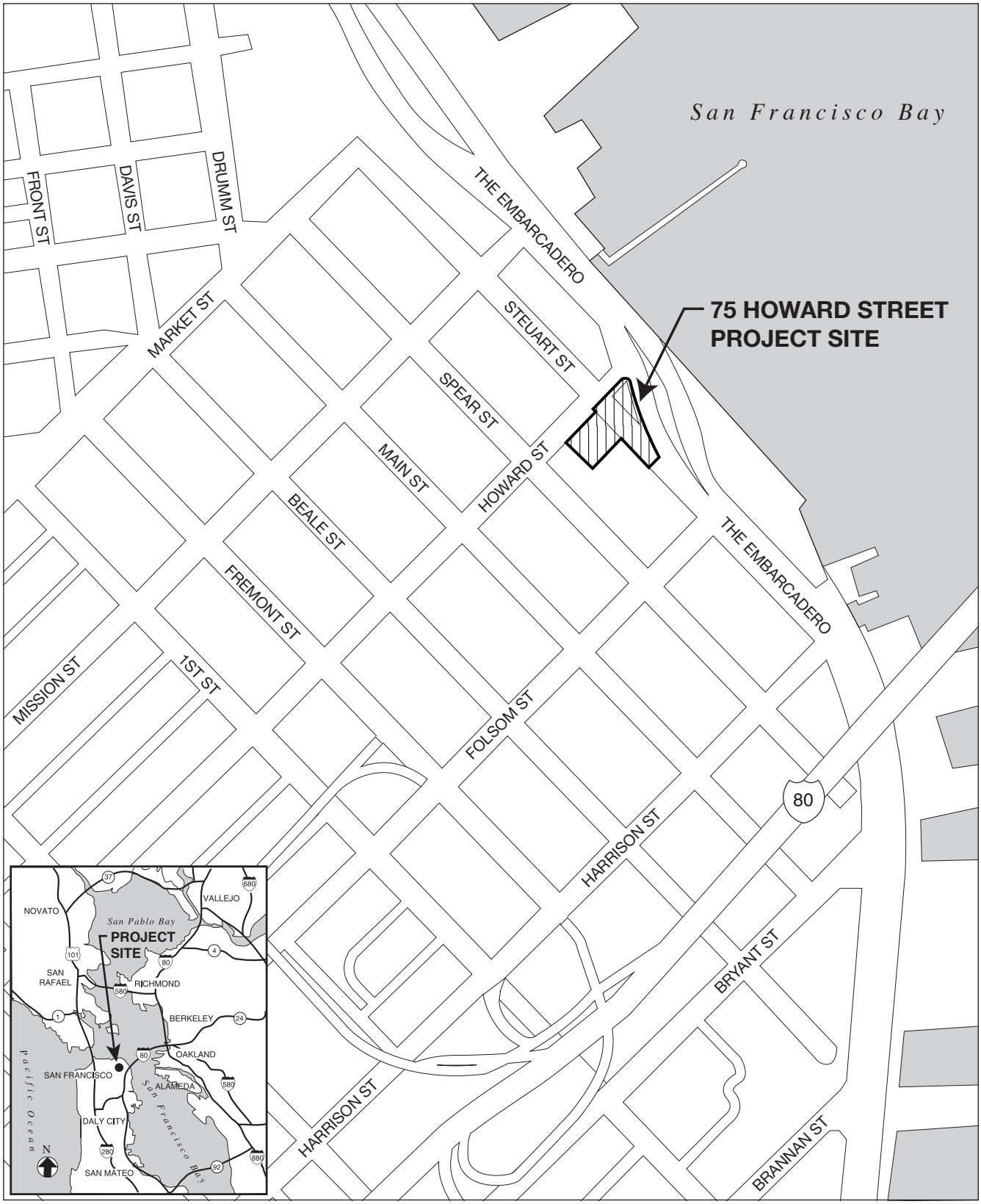
Proposed Project

The project site is located on the south side of Howard Street at the intersection of Howard and Steuart Streets, in San Francisco's Financial District, and within the *Transit Center District Plan* (TCDP) area. (See Figure 1: Project Location.) The project site consists of three lots and a portion of street right-of-way: Assessor's Block 3741 / Lot 31, which is owned by PPF Paramount, 75 Howard Garage, L.P. (the project sponsor); Assessor's Block 3741 / Lot 35 (known as Parcel 3), which is owned by the Gap, Inc.; and Assessor's Block 3742 / Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street, which is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW). Block 3741 / Lot 31, together with Parcel 3, include approximately 20,931 sq. ft. and comprise the proposed 75 Howard Street building site, which is currently developed with the existing 75 Howard Garage, a 550-space, 91-foot-tall, eight-level commercial parking garage structure built in 1976. (See Figure 2: Existing Site Plan.)

The proposed project consists of the demolition of the existing 75 Howard Garage and construction, in its place, of an approximately 31-story, 350-foot-tall, 432,253-gross-square-foot (gsf) residential, high-rise tower containing 186 market rate units and approximately 5,658 gsf of retail use. The proposed project would contain 175 accessory off-street parking spaces for residential units in a 26,701-gsf parking garage located on two below-grade levels accessed from Howard Street. The proposed project also includes landscaping and paving improvements, resulting in a new 4,780-sq.-ft. landscaped, publicly accessible open space at Block 3742 / Lot 12 and the portion of the Steuart Street right-of-way south of Howard Street. On-street parking along the segment of Steuart Street south of Howard Street would be eliminated. This segment of Steuart Street would be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would be eliminated.

Proposed Project Variants

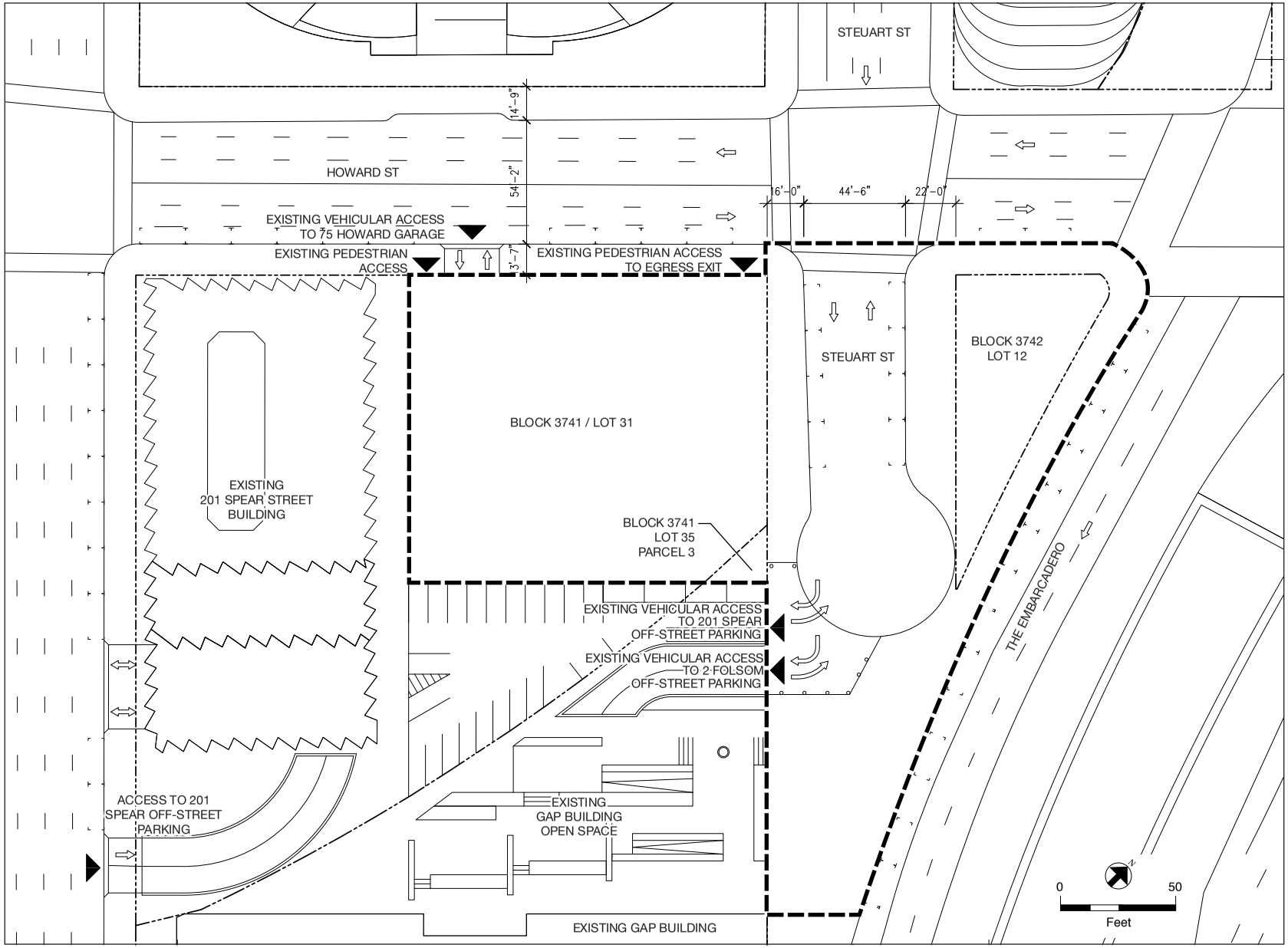
The proposed project also includes two variants as options that the project sponsor may choose to implement. These variants include a proposed Public Parking Variant and a proposed Residential / Hotel Mixed Use Variant.



SOURCE: Turnstone Consulting

75 HOWARD STREET

FIGURE 1: PROJECT LOCATION



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

FIGURE 2: EXISTING SITE PLAN

Proposed Public Parking Variant

The proposed Public Parking Variant would provide an additional 96 non-accessory public off-street parking spaces, for a total of 271 parking spaces, to partially offset the 550 public spaces lost by demolition of the 75 Howard Garage. All 271 parking spaces would be located in stacked spaces on Basement Level 2 within the proposed 26,701-gsf parking garage.

Proposed Residential / Hotel Mixed Use Variant

The proposed Residential / Hotel Mixed Use Variant would provide a mix of residential units and hotel rooms within the high-rise tower. Hotel rooms would be located on floors 3 through 7 and floors 10 through 12, and residential units would be located on floors 13 through 31. This variant would also include space on floors 8 and 9 for hotel registration, a hotel restaurant, spa services, and other hotel amenity space. Under this variant, approximately 109 residential units and 82 hotel rooms with associated hotel amenity space would be constructed. As under the proposed project, the Residential / Hotel Mixed Use Variant would include a lobby, restaurant, and amenity space on the first and second floors of the high-rise tower. Parking under this variant would include a total of 271 stacked parking spaces on Basement Level 2 (the same total number of parking spaces as under the Public Parking Variant) within the 26,701-gsf parking garage area.

PROJECT DESCRIPTION

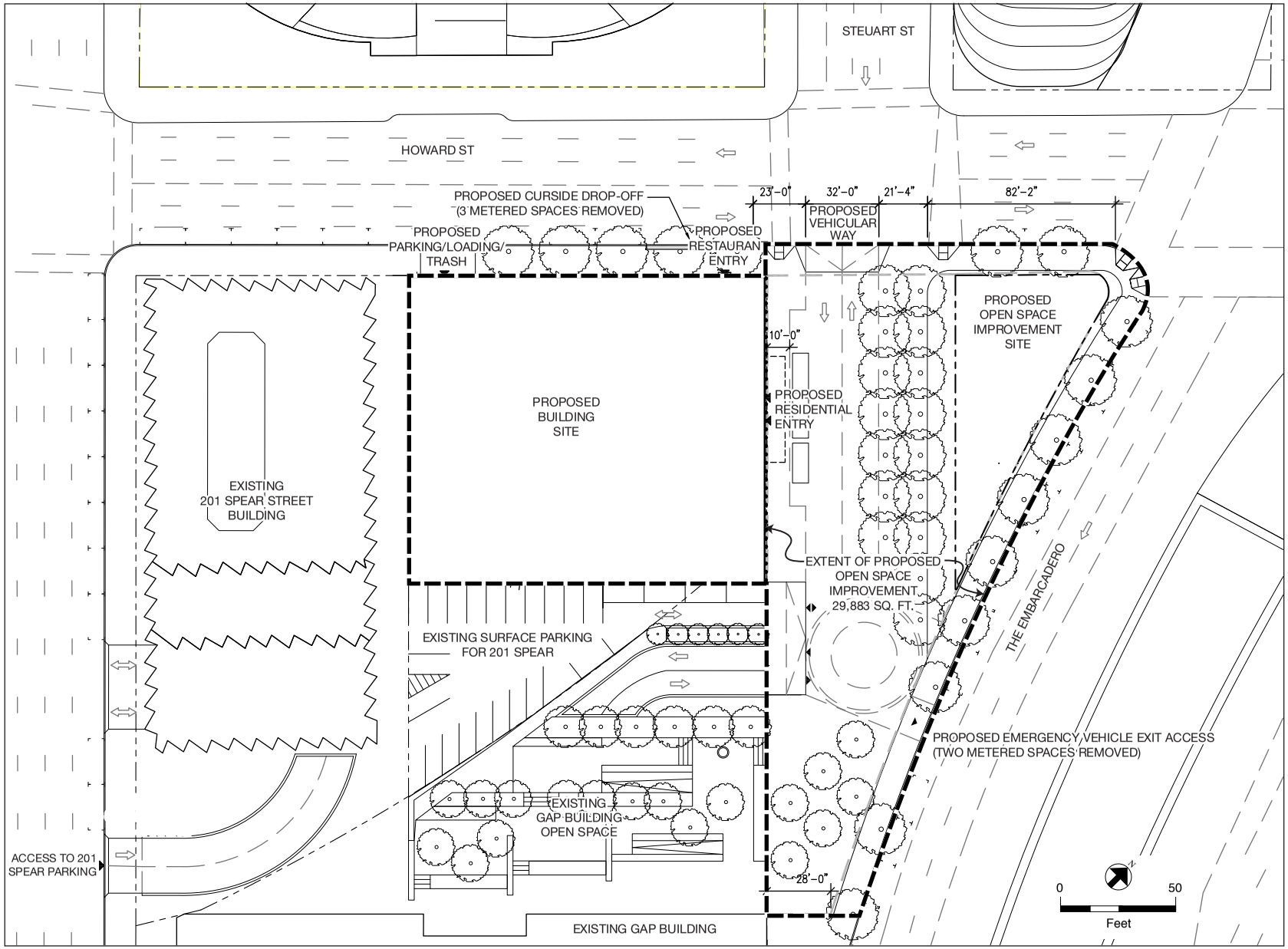
Project Location and Site Conditions

The project site is located on the south side of Howard Street at the intersection of Howard and Steuart Streets in San Francisco's Financial District.[1] The project site includes the building site on the west side of Steuart Street and the open space improvement site immediately to the east of the building site. (See Figure 3: Proposed Site Plan.)

Project Site

The project site consists of three lots and a portion of street right-of-way: the entirety of Assessor's Block 3741 / Lot 31, a portion of Assessor's Block 3741 / Lot 35, and the entirety of Assessor's Block 3742 / Lot 12. The project site also includes a portion of the Steuart Street right-of-way south of Howard Street and the sidewalks adjacent to the 75 Howard Street building site and surrounding Block 3742 / Lot 12.

[1] Howard Street is oriented in a northeast-southwest direction. However, for the purposes of this Initial Study, Howard Street will be referred to as running east-west. Similarly, Steuart Street is oriented in a northwest-southeast direction. This street will be referred to as running north-south. This convention for describing South of Market will also be used throughout this Initial Study to describe the locations of other buildings and uses relative to the project site.



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

FIGURE 3: PROPOSED SITE PLAN

The 75 Howard Street Building Site

The proposed residential and retail building would be located on Block 3741 / Lot 31 and a portion of Parcel 3. This approximately 20,931-sq.-ft. site occupies the northeastern corner of the block bounded by Howard Street to the north, Steuart Street to the east, Folsom Street to the south, and Spear Street to the west. Block 3741 / Lot 31 is generally rectangular in configuration, except that its southeast corner is chamfered (cut at about a 45 degree angle) at the lot's boundary with adjacent Block 3741 / Lot 35 – a result of the former alignment of the now-demolished Embarcadero Freeway. In order to regularize the boundaries of the building site, the project sponsor would acquire an easement to an approximately 336-sq.-ft. triangular portion at the northern tip of adjacent Lot 35. This portion of Lot 35 is known as Parcel 3. Block 3741 / Lot 31, together with Parcel 3, is an approximately 20,931-sq.-ft. rectangle measuring about 156 feet from east to west along Howard Street and about 134 feet from north to south along Steuart Street.

Existing 75 Howard Street Building Site Conditions

The 75 Howard Street building site (building site) is currently developed with the existing 75 Howard Garage, a 550-space commercial parking garage structure, built in 1976. The 75 Howard Garage structure occupies about 20,060 sq. ft. of its 20,595-sq.-ft. lot (about 97 percent) and is 7 stories (with 8 parking levels), and about 91 feet tall. It has eight parking levels and the top parking level is located on the roof. The existing vehicular and pedestrian ingress and egress to the 75 Howard Garage is on Howard Street. A narrow planting strip separates the parking structure's base from the Howard Street and Steuart Street sidewalks. There are five street trees (*Ficus*) along the Howard Street frontage of the building site and five street trees (*Ficus*) along its Steuart Street frontage.

The Parcel 3 portion of the building site contains a small triangular planting bed at the chamfered southeast corner of the 75 Howard Garage.

Existing 75 Howard Street Building Site Zoning and Applicable Area Plans

The portion of the site comprised of Block 3741 / Lot 31 is in the Downtown Office Special Development (C-3-O(SD)) District. Planning Code Sections 215 through 227 establish the types of land uses that are allowed in the C-3-O(SD) District. Office and residential uses, as well as supporting retail and services, are principally permitted in the C-3-O(SD) District. The intensity of building development in the C-3-O District is the densest in the City, resulting in a notable skyline. Intensity and compactness in this district permits convenient travel by foot. The district is well served by City and regional transit.

Under Planning Code Section 215(b), residential use in the C-3-O District, at a density greater than 1 dwelling unit per 125 feet of lot area, requires conditional use authorization. Under

Planning Code Section 123, the C-3-O(SD) District has a permitted base floor area ratio (FAR)[2] of 6 to 1, and no maximum FAR applies.

Block 3741 / Lot 31 is in the 200-S Height and Bulk District, which means that building heights are limited to 200 feet. Bulk controls reduce the size of a building's floorplates as the building increases in height. Pursuant to Planning Code Section 270(d), the bulk controls in the "S" Bulk District are as follows:

- **Base.** The base 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. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means. In the C-3-O(SD) District, additional requirements for building base and streetwall articulation and setbacks are described in Section 132.1.
- **Lower Tower**
  - **Dimensions.** Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B in Section 270. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.
  - **Additional Bulk for Elevators.** Solely in order to accommodate additional elevators required by tall buildings, the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.
- **Upper Tower**
  - **Dimensions.** Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.
  - **Volume Reduction.** When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to

[2] Floor area ratio is the ratio of gross floor area to lot area.

Section 263.7 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

- **Extensions.** Extension of the upper tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.
- **Termination of the Tower.** The top of the tower shall be amassed in a manner that will create a visually distinctive roof or other termination of the building façade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

Block 3741 Lot 31 is within the *Downtown Area Plan* and the *Transit Center District Plan* (TCDP).[3] The building site borders on, but is not within, the areas covered by the *Northeastern Waterfront Area Plan* and the Port of San Francisco *Waterfront Land Use Plan*.

Parcel 3 is in the P (Public) District and 200-S Height and Bulk District. The P District applies to land that is owned by a governmental agency and in some form of public use, including open space. It is within the areas covered by the *Northeastern Waterfront Area Plan* and the TCDP. Parcel 3 borders on, but is not within, the *Downtown Area Plan* and the Port of San Francisco *Waterfront Land Use Plan*.

The Open Space Improvement Site

The open space improvement site is a trapezoidal area immediately to the east of the building site, totaling about 29,883 sq. ft. The open space improvement site is bounded by Howard Street to the north and The Embarcadero to the east. The south boundary of the open space improvement site is defined by a line extending eastward from the northeast corner of the Gap Building, south of the building site. The west boundary is defined by the eastern lot line of the building site and that of the adjacent Lot 35 immediately to the south of the building site.

The open space improvement site includes Block 3742 / Lot 12 (approximately 4,780 sq. ft.), a triangular lot at the southwest corner of Howard Street and The Embarcadero, and a portion of the Steuart Street right-of-way south of Howard Street. Block 3742 / Lot 12 is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW) and is currently vacant and paved with asphalt. This vacant lot is bounded on all sides by sidewalks and two street trees (Sycamore) along Howard Street and nine street trees (Sycamore) along The Embarcadero.

As shown on Figure 2: Existing Site Plan, p. 3, the existing Steuart Street roadway within the proposed open space improvement site is approximately 45 feet wide. Its west sidewalk, in front of the 75 Howard Garage, is about 16 feet wide. Its east sidewalk, bordering on Block 3742 /

[3] The *Transit Center District Plan* is a comprehensive plan for the southern portion of San Francisco's Financial District. The Transit Center District Plan area covers an area of approximately 145 acres that is generally bounded by Market Street on the north, Steuart Street on the east, Folsom Street to the south, and a line extending mid-block between Third and New Montgomery Streets on the west.

Lot 12, is about 22 feet wide. A turnaround bulb is located at the southern terminus of the Steuart Street roadway. A driveway to the surface parking lot for the 201 Spear Street building, which is located adjacent to and south of the building site, and a driveway to the subsurface parking garage of the Gap Building are accessed from the turnaround bulb. The south edge of the turnaround bulb and the south edge of the Gap Building driveway are lined with bollards to contain vehicles. However the Steuart Street right-of-way continues southward for pedestrians to The Embarcadero. The southern portion of the open space improvement site is a paved open area that functions as an extension of The Embarcadero sidewalk in front of the Gap Building's publicly accessible open space. This area is planted with six street trees (*Ginkgo*).

Existing Open Space Improvement Site Zoning and Applicable Plans

The open space improvement site (Block 3742 / Lot 12) is located in the P District, the 65-X Height and Bulk District (a maximum building height of 65 feet with no required reduction in the size of the building's floorplates as the building increases in height). Block 3742 / Lot 12 is within the *Northeastern Waterfront Area Plan* and the Port of San Francisco *Waterfront Land Use Plan* (it is Seawall Lot 347-S). It borders on, but is not within, the *Downtown Area Plan* and the TCDP.

Project Characteristics

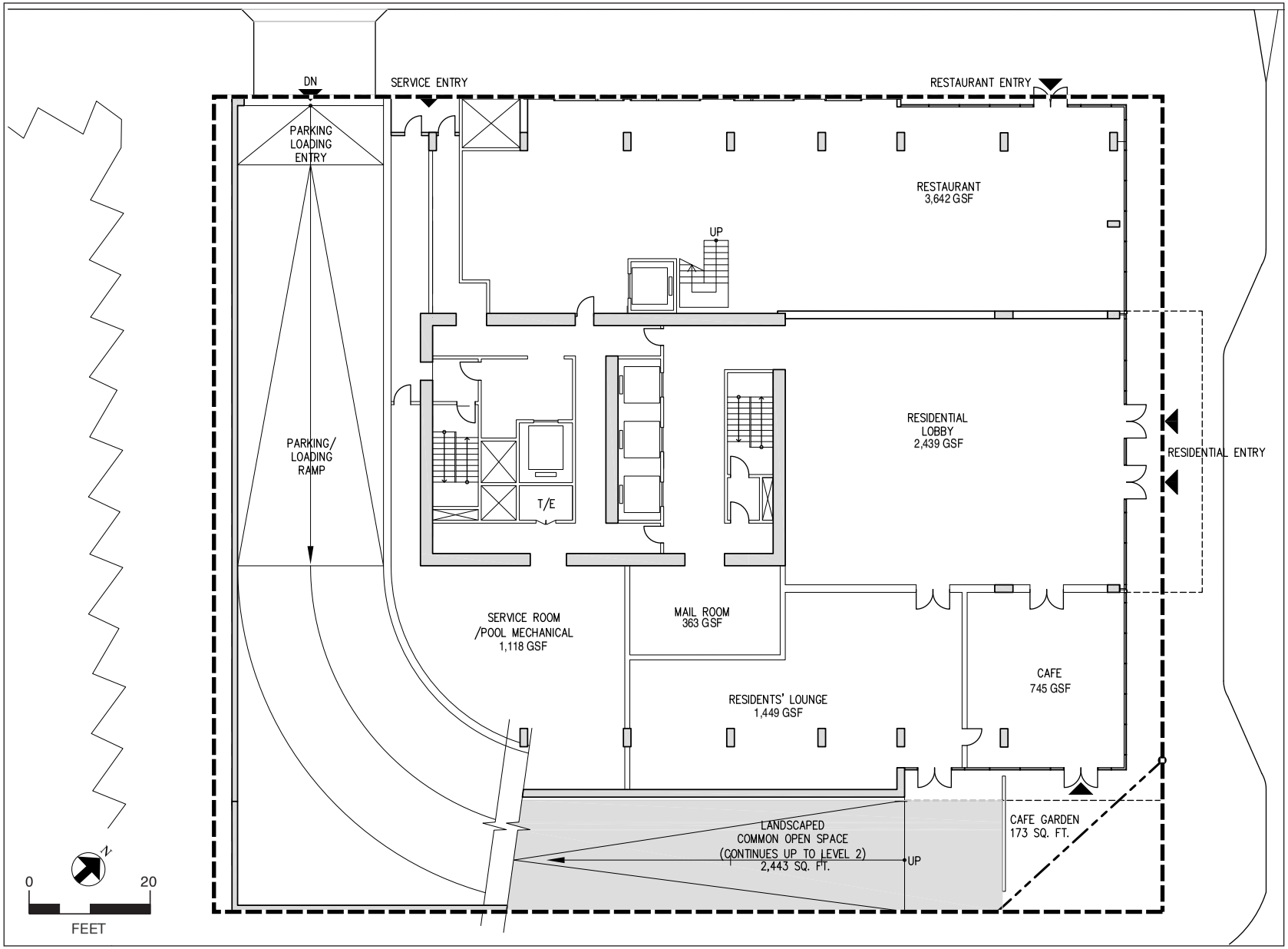
The proposed project consists of the demolition of the existing 75 Howard Garage on the building site and construction in its place, of an approximately 31-story, 350-foot-tall (plus an additional six feet for rooftop screening and enclosure), 432,253-gsf residential, high-rise tower containing 186 market rate units and 5,658 gsf of retail use. The proposed project also includes landscaping and paving improvements within the 29,883-sq.-ft. open space improvement site, which would include a new 4,708-sq.-ft. landscaped privately owned publicly accessible open space.

Proposed Uses and Access

Residential

The proposed 186 residential units would consist of approximately 16 studio units, 39 one-bedroom units, 97 two-bedroom units, 29 three-bedroom units, and 5 four-plus bedroom units. Total building space allocated to residential use (including residential units, lobby, amenities, circulation, service, mechanical, etc.) would be about 399,894 gsf.

Residential pedestrian access to the ground floor of the proposed building would be through lobby entrance doors located at the midpoint of the proposed building frontage along Steuart Street. (See Figure 4: Proposed Ground Floor Plan.) The proposed project includes modification of the west sidewalk along Steuart Street to create a vehicular drop-off area in front of the residential entrance. From the lobby, residents could access elevators to the upper floors, a



SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 4: PROPOSED GROUND FLOOR PLAN

ground floor café, a ground floor residents' lounge, and a 2,443-sq.-ft. outdoor common open space through the lounge. This common open space would slope upwards from east to west to the second floor. On the second floor, building residents would also have access to a 4,515-gsf fitness center (including a 1,910-sq.-ft. indoor pool and a 645-sq.-ft. balcony), and a,1050-gsf meeting room. (See Figure 5: Proposed 2nd Floor Plan.) The 3rd through 31st floors would contain residential units. An additional 1,628-sq.-ft. outdoor terrace would be provided as common residential open space on the 30th floor of the proposed high-rise tower. (See Figure 6: Proposed 3rd through 7th Floor Plan (Typical Podium Level Plan); Figure 7: Proposed 8th Floor Plan; Figure 8: Proposed 9th through 29th Floor Plan (Typical Tower Level Plan); Figure 9: Proposed 30th Floor Plan; Figure 10: Proposed 31st Floor Plan; and Figure 11: Proposed Roof Plan.)

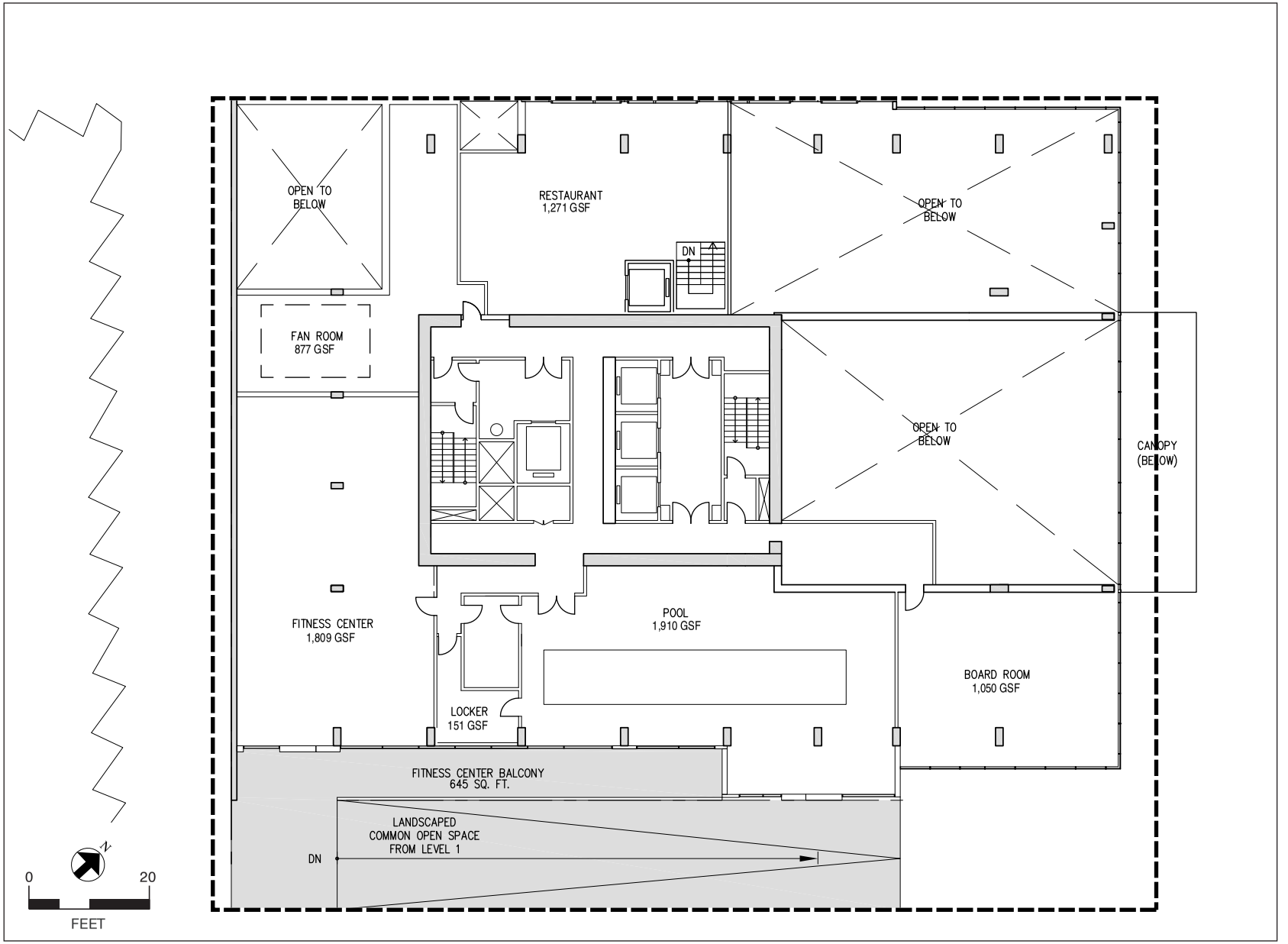
Restaurant

About 5,658 gsf would be allocated to restaurant and café uses at the ground floor and second floor. A proposed 4,913-gsf restaurant would front Howard Street. The proposed restaurant would be entered through doors along Howard Street. Its second floor would be accessed by stairs or an elevator within the restaurant. A 745-gsf café would be located at the south side of the ground floor along Steuart Street. The proposed café would be entered from a proposed, approximately 173-sq.-ft. café garden open space along Steuart Street on the south side of the proposed building.

Parking, Loading, and Bicycle Storage

The proposed project would contain 175 accessory parking spaces for residential units in a 26,701-gsf parking garage located on two below-grade levels. None of the parking would be independently accessible. Access into the parking garage would be through a vehicular entrance at the west end of the proposed building along Howard Street, near the same northwest corner location as the entrance to the existing 75 Howard Garage. Resident vehicles would travel down the garage ramp to the 20,500-gsf Basement Level 1, where cars would be mechanically parked by valet in stacked spaces provided on the 20,500-gsf Basement Level 2 below. (See Figure 12: Proposed Basement Level 1 Plan and Figure 13: Proposed Basement Level 2 Plan.) To retrieve their vehicles, building residents would wait on Basement Level 1 for their vehicles and exit the parking garage via the ramp. The project sponsor is currently contemplating utilizing a robotic valet system.

The proposed project would include two loading spaces. Delivery and service vehicles would travel down the garage ramp to Basement Level 1, where a loading turntable would assist delivery and service vehicles with entering the loading space and with exiting the garage via the ramp. Deliveries would reach the upper floors via a service elevator accessible from the loading

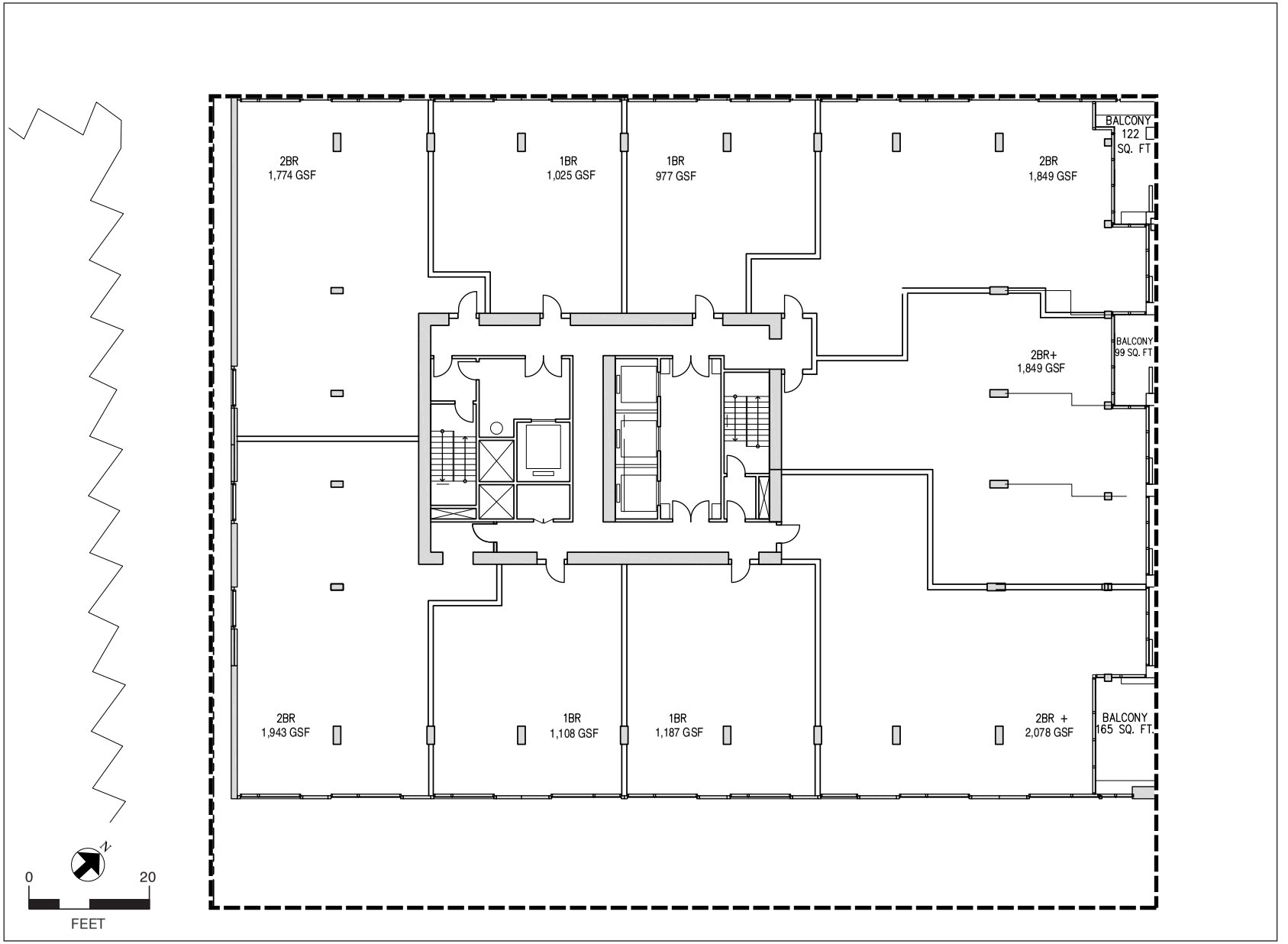


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 5: PROPOSED 2ND FLOOR PLAN

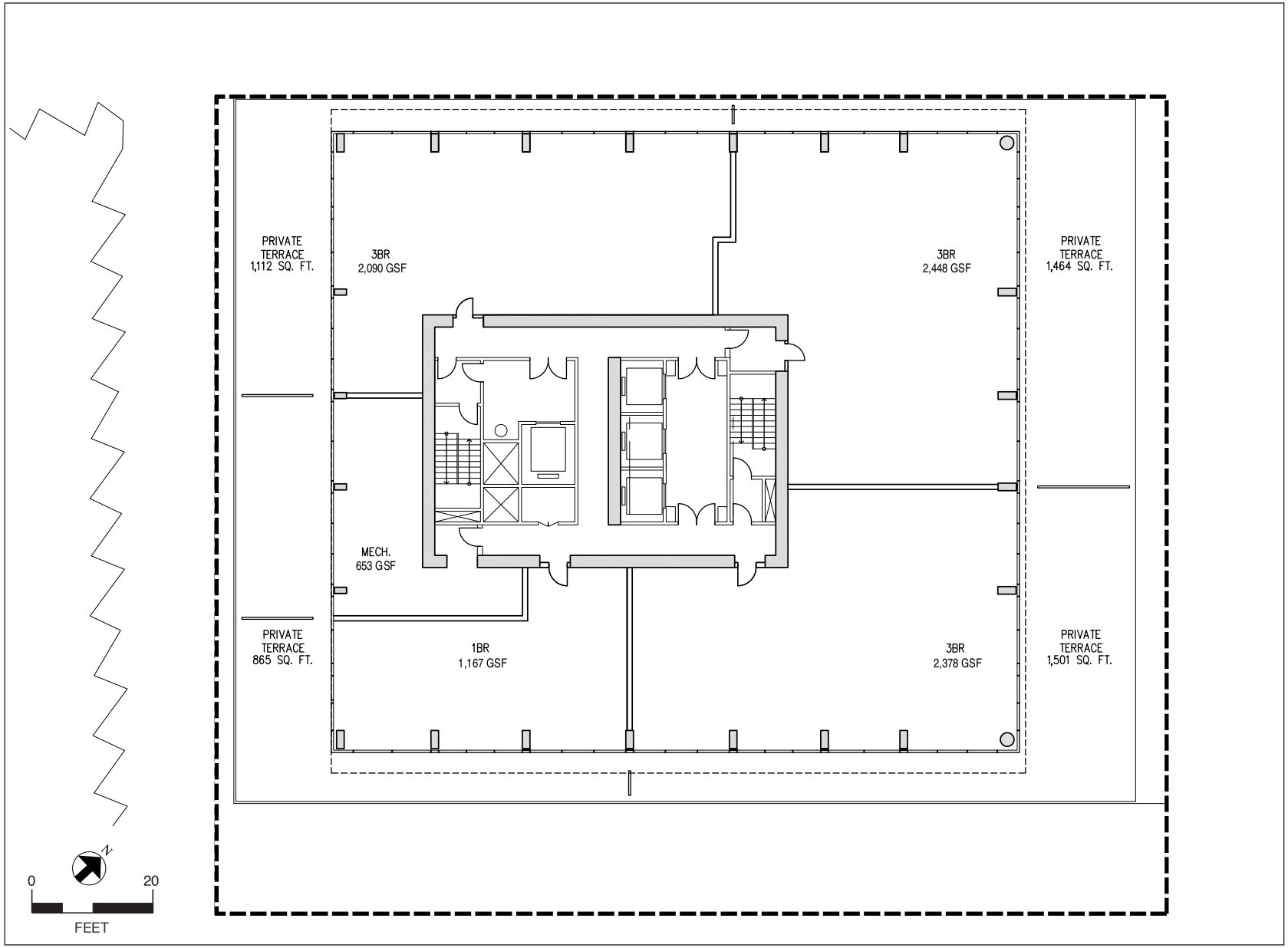


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 6: PROPOSED 3RD THROUGH 7TH FLOOR PLAN (TYPICAL PODIUM-LEVEL PLAN)

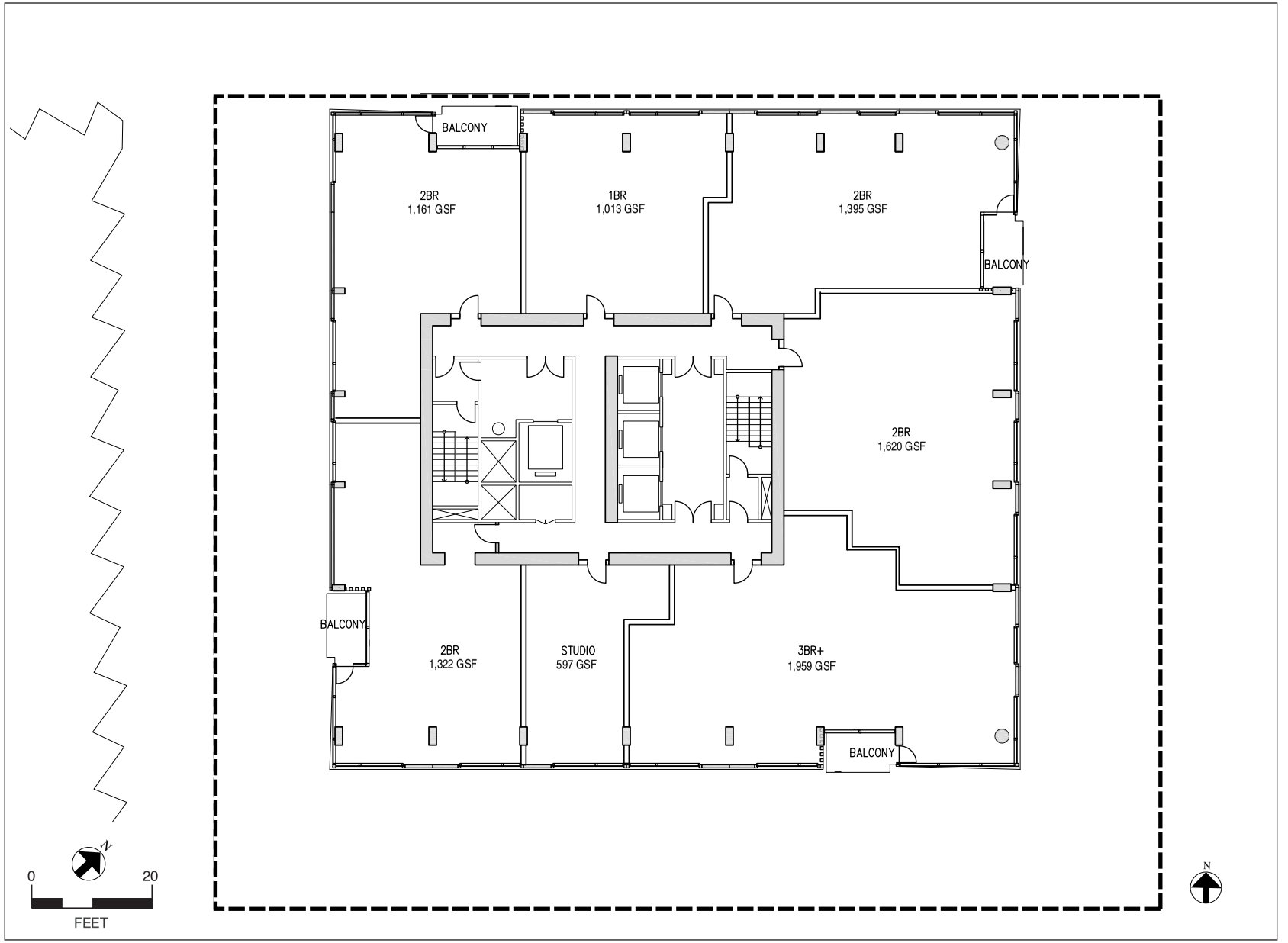


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 7: PROPOSED 8TH FLOOR PLAN

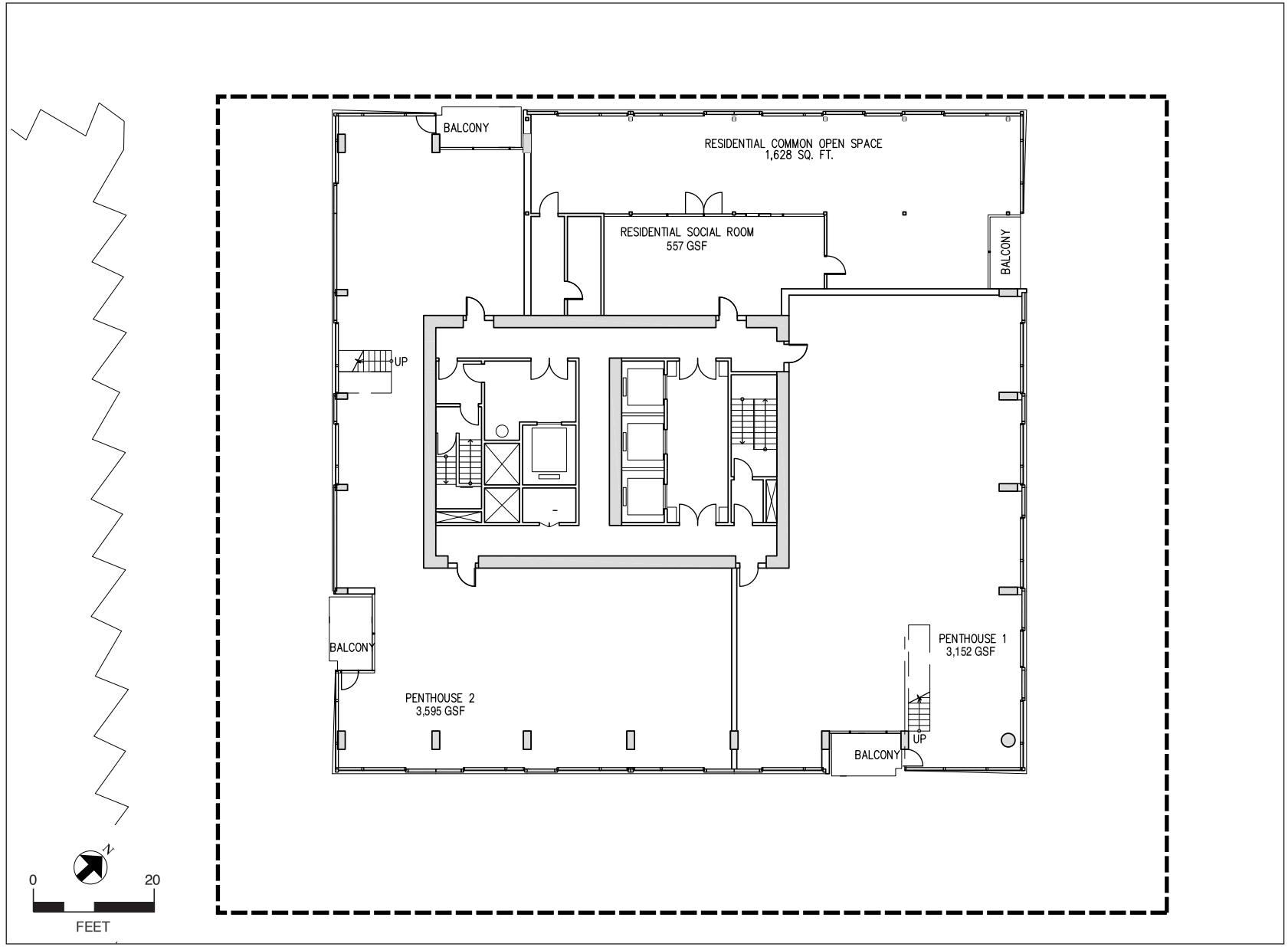


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

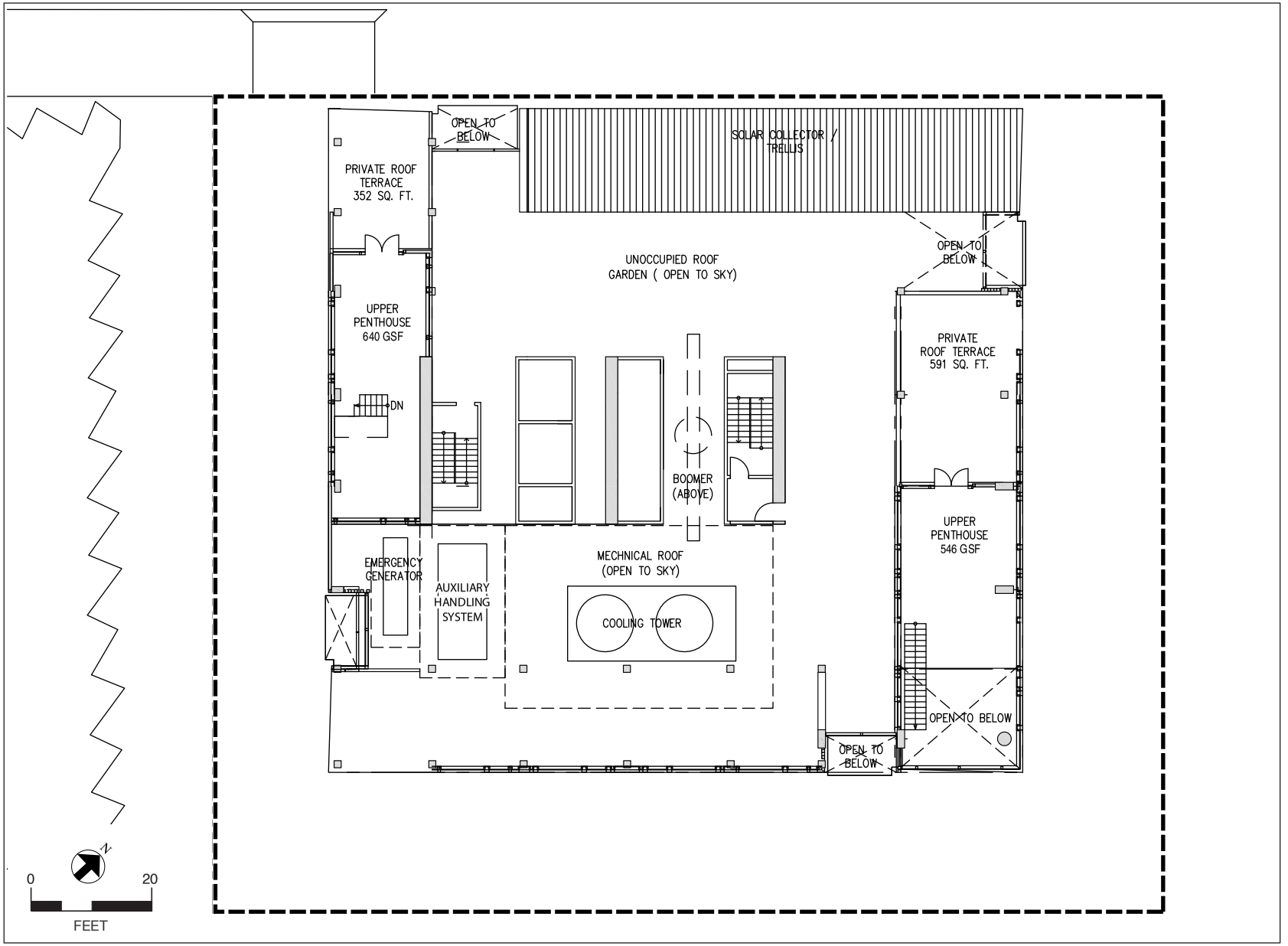
FIGURE 8: PROPOSED 9TH THROUGH 29TH FLOOR PLAN (TYPICAL TOWER - LEVEL PLAN)



SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

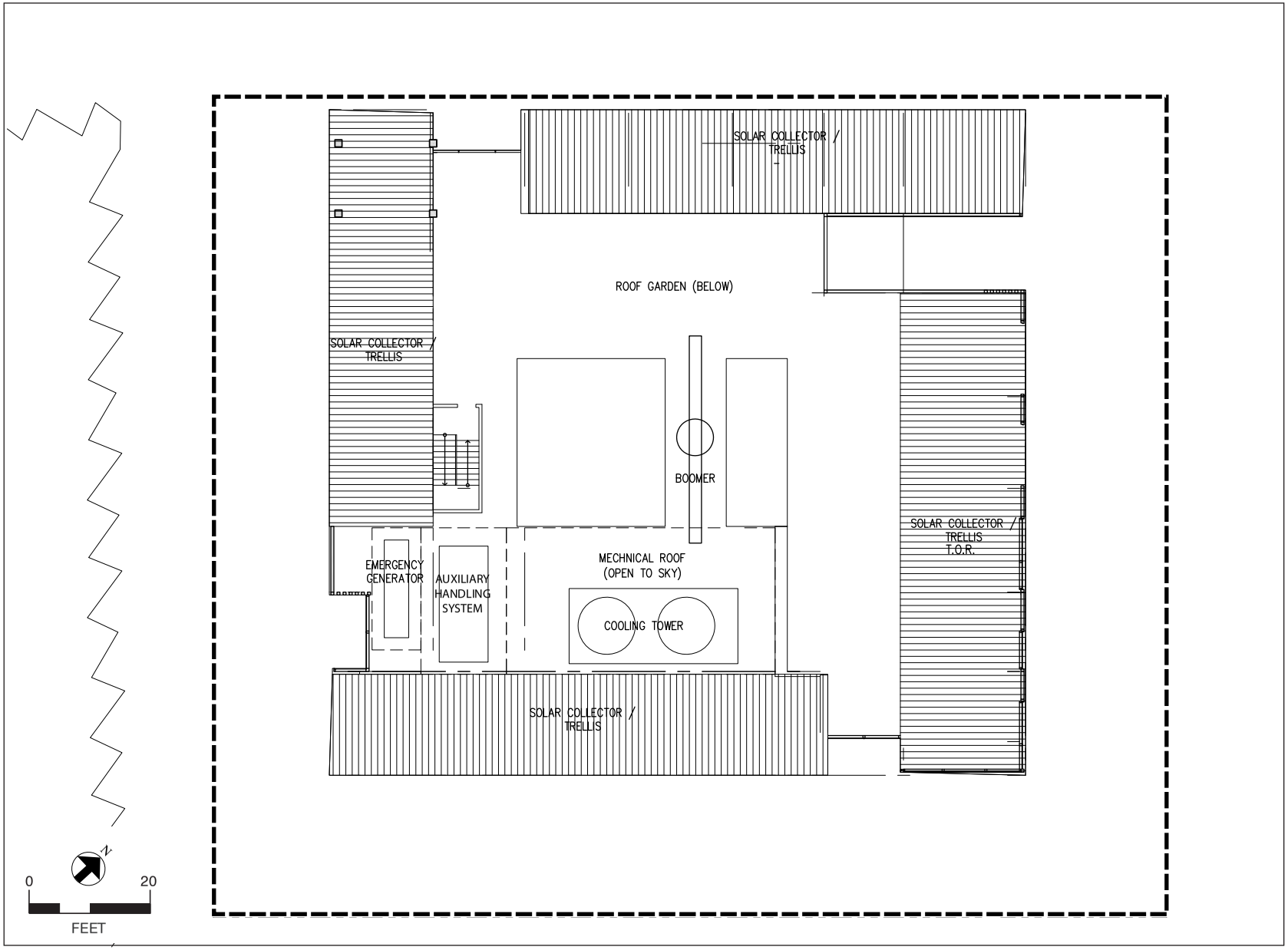
FIGURE 9: PROPOSED 30TH FLOOR PLAN



SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

FIGURE 10: PROPOSED 31ST FLOOR PLAN

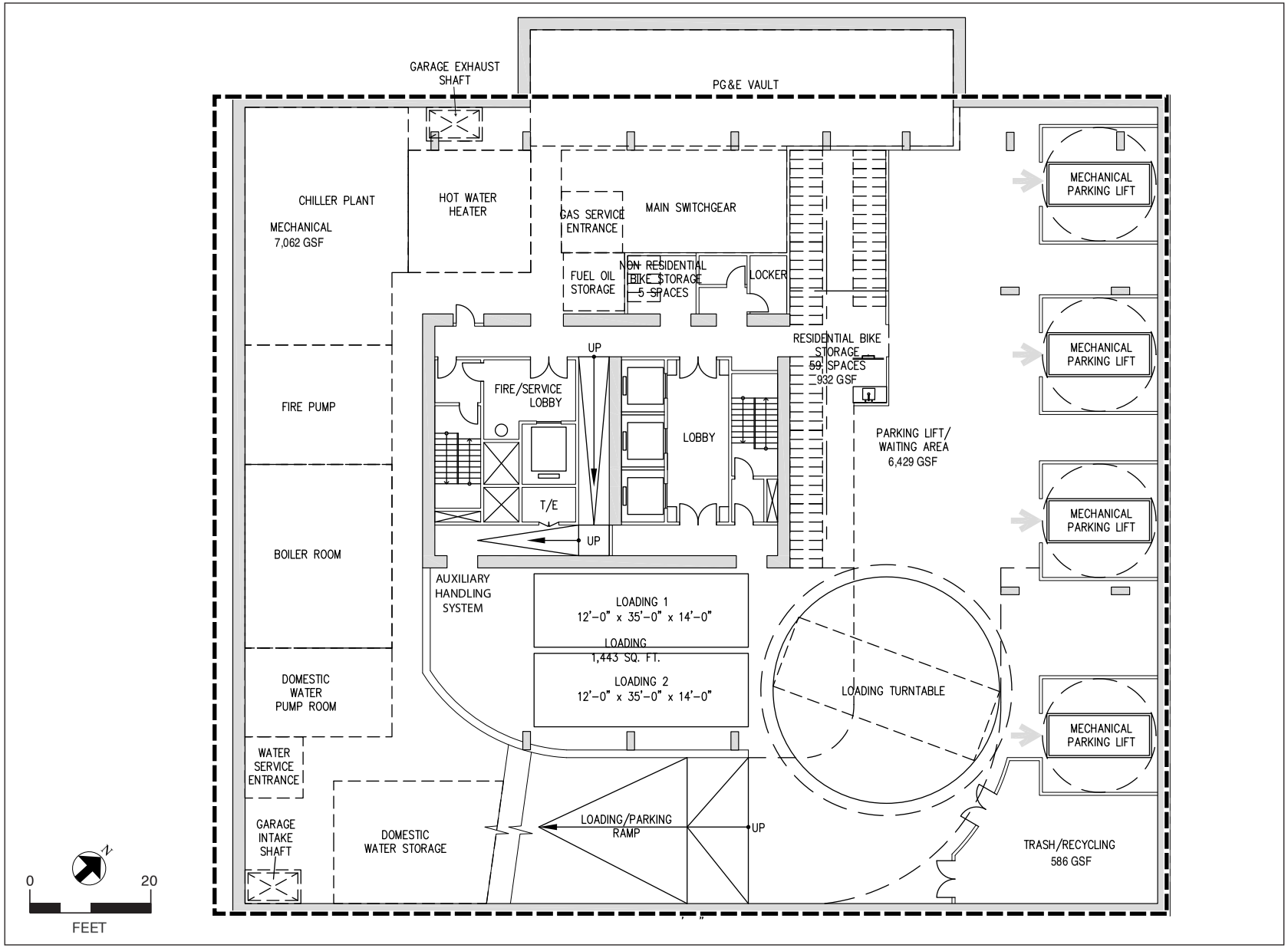


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 11: PROPOSED ROOF PLAN

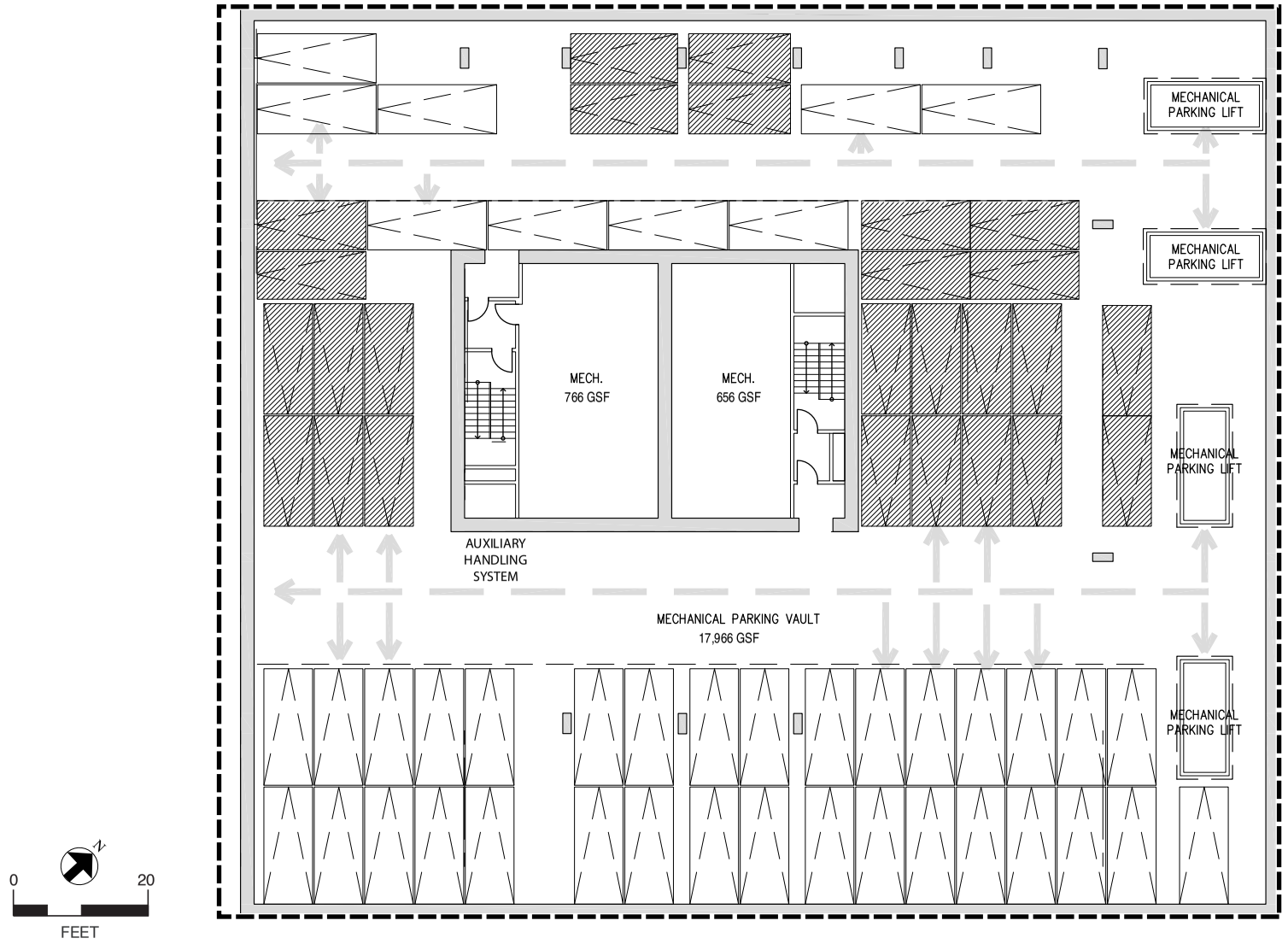


SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

75 HOWARD STREET

FIGURE 12: PROPOSED BASEMENT LEVEL 1 PLAN



SOURCE: Turnstone Consulting, SOM

PROJECT BUILDING SITE BOUNDARY

FIGURE 13: PROPOSED BASEMENT LEVEL 2 PLAN

dock. The proposed project would also include 64 bicycle storage spaces located on Basement Level 1. Bicyclists would access these spaces by elevator from either the residential or service entrance located at the ground floor of the high-rise tower.

Proposed Project Variants

Proposed Public Parking Variant

The Proposed Public Parking Variant would provide an additional 96 non-accessory public parking spaces, for a total of 271 parking spaces, to partially offset the 550 public spaces lost by the proposed demolition of the 75 Howard Garage. All 271 parking spaces would be located in stacked spaces on a portion of Basement Level 2 with use of a proposed mechanical parking system. The project sponsor is currently contemplating utilizing a robotic valet system. Non-resident vehicles would travel down the garage ramp to Basement Level 1, where cars would be mechanically parked by utilizing a robotic valet system in stacked spaces on Basement Level 2 below. Under this variant, non-resident users of the proposed parking garage would retrieve their vehicles by entering a door from Howard Street adjacent to the vehicular entrance, and use the stairs or elevator to Basement Level 1, where they would wait for their vehicles to be retrieved, and exit the parking garage via the ramp.

Proposed Residential / Hotel Mixed Use Variant

The proposed Residential / Hotel Mixed Use Variant would include approximately 109 residential units within approximately 217,020 gsf of residential space and 82 hotel rooms within 145,825 gsf of hotel space. The proposed height and total gsf of the high-rise tower under this variant would otherwise be the same as under the proposed project. Hotel rooms would be located on floors 3 through 7 and floors 10 through 12 of the proposed high-rise tower, while residential units would be located on floors 13 through 31. As under the proposed project, approximately 28,408 gsf of lobby restaurant/café, and amenity space for residents would also be constructed on the first and second floors under the proposed Residential / Hotel Mixed Use Variant. Under this variant, floor 8 would be used exclusively for hotel guests and would contain a lounge, reception area, and hotel kitchen and dining. Floor 9 would provide amenity space, including spa services (approximately 8,410 gsf), which would be accessible to hotel guests and building residents, as well as the general public. Residents and hotel guests would use the same building entrance and lobby on the ground floor; however, the hotel guests would access floors 3 through 12 by a separate elevator.

The proposed Residential / Hotel Mixed Use Variant would provide 111 accessory parking spaces for the residential units and hotel and 160 non-accessory public parking spaces (for a total of 271 parking spaces) to partially offset the 550 public spaces lost by the demolition of the 75 Howard Garage. All parking would be accessed in the same manner as the proposed project.

The height, bulk, and overall design of the building would be the same as the proposed project. Unlike the proposed project, this variant would include approximately 3,153 sq. ft. of publicly accessible open space on the first and second floors of the building. This public open space would be comprised of a sloped open space on the south side of the building leading to an observation deck on the second floor of the building. As under the proposed project, an additional 1,628-sq.-ft. outdoor terrace would be provided as common residential open space on the 30th floor of the proposed high-rise tower.

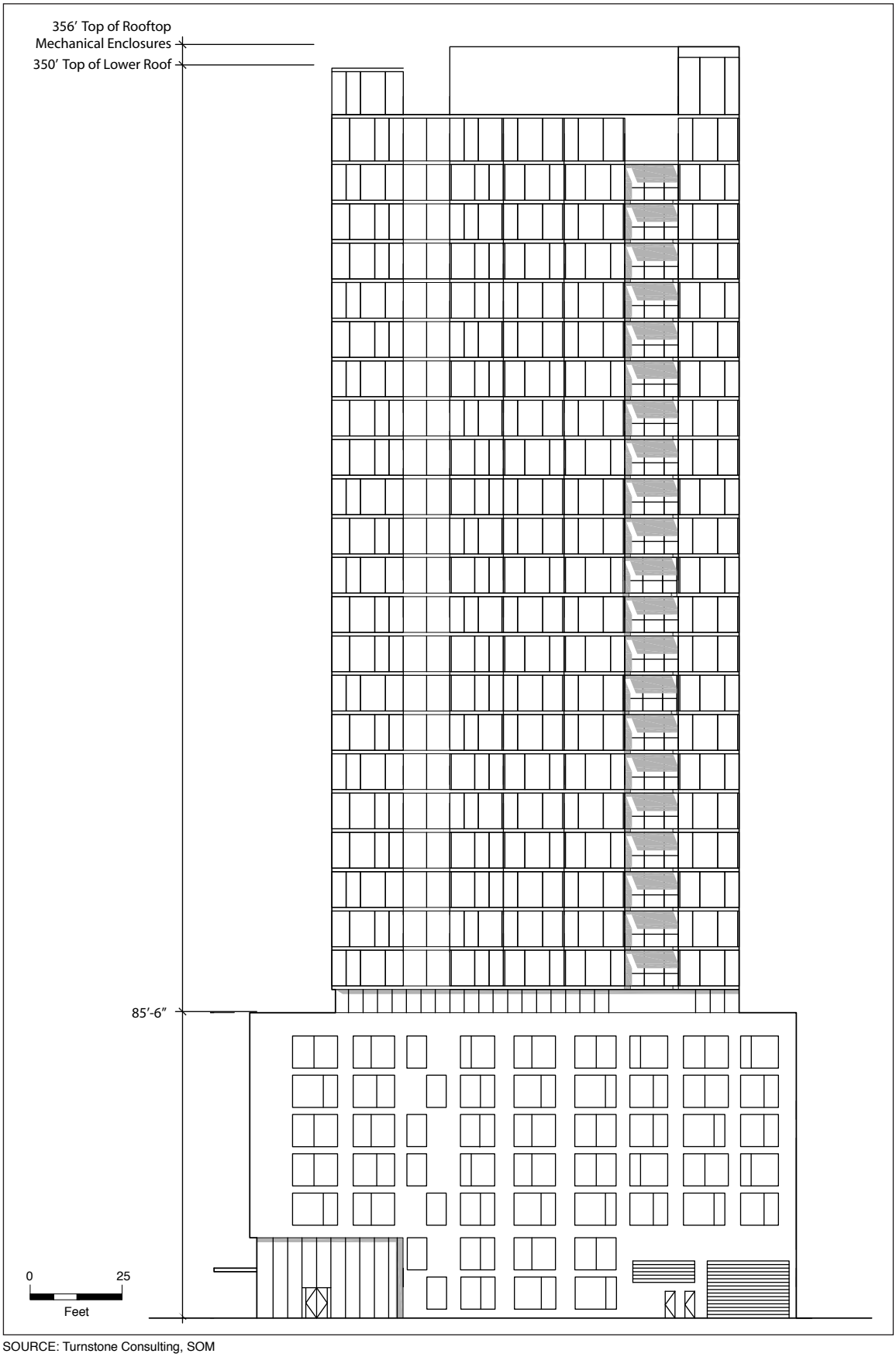
Proposed Building Form

For both the proposed project and project variants, the proposed 31-story high-rise tower would consist of two main elements: a horizontal podium element, surmounted by a vertical tower element. (See Figure 14: Proposed North Elevation; Figure 15: Proposed East Elevation; Figure 16: Proposed South Elevation; and Figure 17: Proposed West Elevation.)

The 7-story (82-foot-tall) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines, and it would be set back from the south property line by about 18 feet and from the west property line by about 3 feet. The podium element would measure about 153 feet from east to west and 116 feet from north to south. The ground and second stories would be recessed about one to six feet from the wall plane of the podium above, forming a high, continuous band of glazing at the ground floor and second floor across a portion of the north façade, all of the east façade, and part of the south façade. These setbacks are intended to define a transparent, pedestrian-oriented ground and second floor, with a horizontal podium volume above, provide additional sidewalk space along Howard Street and Steuart Street, and provide additional space for the café garden and common open space along the south façade.

The 24-story vertical tower element together with the 7-story podium would rise a total of 31 stories (350 feet tall, plus an additional 6 feet for rooftop screening and mechanical enclosures). The tower element would be nearly square in plan, measuring about 114 feet from east to west and 109 feet from north to south. It would be set back from the podium element below by about 2 feet from the podium's north façade, 23 feet from the podium's east façade, 5 feet from the podium's south façade, and 16 feet from the podium's west façade. However, floor 8 (the terrace level), the lowest floor within the tower element, would be further set back from the tower wall plane above it along the north and south facades to accentuate the transition between the podium and tower elements and to articulate each of these elements as distinct from each other.

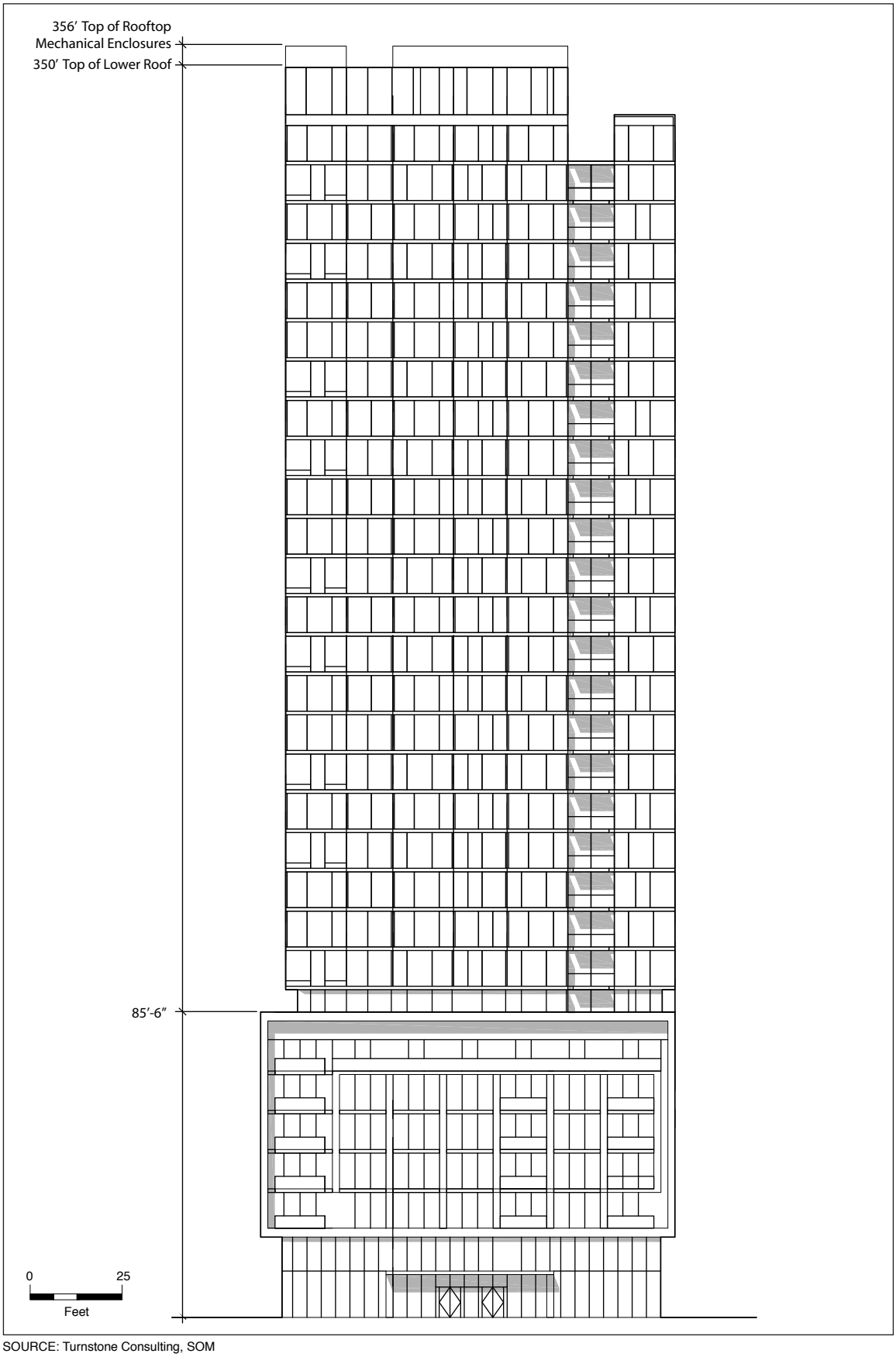
The building would likely be clad in glass and stone (granite or limestone), ranging from light to medium grey.



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

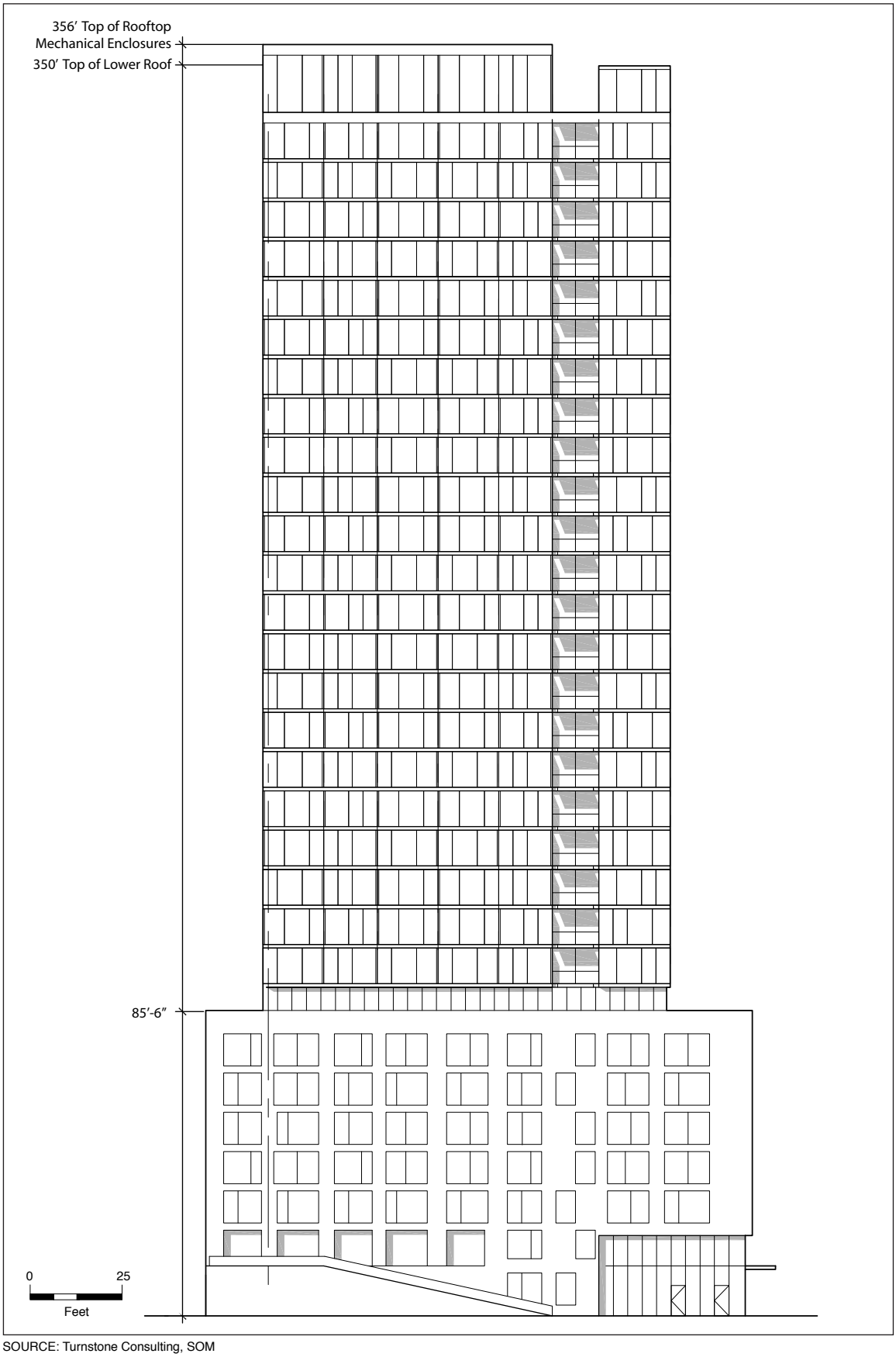
FIGURE 14: PROPOSED NORTH ELEVATION



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

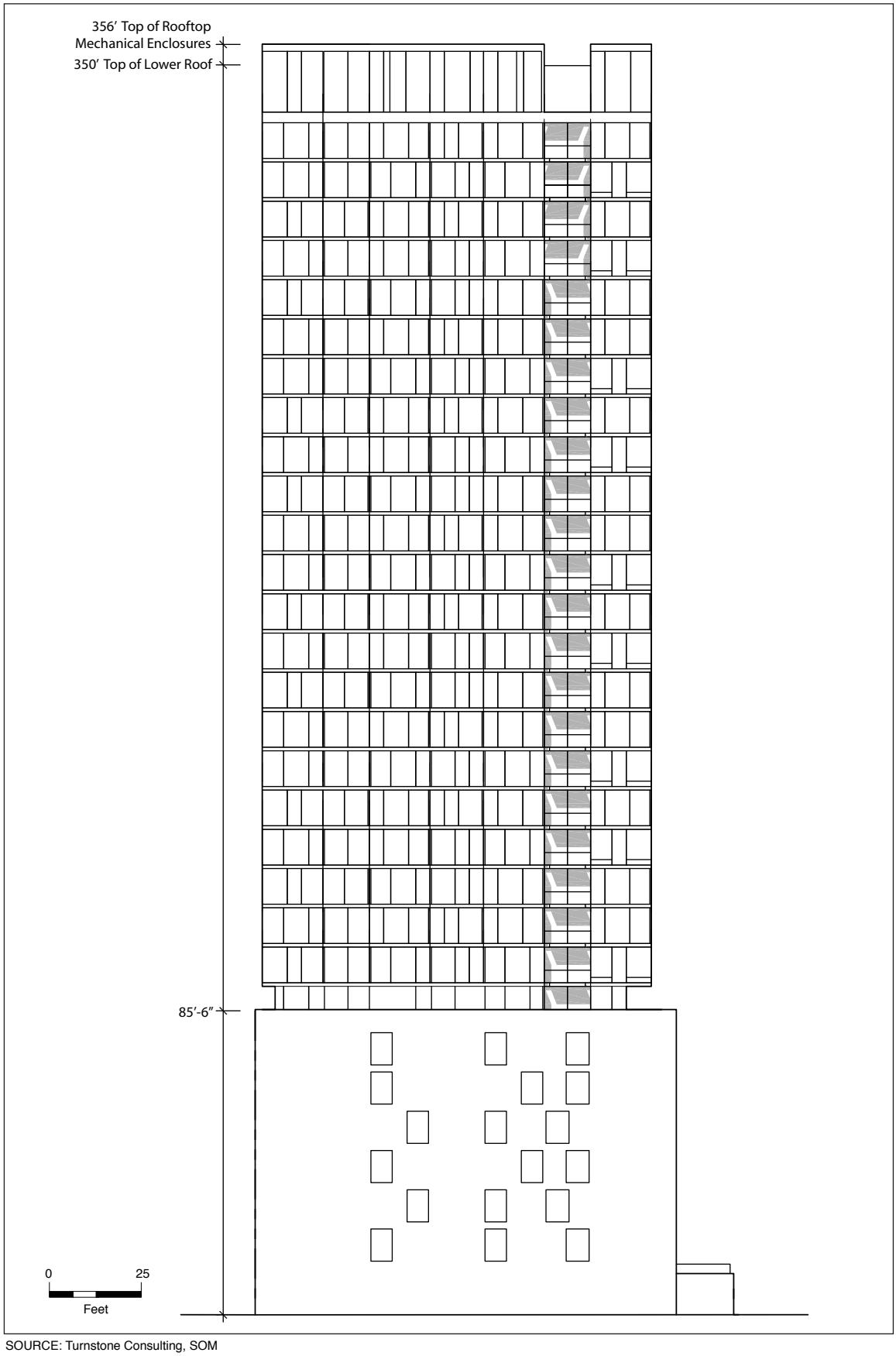
FIGURE 15: PROPOSED EAST ELEVATION



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

FIGURE 16: PROPOSED SOUTH ELEVATION



SOURCE: Turnstone Consulting, SOM

75 HOWARD STREET

FIGURE 17: PROPOSED WEST ELEVATION

Open Space and Landscaping

Proposed Residential Open Space

Proposed residential open spaces would include a combination of private open space and common open space. The project would provide approximately 14,388 sq. ft. of private open space in the form of private balconies and terraces for 103 individual residential units. Each of the private open spaces would exceed the minimum requirement for private open space (36 sq. ft.) under Planning Code Section 135. Required common open space for the remaining 83 units without private open space would total approximately 3,974 sq. ft. Common open space provided as part of the proposed project would meet the minimum amount of common open space required under Planning Code Section 135, and would total about 4,716 sq. ft. in the form of a 1,628-sq.-ft. roof terrace on floor 30, a 2,443-sq.-ft. space along the south side of the building at the ground floor and sloping up to the second floor and a 645-sq.-ft. open space on the second floor.

Proposed Publicly Accessible Open Space

As part of the proposed project, a new 4,780-sq.-ft. publicly accessible open space would be developed on the open space improvement site. The project would finance the installation and ongoing maintenance of the open space improvements. The open space would be bounded on all sides by sidewalks that include landscaping and hardscape improvements; these improvements would be visually integrated with the proposed new open space. Installation of the open space improvements would require the approval of the Department of Real Estate. The City may retain ownership of the open space improvement site, or devise the property to the project sponsor.[4]

In addition to this new open space, the project would install hardscape, landscape, and pedestrian improvements to the segment of Steuart Street south of Howard Street. A total of eight on-street parking spaces along this segment of Steuart Street south of Howard Street would be eliminated. This segment of Steuart Street would be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would be eliminated. Approval of these improvements would require either (i) a street improvement permit, (ii) an encroachment permit, or (iii) a street vacation ordinance, as determined by the Department of Public Works. These modifications to Steuart Street are intended to enhance the pedestrian accessibility, size, quality, and utility of the proposed publicly accessible open space and to link this proposed open space with the existing open space of the Gap Building. The resulting enlarged area would be landscaped and have seating and may include outdoor sculptures.

[4] While the San Francisco Department of Real Estate has authorized the Planning Department to analyze potential environmental impacts of the proposed construction and operation of a park, the City has not authorized the sale of the property or construction of a park.

Project Construction

Foundation and Excavation

The proposed building would have a deep foundation consisting of driven or drilled steel piles supporting a reinforced concrete mat foundation. The piles would extend to a depth of up to 70 to 90 feet below the ground surface through layers of fill and Bay Mud to gain support from the layer of bedrock below.[5] It is anticipated that the depths of bedrock vary within the project site from 60 to 80 feet, sloping downward from west to east.

The proposed project would have an estimated depth of excavation for the basement garage levels and mat foundation of as much as 59 feet below the ground surface. Approximately 45,000 cubic yards of soil would be excavated and removed from the project site. Installation of the landscape and hardscape improvements to the open space improvement site could require minor adjustments in grade and up to 5,000 cubic yards of soil may be excavated and removed from the site.

Both project variants would have an estimated depth of excavation for the basement garage levels of as much as 70 feet below the ground surface (11 feet deeper than the proposed project) and for which approximately 54,000 cubic yards of soil (9,000 cubic yards more than the proposed project) would be excavated and removed from the project site.

Construction Phasing and Duration

Project construction would take about 2-1/4 years. Assuming that construction would begin in early 2014, the residential tower could be ready for occupancy in the summer of 2016. Demolition would take about 11 weeks. Basement construction would take a total of about 19 weeks (including the following overlapping phases: 14 weeks of excavation, 5 weeks of pile driving, and about 7 weeks to construct the mat and floor slabs and basement walls). Above-ground building construction would take about 70 weeks. The construction of the open space improvement area would likely occur during the last half of the construction period for the above-ground construction.

Construction and phasing under both variants would be similar to the proposed project. However, one week would be added to the overall schedule for the project variants to accommodate additional shoring, excavation and foundation work required for the construction of the basement.

B. PROJECT SETTING

The project site is located at the southeastern edge of San Francisco's Financial District, near its eastern waterfront, and is within the *Transit Center District Plan* area.

[5] Treadwell & Rollo, *Preliminary Geotechnical Investigation Report*, December 9, 2011, p. 8. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

Across Howard Street to the north of the project site is the Carmel Rincon Apartments, a 24-story, approximately 343-foot-tall, 320-unit residential tower, built in 1989. Its lobby entrance is located midblock along Howard Street. The Rincon Station Post Office and a grocery are located on its ground floor along Howard Street. Across Howard Street to the northeast of the project site is Bayside Plaza, a seven-story office building, built in 1986.

To the east of the project site is The Embarcadero, a broad waterfront boulevard. Between the northbound and southbound lanes of The Embarcadero runs the Muni Metro rail line. The ramp and portal to the Embarcadero Muni Metro Station tunnel are located to the east of the project block between Folsom and Howard Streets. Across The Embarcadero is Rincon Park, an approximately 2.7-acre waterfront open space with panoramic views of San Francisco Bay, the Bay Bridge, Yerba Buena Island and Treasure Island, and the East Bay hills beyond. At the south end of Rincon Park, south of Folsom Street, are two 2-story restaurant buildings. The Embarcadero Promenade runs along the water's edge.

Immediately south of the project site is a small (about 25-space) surface parking lot for the 201 Spear Street Building (which fronts on Spear Street and Howard Street). This parking lot is accessed from the terminus of Steuart Street. Adjacent to the vehicular access to the surface parking lot is the vehicular access to the subsurface parking garage of the Gap Building and a publicly accessible open space on the site of the Gap Building. The Gap Building, located at the south end of the project block, is a 14-story (290 feet tall) office building, built in 2001.

To the west of the project site is the 201 Spear Street Building, and 18-story office building, approximately 257 feet tall, built in 1985. The entrance lobby is located at the ground floor along Spear Street. A dry cleaner and cafés are also located within ground floor storefronts. The 201 Spear Street Building and the 75 Howard Garage on the project site are separated by a pedestrian passage from Howard Street to the 201 Spear Street Building's surface parking lot. Vehicular access to the 201 Spear Street Building's subsurface parking garage is located along Spear Street, south of the 201 Spear Street Building.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	***Not Applicable***
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☐	☒
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

This section discusses the compatibility of the proposed project and project variants with applicable zoning ordinance provisions, land use plans, and approvals or permits required from

various Federal, State, and local agencies necessary for the construction and operation of the proposed project or project variants.

San Francisco General Plan

The *San Francisco General Plan*[6] is the embodiment of the City's vision for the future of San Francisco. It is comprised of a series of ten elements, each of which deals with a particular topic that applies citywide: Air Quality; Arts; Commerce and Industry; Community Facilities; Community Safety; Environmental Protection; Housing; Recreation and Open Space; Transportation; and Urban Design. The *General Plan* also includes area plans, each of which focuses on a particular area of the City. The project site is in the area covered by the *Downtown Area Plan* and is more specifically located within the area covered by the *Transit Center District Plan, a Sub-Area Plan* of the *Downtown Area Plan*. In addition, the open space improvement site is within the *Northeastern Waterfront Area Plan.*

Development in San Francisco is subject to the *General Plan,* which provides general policies and objectives to guide land use decisions and contains some policies that relate to physical environmental issues. The Planning Department, the Zoning Administrator, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project for conformance with the objectives and policies of the *General Plan,* and will consider potential conflicts as part of the decision-making process. The consideration of *General Plan* objectives and policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project.

Conflicts with plans, policies, or regulations do not, in and of themselves, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, these impacts are analyzed in this Initial Study under the specific topics listed in the Initial Study Checklist presented in Section E, Evaluation of Environmental Effects. The consistency of the proposed project and its variants with plans, policies, and regulations that do not relate to physical environmental issues will be considered by City decision-makers when they determine whether to approve, modify, or disapprove the proposed project.

Transit Center District Plan

The *Transit Center District Plan* (TCDP) is a comprehensive plan for the southern portion of San Francisco's Financial District. The Transit Center District covers an area of approximately 145 acres that is generally bounded by Market Street on the north, Steuart Street on the east, Folsom Street on the south, and a line extending mid-block between Third and New Montgomery Streets

[6] San Francisco Planning Department website, http://www.sf-planning.org/ftp/General_Plan/index.htm, accessed November 2, 2012.

on the west. The intent of the TCDP is to focus new growth in close proximity to San Francisco's highest concentration of public transit. On July 31, 2012, the Board of Supervisors adopted the TCDP and all related ordinances necessary to implement the plan.[7] The TCDP included amendments to the *General Plan*, the Planning Code, and the Zoning Maps. These amendments include new planning policies and zoning controls to address land use, urban form (building height and design), street network modifications, public realm improvements, historic preservation, and sustainability. Full implementation of the TCDP is expected to result in approximately 7 million sq. ft. of commercial space, and 6,100 new households.[8]

The project site is in the area covered by the TCDP. Therefore, the objectives and policies of the TCDP are applicable to the proposed project and variants. The proposed project and variants do not conflict with the TCDP's objectives and policies related to land use, street network modifications, public realm improvements, historic preservation, and sustainability.

The proposed project and variants would conflict with the TCDP's objectives and policies related to urban form (building height and design). The proposed project and variants would comply with the zoning controls for the project site, but they would not comply with the height and bulk controls for the project site, as shown on Figure 1: Proposed Height Limits, on p. 12 of the TCDP. Adoption of the TCDP did not result in the reclassification of the zoning, height, or bulk controls for the project site. As discussed in Section A, Project Description, on pp. 6-8, the project site is in the Downtown Office Special Development (C-3-O(SD)) District and a 200-S Height and Bulk District. See Height and Bulk Controls, below, and Required Approvals, on pp. 36-38, for more information.

In addition, the proposed project and variants, which would require an increase in the height limit on the project site, would potentially conflict with the TCDP's objectives and policies that call for building heights to step down from the downtown core to San Francisco Bay.

Northeastern Waterfront Area Plan

San Francisco's northeastern waterfront stretches from China Basin to Fisherman's Wharf. The *Northeastern Waterfront Area Plan* contains objectives and policies designed to contribute to the waterfront's environmental quality, enhance the economic vitality of the Port of San Francisco and the City, preserve the unique maritime character of the waterfront, and provide for the maximum feasible visual and physical access to and along San Francisco Bay.

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[7] San Francisco Board of Supervisors, minutes from July 31, 2012 meeting, available at http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/bosagendas/minutes/2012/m073112.pdf, accessed September 5, 2012.

[8] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report* (herein after "TCDP EIR"), May 24, 2012, pp. 72 and 198.

One of the land use objectives of the *Northeastern Waterfront Area Plan* is to strengthen and expand the recreational character of the waterfront and develop a system of public open spaces and recreation facilities. Although the project building site is outside of the area covered by the *Northeastern Waterfront Area Plan*, the open space improvement site is within that area. As discussed in Section A, Project Description, pp. 1-28, the proposed project and variants would include the development of a new 4,780-sq.-ft. publicly accessible open space, and the development of this open space would be consistent with the objectives of the *Northeastern Waterfront Area Plan* that are related to recreation and open space.

San Francisco Planning Code and Zoning Maps

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

Zoning Controls

The project site is in the C-3-O(SD) District. Planning Code Sections 215 through 227 regulate the types of land uses that are principally permitted, conditionally permitted, or not permitted in the C-3-O(SD) District. Both the proposed project and project variants would remove an existing parking use and replace it with residential, retail, and parking uses and possibly a tourist hotel use. In the C-3-O(SD) District, residential and retail uses are principally permitted, and non-accessory parking and tourist hotel uses require conditional use authorization from the Planning Commission. Implementation of the proposed project or project variants would not require the adoption of any legislative amendments to reclassify the current zoning controls applicable to the project site.

Other Planning Code requirements that are applicable to the proposed project include, but are not limited to, the provisions of Section 134: Rear Yards, Section 140: Dwelling Unit Exposure, Section 145: Street Frontages, Section 151: Required Off-Street Parking Spaces, Section 152: Required Off-Street Freight Loading Spaces, Section 155.4: Bicycle Parking Required in New and Renovated Commercial Buildings, and Section 155.5: Bicycle Parking Required for Residential Uses. As discussed under Required Approvals, pp. 36-38, implementation of the proposed project would require that exceptions, modifications, or variances be granted from some of these Planning Code requirements (rear yard, dwelling unit exposure, street frontages, and off-street parking).

Height and Bulk Controls

The project site is in a 200-S Height and Bulk District. The 200-S designation means that the maximum building height is 200 feet, and the "S" bulk controls[9] are set forth in Section 270(d). The "S" Bulk District has specific controls for the different portions of a building (the base, the lower tower, and the upper tower). See Project Description, pp. 6-8, for more details. The proposed project would not comply with the height limit, and implementation of the proposed project or project variants would require the adoption of legislative amendments to reclassify the existing height limit from 200 feet to 350 feet.

Based on the proposed height reclassification to the 350 S Height and Bulk District, the lower tower bulk controls would apply above a height of approximately 103 feet, and the upper tower bulk controls would apply above a height of approximately 220 feet. There are no bulk controls for the base. The proposed project and variants would comply with the dimensional bulk controls for the lower tower (maximum length of 160 feet, maximum floor size of 20,000 sq. ft., maximum diagonal dimension of 190 feet) and the upper tower (maximum length of 130 feet, maximum average floor size of 12,000 sq. ft., maximum floor size for any floor of 17,000 sq. ft., maximum average diagonal measure of 160 feet).

The proposed project and variants would not comply with the volume reduction bulk control for the upper tower, which requires that the average floor size of the upper tower be reduced as set forth in Section 270(d)(3)(B). Based on an average lower tower floor size of 12,000 sq. ft., the upper tower would have to be reduced by 10 percent (i.e., the average upper tower floor size cannot exceed 10,800 sq. ft.). The upper tower (Floors 20 and above) of the proposed project and variants would have an average floor size of approximately 11,485 sq. ft. The existing bulk limit would not be reclassified, but the project sponsor would seek an exception from the bulk control for upper tower volume reduction pursuant to the procedures set forth in Sections 270, 272, and 309.

The Accountable Planning Initiative

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code and established eight Priority Policies. These policies, and the sections of this Initial Study or the EIR that address the environmental issues associated with these policies, are: (1) preservation and enhancement of neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses; (2) conservation and protection of existing housing and neighborhood character to preserve the cultural and economic diversity of neighborhoods (Initial Study Topic 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Initial Study Topic 3b, Population and Housing); (4) discouragement of

[9] Bulk controls reduce the size of a building's floorplates as the building increases in height.

commuter automobiles that impede Muni transit service or that overburden streets or neighborhood parking (to be analyzed in the Transportation and Circulation section of the EIR); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Initial Study Topic 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Initial Study Topics 14a, 14c, and 14d, Geology and Soils; (7) preservation of landmarks and historic buildings (Initial Study Topic 4a, Cultural and Paleontological Resources); and (8) protection of parks and open space and their access to sunlight and vistas (Initial Study Topics 10a and 10 c, Recreation, with shadow (Initial Study Topic 9b) to be analyzed in the Shadow section of the EIR).

Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *San Francisco General Plan (General Plan)*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the proposed project and its variants with the environmental topics associated with the Priority Policies is discussed in this Initial Study or in the EIR, providing information for use in the case report for the proposed project. The staff reports and approval motions prepared for the decision-makers would include a comprehensive project analysis and findings regarding the consistency of the proposed project with the Priority Policies.

Other Local Plans and Policies

In addition to the Planning Code, the Zoning Maps, and the *General Plan*, other local plans and policies that are relevant to the proposed project are discussed below.

- The *San Francisco Sustainability Plan* is a blueprint for achieving long-term environmental sustainability by addressing specific environmental issues including, but not limited to, air quality, climate change, energy, ozone depletion, and transportation. The goal of the *San Francisco Sustainability Plan* is to enable the people of San Francisco to meet their present needs without sacrificing the ability of future generations to meet their own needs.
- The *Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions* is a local action plan that examines the causes of global climate change and human activities that contribute to global warming, provides projections of climate change impacts on California and San Francisco based on recent scientific reports, presents estimates of San Francisco's baseline greenhouse gas emissions inventory and reduction targets, and describes recommended actions for reducing greenhouse gas emissions.
- The Transit First Policy (City Charter, Section 8A.115) is a set of principles that underscore the City's commitment to give priority to traveling by transit, bicycle, and on foot over traveling by private automobile. These principles are embodied in the objectives and policies of the Transportation Element of the *General Plan.* All City

boards, commissions, and departments are required, by law, to implement Transit First principles in conducting the City's affairs.

- The *San Francisco Bicycle Plan* is a citywide bicycle transportation plan that identifies short-term, long-term, and other minor improvements to San Francisco's bicycle route network. The overall goal of the *San Francisco Bicycle Plan* is to make bicycling an integral part of daily life in San Francisco.
- The *San Francisco Better Streets Plan* consists of standards and guidelines for the design of the pedestrian environment in San Francisco to achieve more livable streetscape environment.
- The *Waterfront Land Use Plan* is the Port of San Francisco's comprehensive land use policy document governing all property under its jurisdiction, generally from India Basin to Fisherman's Wharf. The *Waterfront Land Use Plan* describes how and where existing and new land uses will be located along the waterfront.

The EIR will contain a discussion of the proposed project's and variants' consistency with these local plans and policies.

Regional Plans and Policies

In addition to local plans and policies, there are several regional planning agencies whose environmental, land use, and transportation plans and policies consider the growth and development of the nine-county San Francisco Bay Area. Some of these plans and policies are advisory, and some include specific goals and provisions that must be adhered to when evaluating a project under CEQA. The regional plans and policies that are relevant to the proposed project are discussed below.

- The Bay Area Air Quality Management District's *Bay Area 2010 Clean Air Plan* updates the Bay Area 2005 Ozone Strategy, in accordance with the requirements of the California Clean Air Act, to implement feasible measures to reduce ozone and provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases throughout the region.
- The Regional Water Quality Control Board's *Water Quality Control Plan for the San Francisco Bay Basin* is a master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the state, including surface waters and groundwater, and includes implementation programs to achieve water quality objectives.
- The Metropolitan Transportation Commission's *Transportation 2035 Plan for the San Francisco Bay Area* is a policy document that outlines transportation projects for highway, transit, rail, and related uses through 2035 for the nine Bay Area counties.
- The Association of Bay Area Governments' *Projections 2009* is an advisory policy document that includes population and employment forecasts to assist in the development of local and regional plans and policy documents.

The EIR will contain a discussion of the proposed project's and variants' consistency with these regional plans and policies.

Required Approvals

The project requires the following project approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until the required environmental review is completed.

State and Regional Approvals

- *California Department of Alcoholic Beverage Control.* If the proposed retail uses, or the tourist hotel in the Residential / Hotel Mixed Use Variant, elect to sell alcoholic beverages, liquor licenses would be required.

Actions by the Board of Supervisors

- *Planning Code Amendments for Height District Reclassification and a General Plan Amendment:* The building height of the proposed project would exceed the height limit of the existing 200-S Height and Bulk District, as well as the 200-foot height limit specified on Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan*. The Board of Supervisors would need to approve an amendment to the Zoning Map Height and Bulk Districts (Sheet HT01) pursuant to Planning Code Section 302, as well as a General Plan Amendment revising Map 5 pursuant to Section 340.

Actions by the Planning Commission

- *Recommendation to the Board of Supervisors to Approve Amendments for Height District Reclassification and General Plan Amendment*.
- *Approval of General Plan Referral:* Upon referral by the Planning Department and Department of Public Works.
- *Approval of Section 309 Determination of Compliance and Request for Exceptions for the Construction of a new Building in a C-3 District*: The Planning Commission would need to determine that the project complies with *Planning Code* Section 309. This Section establishes a framework for review of projects within C-3 Districts to ensure conformity with the Planning Code and the *General Plan*, and modifications may be imposed on various aspects of the project to achieve this conformity. These aspects include overall building form, impacts on public views, shadows and wind levels on sidewalks and open spaces, traffic circulation, relationship of the project to the streetscape, design of open space features, improvements to adjacent sidewalks (including street trees, landscaping, paving material, and street furniture), quality of residential units, preservation of on-site and off-site historic resources, and minimizing significant adverse environmental effects.

  Through the Section 309 Review process, the following modifications from certain requirements of the Planning Code would be considered. As proposed, it appears that the project would require the following modifications:

  Accessory Parking. Per Planning Code Section 151.1, within C-3 Districts, off-street accessory parking may be provided for 0.25 cars per residential unit. The project sponsor requests, by the Section 309 Review process, to provide accessory off-street parking in the following amounts: 1 car parked per each dwelling unit that has two or more bedrooms (and is greater than 1,000 sq. ft. in size), and 0.75 car parked per dwelling unit that has one or fewer bedrooms (or is otherwise smaller than 1,000 sq. ft. in size).

Rear Yard. Per *Planning Code* Section 134, within C-3 Districts, a rear yard must be provided that is equal to 25 percent of the lot, at the lowest level containing a dwelling unit and at each succeeding level. The project sponsor requests, by the Section 309 Review process, to provide a rear yard of approximately 18 feet in depth.

Bulk Controls. Per Section 270, Buildings within "S" bulk districts are subject to specified bulk controls for the "lower tower" and "upper tower" portions of the building. The proposed project and variants would comply with the dimensional bulk controls for the lower tower and the upper tower, but they would not comply with the bulk control for upper tower volume reduction. As such, the proposed project and project variants would require an exception to the bulk control for upper tower volume reduction pursuant to Sections 270, 272, and 309.

- *Approval of Conditional Use Authorization.* For the project variant that proposes to provide 96 non-accessory off-street parking spaces for nearby retail uses, the Planning Commission would need to grant Conditional Use authorization, pursuant to *Planning Code* Sections 158 and 303, for the non-accessory parking garage use proposed as part of the proposed project and project variants. The Commission would consider the specific criteria of Sections 157 and 158, in addition to the Conditional Use authorization criteria of Section 303.
- *Approval of Conditional Use Authorization*. For the Residential / Hotel Mixed Use Variant, the Planning Commission would need to grant Conditional Use authorization, pursuant to Planning Code Sections 216(b)(i) and 303, for a hotel containing fewer than 200 rooms. The Commission would consider the specific criteria of Section 303(g), in addition to the Conditional Use authorization criteria of Section 303.

Actions by the Zoning Administrator

- *Granting of Variances*. As currently proposed, the following Variances must be sought for these aspects of the project:

  Exposure. Per Planning Code Section 140, at least one room of each dwelling unit must face on to a public street, rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. Section 140 specifies that an open area must have a minimum horizontal dimension of 25 feet at the lowest floor containing a dwelling unit and at the floor immediately above, with an increase of 5 feet in horizontal dimension for each subsequent floor above. The project, as proposed, does not satisfy these requirements, and therefore a Variance would be required. Of the proposed 186 units, 53 units (all of which face south) would not meet the exposure requirements of Planning Code Section 140. These units would face the open space place for the Gap Inc. Headquarters and the at-grade parking lot for 201 Spear Street.

  Street Frontages. Per Planning Code Section 145.1, all ground floor frontage that is not used for parking and/or loading access, building egress, and/or mechanical systems must be occupied by active uses. Section 145.1(c)(2) limits the width of parking and loading access for the project to no more than 20 feet. The proposed driveway along Howard Street measures about 26 feet wide, which exceeds the allowable width as specified by the Code.

Actions by Other City Departments

- *Approval of site permit:* Planning Department and Department of Building Inspection approval.
- *Approval of demolition, grading, and building permits:* Planning Department and Department of Building Inspection approval.
- *Approval of project compliance with the Stormwater Control Guidelines*: Department of Public Works approval.
- *Approval of a stormwater control plan:* San Francisco Public Utilities Commission approval.
- *Request for General Plan Referral and Street Vacation:* Planning Department and Department of Public Works. The proposed project includes reduction of the width or and/or changes to the alignment of Steuart Street along the project frontage, which could require a street vacation. If the Department of Public Works requires that a street be vacated in order for the project sponsor to install the proposed streetscape improvements, then a referral to the Planning Commission would be required for a formal determination as to whether the proposed project is consistent with the objectives and policies of the *General Plan* prior to an action by the Board of Supervisors to approve a street vacation. If the Department of Public Works does not require a street vacation, and instead allows the streetscape improvements to be installed with an encroachment permit, then no action to approve a street vacation would be necessary.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

☐ Land Use	☒ Air Quality	☒ Biological Resources
☒ Aesthetics	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☒ Wind and Shadow	☒ Hydrology and Water Quality
☒ Cultural and Paleo. Resources	☐ Recreation	☐ Hazards/Hazardous Materials
☒ Transportation and Circulation	☐ Utilities and Service Systems	☐ Mineral/Energy Resources
☒ Noise	☐ Public Services (Police, Fire)	☐ Agricultural and Forest Resources
		☒ Mandatory Findings of Significance

EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

On the basis of this Initial Study, topics for which there are project-specific effects that have been determined to be potentially significant include: Aesthetics, Cultural Resources (Archeological and Paleontological Resources only), Transportation and Circulation, Noise, Air Quality, Wind and Shadow (Shadow only), Biological Resources (Bird Migration and Local Movement only) and Hydrology and Water Quality (Sea Level Rise only). These topics, along with Compatibility

with Existing Zoning and Plans and Policies will be evaluated in an EIR prepared for the project. Project-specific and cumulative impacts in other topical areas would be less than significant, and will not be evaluated in the EIR. These topics include: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Recreation, Utilities and Service Systems, Public Services, Geology and Soils, Hazards and Hazardous Materials, Mineral and Energy Resources, and Agricultural and Forest Resources.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

The project site is located on the south side of Howard Street at the intersection of Howard and Steuart Streets in San Francisco's Financial District. Market Street is two blocks north of the project site, and The Embarcadero is adjacent to and east of the project site. Land uses near the project site include hotel, institutional, office, open space, parking, residential, and retail uses. The scale of development in the area varies from one- and two-story buildings to multi-story high-rise buildings. Existing high-rise buildings within two blocks of the project site include the 18-story, 267-foot-tall office building at 201 Spear Street; the 18-story, 280-foot-tall Rincon Towers (88 Howard Street); the 14-story, 290-foot-tall Gap Building (2 Folsom Street); the 37-story, 350-foot-tall Infinity I (301 Main Street); the 27-story, 364-foot-tall Steuart Tower (part of the 1 Market Street office complex); the 42-story, 450-foot-tall Infinity II (300 Spear Street); and the 43-story, 564-foot-tall Spear Tower (part of the 1 Market Street office complex).

The project site is located within the area south of Mission Street and east of First Street, where there are large parcels of vacant land that were formerly occupied by The Embarcadero Freeway and its associated on-ramps and off-ramps, all of which have been demolished. Around two of the vacant parcels are currently being used as surface parking lots.

The project site is in the area covered by the *Transit Center District Plan* (TCDP), which is a comprehensive plan for the southern portion of San Francisco's Financial District. The Transit Center District covers an area of approximately 145 acres that is generally bounded by Market

Street on the north, Steuart Street on the east, Folsom Street on the south, and a line extending mid-block between Third and New Montgomery Streets on the west. The intent of the TCDP is to focus new growth in close proximity to San Francisco's highest concentration of public transit. For more information about the TCDP, please see Section C, Compatibility with Existing Zoning and Plans, pp. 30-31.

Impact LU-1: The proposed project or project variants would not physically divide an established community. ***(Less than Significant)***

The division of an established community would typically involve the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. Neither the proposed project nor project variants would construct a physical barrier to neighborhood access or remove an existing means of access. Rather, both the proposed project and project variants would replace an existing 7-story parking garage with a 31-story, mixed-use high-rise tower. Under the proposed project and proposed Public Parking Variant, uses would include residential, retail, parking, and open space. Under the proposed Residential / Hotel Mixed Use Variant, uses would be similar to the proposed project, but would also contain hotel and hotel-related amenity uses. Both the proposed project and project variants include the development of a vacant lot into new publicly accessible open space on the east side of Steuart Street across from the proposed building site, and landscape and paving improvements within the Steuart Street right-of-way.

Although the sidewalks adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. As part of the proposed landscape improvements, the Steuart Street right-of-way south of Howard Street would be narrowed, and the existing turnaround bulb at the southern terminus of Steuart Street would be eliminated. These changes to Steuart Street are intended to (1) integrate the street with the adjacent sidewalks and the proposed open space; (2) enhance the pedestrian accessibility, size, quality, and utility of the proposed open space; and (3) link the proposed open space with the existing open space of the Gap Building to the south.

For these reasons, neither the proposed project nor project variants would physically divide an established community. This impact would be less than significant, and no mitigation is necessary. This topic will not be discussed further in the EIR.

Impact LU-2: The proposed project or project variants would not conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to, a General Plan, Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. ***(Less than Significant)***

The *San Francisco General Plan* (*General Plan*), which contains objectives and policies that guide land use decisions, contains some objectives and policies that relate to physical

environmental issues. Any physical environmental impacts that could result from project conflicts with these objectives and policies are analyzed in this Initial Study under the specific topics listed in the Initial Study Checklist presented in Section E, Evaluation of Environmental Effects.

Other *General Plan* objectives and policies do not relate to physical environmental issues. To the extent that the proposed project conflicts with any of these objectives and policies, those conflicts will be considered by the decision-makers as part of their decision to approve or disapprove the proposed project.

As discussed in Section C, Compatibility with Existing Zoning and Plans, the proposed project and project variants would potentially conflict with objectives and policies in the TCDP that call for building heights to step down from the downtown core to San Francisco Bay. This conflict would be addressed through the proposed legislative amendments that would amend Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan* and reclassify the height limit for the project site from 200-S to 350-S. The bulk limit for the project site would not need to be reclassified. As discussed in Section C, Compatibility with Existing Zoning and Plans, p. 33, project conflicts with the bulk limit for the project site would be addressed through the entitlement process. Conflicts with other Planning Code regulations, such as those related to rear yard, dwelling unit exposure, street frontages, and off-street parking, would also be addressed through the entitlement process.

Zoning regulations, including those discussed above, are adopted for the purposes of controlling development, not specifically to avoid or mitigate an environmental effect. For these reasons, the proposed project would not conflict with any plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant, and no mitigation measures are necessary. This topic will not be discussed further in the EIR.

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

The proposed project or its variants would introduce residential, retail and parking uses, or residential / hotel, retail and parking uses to the project site and develop a new publicly accessible open space on the east side of Steuart Street across from the proposed building site. Similar uses exist in the vicinity of the project site. The proposed residential use would be compatible with the existing residential uses at 88 Howard Street (Rincon Towers) and 301 Main Street / 300 Spear Street (the Infinity). The proposed retail use, which would include a café and restaurant, would be compatible with the existing retail uses in the area, and the proposed publicly accessible open space would be compatible with the existing open spaces and recreation facilities in the area. In addition, the potential hotel use would be compatible with the existing hotels at 155 Steuart Street (Hotel Griffon), 165 Steuart Street (Harbor Court Hotel), and 8 Mission Street (Hotel Vitale).

Both the project and project variants propose a 31-story, 350-foot-tall high-rise tower. As discussed on p. 39, there are several high-rise buildings within two blocks of the project site that approach or exceed 300 feet in height, including the 267-foot-tall office building at 201 Spear Street, the 280-foot-tall Rincon Towers, the 290-foot-tall Gap Building, the 350-foot-tall Infinity I, the 364-foot-tall Steuart Tower, the 450-foot-tall Infinity II, and the 564-foot-tall Spear Tower. The proposed high-rise tower would be taller than some of these existing high-rise buildings, but it would be approximately 100 feet shorter than the Infinity II tower and approximately 200 feet shorter than the Spear Tower. Since there are already several existing high-rises near the project site, the addition of a 350-foot-tall tower would be compatible with the scale of existing development in the project vicinity. The scale of the proposed high-rise tower would not be out of character with other buildings in the project vicinity.

For these reasons, the proposed project or project variants would not have a substantial adverse impact on the land use character of the vicinity. This impact would be less than significant, and no mitigation measures are necessary. This topic will not be discussed further in the EIR.

Impact C-LU-1: The proposed project or project variants, in combination with past, present, or reasonably foreseeable future projects in the site vicinity, would not have a cumulatively considerable contribution to a significant cumulative land use impact. ***(Less than Significant)***

Other planned and forecast development in the project vicinity consists primarily of development expected to occur pursuant to the TCDP. The intent of the TCDP is to focus new growth in close proximity to San Francisco's highest concentration of public transit. Full implementation of the TCDP would result in approximately 7 million sq. ft. of commercial space and 6,100 new households (about 9,470 residents).[10]

Implementation of either the proposed project or project variants, in combination with past, present, and reasonably foreseeable future projects, including growth under the TCDP, would increase the amount of residential, hotel, retail, and open space uses in the project vicinity. This cumulative development is not expected to result in the construction of any physical barriers to neighborhood access or the removal of any existing means of access, either of which would physically divide the established community. In addition, this cumulative development is not expected to introduce any land uses, such as industrial uses, that would disrupt the community's established land use patterns.

Future growth and development expected to occur pursuant to the TCDP would be consistent with local and regional growth projections, such as *Projections and Priorities 2009*, published by the Association of Bay Area Governments, and adopted planning documents, such as the 2009 Update of the Housing Element of the *San Francisco General Plan*. This cumulative

[10] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, May 24, 2012, pp. 72 and 198.

development is not expected to conflict with any land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project and project variants would contribute to future growth and development in the Transit Center District. While the resulting cumulative growth would be larger than that forecast for the Transit Center District, the proposed project's contribution, in combination with growth expected to occur with buildout of the TCDP, would not result in growth in the project vicinity or the City as a whole that would be inconsistent with local and regional growth projections.

Reasonably foreseeable future development, including development pursuant to the TCDP, would help create a high-density residential neighborhood on the edge of the greater downtown. However, neither the proposed project or its variants nor development pursuant to the TCDP are expected to introduce any land uses that do not already exist in the project vicinity. As a result, the character of the vicinity would not undergo any substantial adverse changes related to land use due to cumulative development.

For these reasons, the proposed project and project variants, in combination with past, present, and reasonably foreseeable future growth and development, including that expected as a result of implementation of the TCDP, would have less-than-significant cumulative land use impacts. Neither the proposed project nor project variants would make a cumulatively considerable contribution to a significant cumulative land use impact, and no mitigation measures are necessary. This topic will not be discussed further in the EIR.

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

Impact AE-1: The proposed project or project variants could have a substantial adverse effect on scenic vistas, substantially damage scenic resources, or could substantially degrade the existing visual character and quality of the site and its surroundings. ***(Potentially Significant)***

The project site is located at the southeastern edge of San Francisco's downtown Financial District, near its eastern waterfront. Both the proposed project and project variants would replace the existing 7-story parking garage building on the project site with a 31-story high-rise tower. The proposed project and project variants also call for landscape and open space alterations of an existing vacant lot within the proposed open space improvement site.

To the east of the project site is The Embarcadero, a broad waterfront boulevard, and Rincon Park, a waterfront open space. These features offer panoramic scenic vistas across the waters of San Francisco Bay of the Bay Bridge, Yerba Buena Island and Treasure Island, and the East Bay Hills beyond. They also offer scenic vistas along their lengths, and back toward San Francisco's downtown Financial District. The Embarcadero and Rincon Park are also considered scenic resources in themselves for the purposes of this analysis. Implementation of either the proposed project or project variants could adversely affect scenic vistas and nearby scenic resources. Therefore, the Aesthetics subtopics of scenic vistas and scenic resources will be discussed and analyzed in the EIR.

Implementation of either the proposed project or project variants would transform the visual character and quality of the project site and substantially alter the visual character of its surroundings. The proposed 350-foot-tall (plus an additional six feet for rooftop screening and enclosures) high-rise tower would be taller than some of the nearby buildings in its immediate vicinity and would be substantially taller than the current 200-S Height and Bulk District height limit on the project site (the TCDP did not amend height and bulk limitations on the project site). Implementation of either the proposed project or project variants could adversely affect visual character and quality of the site and its surroundings. Therefore, the Aesthetics subtopic of visual character and visual quality will be discussed and analyzed in the EIR.

Impact AE-2: The proposed project or project variants would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. ***(Less than Significant)***

Current sources of light on the project site and surrounding area include nighttime billboard signage lighting on the 75 Howard Garage within the project site, nighttime residential and office lighting from existing buildings on and near the project site, and lighting of streets, public open spaces, storefronts, and building entrances in the vicinity of the project site.

Both the proposed project and project variants would increase the amount of light emitted from the site. New lighting would include light emitted from the uses within the proposed new high-rise tower and from the proposed open space improvements on the project site. New exterior lighting fixtures would illuminate building entrances and pedestrian walkways at the ground floor of the proposed development.

Light and glare from the proposed project and project variants would be typical of structures and open space nearby and throughout the City. Light levels from either the proposed project or project variants would not exceed levels commonly accepted by residents in an urban setting and would be consistent with those of an urban mixed-use neighborhood. Given the existing urban character of the site and its surroundings, potential new sources of light and glare on the project site would not constitute a substantial source of new light in the vicinity of the project site.

The high-rise tower proposed for both the project and project variants would not use mirrored glass and reflective surfaces are not anticipated on the proposed open space improvement site. Both the proposed project and project variants would comply with Planning Commission Resolution No. 9212, which prohibits the use of mirrored or reflective glass. Exterior lighting for the proposed project and project variants would be positioned to minimize glare and would not be in excess of that commonly found in urban areas. In addition, the project sponsor anticipates seeking Leadership in Energy and Environmental Design (LEED) Credit SSc8: Light Pollution Reduction, which limits light trespass from outdoor lighting and from indoor lighting with a direct line of sight to window openings. Consistent with Policy 2.26 of the TCDP,[11] the proposed project and project variants would "[m]aximize daylight on streets and open spaces and reduce heat-island effect, by using materials with high light reflectance, without producing glare."

For these reasons, the proposed project and project variants would have a less-than-significant impact related to light and glare. No mitigation is necessary, and this subtopic of light and glare will not be addressed further in the EIR.

Impact C-AE-1: The proposed project or project variants, in combination with past, present, and reasonably foreseeable future development in the site vicinity, could result in a cumulatively considerable contribution to a significant impact related to Aesthetics. ***(Potentially Significant)***

Reasonably foreseeable cumulative development in the project site vicinity consists of projects identified at 17 opportunity sites within the TCDP area, the proposed Transit Tower, and full buildout under the TCDP. As discussed in Impact AE-2, the construction of either the proposed project or project variants would be consistent with Policy 2.26 of the TCDP, thus would not contribute to any cumulatively considerable contribution to significant cumulative impacts related to light and glare. Therefore, implementation of either the proposed project or project variants would not have a cumulatively considerable contribution to significant cumulative impacts related on light and glare. No mitigation is necessary, and this topic will not be discussed further in the EIR.

Impacts of either the proposed project or project variants related to the Aesthetics subtopics of scenic vistas, scenic resources, and visual character and quality could combine with those of foreseeable future development in the vicinity of the project site (including development

[11] TCDP, p. 41.

anticipated under the TCDP) to result in a cumulatively considerable contribution to a significant impact related to Aesthetics. Therefore, cumulative impacts related to the Aesthetics subtopics of scenic vistas, scenic resources, and visual character and quality will be discussed in the EIR.

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

The project site is occupied by a 7-story, 550-space public parking garage. The parking garage employs approximately five people.[12] There are no existing residential units on the site. The proposed development of 186 dwelling units under the proposed project and the Public Parking Variant would result in a new on-site residential population increase of approximately 424 people.[13] Under the Residential / Hotel Mixed Use Variant, approximately 109 dwelling units and 82 hotel rooms would be developed, resulting in an on-site residential population increase of approximately 249 people (175 fewer than under the proposed project or its Public Parking Variant).

The approximately 5,658 gsf restaurant/cafe (retail) component of the proposed project would also be part of the Public Parking and Residential / Hotel Mixed Use Variants, and, as shown in Table 1: Existing and Future Project Employment, approximately 43 employees would be associated with this proposed land use. Employment related to building functions, including fitness center, administration, spa services, hotel reception, as well as parking would be different under the proposed project and both project variants. As shown in Table 1, approximately 39 employees would be dedicated to building functions and parking under the proposed project, 35

[12] W. Calvin Meeder (Paramount Group, Inc.), e-mail communication with Turnstone Consulting July 26, 2012. Employment numbers were based on the identified shift schedules. A copy of this e-mail communication is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

[13] Association of Bay Area Governments (ABAG), Projections and Priorities 2009, Building Momentum, San Francisco Bay Area Population, Households, and Job Forecasts (hereinafter Projections 2009). Total population in 2030 is based on a factor of 2.28 persons per household.

employees would be dedicated to these uses under the Public Parking Variant, and 89 employees would be dedicated to these uses under the Residential / Hotel Mixed Use Variant.

Table 1: Existing and Future Project Employment

Use	Existing Employment [a]	Proposed Project [b] Employment	Public Parking Variant Employment	Residential/Hotel Mixed Use Variant Employment
Residential [c]	-	27	27	78
Cafe/Restaurant	-	43	43	43
Parking	5	12	8	11
Total Employment	5	82	78	132
Net New Employment	-	77	73	127

Notes: All numbers provided are full-time equivalent approximations.
[a] Existing employment information provided July 26, 2012 by W. Calvin Meeder Paramount Group, Inc..
[b] Future employment information provided August 21, 2012 by W. Calvin Meeder, Paramount Group, Inc..
[c] Includes workers associated with building administration, maintenance, loading, custodial, and security plus workers associated with the proposed fitness center.

Sources: Paramount Group, Inc. and Turnstone Consulting

Therefore, the proposed project would result in the addition of 424 new residents and 77 net new jobs to the project site; the Public Parking Variant would result in the addition of 424 new residents and 73 net new jobs to the project site, and the Residential / Hotel Mixed Use Variant would result in the addition of 249 new residents and 127 net new jobs to the project site.

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

In general, a project would be considered growth inducing if its implementation were to result in substantial population increases, and/or new development that might not occur if the project were not implemented. Both the proposed project and project variants would involve demolition of the 7-story parking garage and the construction of an approximately 432,253-gsf residential building. Under the proposed project and the Public Parking Variant there would be 186 dwelling units. The proposed project would have 175 parking spaces, while the Public Parking Variant would have 271 parking spaces. As stated above, there are no residential units on the project site, and, based on the provision of 186 dwelling units under the proposed project or its Public Parking Variant, approximately 424 residents would be accommodated on the project site. Development under the Residential / Hotel Mixed Use Variant would accommodate approximately 249 residents in the 109 dwelling units.

The 2010 U.S. Census reported a population of 805,235 in the City and County of San Francisco,[14] and indicates that the population in Census Tract 615, which includes the project site and its immediate vicinity, is 11,502 persons.[15] The 424 residents under the proposed project or its Public Parking Variant would represent an approximately 3.7 percent increase in the population in Census Tract 615 and less than 1 percent of the Citywide population. The 249 residents under the Residential / Hotel Mixed Use Variant would represent an approximately 2.2 percent increase in the population in Census Tract 615 and less than 1 percent of the Citywide population. The population in San Francisco in 2030 is estimated to be about 934,800 (approximately 129,565 new residents), an increase of about 16.1 percent between the years 2010 and 2030.[16] The increase attributable to the proposed project or its variants would be not be substantial, as it would represent at most less than one-half percent (.03 percent) of the total citywide population growth from 2010 to 2030, and a negligible percentage of population growth in the nine-county San Francisco Bay Area region. Therefore, the population growth resulting from either the proposed project or project variants would have a less-than-significant impact on the direct or indirect inducement of substantial population growth in the project area and Citywide.

The proposed project would increase net employment at the site by 77 jobs; the Public Parking Variant would increase net employment at the site by 73 jobs; and the Residential / Hotel Mixed Use Variant would increase net employment at the site by 127 jobs (see Table 1: Existing and Future Project Employment). The employment increases under either the proposed project or project variants would not generate a substantial demand for additional housing in the context of Citywide employment growth and housing demand. In addition, the demand for housing by the net increase in number of employees would be more than offset by the dwelling units that would be constructed on site under the proposed project or its variants.

San Francisco's overall employment is projected to increase from about 568,730 employees in 2010 to approximately 748,100 in 2030 (approximately 179,370 new employees), an increase of about 31.5 percent over a 20-year period.[17] Even if all of the employees associated with the proposed project or its variants were conservatively assumed to be new to San Francisco, the Residential / Hotel Mixed Use Variant-related increase of up to 127 net new employees, which represents the largest employment increase among the proposed development options, would represent considerably less than 1 percent (0.07 percent) of the City's estimated employment

[14] U.S. Census Bureau, American FactFinder, Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data. Available online at http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml. Accessed September 7, 2012.

[15] U.S. Census Bureau, American FactFinder, Profile of General Population and Housing Characteristics: 2010, 2010 Census Summary File 2. Available online at http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml. Accessed July 30, 2012.

[16] ABAG projects that between 2010 and 2030, San Francisco population will increase from 810,000 in 2010 to 934,800 in 2030, a total increase of about 124,800 persons; ABAG, Projections 2009, p. 92.

[17] ABAG, Projections 2009, p. 92.

growth between the years 2010 and 2030. This potential increase in employment would not be considered a substantial increase in the context of total employment in the City and County of San Francisco.

Compared to existing conditions, both the proposed project and project variants would increase population and employment at the project site. The residential uses under the proposed project and its variants would contribute to reducing the City's broader need for both additional market-rate and affordable housing, given that job growth and in-migration outpace the provision of new housing. In June 2008, the Association of Bay Area Governments (ABAG) projected regional needs in its Regional Housing Needs Determination (RHND) 2007–2014 allocation. The projected housing need of the City and County of San Francisco from 2007 to 2014 is 31,193 total new dwelling units, or an average annual need of 4,456 net new residential units. Both the proposed project and its Public Parking Variant would add 186 residential units to the City's housing stock, and the Residential / Hotel Mixed Use Variant would add 109 dwelling units, thereby helping to meet the City's overall housing demands.

There is a particular need for units affordable to very low-, low-, and moderate-income households, which is addressed by the City's Inclusionary Affordable Housing Program in the Planning Code. The project is subject to the provisions of Planning Code Section 415: Residential Inclusionary Housing Program, which requires projects of five or more residential units to contribute to the creation of Below Market Rate (BMR) housing, either through direct development of BMR dwellings within the project (equal to 15 percent of the project's overall dwelling units), within a separate building within one mile of the project site (equal to 20 percent of the project's overall dwellings), or through and in-lieu payment to the Mayor's Office of Housing. Both the proposed project and Public Parking Variant would add 186 new market rate residential units to the City's housing stock while the Residential / Hotel Mixed Use Variant would add 109 new market rate residential units. The project sponsor does not propose to provide BMR units on site. Therefore, the project sponsor would be required to provide off-site BMR units or an in-lieu payment to the Mayor's Office of Housing. If off-site BMR units were to be provided approximately 37 below market rate units would be required under the proposed project or its Public Parking Variant and approximately 22 BMR units would be required under the Residential / Hotel Mixed Use Variant.

Overall, project- and variant-related increases in population or employment would be less than significant in relation to the existing number of residents and employees in the project vicinity and to the expected increases in the population and employment of San Francisco. Therefore, neither the proposed project nor project variants would directly or indirectly induce substantial population growth or concentration of employment in the project area and citywide that would cause an adverse physical change to the environment. This impact would be less than significant, and no mitigation is required. Thus, this topic will not be discussed further in the EIR.

Impact PH-2: The proposed project or project variants would not displace housing units, create a demand for additional housing, or displace a substantial number of people necessitating the construction of replacement housing elsewhere. ***(Less than Significant)***

There are currently no residential units on the project site; therefore, no residential displacement would result from either the proposed project or project variants. Thus, the proposed project and project variants would have no impact related to housing displacement. The proposed project and project variants would displace the five employees working in the existing parking garage. In the context of overall employment in the project vicinity and in the City as a whole, this displacement would not be considered substantial.

Approximately 77 net new employees under the proposed project, approximately 73 net new employees under the Public Parking Variant, and approximately 127 net new employees under the Residential / Hotel Mixed Use Variant would be generated by the proposed new land uses on the project site. These increases would not be great enough to result in a substantial increase in the demand for housing resulting from the net new employment associated with the proposed project or its variants, even if assuming conservatively that all of the new employees on the project site would be new to San Francisco.

The number of households in San Francisco in 2010 is estimated to be 346,680. This number is expected to increase to about 400,700 by 2030 (approximately 54,020 net new households), an increase of about 15.6 percent between the years 2010 and 2030.[18] According to the City's *2009 Housing Element Draft EIR*, San Francisco is projected to experience continued housing growth through 2030, for an overall housing unit increase of approximately 52,051 housing units between 2010 and 2030.[19] Thus, the estimated range of future increases in households, or housing units, is between approximately 52,051 and 54,020. According to ABAG *Projections 2009*, the City and County of San Francisco has an estimated 1.19 workers per household. Based on this assumption about workers per household and the conservative assumption that all new employees would be new residents in San Francisco, the proposed project with an estimated 77 net new employees, the Public Parking Variant with an estimated 73 net new employees, and the Residential / Hotel Mixed Use Variant with an estimated 127 net new employees would generate a potential demand for about 65 new dwelling units, about 61 new dwelling units, or about 107 new dwelling units by 2030, respectively. Based upon information in ABAG's *Projections 2009* and the City's *2009 Housing Element Draft EIR*, employment-related residential demand of the proposed project or its variants could be accommodated in the projected housing unit growth between 2010 and 2030. The employment-related net new housing demand under the proposed project or its variants would represent less than 1.0 percent (0.002 percent) of the City's estimated household growth between the years 2010 and 2030. This potential increase in housing demand

[18] ABAG, Projections 2009, p. 92.

[19] San Francisco Planning Department, *2004 and 2009 Housing Element Draft EIR*, Table V-D-2, p.V.D.2. Available online at http://sfmea.sfplanning.org/2007.1275E_DEIR.pdf. Accessed August 21, 2012.

as a result of the proposed project or its variants would not be considered substantial in the context of total housing demand in San Francisco over the same time period (2010 to 2030). In addition, the actual increase in housing demand due to either the proposed project or project variants may likely be lower, because some of the project employees may not be new to San Francisco. Given all of the above, the proposed project and project variants would have a less-than-significant impact on housing demand, and would not create substantial demand for additional housing that would necessitate the construction of replacement housing, and no mitigation is required. Thus, this topic will not be discussed further in the EIR.

Impact C-PH-1: The proposed project or project variants, in combination with past, present, and reasonably foreseeable future development in the site vicinity, would not result in cumulative impacts related to population and housing. ***(Less than Significant)***

Planned development in the project vicinity consists of projects proposed at 17 opportunity sites within the TCDP area, the proposed Transit Tower, and full buildout under the TCDP, which is a comprehensive plan for and rezoning of the southern portion of the downtown Financial District. Full implementation of the TCDP would result in approximately 7 million sq. ft. of commercial space and approximately 6,100 new households (about 9,470 residents).[20] Total employment would increase by about 29,300.[21] The intent of the TCDP is to increase office development potential to intensify business activity and employment and to focus this new growth in close proximity to San Francisco's highest concentration of public transit. Therefore, the projected growth in population would not be as great as the additional employment that would be generated under the TCDP.

As discussed under Impact PH-1, implementation of the proposed project or project variants would directly induce population growth. Implementation of the proposed project or its variants, in combination with full buildout under the TCDP, would contribute to the intensification of land uses in the project vicinity and would contribute to population growth through the development of new housing and employment opportunities. The proposed project or project variants, in combination with full buildout under the TCDP, would result in a population increase of up to approximately 9,895 residents, and up to approximately 29,413 employees by 2030.

Development under the TCDP would result in an increase in population above that which had been expected under the previous zoning designations for that area. This area, which includes the project site, is identified as a Priority Development Area in the ABAG *Projections and Priorities 2009* which plans for the development of 80 percent of the City's new housing production in downtown San Francisco.[22] Additionally, under the *2004 and 2009 Update of the Housing Element of the San Francisco General Plan*, the TCDP area is identified as an appropriate area for high-density housing near public transit that would assist in meeting both short-term and long-

[20] TCDP EIR, pp. 72 and 198.
[21] TCDP EIR, pp. 72 and 198.
[22] ABAG, Projections 2009, p. 94.

term housing production goals. Implementation of the proposed project or its variants, in combination with full buildout under the TCDP, would contribute to population growth in downtown and the City but would not represent a substantial change to the population growth estimated for at buildout of the TCDP plan area, which would be approximately 6.5 percent of the population growth forecast in downtown and 1.4 percent Citywide by 2030. Although full buildout under the TCDP would result in population growth beyond what would have been expected under the previous zoning districts (the existing zoning at the time the TCDP EIR was prepared), the TCDP EIR concluded that the population increase would not be substantial in the context of San Francisco and its downtown, and would be consistent with regional smart growth forecasts utilized by ABAG and the City and the regional air quality planning efforts based on those smart growth principles. In addition, the population growth attributable to increased employment opportunities resulting from implementation of either the proposed project or project variants, in combination with full buildout under the TCDP, would not represent a substantial change to the employment growth forecast estimated for downtown and the City at buildout of the TCDP plan area; which would be approximately 40 percent and 12 percent of the total employment growth forecast by 2030, respectively. The TCDP EIR concluded that the projected business and employment activity increases would be consistent with City and regional forecasts and regional smart growth forecasts utilized by ABAG and the City.[23] When considered with projects proposed under the TCDP that would develop new residential units and intensify business and employment activity in downtown, neither the proposed project nor project variants would contribute to a significant cumulative impact related to the direct or indirect inducement of substantial population growth.

As discussed under Impact PH-2, implementation of either the proposed project or its variants would not displace existing residential uses. When considered together with development forecast to occur under the TCDP, which also would not displace existing residential uses, neither the proposed project nor its variants would contribute to a significant cumulative impact related to residential displacement. As discussed under Impact PH-2, implementation of either the proposed project or its variants would have a less-than-significant impact related to the displacement of people, i.e. employees at the existing garage facility. As described in the TCDP EIR, displaced retail tenants have the potential to relocate within the TCDP area; however, the displaced commercial uses would likely need to find alternate space elsewhere in the City as the existing commercial space is identified as Class C space and the TCDP calls for the development of Class A space which commands considerably higher rents. The TCDP EIR concluded that the commercial and retail displacement that would occur with the development of the TCDP was not a significant impact.[24] When considered together with development forecast to occur under the TCDP, which displace existing commercial and retail uses, neither the proposed project nor its variants would contribute to a significant cumulative impact related to employment displacement.

[23] TCDP EIR, pp. 199-202.
[24] TCDP EIR, pp. 202-203.

For these reasons, both the proposed project and project variants, in combination with full buildout under the TCDP, would have less-than-significant cumulative population and housing impacts. Implementation of either the proposed project or project variants would not make a cumulatively considerable contribution to a significant cumulative population and housing impact, and no mitigation measures are necessary. This topic will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐	☐

Impact CP-1: The proposed project or project variants would not cause a substantial adverse change in the significance of an historic architectural resource. ***(No Impact)***

The project site is not within the Transit Center District Plan Historic Resources Survey Area. The easternmost boundary of that survey area is one block to the west of the project site, encompassing buildings (built in the 1970s and 1980s) along the east side of Main Street.

The project site is occupied by the existing 75 Howard Garage, a 550-space concrete parking garage structure, built in 1976. The open space improvement site within the project site is vacant. The project site contains no properties included in, or determined eligible for inclusion in, any Federal, State, or adopted local register of historic resources (including the National Register of Historic Places, the California Register of Historical Resources, and *Planning Code* Articles 10 and 11), pursuant to CEQA Guidelines, Section 15064.5(a)(1) and (2).

In addition, there is no evidence that the 75 Howard Garage is an historic architectural resource pursuant to CEQA Guidelines, Section 15064.5(a)(3). As a structure that is less than 50 years of age and for which the City has no information indicating that the structure qualifies as an historical resource, the 75 Howard Garage is considered a "Category C" property under the San

Francisco Planning Department's *CEQA Review Procedures for Historic Resources*, and is not considered an historical resource for the purposes of CEQA.[25]

The project site is not adjacent to any off-site individual historic architectural resource.[26] Nearby individual historic architectural resources include the following: the Rincon Annex Post Office at 101-199 Mission Street; the Folger Building at 101 Howard Street; the Embarcadero YMCA at 169 Steuart Street; the Hills Brothers Coffee Plant at 2 Harrison Street at The Embarcadero; and the Agriculture Building at the foot of Mission Street. Nor is the project site within or adjacent to any historic district. The nearest historic district, the National Register of Historic Places Embarcadero Historic District, is separated from the project site by the width of The Embarcadero and Rincon Park. The proposed project and project variants would not have an indirect impact on off-site historic architectural resources by altering the existing visual setting of these resources. The integrity and significance of these off-site resources are not premised on their possessing an intact visual setting or a cohesive visual relationship with their surroundings. Rather, the historic visual setting of these resources has been transformed within the past 50 years. In addition, visual interaction between these historical resources and the proposed project site is limited by distance and/or by the scale and density of intervening development.

Neither the proposed project nor project variants, therefore, would be a project that "demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the lead agency for purposes of CEQA" (CEQA Guidelines Section 15064.5 (b)(2)(C)). For these reasons, implementation of either the proposed project or project variants would have no substantial impact on an historic architectural resource under CEQA. No mitigation measures are required. The subtopic of historic architectural resources will not be addressed further in the EIR.

[25] San Francisco Planning Department, Draft *CEQA Review Procedures for Historic Resources*, March 31, 2008, pp. 3 and 8. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

[26] Across Howard Street to the north of the project site is the Carmel Rincon Apartments, built in 1989. Across Howard Street to the northeast of the project site is Bayside Plaza, a seven-story office building, built in 1986. To the east of the project suite is The Embarcadero, a broad waterfront boulevard. Across The Embarcadero is Rincon Park, an approximately 2.7-acre waterfront open space. Immediately south of the project site is a small surface parking lot for the 201 Spear Street Building (which fronts on Spear Street and Howard Street) and a publicly accessible open space on the site of the Gap Building. The Gap Building, built in 2001, is located at the south end of the project block. To the west of the project site is the 201 Spear Street Building, built in 1985.

Impact CP-2: The proposed project or project variants could cause a substantial adverse change in the significance of archeological resources. *(Potentially Significant)*

The project site is within the archeological study area of the *Archaeological Research Design and Treatment Plan for the Transit Center District Plan* (ARDTP TCDP).[27] An archeological records search at the Northwest Information Center at Sonoma State University conducted August 5, 2008, disclosed that within a quarter-mile (400 meters) of the project site there were a total of six documented archeological resources. All of these were historical-era sites; none were prehistoric-era sites. The six recorded historic-era archeological sites vary widely in size and character. They include several Gold Rush period remains such as ship, wharf, building foundations, ship-breaking yard, and artifact-filled hollows such as privies. Although no prehistoric sites have been identified within the records search area, several prehistoric sites are within a few hundred meters of the records search radius. Nearly all of the prehistoric sites have been discovered within sand dune contexts. Some of these prehistoric deposits in SOMA district have been determined to be eligible for listing within a National Register District of prehistoric shell midden sites under Criterion A and Criterion D. The shell midden sites are considered to represent elements of a multi-village community network that was clustered around the shore of Mission Bay. The National Register shell-midden district is an open district, in which newly discovered prehistoric sites may be added as contributors if they meet the criterion of eligibility.

An Addendum to the ARDTP TCDP is currently being prepared for the proposed 75 Howard Street project. [28] A draft version of this document has made the following assessments of the potential presence of legally-significant[29] archeological resources within the proposed project site based on archival research and a geoarchaeological analysis of the site:

Prehistoric Archeological Sensitivity: Given that the 75 Howard Street project will have subsurface impacts, a geoarchaeological assessment of the potential for buried sites was conducted for the project area using relevant documents and maps (e.g., geologic reports, Quaternary geologic maps, historic-era maps, previous geoarchaeological and geotechnical studies). The comprehensive geoarchaeological study completed for the ARDTP TCDP provided a comprehensive assessment of the age and extent of surficial and subsurface deposits in the area. That study also included geoarchaeological coring at several project parcels within TCDP area and presented detailed stratigraphic and radiocarbon evidence. The closest of these coring locations to the 75 Howard project site area was located at 181 Fremont Street, approximately 400 meters (0.25 miles) away. This current study has used the age of particular landforms and various environmental factors

[27] Far Western Anthropological Research Group, Inc., Fast Forward Inc., and JRP Historical Consulting, LLC, *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area*, (hereinafter ARDTP TCDP) San Francisco California, February 2010.

[28] Far Western Anthropological Research Group, Inc., *Draft 1 Archaeological Research Design and Treatment Plan for 75 Howard Street*, San Francisco, CA, August 2012.

[29] By "legally-significant" is meant those archeological resources that are "significant" under the CEQA Statutes and Guidelines (CEQA Sect. 21083.2; 21084.1;15064.5).

(including topographic relief and proximity to water) from the ARDTP TCDP study to identify the sensitivity for buried prehistoric archeological sites on the 75 Howard project parcel. Geoarchaeological coring for various properties in the vicinity of the project site suggest either that the Colma Formation (the upper 3-5 ft. of which is sensitive for prehistoric deposits) was not deposited in this area or, alternatively, that it was removed by erosion due to channel incision and/or rising sea levels. No former terrestrial surfaces appear to be represented within the project area. Based on these findings, the TCDP area study determined that the Colma Formation pinches out between Beale and Main Streets and, therefore, is unlikely to be preserved further to the east.[30] Additionally, where present, the Colma Formation would not be archeologically sensitive in this area, since it appears likely that erosion either removed or truncated the deposit. Based on this reconstruction of the geomorphic history, the project area is determined to have a low potential for buried prehistoric archeological sites both at the historic-era surface and more deeply buried contexts.

Historical Archeological Sensitivity: When the Gold Rush began in 1849 the project area was part of Yerba Buena Cove, completely submerged under San Francisco Bay. An 1852-1853 map shows the area more than three feet below the waterline. By 1859, the area had been filled in, so it was above the waterline, but there was no development. A map of that same year depicts a wharf at the end of Howard Street, indicating it was likely used as a landing.

Between 1860 and 1870, individuals and families began to take up residence in the area. Between 1871 and 1879, commercial parts of the project area developed into a maritime trade area, with numerous boarding houses and saloons clustered around the intersection of Howard and Steuart Streets, with a few stores intermixed. These buildings were mostly one- and two-story wooden buildings. The occupants of the boarding houses were primarily sailors and those who outfitted and repaired vessels. Larger industrial facilities supplying the maritime trade were located here as well, including lumber yards, planing mills, iron works, and machine shops. The residential pattern of the area became more "gentrified" over time with the inclusion of whole families at some of the domiciles within the project area.

The 1906 earthquake inflicted heavy damage to the neighborhood, with only White Brothers lumber yard making it through mostly unscathed. The neighborhood was rebuilt with much the same mixed uses it had prior to the earthquake – saloons, boarding houses, shops, and industrial uses. After WWI, the area became more industrialized. The residential component had all but vanished by 1938, and eventually several large haulage companies occupied the area. By 1949, the area had become a parking lot.

From that point forward the major changes to the area were the construction of the Embarcadero Freeway in the 1960s and the construction of the parking structure at 75 Howard Street in 1976. The potential for the preservation of such resources may have been compromised by the

[30] ARDTP TCDP, p. 82.

construction of the parking structure at 75 Howard (the subsurface impacts of which remain unknown), as well as the construction and demolition of the Embarcadero Freeway to the east of the project area. Despite these possible impacts, there is considerable potential for buried archeological deposits to be preserved below the modern ground surface.

The historic-era archeological potential of the project area is considered to be moderately high. Existing data shows the project area has been filled in rather than cut down over time. The modern ground surface within the project varies from 6 feet (1.8 meters) above mean sea level (amsl) at the northeast end of the project area, gradually sloping upward to 9 feet amsl at the west edge of the project area. In 1851, the area was in excess of 3 feet below the waterline. As such, this is a gain of 12 feet (3.6 meters) or more in elevation since the area was first mapped in 1851.

The project area was under continual use as a mixed commercial/residential neighborhood from the 1870s through the 1906 earthquake, when most of the neighborhood was demolished. Subsequent rebuilding of the neighborhood was again mixed residential/commercial and did not include structures with basements, or any other substantial earth-moving development. This indicates that there is a relatively high probability that pre-1906 deposits have been capped by current structures and landforms. These deposits may include: sheet refuse, hollow-filled pit features (privies and trash pits), foundations, and remnants of wharves.

Given the likelihood of encountering historical era subsurface archeological resources within the project site, the proposed project and project variants could have a potentially significant adverse impact on legally-significant archeological resources. Therefore, the subtopic of archeological resources will be addressed in the EIR. The EIR analysis will be based on an addendum to the ARDTP for the TCDP[31] that will be prepared specifically for the project site.

Impact CP-3: Construction activities of the proposed project or project variants could affect unique geologic features or unique paleontological resources, if present within the project site. ***(Less than Significant with Mitigation)***

The project site does not contain any unique geological features. Given that the sedimentary Franciscan Complex has yielded significant vertebrate fossils within the San Francisco Bay Area, unique paleontological resources could potentially exist in the Franciscan Complex bedrock that underlies the project area. If such resources are present within the project site, the proposed project's or project variants' construction activities could disturb paleontological resources and impair the ability of paleontological resources to yield important scientific information. Unless mitigated, such an impact would be considered a potentially significant impact under CEQA.

[31] Far Western Anthropological Research Group, Inc., Fast Forward Inc., and JRP Historical Consulting, LLC, *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area*, San Francisco California, February 2010.

Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, shown below, calls for a qualified paleontologist to implement an approved Paleontological Resources Monitoring and Mitigation Program (PRMMP). Implementation of the approved plan for monitoring, recovery, identification, and curation under Mitigation Measure M-CP-3 would ensure that the scientific significance of the resource under CRHR Criterion 4 (Information Potential) would be preserved and/or realized. With implementation of Mitigation Measure M-CP-3, implementation of either the proposed project or project variants would not cause a substantial adverse change to the scientific significance of a paleontological resource. Therefore, this impact would be less than significant with mitigation. The subtopic of geologic and paleontological resources will not be addressed in the EIR.

Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program

The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.

The PRMMP shall be consistent with the Society for Vertebrate Paleontology Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by nonsedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.

The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant 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. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than 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 potential effects on a significant paleontological resource as previously defined to a less-than-significant level.

Impact C-CP-1: The proposed project or project variants, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a cumulatively considerable contribution to significant cumulative impacts on cultural resources or archeological resources. ***(Potentially Significant)***

The proposed project and project variants would not have any impact on an historic architectural resource and therefore would not contribute to any cumulative impact on historic architectural

resources (including significant and unavoidable impacts on historic architectural resources resulting from development under TCDP as identified in the EIR for that project). Cumulative impacts related to historic architectural resources will not be addressed further in the EIR.

Impacts of the proposed project or project variants related the Cultural Resources subtopic of archeological resources could combine with those of foreseeable future development in the vicinity of the project site (including development anticipated under the TCDP) to result in a cumulatively considerable contribution to a significant impact related to archeological resources. Therefore, cumulative impacts related to archeological resources will be discussed in the EIR.

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

A transportation impact study will be prepared for the proposed project and both project variants and summarized in the EIR. The study will examine existing conditions and assess the proposed project's net new daily and PM peak trips and their impacts on intersection operations, transit, passenger loading operations, large-truck equipment loading operations, bicycle and pedestrian safety, emergency vehicle access, and parking. The study will also consider the analysis performed in the TCDP EIR, and its applicability to the proposed project and project variants and surrounding transportation operations and conditions.

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Topic 5c is not applicable to either the proposed project or project variants and will not be addressed further in the transportation impact study in the EIR.

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

A background noise and vibration impact analysis report for the proposed project and project variants will be prepared for the EIR. The background noise study will describe existing noise conditions, discuss noise standards and ordinances applicable to both the proposed project and project variants, and analyze potential noise impacts of both the proposed project and project variants on nearby land uses and sensitive receptors. The background noise study will analyze street and Bay Bridge traffic-related noise, construction-related noise and vibration, noise associated with building functions such as mechanical systems and loading activities, and vibration associated with nearby light rail operations.

Neither the proposed project nor project variants is located within the vicinity of a private airstrip, within an airport land use plan area, or within two miles of any nearby public airports or public use airports that have not adopted land use plans. Thus, Topics 6e and 6f are not applicable to the proposed project or its variants and will not be discussed further in the background noise study or the EIR.

Topics:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
7.	**AIR QUALITY—Would the project:**					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	☐
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐	☐
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	☐
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

The San Francisco Bay Area Air Basin encompasses San Francisco, Alameda, Contra Costa, San Mateo, and Napa counties, and includes parts of Solano and Sonoma counties. Although air quality in the air basin has generally improved over the last several decades, elevated levels of ozone, carbon monoxide, and particulate matter have occurred. The Federal Clean Air Act and California Clean Air Act contain ambient air standards and related air quality reporting systems to be used by regional regulatory agencies in developing air pollution control measures. The Bay Area Air Quality Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for planning, implementing, and enforcing the Federal and State ambient air quality standards for criteria pollutants, which include carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter ($PM_{2.5}$ and PM_{10}), and lead. The BAAQMD adopted updated *California Environmental Quality Act (CEQA) Air Quality Guidelines*, including new thresholds of significance in June 2010 and revised them in May 2012.

In most of the Bay Area, transportation-related sources account for a majority of air pollutant emissions. Therefore, a major focus of the BAAQMD is reducing vehicle trips associated with new development. Localized air quality issues include CO hotspots associated with stagnant traffic. The Embarcadero, Howard Street, and Interstate 80 (three blocks south of the project site) experience high traffic volumes near the project site that could affect local pollutant levels.

Emissions generated by either the proposed project or variants could result in significant cumulative air quality impacts. Project-related effects on cumulative air quality will be analyzed in the EIR.

Impact AQ-1: Construction and operation of the proposed project would not expose a substantial number of people to objectionable odors. (*Less than Significant*)

Implementation of either the proposed project or project variants could result in an increase in the number of odor sources in the project vicinity leading to objectionable odors. The potential to generate objectionable odors would be the same under the proposed project's or project variants' planned land uses. Odors from the proposed land uses on the project site (such as from vehicle operation or food service facilities) would be typical of those in the project area. In general, the new restaurant and café use would not result in objectionable odors. Odors from on-site food preparation would be typical of those in the project vicinity from existing nearby restaurants in tourist hotels and on ground floors of office and residential buildings. As part of both the proposed project and project variants, high-quality air scrubbers would be installed to ensure that exhaust from the kitchen is cleaned before being released into the air. The restaurant, café kitchen, and hotel-related kitchen uses would be ventilated with code-compliant hoods and ventilation systems and any odors would dissipate quickly off site. Also, potential odors from food service and preparation facilities would be controlled in accordance with BAAQMD Regulation 7 for odorous emissions, and applicable requirements of the San Francisco Department of Public Health (DPH) for proper kitchen filtration and food storage and disposal. For these reasons, neither the proposed project nor project variants would create objectionable odors affecting a substantial number of people. When combined with the existing and/or proposed land uses of past, present, and reasonably foreseeable future projects in the immediate vicinity, which would also be subject to the BAAQMD Regulation 7 and DPH requirements, the proposed project and project variants would not contribute in a considerable manner to cumulative odor-related air quality impacts. Therefore, odor-related impacts would be less than significant, and mitigation is not required. Thus, this topic will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
8. GREENHOUSE GAS EMISSIONS— Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a

greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere is naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Black carbon has recently emerged as a major contributor to global climate change, possibly second only to CO_2. Black carbon is produced naturally and by human activities as a result of the incomplete combustion of fossil fuels, biofuels and biomass.[32] N_2O is a byproduct of various industrial processes and has a number of uses, including use as an anesthetic and as an aerosol propellant. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO_2E).[33]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, are occurring already and will only become more frequent and more costly.[34] Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.[35,36]

The California Air Resources Board (ARB) estimated that in 2009 California produced about 457 million gross metric tons of CO_2E ($MMTCO_2E$).[37] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-

[32] Center for Climate and Energy Solutions. *What is Black Carbon?,* April 2010. Available online at: *http://www.c2es.org/docUploads/what-is-black-carbon.pdf.* Accessed September 27, 2012.

[33] 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.

[34] California Climate Change Portal. Available online at: *http://www.climatechange.ca.gov*. Accessed September 25, 2012.

[35] California Climate Change Portal. Available online at: *http://www.climatechange.ca.gov/*. Accessed September 25, 2012.

[36] California Energy Commission. California Climate Change Center. *Our Changing Climate 2012*. Available online at: *http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf*. Accessed August 21, 2012.

[37] California Air Resources Board (ARB). *California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan*. Available online at: *http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf*. Accessed August 21, 2012.

state generation and imported electricity) at 23 percent and industrial sources at 18 percent. Commercial and residential fuel use (primarily for heating) accounted for nine percent of GHG emissions.[38] In the Bay Area, the transportation (on-road motor vehicles, off-highway mobile sources, and aircraft) and industrial/commercial sectors were the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[39] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at seven percent, off-road equipment at three percent and agriculture at one percent.[40]

Regulatory Setting

In 2005, in recognition of California's vulnerability to the effects of climate change, then-Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 $MMTCO_2E$); by 2020, reduce emissions to 1990 levels (estimated at 427 $MMTCO_2E$); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 $MMTCO_2E$).

In response, the California legislature passed Assembly Bill No. 32 in 2006 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction from forecast emission levels).[41]

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. The Scoping Plan is the State's overarching plan for addressing climate change. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business -as -usual emissions levels, or about 15 percent from 2008 levels.[42] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E

[38] ARB. *California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan*. Available online at: *http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf*. Accessed August 21, 2012.

[39] Bay Area Air Quality Management District (BAAQMD). *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007*, February 2010. Available online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx*. Accessed August 21, 2012.

[40] BAAQMD. *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010*. Available online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx*. Accessed August 21, 2012.

[41] Governor's Office of Planning and Research (OPR). *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, June 19, 2008. Available online at: *http://opr.ca.gov/docs/june08-ceqa.pdf*. Accessed August 21, 2012.

[42] ARB. *California's Climate Plan: Fact Sheet*. Available online at: *http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf*. Accessed August 21, 2012.

($MMTCO_2E$) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 2, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[43]

Table 2. GHG Reductions from the AB 32 Scoping Plan Sectors[44,45]

GHG Reduction Measures By Sector	GHG Reductions ($MMT\ CO_2E$)
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
Total	**174**
Other Recommended Measures	
Government Operations	1-2
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures:	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste • Commercial Recycling • Composting • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing	9
Total	**41.8-42.8**

The AB 32 Scoping Plan recommendations are intended to curb projected business-as-usual growth in GHG emissions and reduce those emissions to 1990 levels. Therefore, meeting AB 32 GHG reduction goals would result in an overall annual net decrease in GHGs as compared to current levels and accounts for projected increases in emissions resulting from anticipated growth.

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented

[43] ARB. *Assembly Bill 32: Global Warming Solutions Act*. Available online at: *http://www.arb.ca.gov/cc/ab32/ab32.htm/*. Accessed August 21, 2012.

[44] ARB. *Climate Change Scoping Plan*, December 2008. Available online at: *http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf*. Accessed August 21, 2012.

[45] ARB. *California's Climate Plan: Fact Sheet*. Available online at: *http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf*. Accessed August 21, 2012.

development. SB 375 would be implemented over the next several years and the Bay Area Metropolitan Transportation Commission's 2013 RTP, Plan Bay Area, would be its first plan subject to SB 375.

AB 32 further anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and noted that successful implementation of the Scoping Plan relies on local governments' land use planning and urban growth decisions because local governments have the primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.[46] The BAAQMD has conducted an analysis of the effectiveness of the region in meeting AB 32 goals from the actions outlined in the Scoping Plan and determined that in order for the Bay Area to meet AB 32 GHG reduction goals, the Bay Area would need to achieve an additional 2.3 percent reduction in GHG emissions from the land use driven sector.[47]

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

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). The BAAQMD recommends that local agencies adopt a Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which that project complies with a Greenhouse Gas Reduction Strategy.[48] As described below, this recommendation is consistent with the approach to analyzing GHG emissions outlined in the CEQA Guidelines.

At a local level, the City has developed a number of plans and programs to reduce the City's contribution to global climate change. San Francisco's GHG reduction goals, as outlined in the 2008 Greenhouse Gas Reduction ordinance are as follows: by 2008, determine the City's GHG emissions for the year 1990, the baseline level with reference to which target reductions are set;

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[46] ARB, *Climate Change Scoping Plan*, December 2008. Available online at: *http://www.arb.ca.gov /cc/scopingplan/document/adopted_scoping_plan.pdf*. Accessed August 21, 2012.

[47] BAAQMD. *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance*, December 2009. Available online at: *http://www.baaqmd.gov/~/media/Files /Planning%20and%20Research/CEQA/Proposed%20Thresholds%20of%20Significance%20Dec%207% 2009.ashx*. Accessed September 25, 2012.

[48] BAAQMD. *California Environmental Quality Act Air Quality Guidelines*, May 2012. Available online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD% 20CEQA%20Guidelines_Final_May%202012.ashx?la=en*. Accessed September 25, 2012.

by 2017, reduce GHG emissions by 25 percent below 1990 levels; by 2025, reduce GHG emissions by 40 percent below 1990 levels; and finally by 2050, reduce GHG emissions by 80 percent below 1990 levels. San Francisco's Greenhouse Gas Reduction Strategy documents the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies. As identified in the Greenhouse Gas Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

The Greenhouse Gas Reduction Strategy concludes that San Francisco's policies and programs have resulted in a reduction in GHG emissions below 1990 levels, exceeding statewide AB 32 GHG reduction goals. As reported, San Francisco's communitywide 1990 GHG emissions were approximately 6.15 $MMTCO_2E$. A recent third-party verification of the City's 2010 communitywide and municipal emissions inventory has confirmed that San Francisco has reduced its GHG emissions to 5.26 $MMTCO_2E$, representing a 14.5 percent reduction in GHG emissions below 1990 levels.[49,50]

Approach to Analysis

In compliance with SB 97, OPR amended the CEQA Guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. Among other changes to the CEQA Guidelines, the amendments added a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. The potential for a project to result in significant GHG emissions which contribute to the cumulative effects global climate change is based on the CEQA Guidelines and CEQA Checklist, as amended by SB 97, and is determined by an assessment of the project's compliance with local and state plans, policies and regulations adopted for the purpose of reducing the cumulative effects of climate change. GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could not generate enough GHG emissions to noticeably change the global average temperature. CEQA Guidelines Sections 15064.4 and 15183.5 address

[49] ICF International. *"Technical Review of the 2010 Community-wide GHG Inventory for City and County of San Francisco." Memorandum from ICF International to San Francisco Department of the Environment*, April 10, 2012. Available online at: *http://www.sfenvironment.org/download/community-greenhouse-gas-inventory-3rd-party-verification-memo*. Accessed September 27, 2012.

[50] ICF International. *"Technical Review of San Francisco's 2010 Municipal GHG Inventory." Memorandum from ICF International to San Francisco Department of the Environment* , May 8, 2012. Available online at: *http://www.sfenvironment.org/download/third-party-verification-of-san-franciscos-2010-municipal-ghg-inventory*. Accessed September 27, 2012.

the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. As discussed above, San Francisco has prepared its own Greenhouse Gas Reduction Strategy, demonstrating that San Francisco's policies and programs have collectively reduced communitywide GHG emissions to below 1990 levels, meeting GHG reduction goals outlined in AB 32. The City is also well on its way to meeting the long-term GHG reduction goal of reducing emissions 80 percent below 1990 levels by 2050. Chapter 1 of the City's *Strategies to Address Greenhouse Gas Emission* (the Greenhouse Gas Reduction Strategy) describes how the strategy meets the requirements of CEQA Guidelines Section 15183.5. The BAAQMD has reviewed San Francisco's Greenhouse Gas Reduction Strategy, concluding that "Aggressive GHG reduction targets and comprehensive strategies like San Francisco's help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[51]

With respect to CEQA Guidelines Section 15064.4(b), the factors to be considered in making a significance determination include: 1) the extent to which GHG emissions would increase or decrease as a result of the proposed project; 2) whether or not a proposed project exceeds a threshold that the lead agency determines applies to the project; and finally 3) demonstrating compliance with plans and regulations adopted for the purpose of reducing or mitigating GHG emissions.

The GHG analysis provided below includes a qualitative assessment of GHG emissions that would result from a proposed project, including emissions from an increase in vehicle trips, natural gas combustion, and/or electricity use among other things. Consistent with the CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions, the significance standard applied to GHG emissions generated during project construction and operational phases is based on whether the project complies with a plan for the reduction of GHG emissions. The City's Greenhouse Gas Reduction Strategy is the City's overarching plan documenting the policies, programs and regulations that the City implements towards reducing municipal and communitywide GHG emissions. In particular, San Francisco implements 42 specific regulations that reduce GHG emissions which are applied to projects within the City. Projects that comply with the Greenhouse Gas Reduction Strategy would not result in a substantial increase in GHGs, since the City has shown that overall communitywide GHGs have decreased and that the City has met AB 32 GHG reduction targets. Individual project compliance with the City's Greenhouse Gas Reduction Strategy is demonstrated by completion of the Compliance Checklist for Greenhouse Gas Analysis.

[51] BAAQMD. *Letter from J. Roggenkamp, BAAQMD, to B. Wycko, San Francisco Planning Department*, October 28, 2010. Available online at: *http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Letter.pdf*. Accessed September 24, 2012.

In summary, the two applicable greenhouse gas reduction plans, the AB 32 Scoping Plan and the City's Greenhouse Gas Reduction Strategy, are intended to reduce GHG emissions below current levels. Given that the City's local greenhouse gas reduction targets are more aggressive than the State's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of AB 32. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of AB 32, would not conflict with either plan, and would therefore not exceed San Francisco's applicable GHG threshold of significance. Furthermore, a locally compliant project would not result in a substantial increase in GHGs.

The following analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Given the analysis is in a cumulative context, this section does not include an individual project-specific impact statement.

Impact C-GG-1: The proposed project or project variants would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions. (Less than Significant)

The most common GHGs resulting from human activity associated with land use decisions are CO_2, black carbon, CH_4, and N_2O.[52] Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

Implementation of either the proposed project or project variants consists of the demolition of the existing 75 Howard Parking Garage on the building site and construction, in its place, of an approximately 31-story (350-foot-tall plus an additional 6 feet for rooftop screening and enclosures), 432,253-gross-square-foot (gsf) residential building containing 186 market rate units above a ground-level restaurant and café, and below-grade parking. Therefore, the proposed project and project variants would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and retail operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

As discussed above and consistent with the state CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions under CEQA, projects that are consistent with

[52] OPR. *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/ceqapdfs/june08-ceqa.pdf*. Accessed March 3, 2010.

San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less-than-significant GHG impact. Based on an assessment of the proposed project's compliance with San Francisco's *Strategies to Address Greenhouse Gas Emissions*, the proposed project would be required to comply with the following ordinances that reduce greenhouse gas emissions, see Table 3.

Table 3: Regulations Applicable to the Proposed Project and Project Variants

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Commuter Benefits Ordinance (San Francisco Environment Code, Section 421)	All employers of 20 or more employees must provide at least one of the following benefit programs: 1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or (2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or (3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	End user employers occupying the building (e.g. restaurant amenity, homeowners association (HOA)) would comply to the extent applicable and required.
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	End user employers occupying the building (e.g. restaurant amenity, HOA) would comply to the extent applicable and required.
Transit Impact Development Fee (San Francisco Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	☒ Project Complies ☐ Not Applicable ☐ Project	The project sponsor would comply with this requirement by paying transit impact development fees as required.

Regulation	Requirements	Project Compliance	Discussion
		Does Not Comply	
Jobs-Housing Linkage Program (San Francisco Planning Code Section 413)	The Jobs-Housing Program found that new large scale developments attract new employees to the City who require housing. The program is designed to provide housing for those new uses within San Francisco, thereby allowing employees to live close to their place of employment. The program requires a developer to pay a fee or contribute land suitable for housing to a housing developer or pay an in-lieu fee.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	If the Proposed Hotel Variant is implemented, the project sponsor would comply with the jobs-housing linkage program. If the Hotel Variant option is not implemented, this requirement does not apply to the proposed project, because the proposed project would not result in a net addition of more than 25,000 gsf of entertainment, hotel, Integrated PDR, office, research and development, retail, or Small Enterprise Workspace uses.
Bicycle parking in Residential Buildings (San Francisco Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would provide 64 bicycle parking spaces as required by San Francisco Planning Code Section 155.5.
San Francisco Green Building Requirements (San Francisco Building Code, Chapter 13C.106.5 and 13C.5.106.5)	Requires New Large Commercial projects, New High-rise Residential projects and Commercial Interior projects to provide designated parking for low-emitting, fuel efficient, and carpool/van pool vehicles. Mark 8% of parking stalls for such vehicles.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for designated parking as applicable and required.

Regulation	Requirements	Project Compliance	Discussion
Car Sharing Requirements (San Francisco Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project includes up to 186 dwelling units, and the proposed project would provide one residential car share space. The proposed Residential/Hotel Mixed Use Variant includes up to 108 residential units and 82 hotel rooms and would provide one residential car share space.
Parking requirements for San Francisco's Mixed-Use zoning districts (San Francisco Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Pursuant to Section 151.1 of the San Francisco Planning Code, in a C-3 District, one parking space is permitted for each dwelling unit that contains at least two bedrooms and at least 1,000 square feet of occupied floor area. Of the proposed project's 186 dwelling units, 147 units would contain at least two bedrooms containing at least 1,000 square feet of occupied floor area, and it would provide greater than one parking space for each dwelling unit.
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency (LEED EA3, San Francisco Building Code, Chapter 13C.5.410.2)	For New Large Commercial Buildings - Requires Enhanced Commissioning of Building Energy Systems For new large buildings greater than 10,000 square feet, commissioning shall be included in the design and construction to verify that the components meet the owner's or owner representative's project requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for energy efficiency as applicable and required.
Commissioning of Building Energy Systems (LEED prerequisite, EAp1)	Requires Fundamental Commissioning for New High-rise Residential, Commercial Interior, Commercial and Residential Alteration projects	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the LEED prerequisite for the fundamental commissioning of building energy systems.

Regulation	Requirements	Project Compliance	Discussion
San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C)	Commercial buildings greater than 5,000 sf will be required to be a minimum of 14% more energy efficient than Title 24 energy efficiency requirements. As of 2008 large commercial buildings are required to have their energy systems commissioned, and as of 2010, these large buildings are required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings are required to have their systems commissioned by 2009, with enhanced commissioning as of 2011.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for Energy Efficiency as applicable and required.
San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the San Francisco Green Building Requirements, and at a minimum would be 15% more energy efficient than Title 24 energy efficiency requirements.
San Francisco Green Building Requirements for Stormwater Management (San Francisco Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater Management Ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is subject to the San Francisco Green Building Requirements. Therefore, the proposed project would comply with requirements for stormwater management as applicable and required.

Regulation	Requirements	Project Compliance	Discussion
San Francisco Green Building Requirements for water efficient landscaping (San Francisco Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water used for landscaping by 50%.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for water efficient landscaping.
San Francisco Green Building Requirements for water use reduction (San Francisco Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for reducing the amount of potable water.
Indoor Water Efficiency (San Francisco Building Code, Chapter 13C sections 13C.5.103.1.2, 13C.4.103.2.2,13C.303.2.)	**If meeting a LEED Standard;** Reduce overall use of potable water within the building by a specified percentage – for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals. New large commercial and New high rise residential buildings must achieve a 30% reduction. Commercial interior, commercial alternation and residential alteration should achieve a 20% reduction below UPC/IPC 2006, et al. **If meeting a GreenPoint Rated Standard:** Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for indoor water efficiency as applicable and required.
San Francisco Water Efficient Irrigation Ordinance	Projects that include 1,000 square feet (sf) or more of new or modified landscape are subject to this ordinance, which requires that landscape projects be installed, constructed, operated, and maintained in accordance	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Water Efficient Irrigation Ordinance requirements.

Regulation	Requirements	Project Compliance	Discussion
	with rules adopted by the SFPUC that establish a water budget for outdoor water consumption. Tier 1: 1,000 sf <= project landscape < 2,500 sf Tier 2: Project landscape area is greater than or equal to 2,500 sf. Note; Tier 2 compliance requires the services of landscape professionals. See the SFPUC Web site for information regarding exemptions to this requirement. www.sfwater.org/landscape		
Commercial Water Conservation Ordinance (San Francisco Building Code, Chapter 13A)	Requires all existing commercial properties undergoing tenant improvements to achieve the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the Commercial Water Conservation Ordinance by achieving the minimum standards in the ordinance as applicable and/or required.
Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the Residential Water Conservation Ordinance by meeting at least the minimum standards specified in the ordinance as applicable and/or required.

Regulation	Requirements	Project Compliance	Discussion
	than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.		
Waste Reduction Sector			
Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19) and San Francisco Green Building Requirements for solid waste (San Francisco Building Code, Chapter 13C)	All persons in San Francisco are required to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse. Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for solid waste by providing space for recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.

Regulation	Requirements	Project Compliance	Discussion
San Francisco Green Building Requirements for construction and demolition debris recycling (San Francisco Building Code, Chapter 13C)	Projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project sponsor would comply with San Francisco Green Building Requirements for construction and demolition debris recycling during the proposed demolition and construction of this project.
San Francisco Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project sponsor would comply with San Francisco Green Building Requirements for construction and demolition debris recovery.
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (San Francisco Planning Code Section 138.1)	Planning Code Section 138.1 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project sponsor would make every effort to install all street trees required by San Francisco Planning Code Section 138.1 and would provide the required number of street trees along Howard Street, Steuart Street, and The Embarcadero.
Construction Site Runoff Pollution Prevention for New Construction (San Francisco Building Code, Chapter 13C)	Construction Site Runoff Pollution Prevention requirements depend upon project size, occupancy, and the location in areas served by combined or separate sewer systems. Projects meeting a LEED® standard must prepare an erosion and sediment control plan (LEED® prerequisite SSP1). Other local requirements may apply regardless of whether or not LEED® is applied such as a stormwater soil loss prevention plan or a Stormwater Pollution Prevention Plan (SWPPP). See the SFPUC Web site for more information: *www.sfwater.org/CleanWater*	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for construction site runoff pollution prevention as applicable and required.

Regulation	Requirements	Project Compliance	Discussion
Low-emitting Adhesives, Sealants, and Caulks (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.2.1)	**If meeting a LEED Standard:** Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168 and aerosol adhesives must meet Green Seal standard GS-36. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:** Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for low-emitting adhesives, sealants, and caulks as applicable and required.
Low-emitting materials (San Francisco Building Code, Chapters 13C.4. 103.2.2,	For Small and Medium-sized Residential Buildings - Effective January 1, 2011 meet GreenPoint Rated designation with a minimum of 75 points. For New High-Rise Residential Buildings - Effective January 1, 2011 meet LEED Silver Rating or GreenPoint Rated designation with a minimum of 75 points. For Alterations to residential buildings submit documentation regarding the use of low-emitting materials. **If meeting a LEED Standard:** For adhesives and sealants (LEED credit EQ4.1), paints and coatings (LEED credit EQ4.2), and carpet systems (LEED credit EQ4.3), where applicable. **If meeting a GreenPoint Rated Standard:** Meet the GreenPoint Rated Multifamily New Home Measures for low-emitting adhesives and sealants, paints and coatings, and carpet systems,	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for low-emitting materials (adhesives and sealants, paints and coatings, and carpet systems) as applicable and required.

Regulation	Requirements	Project Compliance	Discussion
Low-emitting Paints and Coatings (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 13C.504.2.2 through 2.4)	**If meeting a LEED Standard:** Architectural paints and coatings must meet Green Seal standard GS-11, anti-corrosive paints meet GC-03, and other coatings meet SCAQMD Rule 1113. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:** Interior wall and ceiling paints must meet <50 grams per liter VOCs regardless of sheen. VOC Coatings must meet SCAQMD Rule 1113.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for low-emitting paints and coatings as applicable and required.
Low-emitting Flooring, including carpet (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.3 and 13C.4.504.4)	**If meeting a LEED Standard:** Hard surface flooring (vinyl, linoleum, laminate, wood, ceramic, and/or rubber) must be Resilient Floor Covering Institute FloorScore certified; carpet must meet the Carpet and Rug Institute (CRI) Green Label Plus; Carpet cushion must meet CRI Green Label; carpet adhesive must meet LEED EQc4.1. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:** All carpet systems, carpet cushions, carpet adhesives, and at least 50% of resilient flooring must be low-emitting.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for low-emitting flooring as applicable and required.
Low-emitting Composite Wood (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 and 13C.4.504.5)	**If meeting a LEED Standard:** Composite wood and agrifiber must not contain added urea-formaldehyde resins and must meet applicable CARB Air Toxics Control Measure.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Green Building Requirements for low-emitting composite wood as applicable and required.

Regulation	Requirements	Project Compliance	Discussion
	If meeting a GreenPoint Rated Standard: Must meet applicable CARB Air Toxics Control Measure formaldehyde limits for composite wood.		
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with San Francisco Health Code, Article 30, for diesel generators.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, or impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce GHG emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured reduction of annual GHG emissions; (3) San Francisco has met and exceeds AB 32 GHG reduction goals for the year 2020 and is on track towards meeting long-term GHG reduction goals; (4) current and probable future state and local GHG reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet the CEQA and BAAQMD requirements for a Greenhouse Gas Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project and project variants would be required to comply with the requirements listed above, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions.*[53] As such, the proposed project and project variants would result in a less-than-significant impact with respect to GHG emissions. No mitigation is required, and this topic will not be discussed further in the EIR.

[53] Greenhouse Gas Analysis: Compliance Checklist for 75 Howard Street. August 31, 2012.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
9. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☒	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☐	☐

Wind

This section discusses the impacts of the proposed project and project variants on ground-level wind currents at various locations on the project site and in the vicinity. This discussion is based on a wind tunnel report prepared by Rowan Williams Davies & Irwin, Inc. (RWDI).[54]

Existing Climate and Wind Conditions

The difference in atmospheric pressure between two points on the earth causes air masses to move from the area of higher pressure to the area of lower pressure. This movement of air masses results in wind currents. Meteorological data from the United States Weather Bureau and the Bay Area Air Quality Management District show that winds from the northwest, west-northwest, west, and west-southwest, reflecting the persistence of sea breezes, are the most prevalent in San Francisco. Average wind speeds are highest during the summer and lowest during the winter. Typically, the highest wind speeds occur during the mid-afternoon, and the lowest wind speeds occur during the early morning.

Like many locations in downtown San Francisco, the vicinity of the project site can be characterized as windy. As discussed in more detail below, existing pedestrian-level wind speeds in the vicinity of the project site average 9 miles per hour (mph) and range from 3 to 14 mph under the wind comfort analysis. The windiest locations are along the east side of The Embarcadero between Mission Street and Folsom Street.

Buildings and Wind Speed

The direction and speed of wind currents can be altered by natural features of the land or by buildings and structures. Groups of buildings clustered together tend to act as obstacles that reduce wind speeds; the heights, massing, and orientations or profiles of the buildings are some of the factors that can affect wind speeds. When a building is much taller than those around it, rather than a similar height, it can intercept and redirect winds downward that might otherwise

[54] Rowan Williams Davies & Irwin, Inc. (RWDI), 75 Howard Street Pedestrian Wind Climate Consultation, September 7, 2012 (hereinafter referred to as "Pedestrian Wind Study"). A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

flow overhead. The massing of a building can affect wind speeds. In general, slab-shaped buildings have the greatest potential to accelerate ground-level winds, while buildings that have unusual shapes or are more geometrically complex tend to have lesser effects. The orientation or profile of a building is another factor that can affect wind speeds. When the wide face of a building, as opposed to its narrow face, is oriented toward the prevailing wind direction, the building has more surface area to intercept and redirect winds down to ground level.

Wind Speed and Pedestrian Comfort

The comfort of pedestrians varies under different conditions of sun exposure, temperature, clothing, and wind speed. Winds up to 4 mph have no noticeable effect on pedestrian comfort. With winds from 4 to 8 mph, wind is felt on the face. Winds from 8 to 13 mph will disturb hair, cause clothing to flap, and extend a light flag mounted on a pole. Winds from 13 to 19 mph will raise loose paper, dust, and dry soil, and will disarrange hair. With winds from 19 to 26 mph, the force of the wind will be felt on the body. With 26- to 34-mph winds, umbrellas are used with difficulty, hair is blown straight, walking steadily is difficult, and wind noise is unpleasant. Winds over 34 mph increase difficulty with balance, and gusts can be hazardous and can blow people over.

Regulatory Framework

Planning Code Section 148 establishes wind comfort and wind hazard criteria for C-3 Districts. Section 148 establishes an equivalent wind speed[55] of 11 mph as the comfort criterion for areas of substantial pedestrian use. New buildings and additions to existing buildings may not cause ground-level winds to exceed these wind speeds more than 10 percent of the time year round between 7:00 a.m. and 6:00 p.m. If existing wind speeds exceed the comfort criteria, or when a project would result in exceedances of the comfort criteria, the Planning Commission may grant an exception pursuant to Planning Code Section 309 provided that the building or addition cannot be designed to meet the comfort criteria without creating an unattractive and ungainly building form and without unduly restricting the development potential of the site. In granting an exception pursuant to Section 309, the Planning Commission must determine that the exceedances of the comfort criteria would be insubstantial because of the limited amount by which the comfort criteria are exceeded, the limited location in which the comfort criteria are exceeded, or the limited time during which the comfort criteria are exceeded.

Section 148 also establishes a wind hazard criterion of an equivalent wind speed of 26 mph. New buildings or additions to existing buildings may not cause ground-level winds to reach or exceed this wind speed for more than a single hour during the year. Exceptions pursuant to Section 309 are not permitted.

[55] Pursuant to Section 148, equivalent wind speed is defined as the mean hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

The Planning Code pedestrian comfort criterion of 11 mph is based on wind speeds measured and averaged over a period of one minute. In contrast, the Planning Code wind hazard criterion of 26 mph is defined by a wind speed that is measured and averaged over a period of one hour. When stated on the same time basis as the comfort criterion wind speed, the hazard criterion wind speed (26 mph averaged over one hour) is equivalent to a one-minute average of 36 mph. The test results presented in the wind tunnel report for the proposed project and in this section of the EIR use the one-minute average of 36 mph for the hazard criterion.

Approach to Analysis

Any proposed development project in a C-3 District in San Francisco that requires a wind tunnel analysis must follow the standard methodology established by the Planning Department. Under the standard methodology, the wind tunnel analysis relies on wind data collected from the United States Weather Bureau weather station atop the Federal Building at 50 United Nations Plaza. Wind data from 7:00 a.m. to 6:00 p.m. are used, because this time period represents peak pedestrian activity in a downtown setting. RWDI conducted a wind tunnel test of the proposed project[56] using a 1:400 (1 inch = 33 feet) scale model of the proposed project and surrounding buildings within a 1,500-foot radius[57] of the project site. The scale model, which was equipped with permanently mounted wind speed sensors, was placed inside an atmospheric boundary layer wind tunnel. Using four wind directions (northwest, west-northwest, west, and west-southwest), wind tunnel tests were then conducted for the project site and vicinity using the following three scenarios:

1. Existing Conditions Configuration: This configuration consists of the existing structures on the project site and the existing surrounding buildings.[58]
2. Existing Conditions Plus Proposed Project Configuration: This configuration consists of the proposed project and the existing surrounding buildings.[59]
3. Proposed Project Plus Cumulative Configuration: This configuration includes the Existing Conditions Plus Proposed Project Configuration, but it also includes anticipated proposed development projects at 120 Howard Street, 177-187 Fremont Street, 350 Mission Street, and the Transit Tower.[60] The anticipated proposed development projects included in the Proposed Project Plus Cumulative Configuration are within 1,500 feet of and close enough to the project site that they could interact with the proposed project and alter ground-level wind conditions around or near the project site.

Wind speed measurements were recorded at 58 ground-level locations for the Existing Conditions Configuration and at 65 locations (58 ground-level locations plus 7 podium- and roof-level

[56] The project variants would have the same height and massing as the proposed project, so separate scale models for the project variants were not necessary.
[57] The American Society of Civil Engineers has established a minimum standard of an 820-foot radius for wind tunnel testing.
[58] Pedestrian Wind Study, Figure 1a.
[59] Pedestrian Wind Study, Figure 1b.
[60] Pedestrian Wind Study, Figure 1c.

locations) for the Existing Plus Proposed Project Configuration and the Proposed Project Plus Cumulative Configuration. The test points are shown on Figure 18: Locations of Wind Tunnel Test Points, on p. 85, and the test results are shown in Table 4: Wind Comfort Results, on pp. 86-89, and Table 5: Wind Hazard Results, on pp. 90-93.

Impact WS-1: The proposed project or project variants would not alter winds in a manner that would substantially affect public areas. ***(Less than Significant)***

Wind Comfort Analysis for the Proposed Project and Project Variants (Ground-Level Test Points)

Under existing conditions, the average equivalent wind speed for the wind comfort analysis at the 58 ground-level test points is 9 mph, with wind speeds ranging from 3 to 14 mph. The highest wind speeds occur along the east side of The Embarcadero between Mission Street and Folsom Street (Test Points 21, 24, 29, 32, 33, and 56 through 58). Under existing conditions, wind speeds at 47 of the 58 test points meet the pedestrian comfort criterion, and 11 do not.

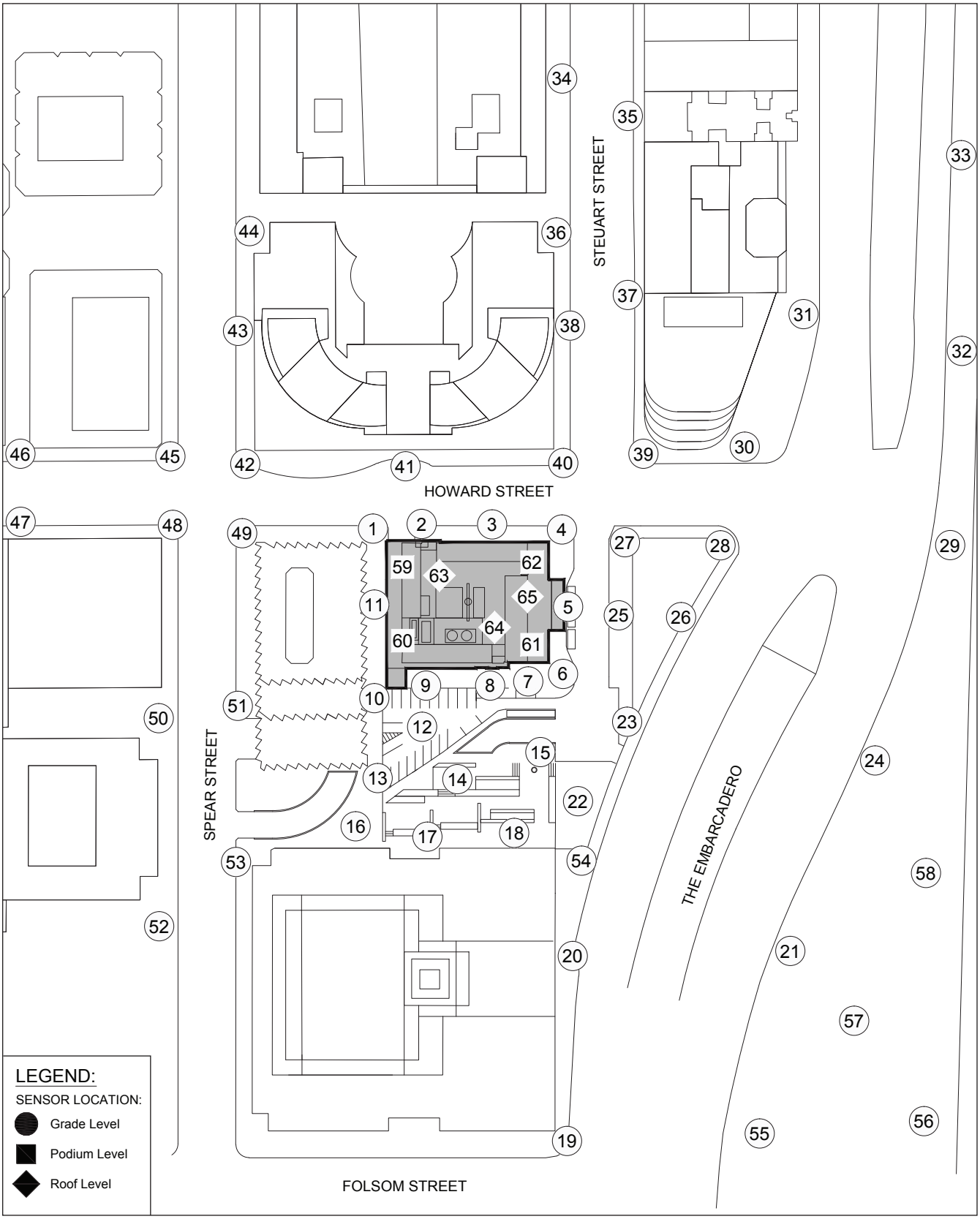
With implementation of the proposed project or project variants, the average equivalent wind speed for the wind comfort analysis at the 58 ground-level test points would increase from 9 mph to 9.2 mph. Wind speeds would range from 5 to 15 mph, and the highest wind speeds would continue to occur along the east side of The Embarcadero between Mission Street and Folsom Street. Wind speeds would decrease at 6 locations, remain the same at 36 locations, and increase at 16 locations.

When compared to existing conditions, implementation of the proposed project or project variants would change wind patterns such that one existing wind comfort exceedance (Test Point 3) would be eliminated and one new exceedance (Test Point 35) would be created, resulting in no net change in the number of exceedances at ground level.

Test Point 3, on the south side of Howard Street and adjacent to the project site, is a location of moderate pedestrian activity. At Test Point 3, the wind speed would decrease from 12 mph to 10 mph.

Test Point 35, on the east side of Steuart Street between Mission Street and Howard Street, is a location of moderate pedestrian activity. At Test Point 35, the wind speed would increase from 11 mph to 12 mph.

Implementation of the proposed project or project variants would not result in substantial changes to wind conditions in the project vicinity. The average equivalent wind speed would increase from 9 mph to 9.2 mph, and the number of ground-level test points with wind speeds that would exceed the pedestrian comfort criterion would remain unchanged at 11. Exceeding the pedestrian comfort criterion is not a significant wind impact under CEQA. The Planning Department considers an exceedance of the wind hazard criterion, not an exceedance of the pedestrian



SOURCE: RWDI

75 HOWARD STREET

FIGURE 18: LOCATIONS OF WIND TUNNEL TEST POINTS

Table 4: Wind Comfort Results

Existing Conditions Configuration					Proposed Project / Project Variants Configuration			Proposed Project / Project Variants Plus Cumulative Configuration		
Location Number	Comfort Criterion (mph)	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds
1	11	6	0%		7	1%		7	1%	
2	11	9	6%		8	4%		8	3%	
3	11	12	12%	e	10	8%		10	8%	
4	11	9	3%		10	5%		10	7%	
5	11	9	7%		10	8%		10	9%	
6	11	9	7%		9	5%		9	7%	
7	11	4	0%		5	0%		5	0%	
8	11	3	0%		5	0%		5	0%	
9	11	4	0%		7	0%		7	2%	
10	11	5	0%		6	0%		7	1%	
11	11	5	0%		5	0%		5	0%	
12	11	5	0%		6	0%		7	1%	
13	11	6	0%		7	0%		6	0%	
14	11	7	1%		7	1%		7	1%	
15	11	8	2%		8	3%		8	4%	
16	11	8	3%		7	3%		8	3%	
17	11	8	4%		8	3%		8	4%	
18	11	7	2%		8	3%		8	4%	

Existing Conditions Configuration					Proposed Project / Project Variants Configuration			Proposed Project / Project Variants Plus Cumulative Configuration		
Location Number	Comfort Criterion (mph)	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds
19	11	10	6%		10	7%		8	4%	
20	11	6	2%		6	1%		7	2%	
21	11	13	13%	e	12	12%	e	13	14%	e
22	11	8	2%		8	2%		8	3%	
23	11	9	4%		9	4%		10	7%	
24	11	13	16%	e	14	17%	e	14	17%	e
25	11	9	6%		10	8%		11	9%	
26	11	11	10%		11	10%		11	10%	
27	11	10	9%		10	9%		11	10%	
28	11	11	10%		11	10%		12	12%	e
29	11	14	18%	e	14	20%	e	14	19%	e
30	11	10	8%		10	6%		10	8%	
31	11	12	13%	e	12	13%	e	13	14%	e
32	11	14	20%	e	14	21%	e	14	21%	e
33	11	14	19%	e	15	20%	e	15	21%	e
34	11	9	5%		10	5%		9	5%	
35	11	11	10%		12	13%	e	12	14%	e
36	11	9	4%		9	4%		9	4%	
37	11	10	8%		10	6%		10	9%	

Existing Conditions Configuration					Proposed Project / Project Variants Configuration			Proposed Project / Project Variants Plus Cumulative Configuration		
Location Number	Comfort Criterion (mph)	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds
38	11	9	5%		9	4%		9	5%	
39	11	11	10%		11	10%		12	12%	e
40	11	11	10%		11	10%		11	10%	
41	11	6	0%		7	0%		6	0%	
42	11	7	0%		7	0%		6	0%	
43	11	9	2%		9	2%		10	5%	
44	11	10	7%		10	7%		11	10%	
45	11	9	6%		9	5%		12	10%	e
46	11	7	0%		7	0%		6	0%	
47	11	8	2%		8	2%		10	5%	
48	11	8	1%		8	1%		9	3%	
49	11	7	0%		7	0%		7	1%	
50	11	8	1%		8	1%		7	0%	
51	11	6	0%		6	0%		6	0%	
52	11	9	3%		9	2%		8	1%	
53	11	11	10%		11	10%		8	1%	
54	11	8	2%		7	2%		8	3%	
55	11	12	12%	e	12	10%	e	11	10%	
56	11	13	15%	e	13	14%	e	13	15%	e

Existing Conditions Configuration					Proposed Project / Project Variants Configuration			Proposed Project / Project Variants Plus Cumulative Configuration		
Location Number	Comfort Criterion (mph)	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds
57	11	13	14%	e	12	13%	e	13	14%	e
58	11	13	15%	e	13	15%	e	14	16%	e
59*	11	-	-		12	11%	e	11	10%	
60*	11	-	-		9	6%		9	6%	
61*	11	-	-		9	4%		9	5%	
62*	11	-	-		10	7%		10	9%	
63*	11	-	-		17	35%	e	17	32%	e
64*	11	-	-		14	18%	e	14	18%	e
65*	11	-	-		20	45%	e	20	41%	e
Average mph and % (all test points)		9	6%		9.6	7%		9.7	8%	
Exceedances			11 of 58 (11 at grade)				15 of 65 (11 at grade, 4 above grade)			16 of 65 (13 at grade, 3 above grade)

* This test point is not at ground level. See Figure 18: Locations of Wind Tunnel Test Points.

Table 5: Wind Hazard Results

Existing Conditions Configuration					Proposed Project / Project Variants Configuration				Proposed Project / Project Variants Plus Cumulative Configuration			
Location Number	Hazard Criterion (mph)	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds
1	36	12	0		14	0	0		14	0	0	
2	36	21	0		18	0	0		17	0	0	
3	36	29	0		23	0	0		24	0	0	
4	36	17	0		19	0	0		21	0	0	
5	36	21	0		22	0	0		24	0	0	
6	36	21	0		19	0	0		21	0	0	
7	36	6	0		8	0	0		9	0	0	
8	36	6	0		9	0	0		11	0	0	
9	36	6	0		12	0	0		17	0	0	
10	36	12	0		10	0	0		15	0	0	
11	36	9	0		12	0	0		10	0	0	
12	36	11	0		11	0	0		16	0	0	
13	36	14	0		13	0	0		13	0	0	
14	36	16	0		16	0	0		15	0	0	
15	36	17	0		19	0	0		20	0	0	
16	36	22	0		21	0	0		22	0	0	
17	36	22	0		24	0	0		25	0	0	
18	36	19	0		20	0	0		21	0	0	
19	36	23	0		21	0	0		23	0	0	

Existing Conditions Configuration					Proposed Project / Project Variants Configuration				Proposed Project / Project Variants Plus Cumulative Configuration			
Location Number	Hazard Criterion (mph)	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds
20	36	18	0		18	0	0		19	0	0	
21	36	30	0		30	0	0		31	0	0	
22	36	17	0		17	0	0		19	0	0	
23	36	21	0		21	0	0		22	0	0	
24	36	30	0		30	0	0		31	0	0	
25	36	20	0		21	0	0		24	0	0	
26	36	25	0		24	0	0		27	0	0	
27	36	26	0		25	0	0		27	0	0	
28	36	27	0		27	0	0		29	0	0	
29	36	29	0		29	0	0		30	0	0	
30	36	24	0		23	0	0		25	0	0	
31	36	29	0		28	0	0		30	0	0	
32	36	29	0		30	0	0		30	0	0	
33	36	32	0		33	0	0		32	0	0	
34	36	24	0		24	0	0		23	0	0	
35	36	20	0		20	0	0		20	0	0	
36	36	19	0		18	0	0		18	0	0	
37	36	21	0		20	0	0		21	0	0	
38	36	20	0		19	0	0		19	0	0	
39	36	30	0		28	0	0		30	0	0	

Existing Conditions Configuration					Proposed Project / Project Variants Configuration				Proposed Project / Project Variants Plus Cumulative Configuration			
Location Number	Hazard Criterion (mph)	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds
40	36	26	0		25	0	0		26	0	0	
41	36	12	0		14	0	0		12	0	0	
42	36	13	0		13	0	0		13	0	0	
43	36	15	0		15	0	0		17	0	0	
44	36	19	0		19	0	0		20	0	0	
45	36	20	0		20	0	0		23	0	0	
46	36	12	0		13	0	0		11	0	0	
47	36	18	0		18	0	0		19	0	0	
48	36	14	0		14	0	0		17	0	0	
49	36	13	0		14	0	0		14	0	0	
50	36	15	0		15	0	0		13	0	0	
51	36	15	0		16	0	0		12	0	0	
52	36	18	0		17	0	0		15	0	0	
53	36	21	0		21	0	0		17	0	0	
54	36	19	0		19	0	0		19	0	0	
55	36	28	0		28	0	0		29	0	0	
56	36	29	0		29	0	0		30	0	0	
57	36	29	0		29	0	0		30	0	0	
58	36	29	0		30	0	0		31	0	0	
59*	36	-	-		26	0	0		25	0	0	

Existing Conditions Configuration					Proposed Project / Project Variants Configuration				Proposed Project / Project Variants Plus Cumulative Configuration			
Location Number	Hazard Criterion (mph)	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criterion	Hours Change Relative to Existing	Exceeds
60*	36	-	-		20	0	0		20	0	0	
61*	36	-	-		22	0	0		21	0	0	
62*	36	-	-		20	0	0		23	0	0	
63*	36	-	-		31	0	0		34	0	0	
64*	36	-	-		27	0	0		27	0	0	
65*	36	-	-		37	2	2	E	40	9	9	e
Average mph and total hours (all test points)		20	0		20.7	2	2		21.6	9	9	
Exceedances			0 of 58				1 of 65 (0 at grade, 1 above grade)				1 of 65 (0 at grade, 1 above grade)	

* This test point is not at ground level. See Figure 18: Locations of Wind Tunnel Test Points.

comfort criterion, to be a significant impact under CEQA. Although there would be localized changes throughout the project vicinity, the overall ground-level wind conditions would remain substantially the same with implementation of the proposed project or project variants.

Wind Hazard Analysis for the Proposed Project and Project Variants (Ground-Level Test Points)

Under existing conditions, wind speeds at all 58 ground-level test points meet the wind hazard criterion. With implementation of the proposed project or project variants, wind speeds at all 58 ground-level test points would meet the wind hazard criterion. There would be no exceedances of the wind hazard criterion at ground level. For these reasons, the proposed project or project variants would not have a significant wind impact, and no mitigation measures are necessary.

Impact C-WS-1: The proposed project or project variants, in combination with past, present, or reasonably foreseeable future projects in the site vicinity, would not make a cumulatively considerable contribution to a significant cumulative wind impact. *(Less than Significant)*

Wind Comfort Analysis for the Cumulative Scenario (Ground-Level Test Points)

Under existing conditions, the average equivalent wind speed for the wind comfort analysis at the 58 ground-level test points is 9 mph, with wind speeds ranging from 3 to 14 mph. The highest wind speeds occur along the east side of The Embarcadero between Mission Street and Folsom Street (Test Points 21, 24, 29, 32, 33, and 56 through 58). Under existing conditions, wind speeds at 47 of the 58 ground-level test points meet the pedestrian comfort criterion, and 11 do not.

With implementation of the proposed project or project variants in combination with past, present, and reasonably foreseeable future projects, the average equivalent wind speed for the wind comfort analysis at the 58 ground-level test points would increase from 9 mph to 9.4 mph. Wind speeds would range from 5 to 15 mph, and the highest wind speeds would continue to occur along the east side of The Embarcadero between Mission Street and Folsom Street. Wind speeds would decrease at 9 locations, remain the same at 24 locations, and increase at 25 locations.

When compared to existing conditions, implementation of the proposed project or project variants, in combination with past, present, and reasonably foreseeable future projects, would change wind patterns such that two existing wind comfort exceedances (Test Points 3 and 55) would be eliminated and four new exceedances (Test Points 28, 35, 39, and 45) would be created, resulting in a net change of two new exceedances at ground level.

Test Point 3, on the south side of Howard Street and adjacent to the project site, is a location of moderate pedestrian activity. At Test Point 3, the wind speed would decrease from 12 mph to 10 mph. Test Point 55, on the east side of The Embarcadero at Folsom Street, is a location of

moderate to heavy pedestrian activity. At Test Point 55, the wind speed would decrease from 12 mph to 11 mph.

Of the four new wind comfort exceedances that would be created by implementation of the proposed project or variants, in combination with past, present, and reasonably foreseeable future projects, all four are in locations of moderate pedestrian activity. The wind speed would increase from 11 mph to 12 mph at Test Points 28, 35, and 39, and from 9 mph to 12 mph at Test Point 45 (the northwest corner of Howard and Spear Streets).

Implementation of the proposed project or project variants, in combination with past, present, and reasonably foreseeable future projects, would not result in substantial changes to wind conditions in the project vicinity. The average equivalent wind speed would increase from 9 mph to 9.2 mph, and the number of ground-level test points with wind speeds that would exceed the pedestrian comfort criterion would increase from 11 to 13. As discussed under Impact WS-1, exceeding the pedestrian comfort criterion is not a significant wind impact under CEQA. Although there would be localized changes throughout the project vicinity, the overall ground-level wind conditions would remain substantially the same with implementation of the proposed project or project variants, in combination with past, present, and reasonably foreseeable future projects.

Wind Hazard Analysis for the Cumulative Scenario (Ground-Level Test Points)

Under existing conditions, wind speeds at all 58 ground-level test points meet the wind hazard criterion. With implementation of the proposed project or project variants in combination with past, present, and reasonably foreseeable future projects, wind speeds at all 58 ground-level test points would meet the wind hazard criterion. There would be no exceedances of the wind hazard criterion at ground level. The proposed project or project variants in combination with past, present, and reasonably foreseeable future projects, would not have a significant cumulative wind impact. For these reasons, the proposed project or project variants would not make a cumulatively considerable contribution to a significant cumulative wind impact, and no mitigation measures are necessary.

Discussion of Roof- and Podium-Level Test Points

The following discussion of on-site, above-grade open spaces proposed for the use of project residents is provided for informational purposes only. Wind impacts at these above-grade areas are not evaluated for the purposes of environmental review pursuant to CEQA or Planning Code Section 148, because they would not be accessible to the general public. The proposed project and project variants consist of a 7-story podium and a 24-story tower that rises from the podium. Usable open space for project residents would be provided in the form of terraces on the roof of the podium (8th floor) and the roof of the tower (13th and 31st floors). These terraces would be used by project residents for passive recreation and would likely include seating.

The provisions of Section 148 apply only to ground-level wind currents in areas of substantial pedestrian use and in public seating areas. Therefore, the pedestrian comfort criterion of 11 mph and the wind hazard criterion of 26 mph that are set forth in Section 148 are not applicable to the podium- and roof-level open spaces. However, in order to provide information regarding wind conditions at the proposed podium- and roof-level open spaces, wind speeds were measured at 7 podium- and roof-level locations. The wind speeds for the podium- and roof-level locations were measured in the wind tunnel at the same time as the wind speeds for the ground-level locations for all three building configurations described on pp. 83-84 using the same 1:400 scale model. There was no difference in the methodology used to obtain the test results for the podium- and roof-level locations. The test points are shown on Figure 18: Locations of Wind Tunnel Test Points, on p. 85, and the test results are shown in Table 4: Wind Comfort Results, on pp. 86-89, and Table 5: Wind Hazard Results, on pp. 90-93. The results are summarized below.

Proposed Tower Podium

Under the Existing Plus Proposed Project Configuration, the average equivalent wind speed on the tower podium would be 10 mph, with wind speeds ranging from 9 to 12 mph. Higher wind speeds would occur on the northern side of the tower podium than on the southern side. Under the Proposed Project Plus Cumulative Configuration, the average equivalent wind speed on the tower podium would be 9.8 mph, with wind speeds ranging from 9 to 11 mph. Higher wind speeds would occur on the northern side of the tower podium (Test Points 59 and 62) than on the southern side (Test Points 60 and 61).

Under the Existing Plus Proposed Project Configuration and the Proposed Project Plus Cumulative Configuration, there would be no exceedances of the wind hazard criterion on the tower podium.

Proposed Tower Roof

Under the Existing Plus Proposed Project Configuration and the Proposed Project Plus Cumulative Configuration, the average equivalent wind speed on the tower roof would be 17 mph, with wind speeds ranging from 14 to 20 mph. The highest wind speed would occur at the eastern edge of the tower roof (Test Point 65).

Under the Existing Plus Proposed Project Configuration, there would be one exceedance of the wind hazard criterion at the eastern edge of the tower roof (Test Point 65). The wind speed would be 37 mph, and the total duration of hazardous wind at this location would be 2 hours per year. Under the Proposed Project Plus Cumulative Configuration, there would be one exceedance of the wind hazard criterion at the eastern edge of the tower roof (Test Point 65). The wind speed would be 40 mph, and the total duration of hazardous wind at this location would be 9 hours per year.

Although the exceedance of the wind hazard criterion at the eastern edge of the tower roof would not be considered a significant impact under CEQA, Improvement Measure I-WS-A, discussed below, was identified to address elevated wind speeds on the roof of the tower. City decision-makers may choose to include this improvement measure as a condition of approval for the proposed project or one of the project variants.

Improvement Measure I-WS-A

As an improvement measure to reduce wind speeds in areas of usable open space on the roof of the tower, the project sponsor shall strive to install, or cause to be installed, wind reduction measures that could include windscreens along the exposed perimeter of the roof. Additional windscreens and/or landscaping should be considered on the west and northwest sides of any seating areas.

Shadow

Impact WS-2: The proposed project or project variants could create new shadow that substantially affects outdoor recreation facilities or other public areas. *(Potentially Significant)*

In 1984, San Francisco voters approved an initiative known as "Proposition K, The Sunlight Ordinance," which was codified in 1985 as Planning Code Section 295. Section 295 prohibits the approval of "any structure that would cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission" unless the Planning Commission, with review and comment by the Recreation and Park Commission, has found that the shadows cast by a proposed project would not have an adverse impact on the use of the property. The period analyzed is from the first hour after sunrise until the last hour before sunset.

Implementation of either the proposed project or project variants would result in the construction of a building that would be approximately 356 feet tall.[61] Both the proposed project and project variants have the potential to create new shadow that substantially affects outdoor recreation facilities or other public areas. Therefore, these potential impacts will be discussed in the EIR, based on the results of a computer-generated shadow analysis.

Impact C-WS-2: The proposed project or project variants, in combination with past, present, or reasonably foreseeable future projects in the site vicinity, could have a cumulatively considerable contribution to a significant cumulative shadow impact. *(Potentially Significant)*

Implementation of either the proposed project or project variants could combine with cumulative development in the vicinity of the project site to create significant cumulative shadow impacts. Therefore, this topic will be discussed in the EIR.

[61] The maximum building height under the proposed project variants would be identical to the proposed building height under the proposed project.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
10. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐
c) Physically degrade existing recreational resources?	☐	☐	☒	☐	☐

Impact RE-1: The proposed project or project variants would not increase use of existing neighborhood parks and/or other recreation facilities such that substantial physical deterioration or physical degradation of existing recreational resources would occur or be accelerated, nor would it include or result in the need for the expansion or construction of recreational facilities beyond those included in the proposed project. ***(Less than Significant)***

The San Francisco Recreation and Park Department administers more than 200 parks, playgrounds, and open spaces throughout the City. System recreation facilities also include 15 recreation centers, 9 swimming pools, 5 golf courses, and more than 300 athletic fields, tennis courts, and basketball courts.[62] The project site is not within a high need area as defined in the *San Francisco General Plan's* Recreation and Open Space Element or within the defined service areas (which were selected based on facility capacity and population, not distance) of the nearest public recreational resources as defined in the 2004 *Recreation Assessment Report*. The 2004 *Recreation Assessment Report* does not specifically identify the project area as deficient in or underserved by public recreational resources.

Rincon Park and the Embarcadero Promenade, approximately 300 feet to the east, are the closest public open spaces to the project site. The Embarcadero Promenade is a paved pathway used for active and passive recreation by joggers, bikers and urban hikers.[63] It extends along the length of much of the City's eastern waterfront and is under the jurisdiction of the Recreation and Park Department. Rincon Park is located along The Embarcadero and extends from just north of Howard Street to approximately Harrison Street and is under the jurisdiction of the Successor Agency to the San Francisco Redevelopment Agency. This park contains landscaped areas for passive recreational activities and features a large-scale art installation, Cupid's Span, commonly known as "bow and arrow." These open spaces also offer unobstructed views of the bay and the Bay Bridge. Other public recreational resources in the vicinity of the project site (within an

[62] San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004, p. 21. Available online at http://sf-recpark.org/ftp/uploadedfiles/wcm_recpark/Notice/SFRP_Summary_Report.pdf. Accessed July 30, 2012.

[63] The Embarcadero Promenade between Mission Bay and the Golden Gate Bridge is a segment of the 290-mile-long San Francisco Bay Trail.

approximately ¼-mile radius) include The Ferry Building Plaza, Justin Herman/Embarcadero Plaza, and Sue Bierman Park, all north of the project site. The Ferry Building Plaza features seating areas, limited landscaping, and unobstructed views of the bay and the Bay Bridge. Justin Herman/Embarcadero Plaza, located at the foot of the Embarcadero Center complex, features large-scale art sculptures, seating areas, limited landscaping, and seasonal ice skating. Sue Bierman Park, located north of Justin Herman/Embarcadero Plaza, is a 5.3-acre grassy meadow divided by a series of paths and interspersed with park benches and landscaping. It extends on either side of Drumm Street between Washington and Clay Streets.

The City's downtown area also includes a variety of privately owned open spaces that are accessible to the public. Many of these open space areas were developed as a result of the 1985 *Downtown Area Plan* of the *General Plan*, while others were built prior to 1985. Currently, there are approximately 68 privately owned, publicly accessible open spaces in the city's downtown area.[64] These spaces range from outdoor parks, plazas, urban gardens, and pedestrian walkways to interior spaces such as atriums, terraces, and rooftop gardens, and are commonly used by downtown workers during lunchtime hours. Among the privately owned, publicly accessible outdoor open spaces within a block of the project site are 201 Spear Street (the Gap Building); 211 and 221 Main Street; 180 Howard Street; 123 Mission Street; and 160 Spear Street.

Under either the proposed project or project variants the 550-space public parking garage would be demolished and a 31-story mixed use residential tower would be built in its place. The proposed project and the Public Parking Variant would include 186 dwelling units. The Residential / Hotel Mixed Use Variant would include 109 dwelling units and 82 hotel rooms. Implementation of either the proposed project or project variants would provide a fitness center with a swimming pool at the second floor for the exclusive use of project residents and Planning Code-required private and common open space. The proposed project or Public Parking Variant would exceed the minimum requirement for private open space (36 square feet per unit) by providing 103 of the 186 dwelling units with approximately 14,388 sq. ft. of private open space in the form of private terraces and balconies (an average of approximately 140 square feet per unit). Required common open space for the exclusive use of residents would total about 4,716 sq. ft. in the form of an approximately 1,628 sq. ft. roof terrace on Floor 30, an approximately 2,443 sq. ft. open space along the south side of the building at the ground level, and an approximately 645 sq. ft. balcony on the second floor. In contrast, under the Residential / Hotel Mixed Use Variant, approximately 6,316 sq. ft. of private open space would be provided in the form of private terraces and balconies, and approximately 2,338 sq. ft. of common residential open space would be provided in the form of an approximately 1,628 sq. ft. roof terrace on Floor 30 and an approximately 710 sq. ft. balcony on the second floor.

[64] San Francisco Planning and Urban Research Association, *A Guide to San Francisco's Privately-Owned Public Open Spaces — Secrets of San Francisco*, November 19, 2008. Available online at http://www.spur.org/publications/library/report/secretsofsanfrancisco_010109. Accessed July 26, 2012.

Both the proposed project and project variants would include landscaping and paving improvements within the open space improvement site on Block 3742/Lot 12, which is currently a vacant and paved area. This proposed open space improvement would result in a new 4,780-sq.-ft. landscaped, publicly accessible open space. In addition, there would be landscape and streetscape improvements to the sidewalks adjacent to the new open space and the portion of the Steuart Street right-of-way south of Howard Street. The 4,780-sq.-ft. open space would continue to be owned by DPW, and would be maintained by the project sponsor. In addition to this publicly accessible open space, the Residential / Hotel Mixed Use Variant would also develop an approximately 2,672-sq.-ft. publicly accessible open space on the south side of the proposed building at the ground level.

Both the proposed project and Public Parking Variant would result in an on-site population increase of up to 424 new residents. The Residential / Hotel Mixed Use Variant would result in an on-site population increase of up to 249 new residents. The permanent increase in the on-site population under the proposed project or project variants would result in an increase in the demand for public recreational resources. The incremental increase in demand associated with the proposed project or project variants would not be in excess of amounts expected and provided for in the project area and the City as a whole.

As described above, the project site is located near public parks and open spaces; any use of these facilities attributable to the proposed project or project variants would be relatively minor compared with the existing use of the facilities. The provision of private/common open space and a fitness center/swimming pool in addition to the publicly accessible open spaces included in the proposed project would provide recreational opportunities on the project site or the open space improvement site, thereby reducing the demand on surrounding recreational resources. As a result, the proposed project's or project variants' contribution to the existing demand for public parks and recreation facilities in the area would not be considered a substantial addition and is unlikely to result in a substantial increased use of existing regional and neighborhood parks or other recreational facilities within the project vicinity.

Given the above, the increased population generated by implementation of either the proposed project or project variants would not lead to substantial deterioration of existing neighborhood or regional parks or other recreational facilities; would not require the construction or expansion of recreational facilities; and would not physically degrade existing recreational resources. Therefore, the proposed project or project variants would have a less-than-significant effect on recreational resources and this impact would be considered less than significant. No mitigation measures are required, and this topic will not be discussed further in the EIR.

Impact C-RE-1: The proposed project or project variants, in combination with other past, present, or reasonably foreseeable future projects, would not result in impacts on recreational resources leading to their physical deterioration or physical degradation nor would it result in the construction or expansion of recreational facilities resulting in physical effects on the environment. *(Less than Significant)*

The types of cumulative impacts relevant to recreation include (1) the project contribution to the cumulative increase in demand for public recreational resources, and (2) other reasonably foreseeable future development that could result in a loss of recreational resources. The 2010 U.S. Census reported a population of 805,235 in the City and County of San Francisco. The population in San Francisco in 2030 is estimated to be about 934,800 (approximately 129,565 new residents), an increase of about 16.1 percent between the years 2010 and 2030.[65] The increase in population would be substantial, and would result in increased demand for recreational resources in the City in the future.

Foreseeable development in the TCDP area was considered in the TCDP EIR, which accounted for a projected population increase of about approximately 6,100 new households or about 9,470 residents.[66] The TCDP EIR anticipated the overall demand for recreational facilities, not including the future residents and employees associated with the proposed project or project variants at 75 Howard Street, as part of the foreseeable increase in park and recreational facility use. This included use of approximately 11 acres of new open space in the TCDP area including City Park, a new 5-acre park that would be sited atop the new Transit Center. The TCDP EIR did not identify any significant impacts on recreational facilities in the City as a result of implementation and full buildout of the TCDP area.[67]

As discussed under Impact RE-1, implementation of the proposed project or project variants would add a maximum of up to 424 additional residents to the immediate project vicinity and would not be expected to result in the need for new public recreational resources or lead to the deterioration or degradation of existing recreational facilities. Implementation of either the proposed project or project variants would provide a fitness center with a swimming pool and the Planning Code required private and common open space for the exclusive use of project residents and would provide a publicly accessible 4,780-sq.-ft. open space on Block 3742/Lot 12. Under the Residential / Hotel Mixed Use Variant an additional approximately 2,672-sq.-ft. publicly accessible open space would be provided on the ground level to the south of the proposed building. Therefore, either the proposed project or project variants, when considered in combination with full buildout of the TCDP area, would not have a cumulatively considerable impact on public recreational resources. Thus, the proposed project and project variants would not result in a cumulatively considerable contribution to significant cumulative impacts to

[65] ABAG, *Projections 2009*, p. 92.
[66] TCDP EIR, pp. 72 and 198.
[67] TCDP EIR, pp. 531-533.

recreational resources, and no mitigation is required. Therefore, this topic will not be discussed further in the EIR.

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

Impact UT-1: The proposed project or project variants would not exceed the wastewater treatment requirements of the Regional Water Quality Control Board. ***(Less than Significant)***

The City's combined sanitary sewer and stormwater system collects, transports, and treats sanitary sewage and stormwater runoff in the same facilities. Discharges to Federal and State waters are governed by two National Pollutant Discharge Elimination System (NPDES) permits: the 2008 Bayside Permit (NPDES Permit No. CA0037664) and the 2009 Oceanside Permit (NPDES Permit No. CA0037681).

The project site is located in the Channel subdrainage area of the Bayside basin and is served by the City's combined sanitary sewer and stormwater system.[68] All wastewater and stormwater flows that emanate from the Bayside basin are subject to the 2008 Bayside Permit, issued and

[68] San Francisco is roughly divided into two major drainage areas: the Bayside and Westside basins, which are further divided into eight subdrainage areas.

enforced by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The 2008 Bayside Permit specifies discharge prohibitions, dry-weather effluent limitations, wet-weather effluent performance criteria, receiving water limitations, sludge management practices, and monitoring and reporting requirements for the Southeast Water Pollution Control Plant, the North Point Wet-Weather Facility, and the Bayside Wet-Weather Transport/Storage and Diversion Structures. During wet weather, the capacity at the Southeast Water Pollution Control Plant is supplemented by the North Point Wet-Weather Facility and the Bayside Wet-Weather Transport/Storage and Diversion Structures, a series of storage/transport boxes located around the perimeter of the City.[69] If wet-weather flows exceed the capacity of the overall system, the excess (primarily stormwater) is discharged from one of 36 combined sewer overflow (CSO) structures located along the waterfront. The permit prohibits overflows from the CSO structures during dry weather, and requires wet-weather overflows to comply with the nine minimum controls specified in the Federal Combined Sewer Overflow Control Policy. The TCDP EIR concluded that the *Transit Center District Plan* would not result in an increase in stormwater flow due to compliance with the stormwater management requirements of San Francisco, and the additional sewage flow from the *Transit Center District Plan* would be accommodated in all but the most severe storms, and would not be so large as to exceed the discharge requirements of the NPDES permit. Thus, the 1.7 million-gallon-per-day discharge created by an estimated 1,235 new households and more than 1,900 new residents forecast under buildout of the TCDP, was found to be less than significant.[70]

Implementation of the proposed project or project variants is expected to result in a maximum of a 424-person increase in the average daily residential population at the project site compared to existing conditions. This increase is expected to incrementally increase wastewater flows from the project site; however, the incremental increase would not affect the City's ability to treat the additional volume of wastewater. Project-related wastewater flows would be treated in accordance with the RWQCB-issued NPDES permits prior to discharge into the Bay. All CSO discharges are regulated with permits issued by the RWQCB and regulated by the National Combined Sewer Overflow Control Policy of the U.S. Environmental Protection Agency (EPA). Therefore, the proposed project and project variants would not result in an exceedance of any wastewater treatment requirements, and the impact would be less than significant. No mitigation is required, and this topic will not be discussed in the EIR.

Impact UT-2: The proposed project or project variants would not require or result in the construction of new or the expansion of existing water, wastewater treatment or stormwater drainage facilities; or result in a determination that the wastewater treatment provider has inadequate capacity to serve the project. ***(Less than Significant)***

[69] The storage/transport boxes provide treatment consisting of settling and screening of floatable materials inside the boxes and is equivalent to primary treatment at the wastewater treatment plants.

[70] TCDP EIR, p. 539.

The City's combined sanitary sewer and stormwater system collects, transports, and treats sanitary sewage and stormwater runoff in the same facilities. Stormwater runoff comprises the primary source of total flows collected, conveyed, and eventually treated at the City's wastewater treatment facilities. Implementation of either the proposed project or project variants is expected to incrementally increase wastewater flows from the project site due to the introduction of up to approximately 424 residents. Both the proposed project and project variants would incorporate water-efficient fixtures, as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance, and would develop an on-site recycled water system in compliance with the City's Reclaimed Water Ordinance.[71] Compliance with these regulations would reduce wastewater flows and the amount of potable water used for building functions such as landscaping. Projects seeking certification under LEED, such as the proposed project, must reduce water use by at least 20 percent as a prerequisite for certification. This prerequisite applies to interior water use only, but can be coupled with other water credits regarding outdoor water use reductions. The project sponsor would construct the new space to at least LEED Silver standard or the applicable LEED level required by the City, per the San Francisco Building Code.

Pursuant to the Stormwater Management Ordinance (SMO), the project sponsor would have to reduce the existing volume and rate of stormwater runoff discharged from the project site from the two-year, 24-hour design storm by 25 percent. To achieve this, the project sponsor would develop a Stormwater Control Plan that locates and sizes source control and treatment Best Management Practices (BMPs). There would also be maintenance and operation agreements to retain runoff on-site and limit site discharges entering the City's combined stormwater-sewer collection system. This, in turn, would limit the incremental demand on both the collection system and wastewater facilities resulting from stormwater discharges, and minimize the potential need for additional treatment capacity. The precise type, size, and routing of stormwater BMPs have not yet been finalized. Example BMPs for use in urban San Francisco include flow-through planters, swales and rain gardens. Such BMPs capture, filter, and slow stormwater runoff, thus improving stormwater quality and reducing the quantity of runoff. A more detailed hydrologic analysis would be completed during the preparation of the stormwater control plan and submitted for approval to the SFPUC with the final construction drawings.

The project site is subject to the City's Stormwater Management Ordinance, which is intended to delay and/or reduce the amount of stormwater entering the combined sewer system. Compliance with the Stormwater Management Ordinance, and the fact that impervious surfaces on the site would not increase, would minimize total stormwater flows, which make up a large percentage of the total flow entering the combined sewer system.

[71] San Francisco's Reclaimed Water Ordinance, contained in Article 22 of the *San Francisco Public Works Code*, specifies that, in designated areas of the City new buildings 40,000 square feet or larger must provide for the construction and operation of a reclaimed water system for the transmission of the reclaimed water within buildings and structures.

The wastewater flow increases related to the introduction of new on-site uses and stormwater flow increases attributable to the redevelopment of the project site would not require construction of new water, wastewater, and stormwater collection, conveyance, or treatment facilities; or the expansion of existing facilities. Thus, implementation of either the proposed project or project variants would result in less-than-significant impacts on water, wastewater treatment and stormwater drainage facilities. Furthermore, the incremental increase in combined wastewater and stormwater flows from the project site would not result in a determination by the SFPUC that it has insufficient capacity to continue providing wastewater treatment. No mitigation is necessary, and this topic will not be discussed further in the EIR.

Impact UT-3: The proposed project or project variants would have sufficient water supply available from existing entitlements and would not require new or expanded water supply resources or entitlements. ***(Less than Significant)***

The SFPUC provides an average of approximately 265 million gallons per day (mgd) of water to approximately 2.5 million people in San Francisco, Santa Clara, Alameda, San Mateo, and Tuolumne Counties.[72] Approximately 96 percent of the water provided to San Francisco is supplied by the SFPUC Regional Water System, which is made up of water from the Hetch Hetchy Reservoir and Bay Area reservoirs in the Alameda Creek and Peninsula watersheds.[73] The project site is currently served by this adequate water delivery infrastructure.

Although the proposed project or project variants would incrementally increase the demand for water in San Francisco, the increase in water demand would not be in excess of the projected demand for the project area and City as a whole.[74] The proposed project and project variants would be designed to incorporate water-conserving measures as required by Title 24 of the California Code of Regulations (CCR), the Building Code.[75]

Any increase in water demand from the proposed project and project variants is accounted for in the *2010 Urban Water Management Plan for the City and County of San Francisco* (2010 UWMP), as development proposed on the project site would not be unusual or result in population increases beyond those forecast by the City or ABAG (see the discussion in Section E, Population and Housing, on pp. 46-53. According to the 2010 UWMP, the combination of the existing Water Shortage Allocation Plan and the additional supplies from the Water System Improvement Program means there is "sufficient water is available to meet existing demand and

[72] SFPUC, *2010 Urban Water Management Plan for the City and County of San Francisco*, adopted June 2011, pp. 7, 14, 22-25. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File 2011.1122E.

[73] SFPUC, *2010 Urban Water Management Plan for the City and County of San Francisco*, pp. 22-25. Groundwater and recycled water make up the remainder of the SFPUC supplies to the City.

[74] The *2010 Urban Water Management Plan for the City and County of San Francisco*, pp. 66-69, projects that, during normal precipitation years and multiple dry years, the SFPUC will have adequate supplies to meet projected demand though 2035.

[75] TCDP EIR, pp. 537-538.

planned future uses within San Francisco."[76] This conclusion was also reached in the analysis in the Transit Center District Plan EIR.[77] Therefore, a project-specific Water Supply Assessment is not required.

Implementation of either the proposed project or project variants would not require new or expanded water supply resources or entitlements, because the project site is within a developed urban area that is already served by the SFPUC. Neither the proposed project nor project variants would generate additional demand for water that exceeds water supply projections in the UWMP. Impacts of the proposed project and project variants on water supply resources would therefore be less than significant, and no mitigation is required. Thus, this topic will not be addressed further in the EIR.

Impact UT-4: The proposed project or project variants would increase the amount of solid waste generated on the project site, but would be adequately served by the City's landfill and would comply with Federal, State and local statutes and regulations related to solid waste. ***(Less than Significant)***

Recology (formerly Norcal Waste Systems, Inc.) provides solid waste collection, recycling, and disposal services for residential and commercial garbage and recycling in San Francisco through its subsidiaries San Francisco Recycling and Disposal, Golden Gate Disposal and Recycling, and Sunset Scavenger. Recology's Golden Gate Disposal and Recycling subsidiary provides daily solid waste, recyclables, and compost pickup service to the project site.

San Francisco's Mandatory Recycling and Composting Ordinance (No. 100-09) states that all persons located in San Francisco are required to separate recyclables, compostables, and landfilled trash and participate in recycling and composting programs. The ordinance covers any "property where refuse is generated…including schools, institutions, and City properties." San Francisco uses a three-cart collection program: residents and businesses sort solid waste into recyclables, compostable items such as food scraps and yard trimmings, and garbage. All materials are taken to the San Francisco Solid Waste Transfer and Recycling Center, located at 501 Tunnel Avenue in southeast San Francisco. There, the three waste streams are sorted and bundled for transport to the composting and recycling facilities and the landfill.

San Francisco has created a large-scale urban program for the collection of compostable materials. Food scraps and other compostable material collected from residences, restaurants, and other businesses are sent to Recology's Jepson-Prairie composting facility, located in Solano County. Food scraps, plant trimmings, soiled paper, and other compostables are turned into a nutrient-rich soil amendment, or compost. Recyclable materials are sent to Recycle Central, located at Pier 96 on San Francisco's southern waterfront, where they are separated into commodities and sold to manufacturers that turn the materials into new products. Waste that is

[76] SFPUC, 2010 UWMP, Sections 5.6 and 5.7.
[77] TCDP EIR, p. 528.

not composted or recycled is taken to the Altamont Landfill located east of Livermore in Alameda County.

The Altamont Landfill is estimated to continue operation until 2025.[78] The Altamont Landfill received about 1.29 million tons of waste in 2011.[79] In 2011, San Francisco generated approximately 446,634 tons of solid waste and sent approximately 374,202 tons to the Altamont Landfill, about 33 percent of the total volume of waste received at that facility in 2011.[80] The City contract with the Altamont Landfill expires in 2015. Through August 1, 2009, the City has used approximately 12.5 million tons of this contract capacity. The City projects that the remaining contract capacity will be reached no sooner than August 2014.

Under the California Integrated Waste Management Act of 1989, San Francisco was required to adopt an integrated waste management plan, implement a program to reduce the amount of waste disposed, and have its waste diversion performance periodically reviewed by the California Integrated Waste Management Board. The City was required to reduce the amount of waste sent to landfill by 50 percent by 2000. The City met the 50 percent reduction goal in 2000 by recycling, composting, reuse, and other efforts, and achieved 70 percent reduction in 2006. San Francisco exceeded its goal to divert 75 percent of its waste by 2010 and will implement new strategies to meet its zero waste goal by 2020.[81]

The State of California sets a 50 percent Equivalent Per Capita Disposal Target (resident or employee) for the state and each jurisdiction pursuant to the Solid Waste Disposal Measurement Act, passed in 2007. In 2010, the target disposal rate for San Francisco residents and employees was 6.6 pounds/resident/day and 10.6 pounds/employee/day. Both of these targeted disposal rates were met in 2010 (the most recent year reported), with San Francisco residents generating about 3.0 pounds/resident/day and employed persons in San Francisco generating about 5.0 pounds/per employee/per day.[82]

The proposed project or project variants would increase the average daily throughput at the Altamont Landfill. The maximum daily increase in solid waste produced by either the proposed

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[78] CalRecycle, Facility/Site Summary Details: Altamont Landfill & Resource Recovery (01-AA-0009). Available online at http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/. Accessed August 16, 2012.

[79] CalRecycle, Jurisdiction of Origin Waste Disposal By Facility. Available online at http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportName%3dReportEdrsFacilitySummaryByJurisdiction%26DisposalFacilityID%3d%26SwisNo%3d01-AA-0009. Accessed August 16, 2012.

[80] CalRecycle, Jurisdiction Disposal By Facility. Available online at http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=OriginJurisdictionIDs%3d438%26ReportYear%3d2011%26ReportName%3dReportEDRSJurisDisposalByFacility. Accessed August 16, 2012.

[81] San Francisco Department of the Environment, Zero Waste Program. Available online at http://sfenvironment.org/zero-waste. Accessed August 16, 2012.

[82] CalRecycle, Jurisdiction Diversion/Disposal Rate Detail. Available online at http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversionDetail.aspx?JurisdictionID=438&Year=2010. Accessed August 16, 2012.

project or its Public Parking Variant residents (approximately 424 new residents) would be 1,272 pounds per day. The maximum daily increase in solid waste produced by the proposed project or Public Parking Variant on-site employees (up to 77 net new employees under the proposed project) would be 385 pounds per day. The maximum daily increase in solid waste produced by the Residential / Hotel Mixed Use Variant residents (approximately 249 new residents) would be 747 pounds per day. The maximum daily increase in solid waste produced by the Residential / Hotel Mixed Use Variant on-site employees (127 net new employees) would be 635 pounds per day. Thus, the proposed project or its Public Parking Variant would generate a maximum increase of approximately 1,657 pounds of solid waste per day (or 0.83 ton of solid waste per day), and the Residential / Hotel Mixed Use Variant would generate a maximum increase of approximately 1,382 pounds of solid waste per day (or 0.7 ton of solid waste per day). This would translate into a negligible percentage (less than 0.00007 percent) of the Altamont Landfill's maximum total permitted throughput of about 11,150 tons per day. This landfill is projected to have sufficient capacity to operate until at least 2025, with the potential to operate for a longer period of time, depending on waste flows and incorporation of statewide waste reduction measures. Therefore, the increase in solid waste from implementation of the proposed project or project variants could be accommodated at the Altamont Landfill existing permitted capacities and this would constitute a less-than-significant impact.

Approximately 50,000 cubic yards of soil would be excavated from the project site and the open space improvement site under the proposed project and would be shipped off site (45,000 cubic yards on the proposed building site and an additional 5,000 cubic yards on the proposed open space improvement site). Approximately 9,000 more cubic yards of soil (for a total of 59,000 cubic yards) would be excavated and shipped off site under the Public Parking and Residential / Hotel Mixed Use Variants. Additional off-site disposal would be necessary for the materials generated by demolition of the existing building. Prior to receipt of a demolition permit, the proposed project or project variants is required to show compliance with the City's Construction and Demolition Debris Recovery Ordinance (Ordinance 27-06). Requirements for a full demolition include the development of a waste diversion plan that provides for a minimum of 65 percent diversion of construction and demolition debris, including materials source separated for reuse and recycling. The City's Green Building Ordinance, which became effective January 1, 2009, would require that at least 75 percent of the project's construction debris is diverted from the landfill. The project sponsor would meet the 75 percent diversion requirement. As described under Topic E.16, Hazards and Hazardous Materials, excavated soil that is classified as a hazardous waste would be disposed of in a Class I permitted landfill in accordance with applicable laws and regulations for the disposal of hazardous waste.

Given the above, the direct effects of solid waste associated with the construction and operation of the proposed project or its variants would not substantially affect the projected life of the Altamont Landfill. The proposed project or its variants would be adequately served by the Altamont landfill with sufficient capacity to accommodate the solid waste disposal needs of the

proposed project or its variants. The construction and operational components of the waste stream generated at the project site would be expected to fully adhere to published Federal, State, and local statutes and regulations related to solid waste. The proposed project and project variants would therefore result in a less-than-significant impact on the disposal capacity of the identified landfills, no mitigation measures would be required, and this topic will not be discussed further in the EIR.

Impact C-UT-1: The proposed project or project variants, in combination with other past, present, or reasonably foreseeable future projects, would not result in impacts to utilities and service systems. ***(Less than Significant)***

The proposed project and project variants' contribution to cumulative utilities and service systems impacts was analyzed in combination with reasonably foreseeable projects, such as development anticipated under the TCDP, and in relation to anticipated citywide growth estimates that are consistent with local growth projections. The TCDP EIR analysis concluded that development would not adversely affect the provision of utilities and service systems in the Plan area.[83] Because there is no shortfall identified in water supply or wastewater treatment capacity, and because there is no projected shortfall with respect to energy or solid waste, full buildout of the TCDP would not result in significant cumulative impacts related to utilities and service systems.[84]

The reasonably foreseeable cumulative development projects in the City would increase the demand on the City's combined wastewater and stormwater treatment facilities, but not exceed capacity projected by agencies responsible for management of those services and utilities.[85] Forseeable cumulative development projects in the City would incrementally increase demand for water, but are expected to be adequately served by existing water supply resources.[86] Demolition, construction, and operation of anticipated future development within the City would contribute to impacts on solid waste disposal facilities, however with implementation of State requirements for waste diversion, as well as the City's Green Building Ordinance and other goals for waste diversion, there would be no significant cumulative impacts on solid waste disposal facilities.[87] Thus, while the reasonably foreseeable future cumulative development in the TCDP area and elsewhere in the City would incrementally increase demand on citywide utilities and service systems, this increase would not result in significant cumulative impacts.

As noted above in impacts UT-1 through UT-4, pp. 102-109, the proposed project and project variants would result in less-than-significant impacts on wastewater treatment and wastewater treatment facilities, water supply, and landfill capacity. Given that the City's existing service

[83] TCDP EIR, p. 541.
[84] TCDP EIR, p. 541.
[85] San Francisco Planning Department, *706 Mission Street – The Mexican Museum and Residential Tower Project* EIR (hereinafter 706 Mission Street EIR), pp. IV.K.14-IV.K.15.
[86] 706 Mission Street EIR, p. IV.K.16.
[87] 706 Mission Street EIR, pp. IV.K.17-IV.K.18.

management plans address anticipated growth in the City, and in the region where applicable (e.g., water supply), and that this cumulative growth, including that from the proposed project and its variants, is accounted for in these plans, the proposed project or its variants would not be expected to result in a cumulatively considerable contribution to cumulative significant impacts on utility service provision or facilities. Therefore, no mitigation is necessary, and this topic will not be discussed further in the EIR

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

Impact PS-1: The proposed project or project variants would not result in substantial adverse physical impacts associated with the provision of police protection, fire protection, schools, and library services in order to maintain acceptable service ratios, response times, or other performance objectives. ***(Less than Significant)***

Police Protection Services

The San Francisco Police Department (SFPD) provides police protection services in the City and County of San Francisco. The project site is located within the Southern Police District, which consists of a portion of the Financial District, all of Soma, Mission Bay, and Treasure Island. The district is served by the Southern Police Station, which is adjacent to the SFPD Headquarters in the Hall of Justice at 850 Bryant Street, about 1.75 miles southwest of the project site. This station is staffed by approximately 115 officers.

Implementation of either the proposed project or project variants would increase the maximum number of residents and employees at the project site by up to 424 residents under the proposed project and Public Parking Variant (249 people under the proposed Residential / Hotel Mixed Use Variant), and up to 127 net new employees under the Residential / Hotel Mixed Use Variant.[88]

In the TCDP EIR, it was estimated that the TCDP area would add 6,100 additional households with about 9,470 residents by 2030. In addition, almost 29,300 jobs would be added to the TCDP

[88] The proposed project (77 net new employees) and Public Parking Variant (73 net new employees) would introduce fewer employees than under the Residential / Hotel Mixed Use Variant (127 net new employees).

area.[89] The 75 Howard Street site was not included in the TCDP's estimate of population growth within the plan area, so the proposed project's residents and employees would be in addition to those estimated in the TCDP EIR. The increase in employment and residents projected in the TCDP EIR would increase demand for police services such that additional police protection services would be needed, but the EIR noted that SFPD bases its estimates for additional facilities on calls for service, types and times of traffic and pedestrian flow patterns, and operational hours of uses within the Plan area, and not on increases in population.[90]

Projects in the TCDP area are required, as part of the permit review process, to work with the San Francisco Police Department and the Department of Emergency Management to ensure that emergency communication systems within new high-rise buildings are functional and appropriately designed. These communication systems would be incorporated into the proposed project and project variants to the extent practicable based on consultation with SFPD.[91]

According to SFPD, the existing police infrastructure would accommodate the additional growth of the TCDP through re-deployment of resources from other areas of the City, if needed.[92] The addition of up to 424 residents and up to 127 net new employees under the proposed project and project variants would also be accommodated in the same manner. Thus, the proposed project's and project variants' impact on police protection services would be less than significant, and no mitigation is necessary. This topic will not be discussed in the EIR.

Fire Protection and Emergency Services

The San Francisco Fire Department (SFFD), headquartered at 698 Second Street, provides fire suppression and emergency medical services to the City and County of San Francisco. The SFFD consists of 3 divisions, which are subdivided into 10 battalions and 42 active stations located throughout the City. Fire protection for the proposed project would be provided primarily by Station 1, the closest fire station, at 676 Howard Street at Third Street. Station 1 has one engine company, with one officer and three firefighters; one aerial (ladder) truck company, with one officer and four firefighters; and a Heavy Rescue Squad, with one officer and three firefighters.[93]

The Auxiliary Water Supply System (AWSS), which provides a dedicated high-pressure water system for fire suppression, serves the entire TCDP area, including the project site. According to the TCDP EIR, there are no water deficiencies in the TCDP area, including the project site,

[89] TCDP EIR, p. 545.
[90] TCDP EIR, p. 546.
[91] TCDP EIR, p. 546.
[92] TCDP EIR, p 546.
[93] TCDP EIR, p. 542.

related to firefighting concerns, and there are no Fire Department water supply improvements proposed or planned.[94]

The TCDP EIR noted that the SFFD may need to add personnel, equipment, and facilities to maintain adequate levels of fire protection and emergency medical services with the additional 9,500 residents and 30,000 employees expected under the TCDP. However, the TCDP EIR concluded that the growth in worker and employee population within the TCDP area would increase the revenues paid into the City's General Fund, which could, in turn, support personnel growth at the SFFD.[95] This conclusion is applicable to the proposed project and its variants. There are currently no plans to increase SFFD personnel beyond the new station planned for Third Street and Mission Rock.

Studies have shown that buildings greater than three stories in height increase the length of emergency medical service (EMS) response times. The proposed project and project variants would adhere to all applicable Building Code and Fire Code provisions, the purposes of which are to address obstacles to emergency response. Further, San Francisco's EMS Agency recommends that all new high-rise buildings use a system to assist entry of Fire Department and/or EMS personnel, including a protocol to greet paramedics at the door of the building or in the street, to assist in navigation to the patient, as well as to provide express elevator service when necessary. As the TCDP EIR concluded, these measures would ensure that any potential delay by fire or emergency medical response due to building height would be minimized, and that care would be provided prior to their arrival. Combined with strict adherence to Fire Codes, which require that the proposed project be designed in a specific manner to address the needs of emergency response, fire and medical emergency response would not be significantly affected.[96]

For these reasons, potential impacts on fire protection and emergency services access would be less than significant. No mitigation is required, and this topic will not be discussed in the EIR.

Impact PS-2: The proposed project or project variants would not result in substantial adverse physical impacts associated with the provision of school and library services in order to maintain acceptable service ratios or other performance objectives. ***(Less than Significant)***

Schools

The San Francisco Unified School District (SFUSD) operates San Francisco's public schools. SFUSD managed 112 schools during the 2009 – 2010 academic year, including 73 elementary

[94] TCDP EIR, p. 543.
[95] TCDP EIR, p. 546.
[96] TCDP EIR, p. 547.

schools, 13 middle schools, 19 high schools, and nine charter schools, with a total enrollment of 55,140.[97] SFUSD student enrollment declined from 1995 to 2007 and has stabilized since then.[98]

In the years to come, SFUSD anticipates that elementary school and middle school enrollment will grow, but high school enrollment is expected to decline due to the declining birth rates of the 1990s. Additional schools are under consideration in fast-growing areas of San Francisco, e.g, Mission Bay, Treasure Island, and Bayview Hunters Point, but no final decisions have been made.

The closest schools to the proposed project are Bessie Carmichael Elementary School, 1.5 miles away at 375 Seventh Street, John Y. Chin Elementary School, 1 mile away at 350 Broadway, the Chinese Education Center, 0.9 miles away at 657 Merchant Street, International Studies Academy, 2.75 miles away at 655 De Haro Street, and the Daniel Webster Elementary School, 2.85 miles away at 465 Missouri Street.

Students living at the proposed project are in the attendance area for Daniel Webster Elementary School (at 465 Missouri Street), and the International Studies Academy Middle School.[99] After middle school, the students could attend any high school across the City. Based on the SFUSD's assignment system, parents may be able to choose which school their children attend.[100]

The TCDP estimated that its additional 6,100 households could generate about 965 students for SFUSD,[101] and that these new students would result in SFUSD needing to expand its capacity in the elementary and middle school levels.[102] The proposed project and project variants would introduce up to 186 market rate residential units and would generate an estimated 10 students in addition to those in the TCDP EIR.

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies such as the City and County of San Francisco to deny land use approvals on the basis that public school facilities are inadequate. SB 50, however, permits the levying of developer fees to address local school facility needs resulting from new development. The School Facilities Impact Fees to be collected for residential, commercial, and retail developments as of Summer 2010 are set at $2.24/sq. ft. for new residential construction, $0.27/sq. ft. for office space, and $0.18/sq. ft. for retail space.

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[97] San Francisco Unified School District (SFUSD), SFUSD Overview. Available online at: http://www.sfusd.edu/en/about-sfusd/sfusd-profile.html. Accessed July 30, 2012.

[98] TCDP EIR, p. 544.

[99] Per SFUSD Lookup system, at http://www.sfpublicschools.org/php/lookup2.php, using the proposed project address; accessed July 30, 2012.

[100] SFUSD, Student Assignment Annual Report: 2011-12 School Year, March, 5, 2012. Available online at: http://www.sfusd.edu/en/assets/sfusd-staff/enroll/files/2012-13/annual_report_march_5_2012_FINAL.pdf. Accessed November 26, 2012.

[101] Based on student generation rates of 0.70 students for all-affordable building units, 0.25 students for inclusionary units, and 0.05 students for market rate units.

[102] TCDP EIR, p. 548.

Local jurisdictions are precluded under state law (SB 50) from imposing school-enrollment–related mitigation beyond the school development fees.[103] Therefore, potential effects associated with additional development that could result from construction, tenanting, and operation of the proposed project would be considered less than significant.

Based on the above, the proposed project's and project variants' impacts on SFUSD facilities and services would be considered less than significant, and no mitigation is necessary. This topic will not be discussed in the EIR.

Libraries

The San Francisco Public Library operates the Main Library at Civic Center, and 28 neighborhood branches throughout San Francisco. Community-based branch libraries, as well as the Main Library, provide reading rooms, book lending, information services, access to technology, and library-sponsored public programs. Public libraries near the project site are the Chinatown Branch at 1135 Powell Street, 1 mile away; the Main Library at 100 Larkin Street, 1.1 miles away; and the Mission Bay Branch at 960 Fourth Street, 1.3 miles away.

In 1994, San Francisco voters passed Proposition E, a Charter amendment that created the Library Preservation Fund, which provided library services and materials, and aids in the operation of library facilities. Proposition E requires the City to maintain funding for the San Francisco Public Library at a level no lower than the amount it spent during the 1992–1993 fiscal year. Voters renewed the Library Preservation Fund in November 2007 (Proposition D).

The Branch Library Improvement Program resulted from a bond measure passed in November 2000 to provide $106 million in funding to upgrade San Francisco's branch library system, and Proposition D, which passed in November 2007, authorizing additional funding to improve the branches. These funds were used to establish the Mission Bay Branch, which opened in February 2009.

Implementation of either the proposed project or project variants would introduce up to 424 residents and up to 127 net new employees into the neighborhood. The existing library branches near the project site, the Chinatown Branch, the Main Library, and the Mission Bay Branch, would be able to meet the demand for library services generated by the up to 424 additional residents, and neither implementation of the proposed project nor project variants would require construction of new or expanded library facilities beyond those already proposed or under construction under the Branch Library Improvement Program.

Thus, the new, existing, and rebuilt San Francisco Public Library branches could accommodate increased demand from either the proposed project or project variants, and no additional library

[103] TCDP EIR, p. 548.

facilities would be required. Impacts on library services would be less than significant, and no mitigation measures are necessary. This topic will not be discussed in the EIR.

Impact C-PS-1: The proposed project or project variants, in combination with other past, present or reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to significant impacts on police services, and fire protection and emergency services. *(Less than Significant*)

The proposed project and project variants' contribution to cumulative public services impacts was analyzed in combination with reasonably foreseeable projects, such as development anticipated under the TCDP, and in relation to anticipated citywide growth estimates that are consistent with local growth projections. Implementation of foreseeable development would not result in any service gap in citywide Police Department or Fire Department and Emergency Services, and because there is no shortfall with respect to school or library services citywide, there would be no significant cumulative effects with respect to public services.[104] When considered with reasonably foreseeable cumulative development in the vicinity of the project site, implementation of either the proposed project or project variants would incrementally increase demand for police protection and fire protection and emergency services, but not beyond levels anticipated and planned for by these service providers, and therefore would not require construction of new facilities or affect service levels, response times or performance objectives. Therefore, neither the proposed project nor project variants would result in a cumulatively considerable contribution to significant cumulative impacts on police protection and fire protection and emergency services, and this impact would be less than significant.

As discussed in Impact PS-2, above, implementation of either the proposed project or project variants would have less-than-significant impacts on the provision of school and library services. Therefore there would be no cumulatively considerable contribution to significant cumulative impacts on school and library services, and this impact would be less than significant.

No mitigation measures are necessary for cumulative effects on public services, and this topic will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
13. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐

[104] TCDP EIR, pp. 549-550.

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

Impact BI-1: The proposed project or project variants would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations; or on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. ***(No Impact)***

The project site is located within a developed urban area in San Francisco's Financial District neighborhood and is developed with a parking garage with minimal landscaping. The open space improvement site to the east is completely covered with impervious surfaces. Historically, urban development has dominated this area of San Francisco, including the project site, and the vast majority of native habitat has been removed. Although some parts of San Francisco support riparian habitat and several sensitive natural plant communities, none of these features are present on the project site or in its vicinity. Additionally, there are no federally protected wetlands on or near the project site.

There are ten street trees (*Ficus*) immediately adjacent to the building site to the north along Howard Street (five trees) and to the east along Steuart Street (five trees). There are 11 street trees (Sycamore) immediately adjacent to the open space improvement site to the north along Howard Street (two trees) and to the east along The Embarcadero (nine trees). The southern portion of the open space improvement site is a paved open area that functions as an extension of The Embarcadero sidewalk in front of the Gap Building's publicly accessible open space. This

area is planted with six street trees (*Ginkgo*). In addition there is landscaped vegetation including non-native trees within the Gap Building's publicly accessible open space and across The Embarcadero at Rincon Park on the waterfront. With implementation of the proposed project or project variants, 16 new street trees would be planted along the eastern edge of the Steuart Street right-of-way to complement and integrate with the proposed 4,780 sq. ft. open space on the open space improvement site.

Although birds and mammals habituated to urban disturbance are capable of occupying the habitats that this vegetation provides, these urban patches of landscaped vegetation typically cannot support any candidate, sensitive, or special-status wildlife species potentially occurring in San Francisco. Therefore, there is no potential for candidate, sensitive, or special-status species to be found within the project site or in the project vicinity. Native breeding birds protected by the California Division of Fish and Game (CDFG) Code or the Migratory Bird Treaty Act (MBTA) (16 U.S. Code, Sec. 703 Supp. I, 1989) could nest in the existing street trees. Impact BI-2 addresses impacts to native nesting birds.

In conclusion, there are no candidate, sensitive, or special-status species on the project site or open space improvement site, nor any known occurrences of any candidate, sensitive, or special status species in the project vicinity. Thus, implementation of either the proposed project or project variants would not directly or indirectly affect any candidate, sensitive, special-status species, or any riparian habitat identified in local, regional, state, or Federal plans, policies, or regulations. None of the proposed project's or project variants' construction-related activities would have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, the proposed project and project variants would have no impact, and no mitigation is necessary. This topic will not be discussed further in the EIR.

Impact BI-2: The proposed project or project variants would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. ***(Potentially Significant)***

Most native, breeding birds are protected under Section 3503 of the CDFG Code, and raptors (including peregrine falcons) are protected under Section 3503.5 of the CDFG Code. In addition, both Section 3513 of the CDFG Code and the MBTA prohibit the killing, possession, or trading of migratory birds. Fish and Game Code Section 3511 allows the designation of a bird species as "fully protected"; this is a greater level of protection than is afforded by the California Endangered Species Act because the "fully protected" designation means the listed species cannot be taken at any time. The only species present in the vicinity of the project site that has been designated as fully protected is the American peregrine falcon (*Falco peregrinus*). Finally, Section 3800 of the CDFG Code prohibits the taking of non-game birds, which are defined as

birds occurring naturally in California that are neither game birds nor fully protected species. Impacts on these protected species would be significant if tree removal disturbed nesting birds.

Breeding peregrine falcons have been recorded in San Francisco, notably on the roof of the PG&E building at 77 Beale Street, more than 1,400 feet west of the project site. Considering the height of this nest, the distance between the project alignment and the PG&E building, and existing noise levels of San Francisco city streets, construction activities and associated noise would not affect peregrine falcon nesting behavior at this nest.

The San Francisco Breeding Bird Atlas synthesizes extensive records of avian breeding on the San Francisco Peninsula and shows a diverse assemblage of bird species breeding in San Francisco despite urbanized conditions in most areas. Native species that have been recorded in the area that the atlas describes as "Downtown San Francisco" and that have the potential to be found in the vicinity of the project area include: house finch (*Carpodacus mexicanus*), brown-headed cowbird (*Molothrus ater*), Brewer's blackbird (*Euphagus cyanocephalus*), dark-eyed junco (*Junco hyemalis*), white-crowed sparrow (*Zonotrichia leucophrys*), song sparrow (*Melospiza melodia*), American robin (*Turdus migratorius*), common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), and mourning dove (*Zenaida macroura*). All of these species are capable of habituating to disturbance levels typical of an urban area and are protected by Section 3008 of the CDFG Code and the MBTA.

As noted above, there are ten street trees (*Ficus*) immediately adjacent to the building site, 11 street trees (Sycamore) immediately adjacent to the open space improvement site, and six street trees (*Ginkgo*) in front of the adjacent Gap Building's publicly accessible open space site. All of these street trees except for five trees along Steuart Street immediately adjacent to the building site would remain. The proposed project or its variants would be required to comply with the provisions of the San Francisco Planning Code's Green Landscaping Ordinance, which requires projects involving the construction of a new building or relocation of an existing building within a C-3 District to install street trees. As discussed in the Project Description, 16 new street trees (London Plane) would be planted along the Steuart Street right-of-way to complement and integrate with the approximately 4,780 sq. ft. open space that would be developed on the open space improvement site under the proposed project or its variants. Replacement trees would be planted in compliance with Article 16 of the San Francisco Public Works Code. While the proposed project includes replacement trees and new landscaping, there would still be a short-term loss of nesting habitat as a result of tree removal and construction disturbances.

Existing street trees along the project alignment have the potential to support native nesting birds protected under Section 3008 of the CDFG Code or the MBTA. Although the majority of these trees would not be directly affected during project construction, five street trees (*Ficus*) along Steuart Street would be removed during project construction. Removal of these trees during nesting bird season (February 1 through August 31) could result in nest destruction or injury or

mortality of nestlings, which would be considered a significant impact. Compliance with the requirements of the MBTA and the CDFG would ensure that there would be no significant impact as a result of tree removal and construction disturbances. These requirements may include the following actions:

- Vegetation removal activities for the proposed project shall be conducted during the non-breeding season (i.e., September through February) to avoid impact to nesting birds or preconstruction surveys shall be conducted for work scheduled during the breeding season (March through August).
- Preconstruction surveys shall be conducted by a qualified ornithologist, authorized by CDFG to conduct such activities, to determine if any birds are nesting in or in the vicinity of the vegetation to be removed. The preconstruction survey shall be conducted within 15 days prior to the start of work from March through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through August.
- If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.

Compliance with Federal and State regulations would result in a less-than-significant impact related to proposed removal of street trees.

Bird-Safe Buildings

While the project site and the open space improvement site are located in a fully developed urban area, do not provide habitat for any rare or endangered species, and are not located on or in the vicinity of a native wildlife nursery site, their proximity to the San Francisco Bay waterfront, could pose a high risk to birds due to the potential birdstrike collisions on the proposed tower. The EIR will analyze potentially significant impacts on bird migration and local movement, will discuss birdstrike risks, and may identify building treatments that could be integrated into the proposed tower's building design.

Impact BI-3: The proposed project or project variants would not conflict with the City's local policies or ordinances protecting biological resources such as the tree ordinance. ***(Less than Significant)***

The Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees, including street trees, is implemented. San Francisco Public Works Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and street trees, collectively known as "protected trees" located on private and public property. The City's Urban Forestry Ordinance protects any street tree within the public right-of-way. Removed trees must be replaced with comparable trees. Work that takes place

within the dripline of street trees that would be retained also requires protective measures to prevent impacts on retained trees.

There are no trees on the project building site or on the open space improvement site; however, there are 10 street trees (*Ficus*) adjacent to the project site along Howard and Steuart Streets. The five street trees along Howard Street would remain but the five street trees along Steuart Street would be removed. In addition, there are 11 street trees (Sycamores) adjacent to the open space improvement that would also remain as would the six trees *(Gingko)* at the south end of the open space improvement site. The project sponsor would plant 16 new street trees (London Plane) in compliance with the Planning Code.

With the exception of street trees, no biological resources would be affected by the proposed project, and there are no landmark or significant trees within or adjacent to the project site. As required, street trees that are proposed to be removed would be replaced. The City's Urban Forestry Ordinance protects any street tree within the public right-of-way. Removed trees must be replaced with comparable trees. Work that takes place within the dripline of street trees that would be retained also requires protective measures to prevent impacts on retained trees.

Given the above, the proposed project or project variants would not conflict with the local tree preservation ordinance, or with any local policies or ordinances protecting trees. The proposed project or its variants would also not conflict with any other local policies or ordinances protecting other biological resources as there are no biological resources on the project site. Thus, the proposed project would have a less-than-significant impact, no mitigation is required, and this issue will not be discussed in the EIR.

Impact BI-4: The proposed project or project variants would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. ***(No Impact)***

No habitat conservation plans, natural community conservation plans, or other approved conservation plans apply to the project area. Therefore, the proposed project and project variants would have no impact on any approved habitat conservation plans. This topic will not be discussed in the EIR.

Impact C-BI-1: The proposed project or its variants, in combination with other past, present or reasonably foreseeable future projects in the site vicinity, would not result in cumulative impacts to biological resources. ***(Less than Significant)***

Reasonably foreseeable cumulative development in the project site vicinity consists of projects proposed at 17 opportunity sites within the TCDP area, the proposed Transit Tower, and full buildout under the TCDP. The TCDP area is a nearly fully developed urban district with no

remaining natural communities, wetlands, riparian areas, or other sensitive habitat.[105] Foreseeable development projects would result in less-than-significant cumulative impacts on biological resources.[106] The proposed project or its variants, combined with reasonably foreseeable future projects, would result in increased population and development in the project vicinity. The project site is currently developed or completely paved, and street trees surrounding the project site consists of ornamental street trees. Similarly, wildlife species on and in the vicinity of the project site are those that have adapted to the urban environment and are able to co-exist with people and the built environment. The vegetation and wildlife that could occur on and around the project site represent an urban environment rather than a wild land condition. Moreover, as development projects must comply with Federal, State, and local regulations that protect biological resources, there would be no significant project-level impacts on biological resources. For these reasons, the proposed project's and project variants' contribution to cumulative effects on biological resources would not be considerable. Therefore, there would be no cumulatively considerable contribution to significant cumulative impacts on biological resources, excluding potential impacts on bird migration and local movement, and no mitigation measures are necessary. This topic will not be discussed in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
14. GEOLOGY AND SOILS— Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐

[105] TCDP EIR, p. 571.
[106] TCDO EIR, p. 572.

Topics:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☒	☐	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒
f)	Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒	☐

The project site is connected to and entirely served by the City's municipal sewer system, including wastewater conveyance, treatment, and disposal. Therefore, septic tanks would not be used, and Topic 14e is not applicable to the proposed project or project variants.

Impact GE-1: The proposed project or project variants would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, and landslides. ***(Less than Significant)***

There are no Fault Hazard Zones located within the City and County of San Francisco and no known active fault exists on the project site. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The project site is not located within the Alquist-Priolo Earthquake Fault Zone Map; therefore, its requirements do not apply to the project. Accordingly, the potential to expose people or structures to impacts related to surface fault rupture is very low, and would be less than significant for both the proposed project and project variants.

Like the rest of the San Francisco Bay Area, the project site is subject to ground shaking in the event of an earthquake on regional fault lines. The nearest active or potentially active fault to the proposed project is the San Andreas Fault, approximately 7 miles to the west. Near San Francisco, the San Andreas Fault is located immediately offshore near Daly City and continues due west of the Golden Gate Bridge. No trace of the San Andreas Fault is located within San Francisco urban areas. Other active or potentially active faults are the Hayward Fault, approximately 10 miles to the east; the San Gregorio Fault, 11 miles to the west; the Rodgers Creek Fault, 20 miles to the north; and the Calaveras Fault, approximately 22 miles to the east.

The Association of Bay Area Governments (ABAG) has prepared maps that show areas of the City subject to ground shaking during an earthquake. The project site is located in an area subject to "strong" to "violent" ground shaking from earthquakes along the Peninsula segment of the San

Andreas Fault, and from the northern segment of the Hayward Fault.[107] Although the potential for seismic ground shaking is present, the intensity of earthquake ground motion in the vicinity of the project site would depend on the characteristics of the generating fault, the distance to the earthquake's epicenter, the magnitude and duration of the earthquake, and site geologic conditions.

The proposed building would be required to be designed in accordance with the requirements of the most current version of the San Francisco Building Code. Final designs for foundations and structural support would be reviewed for compliance with the Building Code by the San Francisco Department of Building Inspection.

Given the underlying subsurface conditions which consist of fill, marine deposits (sand), Bay mud, Bay deposits, and bedrock,[108] and accounting for the variable depth to bedrock, the Preliminary Geotechnical Report recommends that the building foundation for either the proposed project or project variants be steel pile foundations that are anchored in more structurally solid materials. The piles would extend below the Bay mud and sand until they are supported by bedrock, located approximately 60 to 80 feet below the ground surface.[109] This type of foundation has had superior results during earthquakes, and this would ensure that both the proposed project and project variants would have a less-than-significant impact with respect to the risk of loss, injury, or death involving ground shaking. Damage and injury from ground shaking cannot be entirely avoided; however, adherence to current commercial and regulatory practices, including Building Code requirements, can reduce the potential for injury and damage to a less-than-significant level.

The project site is not within a hazard zone for seismically induced landslides, according to the official State of California Seismic Hazards Zone Map for San Francisco.[110] The site is relatively level and should not be subject to landslides.[111]

The project site is within an area susceptible to liquefaction. The site is within a designated liquefaction hazard zone as designated by the California Geological Survey (CGS) seismic hazard zone map for the area titled *State of California Seismic Hazard Zones; City and County of San*

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[107] Association of Bay Area Governments, Hazard Maps, Shaking Maps, 2003, accessed through www.abag.ca.gov (go to Environment/Earthquake Maps/Shaking Maps/Interactive Shaking Maps), July 31, 2012; and Treadwell & Rollo, *Preliminary Geotechnical Investigation Report* ("*Preliminary Geotechnical Report*"), December 9, 2011, p. 4. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

[108] *Preliminary Geotechnical Report*, p. 2.

[109] *Preliminary Geotechnical Report*, p. 7.

[110] California Geological Survey (formerly the Division of Mines and Geology), 2000, *State of California, Seismic Hazard Zones, City and County of San Francisco, Official Map*. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

[111] *Preliminary Geotechnical Report*, p. 4.

Francisco, Official Map, dated 17 November 2001. Additionally, there was documented observation of the effects of liquefaction, including ground settlement and lateral spreading, in the vicinity of this site resulting from the 1906 Earthquake.[112] Liquefaction of very loose to medium dense sand at the site could result in about 3 to 5 inches of ground deformation or settlement, loss of bearing pressure, lateral spreading, and other potentially damaging effects. Therefore, the *Preliminary Geotechnical Report* prepared for the proposed project and project variants recommends that the excavation for the foundation of either the proposed project or project variants remove the sand above a depth of 50 feet deep,[113] to prevent liquefaction effects. Similarly, any seismic densification problems on the site would be prevented with the proposed excavation.[114]

Lateral spreading could also occur at the site during a seismic event. Considering that the soil is susceptible to liquefaction at the site, and the number of buildings with basements in the vicinity of the project site, lateral soil movement beneath the project site could be from six to twelve inches.[115] Basement and pile design would be able to address some of the effects of lateral spreading.

Thus, the geologic issues of the site, including ground shaking, liquefaction, and lateral spreading, would be addressed through design and adherence to the regulatory requirements in the San Francisco Building Code regarding foundation design and construction, which would reduce these potential impacts to a less-than-significant level for either the proposed project or project variants. No mitigation measures are necessary, and this topic will not be discussed further in the EIR.

Impact GE-2: The proposed project or project variants would not cause soil erosion or the loss of topsoil, and would not substantially alter site topography or unique geologic or physical features of the project site. ***(Less than Significant)***

Implementation of the proposed project would involve excavation and removal of 45,000 cubic yards of soil to a depth of up to 59 feet below ground level while both project variants would involve excavation and removal of 54,000 cubic yards of soil to a depth of 70 feet below ground level. Under both the proposed project and project variants, installation of the landscape and hardscape improvements to the paved, vacant open space improvement site and Steuart Street right-of-way could require minor adjustments in grade, and up to 5,000 additional cubic yards of soil to be excavated and removed from the site, resulting in a total of up to 50,000 cubic yards of soil removed for the proposed project, and up to 59,000 cubic yards of soil removed for either of the project variants.

[112] *Preliminary Geotechnical Report*, p. 5.
[113] *Preliminary Geotechnical Report*, p. 5. Sand at depths greater than 50 feet is not expected to liquify.
[114] *Preliminary Geotechnical Report*, p. 6.
[115] *Preliminary Geotechnical Report*, p. 6.

The existing parking garage was completed in 1976 and the site is fully developed, including a partially below-grade level. Existing topsoil on the proposed building site has been almost entirely removed and replaced with the existing parking structure, concrete hardscape, and small openings for the landscaping installed after the construction of the parking garage.

Neither the proposed project nor project variant would, therefore, cause substantial soil erosion or the loss of topsoil, or substantially alter site topography. No unique geologic features exist at the site. For these reasons, the proposed project and project variants would have a less-than-significant impact on these topics, and no mitigation is necessary. Thus, this topic will not be discussed further in the EIR.

Impact GE-3: The proposed project or project variants would not result in the potential for on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse due to its location on a geologic unit or soil that is unstable or be located on expansive soil that would create substantial risks to life or property. ***(Less than Significant)***

As noted in Impact GE-1, based on the subsurface information currently available, there is no soil likely to be expansive on the project site.[116] Nor would there be potential landslides or collapse. Any unstable or expansive soil at the project site would be removed or taken into consideration through design and adherence to the regulatory requirements in the San Francisco Building Code regarding foundation design and construction, reducing these potential impacts to a less-than-significant level for either the proposed project or project variants. No mitigation measures are necessary, and this topic will not be discussed further in the EIR.

Impact C-GE-1: The proposed project or project variants, in combination with other past, present or reasonably foreseeable future projects in the site vicinity, would not result in a cumulatively considerable contribution to a significant impact on geology, soils and seismicity. ***(Less than Significant)***

Reasonably foreseeable cumulative development in the project site vicinity consists of projects proposed at 17 opportunity sites within the TCDP area, the proposed Transit Tower, and full buildout under the TCDP. Geology impacts are generally localized and site specific and do not have cumulative effects with other projects. The reasonably foreseeable projects in the vicinity of the project site would be subject to applicable seismic standards and safety measures to reduce geologic hazards, similar to the proposed project and project variants. Therefore, there would not be a significant cumulative impact related to geology, soils, and seismicity, and the proposed project and project variants would not contribute considerably to any significant cumulative impacts. Thus, implementation of either the proposed project or project variants would not have a cumulatively considerable contribution to significant cumulative impacts on geology, soils, and seismicity. No mitigation is necessary, and this topic will not be discussed further in the EIR.

[116] *Preliminary Geotechnical Report*, p. 2.

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

The project site is not located within an area that would be flooded as the result of failure of a levee or dam.[117] Therefore, Topic 15i is not applicable to either the proposed project or project variants, and no further discussion is required.

[117] ABAG, Dam Failure Inundation Hazard Map for San Francisco, accessed at http://www.abag.ca.gov/cgi-bin/pickdamx.pl, October 4, 2010.

Impact HY-1: The proposed project or project variants would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. *(Less than Significant)*

During construction and operations, implementation of either the proposed project or project variants would not violate any water quality standards or waste discharge requirements. Construction of the proposed project or project variants could affect water quality, but the effects would be less than significant with compliance with applicable permits and regulations. Construction stormwater discharges would be subject to Article 4.1 of the San Francisco Public Works Code, which incorporates and implements the City's National Pollutant Discharge Elimination System (NPDES) permit, and the City's Combined Sewer Overflow (CSO) control policy.[118]

After construction, domestic wastewater from the proposed project and project variants would flow to the City's combined sewer system, where wastewater is treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant (Southeast Plant) prior to discharge.[119] During dry weather (typically May 1 to October 15), all sanitary sewage generated at the project site would be treated at the Southeast Plant. During wet weather (typically October 16 to April 30), the combined sewer system collects large volumes of stormwater runoff, and other facilities in the City provide additional treatment as needed before discharging treated effluent to the Bay. When combined flows exceed the total capacity of all of the facilities, excess flows receive primary treatment and are discharged through combined sewer overflow (CSO) structures located along the Bayside waterfront.[120] These intermittent CSO discharges occur in compliance with the current NPDES permit.

Implementation of either the proposed project or project variants would introduce new uses on the project site: residential units, retail and open space, and for the Residential / Hotel Mixed Use Variant, a hotel. San Francisco's Green Building Ordinance would require both the proposed project and project variants to reduce the amount of potable water used by 50 percent and reduce the indoor use of potable water by 30 percent as compared to 1992 standard fixtures.[121]

The discharge of typical wastewater from either the proposed project or project variants to the existing wastewater treatment system would not violate any water quality standards or waste discharge requirements and would be within the capacity of the Southeast Plant. Additional dry weather flow associated with both the proposed project and project variants could be accommodated within the system's existing capacity.[122] During wet weather, any net increase in combined sewage could cumulatively contribute to an increase in the average volume of CSO

[118] TCDP EIR, pp. 611-612.
[119] TCDP EIR, p. 596.
[120] TCDP EIR, p. 597.
[121] TCDP EIR, p. 614.
[122] TCDP EIR, p. 613. The Southeast Plant currently operates at 80 percent capacity.

discharges to the Bay. Such an increase could be a concern because the RWQCB has designated this portion of the Bay as an impaired water body under Section 303(d) of the Clean Water Act, which indicates water quality standards are not expected to be met after implementation of technology-based effluent limitations, and because CSO discharges contain pollutants for which the Bay is impaired. However, the City is undertaking a number of measures to reduce the quantity and frequency of overflows and to improve the water quality of overflows, including an update to the Sewer System Master Plan.[123] In light of these efforts, the proposed project and project variants would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. The impacts of the proposed project and project variants on water quality and wastewater discharge would be less than significant, and no mitigation is required. Thus, this topic will not be discussed further in the EIR.

Impact HY-2: The proposed project or project variants would not substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. ***(Less than Significant)***

The project site is developed and almost completely covered with impervious surfaces, namely the existing 75 Howard Garage, built in 1976, and a paved, vacant lot on the site of the proposed open space improvement area. The remaining surface is open for the existing landscaping of 5 street trees (*Ficus*) east of the parking garage and a narrow planting strip adjacent to the building on the east side.[124] Implementation of either the proposed project or project variants would remove the street trees east of the parking garage, and add new landscaping and hardscape improvements in the open space improvement site to the east of the proposed new building. These changes would not substantially alter the amount of impervious surface on the project site, and therefore would not affect groundwater supplies or interfere with groundwater recharge. Groundwater from the Downtown San Francisco Groundwater Basin is not used for drinking, and there is no plan to use the water for drinking in the future.[125]

Since groundwater was encountered at 7 feet below ground surface, dewatering would be required for construction at the project site. The captured groundwater could be used for non-potable purposes, or discharged to the combined stormwater-sewer. Prior to discharge into the sewer system, the dewatering contractor would be required to obtain a batch groundwater discharge permit from the San Francisco Public Utilities Commission (SFPUC). This permit would contain appropriate discharge standards and may require installation of meters to measure the volume of the discharge. As part of its Water Pollution Prevention Program, the SFPUC's Environmental Regulation and Management Department must be notified of projects that include dewatering, and may require water analysis before discharge. The analytical results of the

[123] TCDP EIR, p. 598.
[124] The trees and hedge to the north, between 75 Howard Street and Howard Street, would not be altered and are not included in the project site.
[125] TCDP EIR, p. 618.

groundwater sample analyzed during the Environmental Site Characterization did not contain chemicals that would prevent approval of the groundwater discharge from the dewatering system by the SFPUC.[126] The groundwater would required to be treated as necessary to meet permit requirements prior to discharge.[127] Long-term dewatering would not be necessary, as the underground floors would be waterproofed and built to withstand the hydrostatic pressure of the groundwater.[128]

Thus, the proposed project and project variants would have a less-than-significant effect on groundwater supplies or groundwater recharge, and no mitigation is necessary. Thus, this topic will not be discussed further in the EIR.

Impact HY-3: The proposed project or project variants would not substantially alter the existing drainage pattern of the site or area, in a manner that would result in substantial erosion or siltation, or substantially increase the rate or amount of surface runoff in a manner that would cause flooding. ***(Less than Significant)***

The project site is developed and almost completely covered with impervious surfaces. The construction of either the proposed project or project variants would use BMPs, as required by SFPUC's Stormwater Design Guidelines, to reduce erosion from exposed soil during construction. There are no surface water channels on the project site, so siltation would not occur on or off site. Implementation of either the proposed project or project variants would not alter drainage patterns, and impacts related to erosion and siltation would not occur. In addition, both the proposed project and project variants would comply with the City's Stormwater Design Guidelines, as they would retain runoff and limit site discharges entering the City's combined stormwater-sewer collection systems during construction. In addition, as required in the provisions of the TCDP, both the proposed project and project variants would be required to meet LEED stormwater design requirements, including a 25 percent decrease in volume of storm runoff, using such methods as a vegetative roof or pervious paving.[129]

Since neither the proposed project nor project variants would substantially alter the existing site coverage or alter the building footprint, the proposed project and project variants would not increase the rate or amount of surface runoff from the project site that could result in flooding on or off site.

Implementation of either the proposed project or project variants would have a less-than-significant impact on existing drainage patterns, erosion or siltation, and on the rate or amount of

[126] Treadwell & Rollo, *Environmental Site Characterization, 75 Howard Street, San Francisco, CA*, December 29, 2011, p. 7. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.
[127] TCDP EIR, p. 612.
[128] *Preliminary Geotechnical Report*, p. 8.
[129] TCDP EIR, p. 616.

runoff that could cause flooding. No mitigation is required, and these topics will not be addressed in the EIR.

Impact HY-4: The proposed project or project variants would not create or contribute excess runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff. ***(Less than Significant)***

As discussed under Impact HY-3, implementation of either the proposed project or project variants would not increase the amount of surface runoff from the site, and therefore would not contribute excess runoff water that would exceed the capacity of the stormwater system. Because more than 5,000 square feet of soils disturbance would occur, both the proposed project and project variants would be required to comply with the SFPUC's Stormwater Design Guidelines which would require a Stormwater Control Plan. The construction of residential units, retail, parking, and open space in the proposed project and Public Parking Variant, and these uses plus a hotel in the Residential / Hotel Mixed Use Variant, would generate polluted runoff from the proposed vehicle trips to the project site (e.g., increased oil of fluid leaks from vehicles traveling to the new uses); however, the volume would not be substantial in the context of the total volume of polluted runoff in the City as a whole.[130]

In accordance with LEED guidelines for development of sustainable sites and Article 4.2 of the San Francisco Public Works Code, the project sponsor is required to prepare an erosion control plan specifying erosion control measures to prevent loss of soil during construction by stormwater runoff and/or wind erosion and to prevent sedimentation from entering the combined sewer system. The plan would be reviewed and approved by the City prior to construction, and the City would conduct periodic inspections to ensure compliance with the plan. With preparation and implementation of the erosion control plan, water quality impacts related to on- and off-site erosion and siltation during construction of either the proposed project or project variants would be less than significant. No mitigation measures are necessary, and these topics will not be discussed further in the EIR.

Impact HY-5: The proposed project or project variants would not place housing within a 100-year flood hazard area or place structures within a 100-year flood hazard area that would impede or redirect flood flows. ***(No Impact)***

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP, and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City of San Francisco for the first time. FIRMs identify areas that are subject to

[130] TCDP EIR, p. 619.

inundation during a flood having a 1.0 percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the floodplain that is at risk from a flood of this magnitude as a special flood hazard area (SFHA). In September 2007, FEMA published a preliminary FIRM for the City of San Francisco, identifying areas as subject to tidal surge and areas of coastal flooding subject to wave hazards. The project site is not within these zones.[131]

On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood-prone areas of San Francisco,[132] and to authorize the City's participation in NFIP upon passage of the ordinance. The Mayor and Board of Supervisors approved a Floodplain Management Ordinance and prepared accompanying flood zone maps in July 2008 that regulate new construction and substantial improvements to structures in flood-prone areas; that ordinance was amended in March 2010.[133] The project site is not located within a flood zone designated on the City's interim floodplain map.[134] In addition, there are no natural waterways within or near the project site that could cause stream-related flooding. Therefore, there would be no impacts related to the placement of housing or other structures in a 100-year flood hazard area that would impede or otherwise redirect floodwater flows, and this topic will not be discussed further in the EIR.

Impact HY-6: The proposed project or project variants would expose people or structures to a significant risk of loss, injury, or death from flooding as a result of inundation by tsunami, seiche, or mudflow. ***(Potentially Significant)***

The relatively flat and developed area of the project site is not subject to mudflow.

A tsunami is an advancing ocean wave originating from an earthquake epicenter. In San Francisco, the potential for damage due to direct wave action resulting from a tsunami would be expected to be limited to the coastline along the Pacific Ocean, including Ocean Beach between the Golden Gate Bridge and Fort Funston.[135] Because the advancing ocean wave would be restricted at the Golden Gate, damage due to direct wave action along the San Francisco Bay shoreline is not considered likely.

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[131] TCDP EIR, p. 599.

[132] New construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations were adopted, and includes any substantial improvements to such structures. The proposed renovation project would not involve new construction as defined by the Floodplain Management Ordinance, as amended.

[133] Ordinance 56-10 (2010), available at http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0056-10.pdf, accessed August 2, 2012.

[134] City and County of San Francisco, General Services Agency – Risk Management, Interim Floodplain Maps available at http://sfgsa.org/index.aspx?page=828. Accessed August 2, 2012.

[135] City and County of San Francisco, *City and County of San Francisco Emergency Operations Plan*, January 2005.

However, the Bay shoreline between the Palace of Fine Arts and the Central Basin could be subjected to a seiche, or oscillation of the Bay water surface, as a result of a tsunami reaching the Golden Gate, and damage could occur in inundated areas. The project site is located within an area that is subject to inundation by seiche.[136] There is an existing warning system that would alert San Francisco residents in the event of an imminent tsunami or seiche, including outdoor sirens and loudspeakers, and media-related announcement system for local TV, cable TV, and radio stations.[137] This warning system, plus additional planned responses including police action and the creation of evacuation centers would provide a high level of protection to public safety. While people would be evacuated in the event of a seiche, there would be property damage due to inundation. Under existing conditions, tsunamis and seiches are rare and new construction would be built to more current seismic standards which would provide better protection from damage due to inundation by a seiche.

However, with the increased probability of sea level rise, the impacts related to exposure of people and structures to the risk of inundation by seiche and tsunami may become significant in the future.

There is also some risk of flooding from future storm surges should sea level rise increase at the rates projected by the San Francisco Bay Conservation and Development Commission and the Intergovernmental Panel on Climate Change (IPCC). According to the IPCC, the sea level is expected to rise between 7 inches and 23 inches by 2100.[138] Adding sea level rise to existing conditions would raise the elevation of the 100-year flood event. Therefore, under the higher sea-level-rise scenarios, it is possible that the project site would be inundated during the 100-year event.

Various California and regional agencies have adopted planning scenarios of 16 inches of sea level rise by 2050 and 55 inches of sea level rise by 2100. Under either of these scenarios, the project site may be inundated during the 100-year event or during a tsunami or seiche. Thus the proposed project and project variants could expose people or structures to increased risk of flooding due to climate-induced sea level rise.

Since this impact would be potentially significant, sea level rise will be discussed further in the EIR.

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[136] Association of Bay Area Governments, Tsunami Inundation Map for Emergency Planning, accessed at http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html, August 3, 2012; also San Francisco Planning Department, 20-Foot Tsunami Run-Up Map, http://www.sf-planning.org/ftp/General_Plan/images/I8.community_safety/Map6.gif, accessed August 3, 2012.

[137] TCDP EIR, p. 620.

[138] IPCC, 2007. Climate Change 2007: Synthesis Report in Fourth Assessment of the Intergovernmental Panel on Climate Change (Cambridge University Press, Cambridge, United Kingdom, and New York, NY, USA) (hereinafter "2007 IPCC Synthesis Report"), p. 45. A copy of this report is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

Impact C-HY-1: The proposed project or project variants, in combination with other past, present, or reasonably foreseeable future projects in the site vicinity, would not result in a cumulatively considerable contribution to significant impacts on water quality and hydrology. *(Potentially Significant)*

Other planned and forecasted development in the project site vicinity consists primarily of development expected to occur pursuant to the TCDP. Reasonably foreseeable cumulative development in the vicinity of the project site would be subject to the heightened water quality standards and waste discharge requirements under the TCDP, and thus would not substantially degrade water quality.[139] Implementation of the TCDP would allow for new development that would increase year-round sanitary sewage flows, but would be expected to decrease stormwater runoff peak rate and total volume to the combined sewer system though compliance with San Francisco's Green Building Ordinance and Stormwater Design Guidelines.[140] Moreover, sanitary sewage would be decreased on a building-by-building and per-person basis in the TCDP, compared to historical trend, because of low-water-use requirements in the Green Building Ordinance.[141] Implementation of stormwater BMPs in compliance with the Stormwater Design Guidelines within the TCDP area could also improve the water quality for discharges of stormwater to the sewer system.[142] New development outside the TCDP area boundary would also be subject to the current San Francisco regulations on Green Buildings, Stormwater Design Guidelines, and seismic building code requirements that would also have higher water quality standards, discharge requirements, and would not substantially degrade water quality. Therefore, there would not be significant cumulative hydrology or water quality impacts as a result of growth in the vicinity of the project site.

As discussed above in Impacts HY-2 though HY-6, neither the proposed project nor project variants would impact local drainage patterns; alterations of a stream or river; or placement of housing or structures in a 100-year floodplain. The proposed project and project variants would have less-than-significant impacts on the cumulative contribution to significant cumulative impacts for these topics. The proposed project and project variants also would not make a cumulatively considerable contribution to significant cumulative impacts regarding violation of any water quality standards or waste discharge requirements; creation or contribution of runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or generation of substantial additional sources of polluted runoff that would cumulatively contribute to the substantial degradation of water quality. For these reasons, the proposed project and project variants would not result in a cumulatively considerable contribution to significant impacts to drainage patterns; alterations to stream or river courses; placement of housing or structures within a 100-year floodplain; violation of water quality standards or waste discharge

[139] The buildings associated with the proposed project and variants lie within the TCDP; the area to be landscaped on the eastern portion of the project site is not within the TCDP.
[140] TCDP EIR, p. 624.
[141] TCDP EIR, p. 624.
[142] TCDP EIR, p. 624.

requirements; creation or contribution of runoff which exceeds stormwater system capacity; or generation of additional sources of polluted runoff to the substantial degradation of water quality. No mitigation measures are necessary.

Impacts of the proposed project or project variants related the increased probability of sea level rise could combine with those of foreseeable future development in the vicinity of the project site (including development anticipated under the TCDP) to result in a cumulatively considerable contribution to a significant impact related to exposure of people and structures to the risk of sea level rise. Therefore, cumulative impacts related to sea level rise will be discussed in the EIR.

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

Neither the proposed project nor project variants are located within a quarter-mile of a school site.[143] Therefore, Topic 16c is not applicable and no further discussion is required.

Neither the proposed project nor project variants are located on a site that is included on a list of hazardous materials sites pursuant to Government Code Section 65962.5 (the Hazardous Waste and Substances Sites List (or Cortese List)).[144] Therefore, Topic 16d is not applicable and no further discussion is required.

The proposed project and project variants would not be located within an airport land use plan, within two miles of a public or public use airport, or in the vicinity of a private airstrip. Therefore, Topics 16e and 16f above are not applicable to either the proposed project or project variants, and no further discussion is required.

Impact HZ-1: The proposed project or project variants would create a significant hazard to the public or the environment through either: a) the routine transport, use, or disposal of hazardous materials, or b) through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. ***(Less than Significant with Mitigation)***

The 75 Howard Garage has been used as a parking garage since its construction in 1976. While there is a car wash station, which may use small quantities of hazardous materials such as cleaners and solvents, there has been no gas station or automobile repair on site. Thus, the transport, use, or disposal of hazardous materials has not been associated with these uses or the operation of the 75 Howard Garage.[145]

Implementation of the proposed project or project variants would result in development of residential units, retail, parking, open space, and/or hotel uses on the project site. These uses would use small quantities of hazardous materials, including cleaners, solvents, paints, toners, and disinfectants; but these materials generally would be used in quantities too small to create a significant hazard to the public or the environment, nor would these quantities, through any reasonably foreseeable upset or accident, release hazardous materials into the environment that would be greater than a less-than-significant impact.

The use and storage of these typical hazardous materials would comply with Article 21 of the San Francisco Health Code, which implements the hazardous materials requirements of the California Health and Safety Code and provides for safe handling of hazardous materials in the City. In

[143] There were and are no schools within a quarter mile of the entire Transit Center District Plan Area, which includes the project site. TCDP EIR, p. 636.

[144] Department of Toxic Substances Control and California Environmental Protection Agency, website accessed on August 15, 2012: http://www.envirostor.dtsc.ca.gov/public/map.asp?global_id=60000877&zl=16 and http://geotracker.waterboards.ca.gov/map

[145] The soil under the open space site would likely contain fill materials from the 1906 earthquake (TCDP EIR p. 626). This portion of the project site is included in the Treadwell & Rollo site assessment discussed later in this section.

accordance with this article, any person or business that handles, sells, stores, or otherwise uses hazardous materials in quantities exceeding specified threshold amounts would be required to obtain and keep a current hazardous materials certificate of registration and to implement a hazardous materials business plan submitted with the registration application.

In addition, transportation of hazardous materials is well regulated by the California Highway Patrol and the California Department of Transportation. With compliance with existing regulations, impacts related to the routine transport, use, and storage of hazardous materials would be less than significant and will not be analyzed in the EIR. Neither the proposed project nor project variants would involve the routine generation or disposal of hazardous wastes.

If hazardous materials are present in the soil or groundwater that would be disturbed during construction or in building materials that would be disturbed during demolition, the proposed project or project variants could result in a release of hazardous materials, potentially affecting public health or the environment. In addition, methane or other flammable gases, if present, could potentially cause flammable or explosive conditions. The following discussion focuses on the potential for exposure to hazardous materials in soil, groundwater, or vapors beneath the project site, and in the existing building.

Potential Impacts Related to Hazardous Materials in Soil or Groundwater

Project construction would include the excavation of soil for construction of subsurface parking and the building foundation. Excavation would extend to as much as 59 feet below the ground surface for the proposed project, and 70 feet below ground surface (11 feet deeper than for the proposed project) for both the proposed variants. Under the proposed project, approximately 45,000 cubic yards of soil would be excavated and removed from the project site. Both project variants would result in approximately 54,000 cubic yards of soil (9,000 cubic yards more than the proposed project) being excavated and removed from the project site. Under both the proposed project and project variants, installation of the landscape and hardscape improvements to the open space improvement site (east of the building site) could require minor adjustments in grade, and up to 5,000 additional cubic yards of soil to be excavated and removed from the site.

The project site is located east of the original shore of San Francisco Bay. Therefore, it is within the defined limits of Article 22A of the San Francisco Health Code, formerly known as the Maher Ordinance, which applies to construction projects that are on the bay side of the historic high tide line and involve excavation of greater than 50 cubic yards of soil.[146] Major requirements of this ordinance, triggered by the building permit application, include preparation of a site history report to describe past site uses and identify whether the site is listed as a hazardous waste site pursuant to State or Federal regulations; implementation of a soil investigation to evaluate the potential presence of hazardous wastes in the soil; and preparation of a soil analysis report that evaluates

[146] TCDP EIR, p. 634.

the results of chemical analysis of the soil samples. Article 22A requires that the report(s) be prepared by knowledgeable, certified professionals and provide information on historic and current contamination at the property. The soil analysis report is submitted to the San Francisco Department of Public Health (SFDPH), the California Department of Toxic Substances Control (DTSC) and the San Francisco Bay Region Regional Water Quality Control Board.

If required on the basis of the soil analysis report, a site mitigation plan must be prepared to 1) assess potential environmental and health and safety risks; 2) recommend cleanup levels and mitigation measures, if any are necessary, that would be protective of workers and visitors to the property; 3) recommend measures to mitigate the risks identified; 4) identify appropriate waste disposal and handling requirements; and 5) present criteria for on-site reuse of soil. The recommended measures would be completed during construction. Upon completion, a certification report is required stating that all mitigation measures recommended in the site mitigation report have been completed and that completion of the mitigation measures has been verified through follow-up soil sampling and analysis, if required.

If the approved site mitigation plan includes leaving hazardous materials in soil or the groundwater with containment measures such as landscaping or a cap to prevent exposure to hazardous materials, the SFDPH would require a risk management plan, health and safety plan, and possibly a cap maintenance plan specifying how unsafe exposure to hazardous materials left in place would be prevented, as well as safe procedures for handling hazardous materials should site disturbance be required. The SFDPH could require a deed notice, and the requirements of these plans would transfer to the new property owners in the event that the property was sold.

An Environmental Site Characterization was conducted for the project site in 2011 in conformance with the site history, soil investigation, and soil analysis report requirements of Article 22A.[147] Several SVOCs (Semi-Volatile Organic Compounds) in the soil samples were found to exceed reporting limits, including benzo(a)anthracene, benzo(k)fluoranthene, and benzo(a)pyrene, fluoranthene, beno(b)fluoranthene, and pyrene. Additionally, levels of cyanide and lead were above the reportable level. Groundwater tests revealed no pollutants that would make discharging groundwater during dewatering unacceptable to the SFPUC.[148] The Environmental Site Characterization confirmed that the proposed project and project variants would need a site mitigation plan and a health and safety plan prior to the start of construction. A site mitigation plan prepared in accordance with Article 22A of the San Francisco Health Code would assess potential environmental and health and safety risks during construction and recommend measures to control these risks. Criteria for on-site reuse of soil would also be

[147] Treadwell & Rollo, *Environmental Site Characterization, 75 Howard Street, San Francisco, California (hereinafter "Environmental Site Characterization"),* September 5, 2012. A copy of this report is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

[148] *Environmental Site Characterization,* p. 6.

included. With implementation of this legally required plan, impacts related to exposure to hazardous materials in the soil during construction would be less than significant.

As analyzed in the TCDP EIR, excavation in the plan area of the TCDP, which includes the project site, could expose workers or the community to hazardous materials during site-related investigation and remediation. Implementation of Mitigation Measure M-HZ-1a (Mitigation Measure M-HZ-2c in the TCDP EIR) would reduce this impact to a less-than-significant level by requiring implementation of site investigation and remediation activities should the potential contamination by identified.[149]

> **Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites[150]**
>
> If potential exposure to vapors is suspected, a screening evaluation shall be conducted in accordance with guidance developed by the DTSC[151] to estimate worst case risks to building occupants from vapor intrusion using site specific data and conservative assumptions specified in the guidance. If an unacceptable risk were indicated by this conservative analysis, then additional site data shall be collected and a site specific vapor intrusion evaluation, including fate and transport modeling, shall be required to more accurately evaluate site risks. Should the site specific evaluation identify substantial risks, then additional measures shall be required to reduce risks to acceptable levels. These measures could include remediation of site soil and/or groundwater to remove vapor sources, or, should this be infeasible, use of engineering controls such as a passive or active vent system and a membrane system to control vapor intrusion. Where engineering controls are used, a deed restriction shall be required, and shall include a description of the potential cause of vapors, a prohibition against construction without removal or treatment of contamination to approved risk-based levels, monitoring of the engineering controls to prevent vapor intrusion until risk-based cleanup levels have been met, and notification requirements to utility workers or contractors who may have contact with contaminated soil and groundwater while installing utilities or undertaking construction activities.
>
> The screening level and site-specific evaluations shall be conducted under the oversight of SFDPH and methods for compliance shall be specified in the site mitigation plan prepared in accordance with this measure, and subject to review and approval by the SFDPH. The deed restriction, if required, shall be recorded at the San Francisco Office of the Assessor-Recorder after approval by the SFDPH and DTSC.

Demolition of the Existing 75 Howard Garage

Since the 75 Howard Garage was constructed in 1976, lead-based paint, asbestos-containing building materials, and polychlorinated biphenyls (PCBs) related to fluorescent lighting and other building materials could be encountered during demolition. As discussed in the TCDP EIR, there is a well established regulatory framework for the abatement of asbestos-containing materials and

[149] TCDP EIR, p. 639.

[150] This is Mitigation Measure M-HZ-2c in the TCDP EIR, p. 642. Note that Mitigation Measure M-HZ-2b in the TCDP EIR, p. 641-642, does not apply to the proposed project and project variant, as the proposed project and project variant is bayward of the historic high tide line, not landward.

[151] California Department of Toxic Substances Control, *Interim Final, Guidance for Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*, December 15, 2001, revised February 7, 2005.

lead-based paint, and impacts related to exposure to these hazardous building materials would be less than significant with compliance with regulatory requirements. Impacts related to exposure to other hazardous building materials would be potentially significant, and mitigation to reduce this impact to a less-than-significant level is identified below.

Lead-Based Paint

Work that could result in the disturbance of lead paint must comply with Section 3425 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 34, Section 3425 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Section 3425 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. There are no specific requirements in Section 3425 for removal of interior lead-based paint for other types of building uses. The project contractor would use best management practices in removing lead based paint, if encountered. Removal and disposal of building materials that contain lead-based paint would be conducted under regulations for transport and disposal of hazardous waste. Therefore, project-related impacts related to lead-based paint would be less than significant.

Asbestos

Asbestos-containing materials may be found in debris generated from demolition of the 75 Howard Garage. The removal of asbestos-containing materials could generate debris that would have to be handled according to existing regulations. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet the BAAQMD requirements; and the name and location of the waste disposal site to be

used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received.

The local office of the Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

Other Hazardous Building Materials

Other hazardous building materials that could be present within the Plan area include electrical transformers that could contain Polychlorinated biphenyls (PCBs), fluorescent light ballasts that could contain PCBs or DEHP, and fluorescent light tubes that could contain mercury vapors. PCBs may be present in fluorescent lighting fixtures and old electrical equipment.[152] Removal and disposal of equipment that could contain PCBs would be conducted under regulations for transport and disposal of hazardous waste. The project contractor would be required to comply with applicable regulations and procedures for handling, removal, transport and disposal of hazardous materials that are established as a part of the permit review process.

Disruption of these materials could pose health threats for construction workers if not properly disposed of, a potentially significant impact. However, implementation of Mitigation Measure M-HZ-2c: Hazardous Building Materials Abatement (Mitigation Measure M-HZ-3 in the TCDP EIR),[153] would require that the presence of such materials be evaluated prior to demolition or renovation and, if such materials were present, that they be properly handled during removal and building demolition or renovation. This would reduce the potential impacts of exposure to these hazardous building materials to a less-than-significant level.

Mitigation Measure M-HZ-1b: Hazardous Building Materials Abatement[154]

The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be

[152] TCDP EIR, p. 632.
[153] TCDP EIR, p. 645
[154] Numbered as M-HZ-3 in the TCDP EIR, p. 645.

removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and regulations.

For the reasons discussed above, including implementation of Mitigation Measures M-HZ-1a and M-HZ-1b, project impacts related to lead-based paint, asbestos or other potential impacts related to hazardous materials would be reduced to less-than-significant levels, and this topic will not be addressed in the EIR.

Impact HZ-2: The proposed project or project variants would not impair or interfere with implementation of an adopted emergency response or evacuation plan or expose people to a significant risk of loss, injury, or death involving fires. ***(Less than Significant)***

Implementation of either the proposed project or project variants would not change the existing traffic circulation network in the vicinity. Both the proposed project and project variants consist of the demolition of the existing 75 Howard Garage on the building site and construction, in its place, of an approximately 31-story (350-foot-tall plus an additional 6 feet for rooftop screening and enclosures), 432,253-gross-square-foot (gsf) residential building containing up to 186 market rate units above a ground-level restaurant and café, and below-grade parking. Both the proposed project and project variants also include landscaping and paving improvements, resulting in a new 4,780 -sq.-ft. landscaped, publicly accessible open space east of the proposed building and south of Howard Street.

Implementation of either the proposed project or project variants would contribute to existing local congestion, due to the additional car, bike, and pedestrian trips the proposed project or project variants would generate. However, this level of congestion would not impair or interfere with the implementation of an adopted emergency response plan or evacuation plan to any greater extent than other similar urban development, and the impact would be less than significant.

The proposed project and project variants would locate new residents and employees in an area that is subject to severe ground shaking from potentially large earthquakes. However, both the proposed project and project variants would be subject to a more stringent building code than most existing buildings; thus the new residents would be relatively safer than residents in some older existing buildings.[155] Both the proposed project and project variants would comply with the Building Code fire safety and fire prevention standards, including section 12.202(e)(1) of the San Francisco Fire Code, which requires that high-rises have established procedures to be followed in the case of fire or other emergencies. Because both the proposed project and project variants would conform to these standards, impacts related to exposing people to a significant risk of loss,

[155] TCDP EIR, p. 646.

injury, or death involving fires would be less than significant. This conclusion is consistent with the conclusion in the TCDP EIR.[156] No mitigation is necessary, and this topic will not be discussed further in the EIR.

Impact C-HZ-1: The proposed project or project variants, in combination with other past, present or reasonably foreseeable future projects in the site vicinity, would not result in a cumulatively considerable contribution to significant impacts related to hazards and hazardous materials. ***(Less than Significant)***

Hazardous material impacts typically occur in a local or site-specific context versus a cumulative context combined with other development projects. Reasonably foreseeable cumulative development within a quarter mile of the project site, including implementation of the development expected to occur pursuant to the TCDP, would be subject to the same regulatory oversight as the proposed project, and would not result in significant cumulative impacts. As discussed in Impact HZ-1, above, implementation of either the proposed project or project variants would result in less-than-significant impacts, with mitigation, related to the use, transport, or handling of hazardous materials during demolition and construction, and would not have hazard-related impacts during project operation. This includes regulatory requirements for abatement of asbestos-containing materials and lead paint, transporting hazardous materials, or disposing of hazardous waste.[157] Compliance with these regulations would minimize the cumulative projects' potential to expose persons and the environment to hazardous materials. Therefore, neither the proposed project nor project variants would result in a cumulatively considerable contribution to significant cumulative impacts related to hazards and hazardous materials. The impact of either the proposed project or project variants on hazardous materials, in combination with other foreseeable projects, would be less than significant, and will not be discussed further in the EIR.

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

[156] TCDP EIR, pp. 647-648.
[157] TCDP EIR, pp. 651-652.

Impact ME-1: The proposed project or project variants would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site. ***(No Impact)***

All land in the City and County of San Francisco, including the project site, is an urbanized area and is designed Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975.[158] This designation signifies that there is inadequate information available for assignment to any other MRZ, and the project site is not a designated area of significant mineral deposits. Since the project site does not contain any known mineral resources, neither the proposed project nor project variants would adversely affect mineral resources, either directly or indirectly. Moreover, neither the proposed project nor project variants would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The implementation of either the proposed project or project variants would not result in the loss of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Both the proposed project and project variants would be implemented within the TCDP area, and the EIR for the TCDP reached the same conclusions for the entire plan area.[159] Therefore, there would be no impact on mineral resources, and no mitigation is necessary. Thus, this topic will not be addressed further in the EIR.

Impact ME-2: The proposed project or project variants would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. ***(Less than Significant)***

Construction of either the proposed project or project variants would require electricity to operate construction equipment such as hand tools and lighting. Construction vehicles and equipment would primarily use diesel fuel, and construction workers would use gasoline and diesel to travel to the site. In neither case would construction activities be expected to use fuel or energy in a wasteful manner.

The TCDP contains objectives and policies aimed at reducing energy consumption.[160] These policies would be implemented for the proposed project and project variants, including the requirement to exceed basic LEED standards established in the San Francisco Green Building Ordinance with respect to energy and water use.[161] Title 24 of the California Code of Regulations, the California Building Code, requires that new buildings meet certain energy and water conservation standards, including implementation of practices such as installation of energy-efficient lighting (including light emitting diode), and low-flow toilets.

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[158] California Division of Mines and Geology (CDMG), Open File Report 96 03 and Special Report 146 Parts I and II, 1986. A copy of this report is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.
[159] TCDP EIR, pp. 653-655.
[160] TCDP EIR, p. 654.
[161] TCDP EIR, pp. 654-655.

Because implementation of either the proposed project or project variants would meet or exceed current state and local codes concerning energy consumption requirements as discussed in the TCDP EIR, and because both would exceed basic LEED certification, there would be less-than-significant impacts on energy resources, and no mitigation is necessary. Thus, this topic will not be addressed further in the EIR.

Impact C-ME-1: The proposed project or project variants, in combination with other past, present or reasonably foreseeable future projects in the site vicinity, would not result in a cumulatively considerable contribution to significant impacts related to energy resources. ***(Less than Significant)***

As discussed in Impact ME-1, above, no known minerals exist at the project site, and therefore the proposed project and project variants would not contribute to cumulative impacts on mineral resources.

In December 2002, the City adopted the *Electricity Resource Plan*, which includes implementation steps for the following strategies for maximizing energy efficiency; develop renewable power; and ensuring reliable power. In response to the Board of Supervisors' guidance in their 2009 Ordinance 94-09, San Francisco Public Utilities Commission staff have developed an updated *Electricity Resource Plan.*[162] This update identifies proposed recommendations to work towards achieving the broad policy goals laid out in the 2002 Plan. The TCDP contains objectives and policies aimed at reducing energy consumption which would reduce the cumulative impact of future development on energy usage in the plan area,[163] including the requirement for all development within the plan area to exceed basic LEED standards established in the Green Building Ordinance with respect to energy and water use.[164]

These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. As described above, the project-generated demand for energy would be required to exceed basic LEED standards established in the San Francisco Green Building Ordinance, and energy use under the proposed project and project variants would be negligible in the context of overall demand within San Francisco and the state, and would not in and of itself require a major expansion of power facilities. Therefore, implementation of either the proposed project or project variants, in combination with past, present or reasonably foreseeable projects in the project site vicinity, would not result in any cumulatively considerable contribution to a significant cumulative impact on mineral and energy resources, either directly or indirectly. No mitigation measures are necessary. Thus, this topic will not be discussed further in the EIR.

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[162] San Francisco Public Utilities Commission, *San Francisco's Updated Electricity Resource Plan*, Draft, March 2011, Executive Summary, pp. 1-20. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

[163] TCDP EIR, p. 654.

[164] TCDP EIR, pp. 654-655.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **—Would the project**					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☒	☐

Impact AF-1: The proposed project or project variants would not convert farmland or forest land to non-farm or non-forest use, or conflict with existing zoning for agricultural uses or forest land. ***(No Impact)***

The project site is located within a developed and wholly urbanized area of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site and all of San Francisco as "Urban and Built-up Land."[165] There are no farmlands or forest land identified in San Francisco; thus, the project site has no agriculture and forest resources. Because the project site does not include agricultural uses and is not zoned for such uses, neither the proposed project nor project variants would convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Neither the proposed project nor project variants would conflict with existing zoning for agricultural uses or a Williamson Act contract, as there are no such zones or contracts within San Francisco. Also, neither the proposed project nor project variants would conflict with existing zoning for forest land or timberland (as defined by Public Resources Code Sections 12220(g) and 4526, respectively) or result in the rezoning of forest land or timberland. Neither the proposed project

[165] California Department of Conservation, Farmland Mapping and Monitoring Program, *Bay Area Region Important Farmland 2004 and Urbanization 1984 – 2004*. Available at ftp://ftp.consrv.ca.gov/pub/dlrp/fmmp/pdf/urban_change/bayarea_urban_change1984_2004.pdf. Accessed on July 26, 2012.

nor project variants would involve other changes to the existing environment that could result in conversion of forest land to non-forest use. This is consistent with the analysis and conclusions in the TCDP EIR which considered whether the project site would meet these criteria.[166] Therefore, there would be no impacts with respect to agricultural and forest resources, and no mitigation is necessary. Thus, this topic will not be discussed further in the EIR.

Impact C-AF-1: The proposed project or project variants, in combination with other past, present and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to a significant adverse cumulative impact on agricultural resources or forest land or timberland. ***(No Impact)***

As discussed above, since there are no existing agricultural or forest uses on the project site, nor any zoning related to agricultural or forest uses, the proposed project or project variants in combination with reasonably foreseeable future projects in the vicinity would have no impact on agricultural uses, forest uses, or zoning related to either agriculture or forests. Therefore, there would be no cumulatively considerable contribution to a significant cumulative impact with respect to agricultural or forest resources, and no mitigation is necessary. This topic will not be discussed further in the EIR.

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

The EIR will address potential impacts, including cumulative impacts, related to Aesthetics, Cultural Resources (Archeological and Paleontological Resources only), Transportation and Circulation, Noise, Air Quality, Shadow, Biological Resources (Bird Migration and Local Movement only), and Hydrology and Water Quality (Sea Level Rise only). These topics, along

[166] TCDP EIR, p. 656.

with Compatibility with Existing Zoning and Plans and Policies, will be evaluated in an EIR prepared for the proposed project and project variants.

F. MITIGATION AND IMPROVEMENT MEASURES

Although the following mitigation measures relate to topics that will not receive additional analysis in the EIR, the EIR will contain a Mitigation Measures chapter that describes all mitigation measures for the proposed project, including those listed below. The project sponsor has agreed to implement the following mitigation measures, which are necessary to reduce potential archeological and paleontological resource impacts, and hazards and hazardous materials impacts. The project sponsor has also agreed to implement the improvement measure below, on p. 149, which was identified to lessen the proposed project's less-than-significant effect on rooftop-level wind conditions.

Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program

The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.

The PRMMP shall be consistent with the Society for Vertebrate Paleontology Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by nonsedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.

The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant 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. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than 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 potential effects on a significant paleontological resource as previously defined to a less-than-significant level.

Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites

If potential exposure to vapors is suspected, a screening evaluation shall be conducted in accordance with guidance developed by the DTSC to estimate worst case risks to building occupants from vapor intrusion using site specific data and conservative assumptions specified in the guidance. If an unacceptable risk were indicated by this conservative analysis, then additional site data shall be collected and a site specific vapor intrusion evaluation, including fate and transport modeling, shall be required to more accurately evaluate site risks. Should the site specific evaluation identify substantial risks, then additional measures shall be required to reduce risks to acceptable levels. These measures could include remediation of site soil and/or groundwater to remove vapor sources, or, should this be infeasible, use of engineering controls such as a passive or active vent system and a membrane system to control vapor intrusion. Where engineering controls are used, a deed restriction shall be required, and shall include a description of the potential cause of vapors, a prohibition against construction without removal or treatment of contamination to approved risk-based levels, monitoring of the engineering controls to prevent vapor intrusion until risk-based cleanup levels have been met, and notification requirements to utility workers or contractors who may have contact with contaminated soil and groundwater while installing utilities or undertaking construction activities.

The screening level and site-specific evaluations shall be conducted under the oversight of SFDPH and methods for compliance shall be specified in the site mitigation plan prepared in accordance with this measure, and subject to review and approval by the SFDPH. The deed restriction, if required, shall be recorded at the San Francisco Office of the Assessor-Recorder after approval by the SFDPH and DTSC.

Mitigation Measure M-HZ-1b: Hazardous Building Materials Abatement

The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and regulations.

Improvement Measure I-WS-A

As an improvement measure to reduce wind speeds in areas of usable open space on the roof of the tower, the project sponsor shall strive to install, or cause to be installed, wind reduction measures that could include windscreens along the exposed perimeter of the roof. Additional windscreens and/or landscaping should be considered on the west and northwest sides of any seating areas.

G. DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning

DATE December 11, 2012

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