SAN FRANCISCO
**PLANNING DEPARTMENT**

# Preliminary Mitigated Negative Declaration

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| | |
|---|---|
| *Date:* | January 20, 2016 |
| *Case No.:* | 2014.0800E |
| *Project:* | Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts |
| *Project Address:* | Market Street between 5th Street and 8th Street |
| *Zoning:* | C-3-G (Downtown Commercial) Use District<br>*C*-3-R (Downtown Retail) Use District<br>Various Height and Bulk Districts |
| *Block/Lot:* | Portions of Blocks 0341, 0342, 0350, 0351, 3702, 3703, and 3704 |
| *Project Sponsor:* | Marlo Sandler, San Francisco Planning Department – (415) 575-6835<br>marlo.sandler@sfgov.org |
| | |
| *Case No.:* | 2013.1049E |
| *Project:* | 950–974 Market Street Project |
| *Project Addresses:* | 950–974 Market Street |
| *Zoning:* | C-3-G (Downtown Commercial) Use District<br>120-X Height and Bulk District |
| *Block/Lot:* | 0342/001, 002, 004, 014 |
| *Lot Size:* | 34,262 square feet |
| *Project Sponsor:* | Michelle Lin, Mid Market Center, LLC – (415) 394-9018<br>Michelle@groupi.com |
| | |
| *Staff Contact:* | Melinda Hue – (415) 575-9041<br>Melinda.Hue@sfgov.org |

## PROJECT DESCRIPTIONS:

### *Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts*

The proposed legislation would:

(1) amend the San Francisco Planning Code (Planning Code) to add Section 249.63 to create the Mid-Market Arts and Arts Education Special Use District (SUD), which would generally encompass parcels fronting Market Street on both sides of the street, from 5th Street to 8th Street (with the exception of the parcels affiliated with the Trinity Plaza development project [Block 3702, Lots 308 and 390] and those that comprise Hallidie Plaza and the United Nations Plaza), to permit projects that provide space for arts and arts education uses to exempt from the calculation of gross floor area ratio (FAR) 2 square feet (sf) of floor area for every 1 sf of arts and arts education uses provided;

(2) add Planning Code Section 263.30 to create the new Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District) within the SUD to permit height exceptions of up to a maximum building height of 200 feet on Block 0342, Lots 001, 002, 004, and 014 (950–974 Market Street), and 120 feet on Block 3703, Lot 060 (1089 Market Street) and Block 3703, Lot 066 (1053–1055 Market Street) for projects that obtain an FAR exemption pursuant to the SUD;

(3) amend Planning Code Sectional Maps SU-01, SU-02, and HT-01 to map the SUD and Special Height and Bulk District; and

(4) amend Planning Code Section 429.5 to require that the public art fee collected within the SUD be spent within the boundaries of or within 0.5 mile of the SUD.

In accordance with the SUD, any project that would result in the demolition or material impairment of a historic resource would be ineligible for the gross floor area exemption permitted by the SUD.

Additionally, the height exceptions would be permitted by the Planning Commission in accordance with procedures and criteria required for a conditional use authorization set forth in Planning Section 303, and in accordance with the following criteria:

1. The additional building height that is proposed beyond the base height limit is necessary to accommodate the additional floor area of uses that qualify for the FAR deduction described previously.
2. The added height does not substantially contribute to shading of parks and other publicly accessible open spaces in the vicinity
3. The building, structure, or development is compatible with the character and development of the surrounding area, by incorporating the following design elements:
    a. Its silhouette is harmonious with building patterns in the surrounding context and the larger urban form of the downtown area, including the patterns produced by height limits.
    b. The project incorporates changes in massing and architectural expression that responds, where appropriate, to development of a lower height or dissimilar character.
    c. The use of materials, colors, and scales is compatible with those of nearby development.

d. The design preserves or enhances the pedestrian environment by maintaining a pleasant scale and visual interest.

### *950–974 Market Street Project and Variants*

The 34,262-sf project site, at 950–974 Market Street, is located on the northwest corner of Market and Turk Streets, on the block bound by Market, Mason, Turk, and Taylor Streets in San Francisco's Mid-Market district in the Downtown/Civic Center neighborhood. The project site currently contains a surface parking lot over a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses.

#### *Proposed Project*

The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 501,000-gross-square-foot (gsf) building containing approximately 65,000 gsf of arts and arts education uses, 312 dwelling units, a 292-room hotel, and 19,000 gsf of retail uses. The proposed building would consist of two towers—17 and 19 stories tall (approximately 176 and 200 feet in height, respectively)—connected by a mid-block five-story Arts Center (approximately 82 feet in height). The proposed project would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces. The proposed project would require an FAR exemption, as provided by the SUD, and a height and bulk exemption, as provided by the Special Height and Bulk District.

#### *Office Variant*

An Office Variant to the proposed project would maintain the same building design, massing, and site plan as the proposed project. The overall square footage would be slightly reduced to 484,535 gsf compared to the proposed project. The Office Variant would include 112,400 gsf of office uses in place of the hotel uses, and a reduction of retail uses to 15,000 gsf. The Office Variant would require an FAR exemption, as provided by the SUD, and a height and bulk exemption, as provided by the Special Height and Bulk District.

#### *120-Foot Variant*

A 120-Foot Variant to the proposed project would involve a 12-story, 120-foot-tall building, which is smaller in size compared to the proposed project and Office Variant. The 120-Foot Variant would be an approximately 396,000-gsf building containing 262 dwelling units, a 235-room hotel, and 18,500 gsf of retail uses. The 120-Foot Variant would not include dedicated arts space. The 120-Foot Variant would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-

share spaces. The 120-Foot Variant would not require an FAR exemption or a height and bulk exemption. The 120-Foot Variant would comply with the maximum floor area and building heights of the existing Planning Code use district and height and bulk district applicable to the site—the C-3-G Use District and 120-X Height and Bulk District. The 120-Foot Variant is the Project Sponsor's preferred variant at this time.

## Finding:

The Mid-Market Arts and Arts Education SUD and Special Height and Bulk District, and the 950–974 Market Street Project and Variants would not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), 15070 (Decision to Prepare a Negative Declaration), and the following reasons, as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See pages 273 to 299.

# INITIAL STUDY

## Case Nos. 2014.0800E and 2013.1049E
## Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts and 950–974 Market Street Project

## Table of Contents

## List of Figures

## List of Tables

## ACRONYMS

| | |
|---|---|
| 2010 Clean Air Plan | Bay Area 2010 Clean Air Plan |
| ACL | Absolute Cumulative Limits |
| ADA | Americans with Disabilities Act |
| ADRP | archeological data recovery plan |
| ARB | California Air Resources Board |
| Area Plan | Downtown Area Plan |
| ARDTP | Archaeological Research Design and Treatment Plan |
| ATP | archeological testing plan |
| BAAQMD | Bay Area Air Quality Management District |
| BART | Bay Area Rapid Transit |
| bgs | Below ground surface |
| Boeddeker Park | Father Alfred E. Boeddeker Park |
| BMPs | best-management practices |
| BMR | below market rate |
| CAA | Clean Air Act |
| CalEEMod | California Emissions Estimator Model |
| CAP | 2010 Clean Air Plan |
| CCAA | California Clean Air Act |
| CEQA | California Environmental Quality Act |
| City | City of San Francisco |
| CNDDB | California Natural Diversity Database |
| CO | Carbon monoxide |
| CRHR | California Register of Historical Resources |
| dB | Decibels |
| DBI | Department of Building Inspection |
| DEHP | phthalate |
| DPH | Department of Public Health |
| DPR | California Department of Parks and Recreation |
| DPM | Diesel particulate matter |
| ERO | Environmental Review Officer |
| F-line | Muni F-line streetcar |
| FAR | floor area ratio |
| FARR | Final Archeological Resources Report |
| General Plan | San Francisco General Plan |
| GHG | greenhouse gas |
| GHG Reduction Strategy | Strategies to Address Greenhouse Gas Emissions |
| gsf | gross square feet |
| HUD | Housing and Urban Development |
| HRE | Historical Resources Evaluation |
| HRER | Historic Resources Evaluation Response |
| lbs | pounds |
| LOS | Level of Service |
| $NO_x$ | Oxides of nitrogen |
| MBTA | Migratory Bird Treaty Act |

| | |
|---|---|
| MLD | most likely descendent |
| mph | miles per hour |
| MUTCD | Manual on Uniform Traffic Control Devices |
| NESHAP | National Emissions Standards for Hazardous Air Pollutants |
| $NO_2$ | Nitrogen dioxide |
| NPDES | National Pollutant Discharge Elimination System |
| NWIC | Northwest Information Center |
| OPR | California State Office of Planning and Research |
| OS | Open Space |
| P | Public |
| PCB | polychlorinated biphenyls |
| Planning Code | San Francisco Planning Code |
| PM | Particulate matter |
| proposed project | 950–974 Market Street Project |
| PPV | Peak Particle Velocity |
| QACL | Qualified Archeological Consultants List |
| ROG | Reactive organic gases |
| ROSE | Recreation and Open Space Element |
| RWQCB | Regional Water Quality Control Board |
| SB | Senate Bill |
| sf | square feet |
| SFBAAB | San Francisco Bay Area Air Basin |
| SFFD | San Francisco Fire Department |
| SFPD | San Francisco Police Department |
| SFPUC | San Francisco Public Utilities Commission |
| SFUSD | San Francisco Unified School District |
| $SO_2$ | Sulfur dioxide |
| SoMa | South of Market Area |
| Special Height and Bulk District | Mid-Market Arts and Arts Education Special Height and Bulk District |
| SRO | single room occupancy |
| STC | Sounds Transmission Class |
| SUD | Mid-Market Arts and Arts Education Special Use District |
| SWPPP | Stormwater Pollution Prevention Plan |
| TAAS | Theoretically Available Annual Sunlight |
| TACs | Toxic air contaminants |
| TBACT | Best Available Control Technology for Toxics |
| TCR | Tribal Cultural Resource |
| TDR | Transferable Development Rights |
| TDM | Transportation Demand Management |
| TNDC | Tenderloin Neighborhood Housing Corporation |
| USEPA | United States Environmental Protection Agency |
| VdB | Vibration decibels |
| VDECS | verified diesel emission control strategy |
| ZOI | zone of influence |

# A. PROJECT DESCRIPTION

## A.1. PROJECT OVERVIEW

This Initial Study analyzes potential environmental effects associated with the following two components:

4. the establishment of the Mid-Market Arts and Arts Education Special Use District (SUD) and the Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District); and
5. the development of a privately funded mixed-use project at 950–974 Market Street (Block 0342, Lots 001, 002, 004, 014) within the SUD and Special Height and Bulk District, consisting of approximately 65,000 gross square feet (gsf) of arts and arts education uses, 312 dwelling units, a 292-room hotel, and approximately 19,000 gsf of retail uses, and its variants.

The individual elements of the two components are described in more detail below, and the boundaries of each are shown in Figure 1, Project Location. The 950–974 Market Street Project (proposed project), which is within the boundaries of the SUD and Special Height and Bulk District, is referred to herein as the "proposed project."

This Initial Study analyzes—on a programmatic level—the physical environmental effects of the SUD and Special Height and Bulk District, and analyzes—on a project-specific-level—the effects of the development of the proposed project and its variants (Office Variant and 120-Foot Variant). This dual programmatic/project-specific approach is discussed further in Section D, Summary of Environmental Effects.

## A.2. PROJECT LOCATION

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD would include all parcels abutting Market Street between 5th and 8th Streets, except for the parcels affiliated with the Trinity Plaza development project (Block 3702, Lots 308 and 390) and those that comprise Hallidie Plaza and the United Nations Plaza. The Special Height and Bulk District would apply to the following parcels within the SUD: Block 0342, Lots 001, 002, 004, and 014 (950–974 Market Street); Block 3703, Lot 060 (1089 Market Street); and Block 3703/066 (1053—1055 Market Street) (see Figure 1,

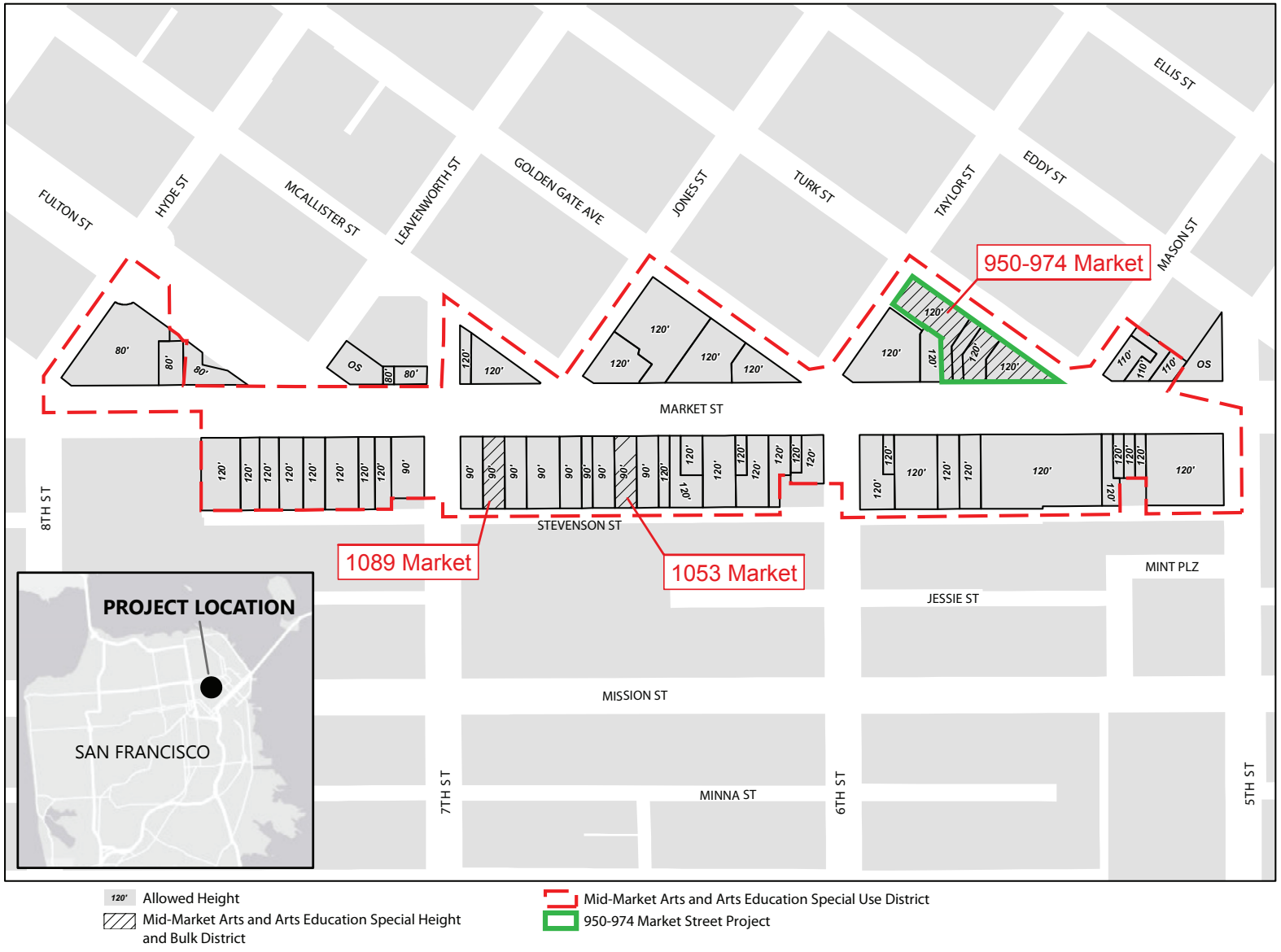
Project Location). The SUD and Special Height and Bulk District are within the Downtown/Civic Center and South of Market neighborhoods.

The SUD and Special Height and Bulk District project area is situated within a network of public transportation, public spaces, and venues. United Nations Plaza and Hallidie Plaza are major portals for public transit, including Muni and Bay Area Rapid Transit (BART), as well as the Powell Street cable car turn-around.

The closest Muni Metro stations to the project area are at Civic Center Station and Powell Station, both shared with regional rail service operated by BART. The closest station entrances to the project site are the Hallidie Plaza entrance at the Powell Station, and the Market Street / Seventh Street / Charles J. Brenham Place entrance to the Civic Center Station. These two stations are stops for all six Muni Metro underground lines (Lines N, L, M, K, T, and J), and four BART lines (Pittsburg/Bay Point to/from SFO/Millbrae, Dublin/Pleasanton to/from Daly City, Daly City to/from Fremont, and Richmond to/from Daly City/Millbrae). The SUD is located within 0.25 mile of nine local Muni bus lines (Lines 5, 9, 14, 19, 27, 30, 31, 38, and 45); three limited Muni bus lines (Lines 9L, 14L, and 38L); three express Muni bus lines (Lines 8X, 14X, and 16X); three Muni cable car/trolley lines (Lines F, PM, and PH); and two regional bus lines (Golden Gate Transit and San Mateo County Transit District). The San Francisco Ferry Terminal and Caltrain Station are each located approximately 1.25 miles from the project area.

### *Existing Uses in the Project Area*

Land uses in the project area include a mixture of retail, commercial, hotels, residential, and public spaces. The SUD's surrounding uses include the Civic Center, Hastings College of the Law, the San Francisco Public Library main branch, Asian Art Museum, the Performing Arts Center at Davies Symphony Hall, the Opera House and the Veterans Building, Bill Graham Civic Auditorium, Federal Office Buildings at 90 7th Street and 50 United Nations Plaza and the Ninth Circuit Federal Courthouse at 95 7th Street, and the Westfield San Francisco Centre shopping center.




SOURCE: CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT

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**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 1: PROJECT LOCATION**

### *Existing Zoning in the Project Area*

The proposed SUD and Special Height and Bulk District properties are within C-3-G Downtown General Commercial and C-3-R Downtown Retail Use Districts. Per San Francisco Planning Code (Planning Code) Section 210.3, the C-3-G District is composed of a variety of uses, including retail, offices, hotels, entertainment, clubs and institutions, and high-density residential, where many of these uses have a citywide or regional function. Per Planning Code Section 210.3, the C-3-R District is a regional center for comparison shopper and direct consumer services. The C-3-R District encourages pedestrian interest and amenities, and minimization of conflicts between shoppers and motor vehicles. The height and bulk districts range from 80-X to 120-X. The "X" denotes that no bulk controls exist in these districts. Per Planning Code Section 124, the base floor area ratio (FAR)[1] in the C-3-G and C-3-R districts is 6.0:1, with FAR of up to 9.0:1 permitted with the purchase of transferable development rights. In addition, per Planning Code Sections 102.9 and 124(f), certain uses are excluded from the calculation of FAR, including ground-floor retail space, accessory parking, loading and bicycle parking, child care, mechanical penthouses, and on-site affordable dwelling units.

### 950–974 MARKET STREET PROJECT AND VARIANTS

The triangular-shaped project site is located at 950–974 Market Street and 61–67 Turk Street, in the northeastern portion of the Mid-Market area,[2] within the Downtown/Civic Center neighborhood and the proposed SUD and Special Height and Bulk District (see Figure 1, Project Location). The Tenderloin neighborhood is immediately north of the project site while the South of Market Area (SoMa) is located south of the project site. The project site consists of four parcels (Block 0342, Lots 001, 002, 004, and 014) on a block bounded by Market, Turk, and Taylor Streets. The project site has frontage on Market, Turk, and Taylor Streets, and on Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield Theater and Crazy Horse Theater.

Vehicles can access the site vicinity via Turk Street (a one-way street with east-to-west traffic flow), Taylor Street (a one-way street with south-to-north traffic flow), and Market Street, which is two-way. The Market Street frontage has a bus stop and a loading area approximately mid-block, with loading on the western end of the project block and bus loading on the eastern end. Aside from the commercial

[1] FAR is defined in Planning Code Section 102.10 as "the ratio of gross floor area of all the buildings on a lot to the area of the lot."

[2] The Mid-Market area generally encompasses the properties located along Market and Mission Streets between 5th Street and 11th Street.

loading zone near Opal Place on Taylor Street, there is no on-street parking bordering the Project site. In particular, parking is prohibited along both sides of Market Street, and on both sides of Turk Street between Mason Street and Taylor Street, with the exception of a blue curb zone (approximately 25 feet in length) for Americans with Disabilities Act (ADA) parking along the north side of the street west of the intersection with Mason Street. An additional ADA zone approximately 50 feet in length is on the proposed project frontage on Taylor Street, approximately at the intersection of Taylor Street, Market Street, and Golden Gate Avenue. Market Street is designated as a Class III bicycle route. No bicycle routes are located on Turk or Taylor Streets.

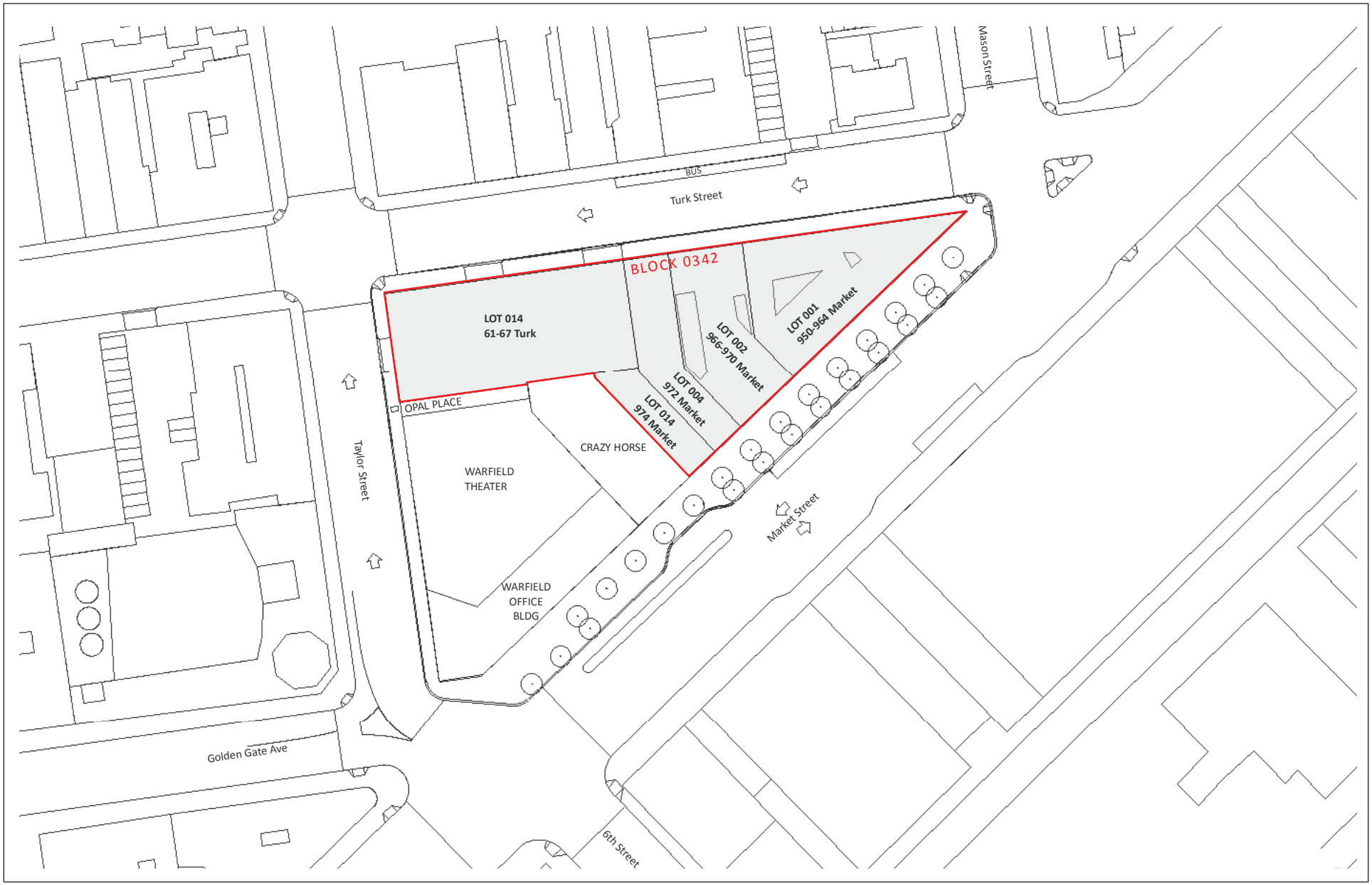
Market Street is the primary transportation corridor in the downtown area. As previously described, BART, Muni Metro, and numerous Muni bus lines serve the project vicinity. As noted above, the closest Muni Metro and BART stations to the project site are the Powell Station and the Civic Center. The San Francisco Ferry Terminal and Caltrain station are within 1.25 miles.

### *Existing Buildings and Uses on the Project Site*

The project site is occupied by four mixed-use commercial buildings (950–964 Market Street, 966–970 Market Street, 972 Market Street, and 974 Market Street), and a surface parking lot over a below-grade parking structure (61–67 Turk Street) (see Figure 2, Existing Site). Table 1, Existing Land Uses on the Project Site, presents, by lot, the current land uses on the project site, the current lot dimensions, and the current dimensions of the four existing buildings and the below-grade parking structure.

TABLE 1: EXISTING LAND USES ON THE 950–974 MARKET PROJECT SITE

| Address | Lot | Stories | Lot Area (sf) | Building Area (sf) | Existing Height (ft.) | Ground Floor Existing Use | Upper Floor(s) Existing Use |
|---|---|---|---|---|---|---|---|
| 950–964 Market | 001 | 2+ basement | 8,559 | 31,886 | 36 | Paycheck loan, retail sunglasses, retail clothing, beauty parlor, wig store, cell phone store | Social Services Office |
| 966–970 Market | 002 | 2+ basement | 6,290 | 20,636 | 38 | Vacant | Vacant |
| 972 Market | 004 | 3+ basement | 4,205 | 16,800 | 44 | Vacant | Vacant |
| 974 Market | 014 | 3+ basement | 2,267 | 9,044 | 39 | Vacant/storage | Vacant |
| 61–67 Turk | 014 | Surface lot + basement | 12,941 | 25,872 | 0 to 5 | Parking lot | N/A |
| **Totals** | | | **34,262** | **104,238** | | | |
| Source: Mid Market Center, LLC | | | | | | | |




SOURCE: BIG, TRC SOLUTIONS, MID-MARKET CENTER, LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 2: EXISTING SITE**

The existing buildings and below-grade parking structure measure approximately 104,238 gross square feet (gsf), and current uses include approximately 21,321 gsf of retail, 19,200 gsf of offices, and 25,872 gsf of parking space. The remaining building area is vacant or used for temporary storage. No dwelling units are currently located on the project site. The four buildings range from two to three stories tall with basements, and range from approximately 36 to 44 feet in height. The 950–964 Market Street building (Lot 001) is a 36-foot-tall, two-story building with a basement. The 966–970 Market Street building (Lot 002) is a 38-foot-tall, two-story building. The 972 Market Street building (Lot 004) is a 44-foot-tall, three-story building with a basement. The 974 Market Street building (Lot 014) is a 39-foot-tall, three-story building with a basement. Also on Lot 014, at 61–67 Turk Street, is an at-grade surface parking lot over a below-grade parking structure that is approximately 10 feet below grade. Four existing sidewalk elevators are located along the Turk Street right-of-way.

### *Existing Zoning on the Project Site*

The 950–974 Market Street Project site is located within a C-3-G Downtown Commercial District and a 120-X Height and Bulk District, meaning that the building height is currently restricted to 120 feet with no bulk restrictions.

## A.3. PROJECT CHARACTERISTICS

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The proposed legislation would:

1. amend the Planning Code to add Section 249.63 to create the SUD, which would generally encompass parcels fronting Market Street on both sides of the street, from 5th Street to 8th Street (with the exception of the parcels affiliated with the Trinity Plaza development project [Block 3702, Lots 308 and 390] and those that comprise Hallidie Plaza and the United Nations Plaza), to permit projects that provide space for arts and arts education uses to exempt from the calculation of gross FAR 2 sf of floor area for every 1 sf of arts and arts education uses provided, as described in the Special Use District section of this document;

2. add Planning Code Section 263.30 to create the new Special Height and Bulk District within the SUD to permit height exceptions of up to a maximum building height of 200 feet on Block 0342, Lots 001, 002, 004, and 014 (950–974 Market Street), and 120 feet on Block 3703, Lot 060 (1089 Market Street)

and Block 3703, Lot 066 (1053-1055 Market Street) for projects that obtain an FAR exemption pursuant to the SUD and as described in the Special Height and Bulk District section in this document;

3. amend Planning Code Sectional Maps SU-01, SU-02, and HT-01 to map the SUD and Special Height and Bulk District; and

4. amend Planning Code Section 429.5 to require that the public art fee collected within the SUD be spent within the boundaries of or within 0.5 mile of the SUD.

**Special Use District.** The proposed SUD is an overlay use district, placed over existing base use districts. The existing base use districts within the proposed SUD boundaries are the C-3-G Downtown General Commercial Use District and C-3-R Downtown Retail Use District. These existing use districts would remain operative, except where explicitly changed by the provisions of the SUD.

The proposed SUD would not allow any uses in the area currently not permitted in the C-3-G and C-3-R districts. The basic permitted FAR—or ratio of building floor area to lot area—in the C-3-G and C-3-R Use Districts is 6:1, as defined in Planning Code Section 124, and can be increased to up to 9:1 with the purchase of Transferable Development Rights (TDRs), pursuant to Planning Code Section 123. Per Planning Code Section 102, currently, floor area devoted to accessory parking and loading, bicycle parking, ground floor retail and circulation space, childcare facilities that meet certain criteria, and floor area permanently devoted to cultural, educational, recreational, religious, or social service facilities that meet certain criteria are deducted from the floor area for the purposes of calculating FAR.

The SUD would allow the following arts and arts education uses to be deducted from the floor area for the purposes of calculating FAR: arts activities (as defined in Planning Code Section 102); educational institutions (as defined in Planning Code Section 102) that engage primarily in arts education; childcare facilities (as defined in Planning Code Section 102); or any uses that are accessory to the aforementioned uses, including office and administrative uses. The proposed SUD would permit projects that provide space for arts and arts education uses to exempt from the calculation of FAR 2 sf of floor area for every 1 sf of arts and arts education uses provided. That would mean that for every 1 gsf of arts and arts education uses provided, a project would be able to deduct the 1 gsf of arts and arts education uses provided and 1 gsf of non-arts space from floor area for the purposes of calculating FAR. The extra arts space and non-arts space would be permitted in the SUD, beyond the basic 6:1 or maximum 9:1 FAR in the C-3-G and C-3-R Use Districts. The proposed SUD would not increase the maximum 9:1 FAR limit in

the C-3-G and C-3-R Use Districts, but rather, allow more uses to be deducted from the building area for the purposes of calculating FAR.

Additionally, the SUD specifies that any project that would result in the demolition or material impairment of a historic resource shall be ineligible for the gross floor area exemption permitted by the SUD and for the height exception permitted by the Special Height and Bulk District described in the following paragraph.

**Special Height and Bulk District.** The proposed Special Height and Bulk District would apply to the following properties within the SUD: 1053–1055 Market Street (Block 3703, Lot 066) and 1089 Market Street (Block 3703, Lot 060), which are south of Market Street; and 950–974 Market Street (Block 0342, Lots 001, 002, 004, and 014), which is north of Market Street. The existing height and bulk districts within the Special Height and Bulk District allow a base height ranging from 90 feet to 120 feet, and the Special Height and Bulk District would permit height exceptions of up to a maximum building height of 200 feet (north of Market Street) and 120 feet (south of Market Street) along portions of Market Street for those three properties. Additionally, the height exceptions would be permitted by the Planning Commission in accordance with procedures and criteria required for a conditional use authorization set forth in Planning Section 303, and in accordance with the following criteria:

1. The additional building height that is proposed beyond the base height limit is necessary to accommodate the additional floor area of uses that qualify for the FAR deduction described previously
2. The added height does not substantially contribute to shading of parks and other publicly accessible open spaces in the vicinity
3. The building, structure or development is compatible with the character and development of the surrounding area, by incorporating the following design elements:
    a. Its silhouette is harmonious with building patterns in the surrounding context and the larger urban form of the downtown area, including the patterns produced by height limits
    b. The project incorporates changes in massing and architectural expression that responds, where appropriate, to development of a lower height or dissimilar character
    c. The use of materials, colors and scales is compatible with those of nearby development

d. The design preserves or enhances the pedestrian environment by maintaining a pleasant scale and visual interest

With approval of the SUD and Special Height and Bulk District, parcels would continue to be subject to the zoning controls of the existing zoning and height/bulk districts. The proposed SUD and Special Height and Bulk District would allow for specific exceptions to the zoning controls of the existing zoning and height/bulk districts. Parcels within the SUD, but not within the Special Height and Bulk District, would be allowed a FAR exemption for arts and arts education uses at a ratio of 2:1, but would be subject to the maximum building height of the existing height/bulk districts. Parcels within the SUD and Special Height and Bulk District would be allowed a FAR exemption for arts and arts education uses at a ratio of 2:1 as-of-right and be permitted a height exception to specified heights beyond the maximum building height allowed by the existing height/bulk districts with conditional use approval by the Planning Commission.

## 950–974 Market Street Project and Variants

### *Proposed Project*

The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 501,000-gsf building containing approximately 65,000 gsf of arts and arts education uses, 312 dwelling units, a 292-room hotel, and 19,000 gsf of retail uses. The proposed building would consist of two towers—17 and 19 stories tall (approximately 176 and 200 feet in height, respectively)—connected by a mid-block five-story Arts Center (approximately 82 feet in height). The proposed project would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces. The proposed project would require an FAR exemption, as provided by the SUD, and a height and bulk exemption, as provided by the Special Height and Bulk District.

### *Office Variant*

An Office Variant to the proposed project would maintain the same building design, massing, and site plan as the proposed project. The overall square footage would be slightly reduced to 484,535 gsf compared to the proposed project. The Office Variant would include 112,400 gsf of office uses in place of the hotel uses, and a reduction of retail uses to 15,000 gsf. The Office Variant would require an FAR exemption, as provided by the SUD, and a height and bulk exemption, as provided by the Special Height and Bulk District.

*120-Foot Variant*

A 120-Foot Variant to the proposed project would involve a 12-story, 120-foot-tall building that is smaller in size compared to the proposed project and Office Variant. The 120-Foot Variant would be an approximately 396,000-gsf building containing 262 dwelling units, a 235-room hotel, and 18,500 gsf of retail uses. The 120-Foot Variant would not include dedicated arts space. The 120-Foot Variant would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces. The 120-Foot Variant would not require an FAR exemption or a height and bulk exemption. The 120-Foot Variant would comply with the maximum floor area and building heights of the existing Planning Code Use District and Height and Bulk District applicable to the site—the C-3-G Use District and 120-X Height and Bulk District.

Table 2, Project Summary, presents key project characteristics, including the square footage of the proposed uses, Office Variant, and 120-Foot Variant.

TABLE 2: PROJECT SUMMARY

| Project Use/Space | Proposed Project Totals | Office Variant Total | 120-Foot Variant Totals |
|---|---|---|---|
| Arts and Arts Education (gsf) | 64,555 | 64,555 | 0 |
| Retail (gsf) | 19,150 | 15,000 | 18,500[1] |
| Residential (gsf) | 252,350 | 252,350 | 203,000 |
| Hotel (gsf) | 124,705 | 0 | 136,000 |
| Office Space (gsf) | 0 | 112,400 | 0 |
| Parking and Loading (gsf) | 36,050 | 36,050 | 38,500 |
| Shared Lobby (gsf) | 4,180 | 4,180 | 0 |
| **Total (gsf)** | **500,990** | **484,535** | **396,000** |
| | | | |
| Open Space (gsf) | 33,090 | 33,090 | 26,524 |
| Dwelling units | 312 | 312 | 262 |
| Hotel rooms | 292 | 0 | 235 |
| Parking spaces | 104 | 104 | 104 |
| Loading Spaces | 2 trucks and 4 vans | 1 truck and 4 vans | 2 trucks and 2 vans |
| Number of buildings | 1 | 1 | 1 |
| Height of building[2] | 80 to 200 feet[3] | 80 to 200 feet[3] | 120 feet[4] |
| Number of stories | 5 to 19 stories | 5 to 19 stories | 12 stories |

Source: Mid Market Center, LLC

Notes:

[1] The retail space for the 120-Foot Variant includes approximately 3,000 sf located in the basement mezzanine for back-of-house uses.

[2] Parapet, mechanical penthouses, and other associated rooftop building structures are exempt from overall building height pursuant to Planning Code Section 260(b)(1)(F).

[3] The mechanical structures on the roof would extend the building height to up to approximately 209 feet.

[4] The mechanical structures/penthouse on the room would extend the building height to up to approximately 135 feet.

### *Excavation*

The proposed project and its variants would require excavation to a depth of approximately 35 feet below ground surface and estimated excavation of approximately 218,519 cubic yards or 59,000 tons of soil.

The anticipated depth of excavation for the base of the foundation (including basement and slabs) would be approximately 35 feet below the low point of the site, measured from the northeast corner at Market and Turk Streets. The proposed project and its variants would likely include one or two rows of caissons, parallel and adjacent to the Market Street property line, at 20- to 29-foot intervals. The depth of the caissons has not yet been determined and would be dependent on detailed engineering design acceptable to BART. The proposed project would also include two elevator pits that would extend approximately 32 feet bgs.

### *Emergency Generators*

The proposed project and Office Variant would include two emergency generators on the roof; the 120-Foot Variant would include one generator.

### *Proposed Uses*

#### *Proposed Project*

The basement would contain vehicle and bicycle parking, residential loading van zones, hotel back-of-house functions, and mechanical and service spaces. The basement mezzanine would contain resident storage space, hotel back-of-house functions, and mechanical and service spaces for the residential, hotel, and common building uses (see Figure 3, Proposed Basement Plan). The street level would contain arts, retail, hotel, residential lobby, and public space. The 2nd and 3rd floors would contain arts uses and residential space. The 4th floor would contain hotel and residential uses, along with areas open to arts uses below. The 5th floor would provide arts, hotel, and residential space. The 6th floor would contain hotel and residential uses, along with areas open to arts below. The 7th floor would contain hotel, residential and arts uses. The 8th floor and above would contain hotel and residential uses.

The 17-story Taylor-Turk tower would contain a ground-floor hotel lobby and a community space/arts education space, arts and education uses on floors 2 through 3, hotel uses on floors 4 through 16, and a rooftop bar on floor 17, with an adjoining rooftop terrace. The 19-story Market-Turk tower would contain retail and restaurant uses on the 1st floor, along with lobby space for arts and residential uses, and

residential units on floors 2 through 19. Roof terraces would be constructed on the 17th floor of the hotel tower, the 8th floor above the Arts Center, and on the 18th and 19th floors of the residential tower.

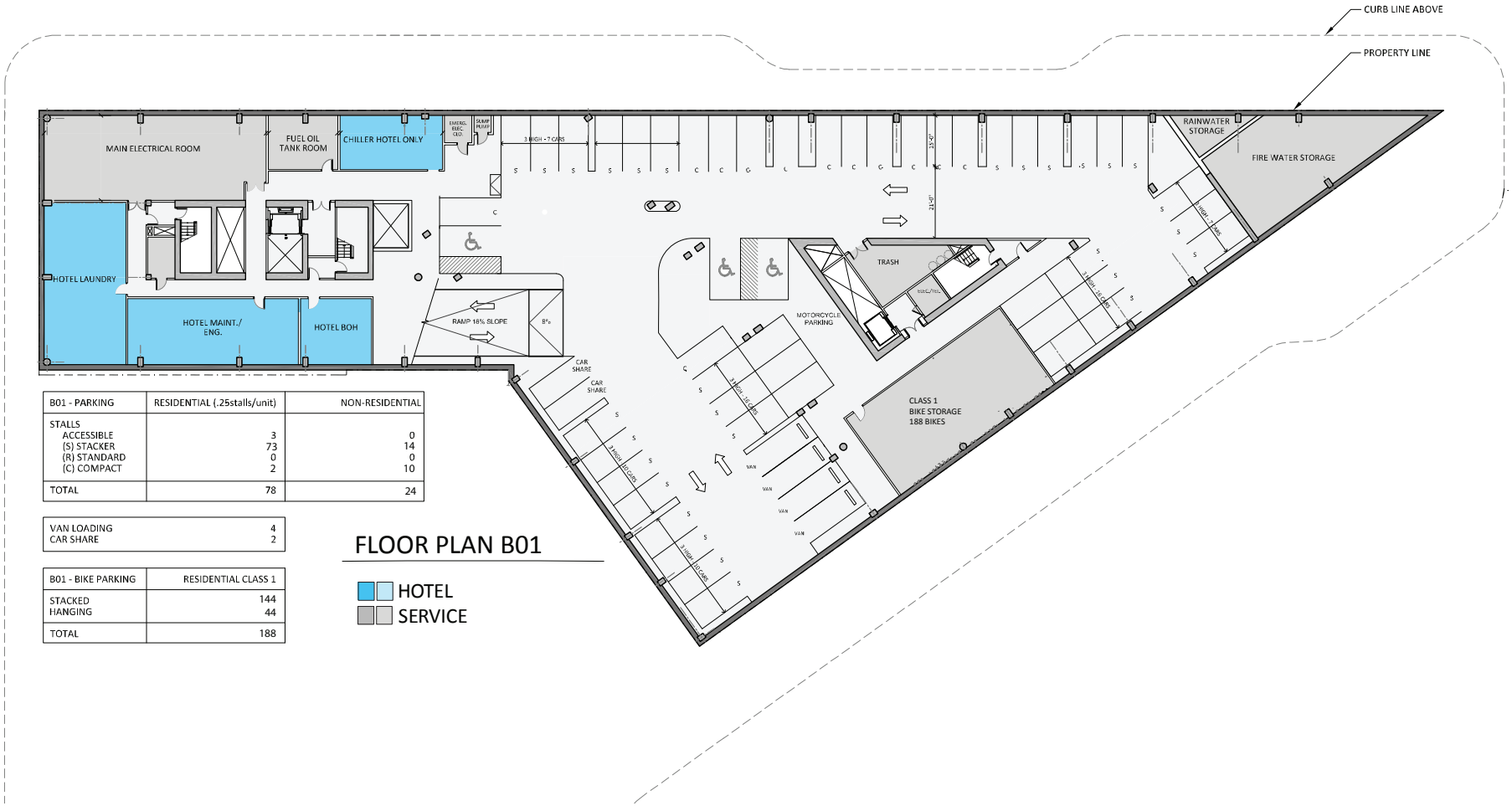
The ground floor of the Arts Center would contain a restaurant, a box office, and a shared public lobby serving the hotel, retail, arts, and arts education uses. The shared lobby would also serve as an exhibition and performance space. Arts and arts education uses would exclusively occupy the Arts Center on floors 2 through 7 (there would be no 4th or 6th floors in the central arts volume).

**Retail Uses.** The proposed project would include approximately 19,000 gsf of retail uses, including 15,000 gsf of retail uses at the street level and mezzanine levels, and an additional 4,300 gsf of retail on the rooftop for a hotel bar. The rooftop bar would be accessible to hotel guests and the public during certain hours of the day, with controlled access. The exact hours of operation have not yet been determined. Five to seven retail spaces, ranging from 500 sf to 5,000 gsf each, are proposed at the ground level (see Figure 4, Proposed Street Level Plan).

**Arts and Arts Education Uses.** The proposed project would include approximately 65,000 gsf of arts and arts education uses at the street level, and within floors 2, 3, 5, and 6. There would be no 4th or 6th floors in the arts volume due to the high ceiling clearances required on floors 3 and 5. The arts and arts education uses would include performing arts theater uses and associated support spaces, arts education/rehearsal spaces, and arts administrative offices.

The performing arts theater uses and associated theater support spaces would total approximately 31,250 gsf. This would include two performing arts theaters—one theater with up to 299 seats and the other with up to 120 seats—on floors 2 and 3 (see Figure 5, Proposed Level 2).

Arts and arts education support spaces would be on floors 2, 3, 5, and 7. The support spaces would include rehearsal studios, backstage support space, front-of-house pre-function space, public restrooms, work areas, operation areas, storage, sets, wardrobe, workshop, dressing rooms, lockers, other public areas, and back-of-house areas.




| B01 - PARKING | RESIDENTIAL (.25stalls/unit) | NON-RESIDENTIAL |
|---|---|---|
| STALLS | | |
| ACCESSIBLE | 3 | 0 |
| (S) STACKER | 73 | 14 |
| (R) STANDARD | 0 | 0 |
| (C) COMPACT | 2 | 10 |
| TOTAL | 78 | 24 |

| | |
|---|---|
| VAN LOADING | 4 |
| CAR SHARE | 2 |

| B01 - BIKE PARKING | RESIDENTIAL CLASS 1 |
|---|---|
| STACKED | 144 |
| HANGING | 44 |
| TOTAL | 188 |

SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

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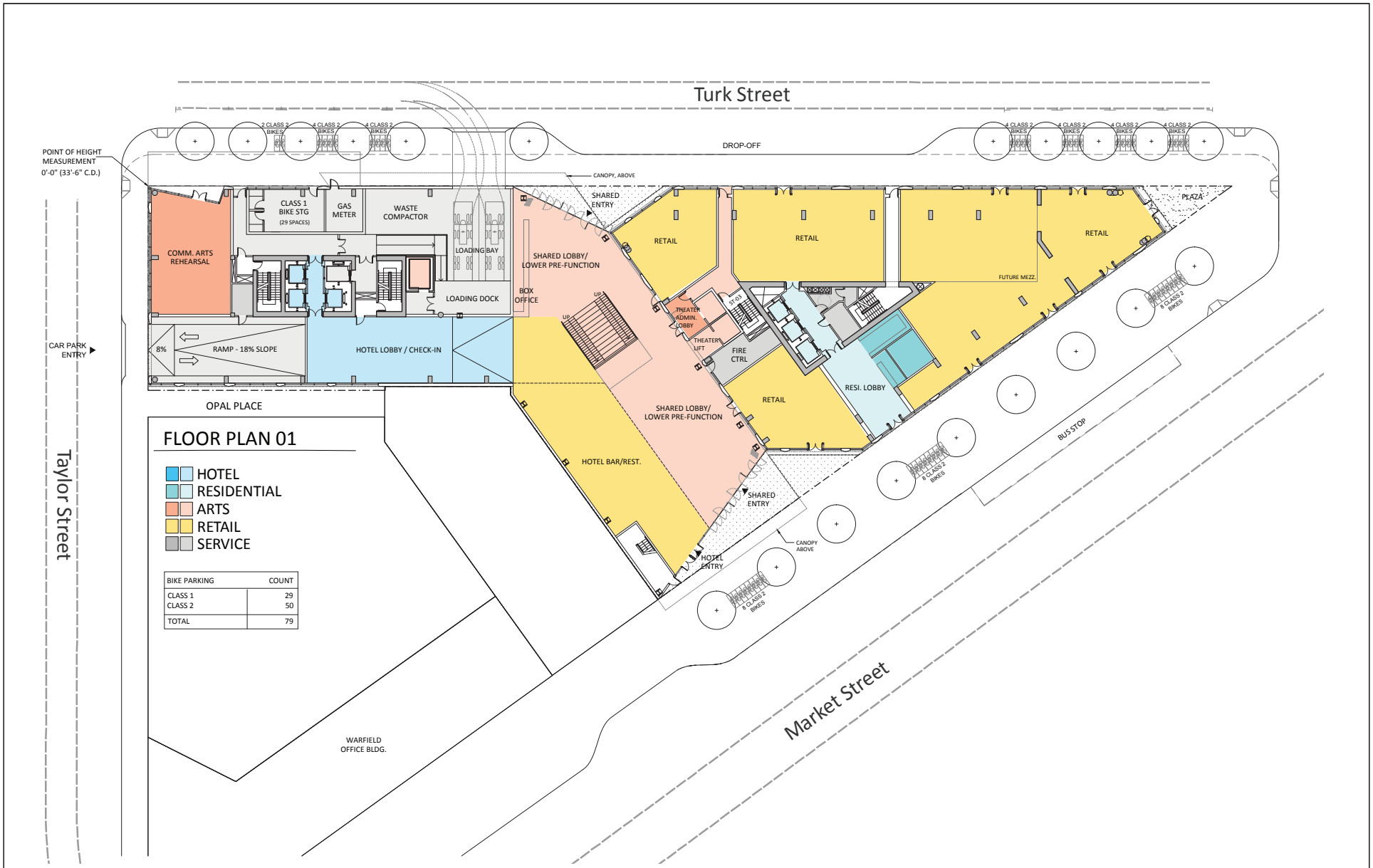
**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 3: PROPOSED BASEMENT PLAN**




SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 4: PROPOSED STREET LEVEL PLAN**


SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 5: PROPOSED LEVEL 2**

Additional arts and support spaces would be located at street level and would include a box office, concessions, curated visual arts displays, performing arts programming, and a community room/arts education space. Arts education/rehearsal uses would measure approximately 21,000 gsf. These uses would be located in multi-functional studios that would serve as classrooms, audition rooms, a youth drop-in center, rehearsal space, and art studios. The proposed multi-functional studios would be located on street level and on floors 3, 5, and 7. Arts administrative offices would measure approximately 14,350 gsf and would be located on floors 2, 3, and 7.

**Residential Uses**. The proposed project would include approximately 252,000 gsf of residential uses composed of 312 residential units, residential storage, amenity space, mechanical, electrical, and trash use and lobby areas, located within the Market-Turk tower from floor 2 through floor 19 (see Figure 6, Proposed Level 11 [Typical Floor]). The residential lobby would be on the ground floor, and back-of-house and mechanical spaces would be located throughout the residential tower for staff, service, and maintenance uses. Of the 312 residential units, 275 residential units would be market rate and 37 residential units would be below-market-rate (BMR) (12 percent of total units). The unit mix would be approximately 188 studios, 63 one-bedroom units, and 61 two-bedroom units. Three private roof terraces on floors 8, 18, and 19 of the Market-Turk tower would provide common open space for residents (see Figure 7, Proposed Open Space).

**Hotel Uses.** The proposed project would include approximately 125,000 gsf of hotel uses. Approximately 292 guest rooms would be located on floors 4 to 16 within the Taylor-Turk tower (see Figure 6, Proposed Level 11 [Typical Floor]). Associated hotel support spaces (including maintenance, laundry, kitchen, and employee areas) would be located on the ground floor (hotel lobby) and the basement and basement mezzanine levels. A roof terrace on floor 17 of the Taylor-Turk tower would provide non-residential open space, available for hotel patrons and the public.

*Office Variant*

The proposed Office Variant would maintain the same building design, massing, and site plan as the proposed project. The overall square footage would be slightly reduced to 484,535 gsf compared to the proposed project. The Office Variant would include 112,400 gsf of office uses in place of the hotel uses in the Taylor-Turk tower, a reduction of approximately 12,000 square feet compared to the hotel use square footage (see Table 2, Project Summary).

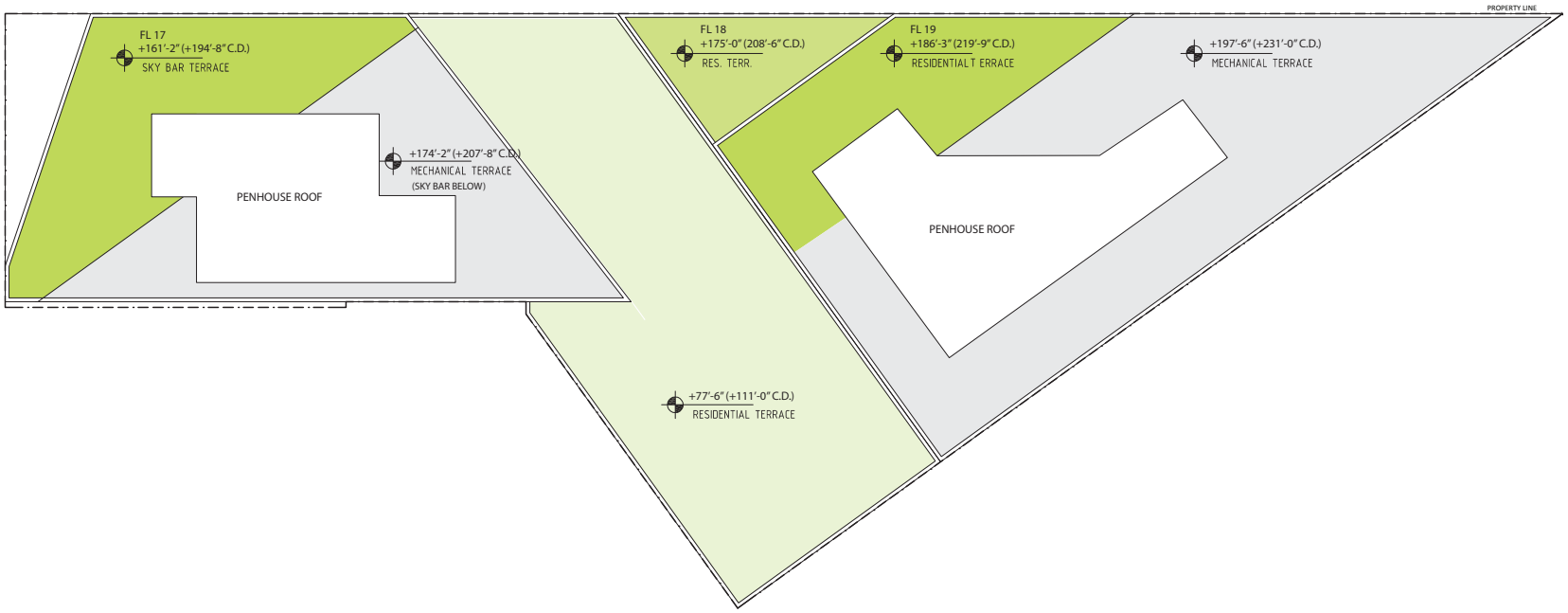

SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 6: PROPOSED LEVEL 11 (TYPICAL FLOOR)**




SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

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**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

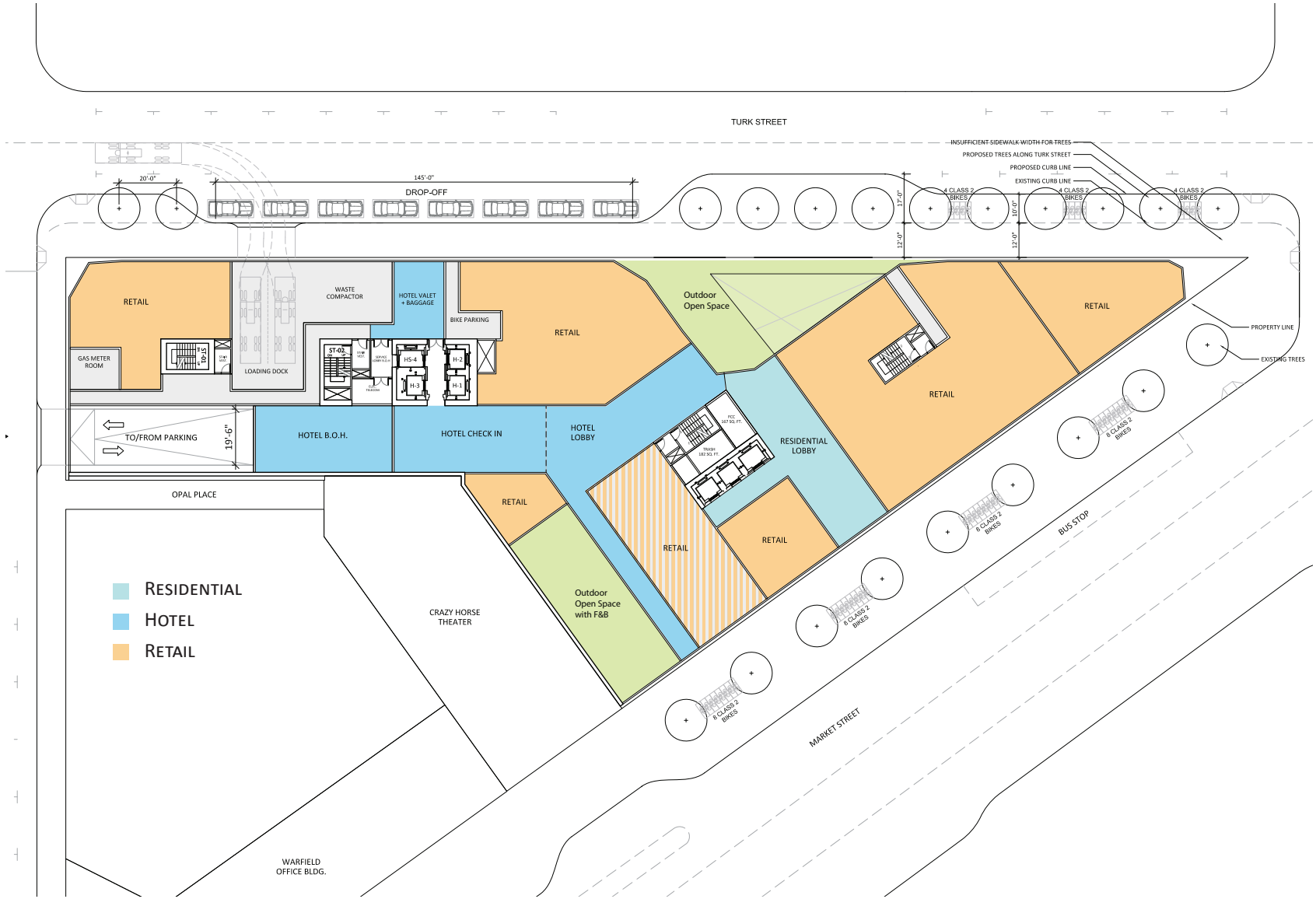
**FIGURE 7: PROPOSED OPEN SPACE**

The street level and mezzanine level would have 15,000 gsf of retail uses, similar to the proposed project, but would not include a rooftop bar, resulting in a reduction of approximately 4,400 gsf of retail use. The reduction in floor area in the Taylor-Turk tower would be due to the higher floor-to-floor heights for office space, compared to floor heights for hotel uses.

*120-Foot Variant*

The basement would contain vehicle and bicycle parking, hotel back-of-house functions, and mechanical and service spaces. The basement mezzanine would contain resident storage space, residential and hotel back-of-house functions, and mechanical and service spaces for the residential, hotel, and common building uses. The street level would contain retail, residential and hotel lobbies, restaurant space, and public open spaces composed of a publicly accessible outdoor food and beverage garden on Market Street, and a public open space on Turk Street that would have an additional outdoor activity and event space for residents, hotel guests, and the public (see Figure 8, 120-Foot Variant Street Level Plan). The second through 12th floors would consist of residential and hotel uses. Residential uses would occupy approximately the eastern half of the building, while hotel uses would occupy approximately the western half of the building. The building would include rooftop terraces above the 12th floor with gardens and recreation areas vegetated with trees and other shrubbery, lounge and deck areas, and outdoor event and seating spaces which would provide both separate and shared open spaces for residential and hotel tenants.

**Retail Uses.** The 120-Foot Variant would include approximately 15,500 gsf of retail uses at the ground level, with retail shops, community space, and restaurants and bars. Six to eight retail spaces would be along Market and Turk Streets, ranging from approximately 500 square feet to 4,999 square feet each, to potentially house food and beverage establishments or general retail shops serving visitors, and to serve neighborhood residents and workers. In addition, the variant would include an outdoor food and beverage garden mid-block on Market Street and a public open space on Turk Street (see Figure 8, 120-Foot Variant Street Level Plan). The 120-Foot Variant would also include a rooftop bar, but it would be located outdoors (see Figure 9, 120-Foot Variant Rooftop Plan). The rooftop bar would be accessible to hotel guests and the public during certain hours of the day, with controlled access. The exact hours of operation have not yet been determined.




SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

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CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 8: 120-FOOT VARIANT STREET LEVEL PLAN**


SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

0 25 50 100 ft

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**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 9 : 120-FOOT VARIANT ROOFTOP PLAN**

**Residential Uses.** The 120-Foot Variant would include approximately 203,000 gsf of residential uses composed of 262 residential units, residential storage, amenity space, mechanical, electrical, and trash use and lobby areas, covering approximately the eastern half of the building from floor two through floor 12. The residential lobby would be on the ground floor, and back-of-house and mechanical spaces would be placed throughout the residential component of the building for staff, service, and maintenance uses. Of the 262 residential units, 233 residential units would be market rate and 31 residential units would be BMR units (12 percent of total units). The unit mix would be approximately 79 studios, 79 junior one-bedroom, 52 one-bedroom units, and 52 two-bedroom units. A private roof terrace above floor 12 would provide approximately 14,000 gsf of common open space for residents.

**Hotel Uses.** The 120-Foot Variant would include approximately 136,000 gsf of hotel uses, with 235 guest rooms on floors two through 12 covering approximately the western half of the building. Associated hotel support spaces (including publicly accessible lobby, maintenance, laundry, kitchen, and employee areas) would be located on the ground floor and the basement and basement mezzanine levels. A roof terrace above floor 12 would provide approximately 6,000 gsf of non-residential open space, available for hotel patrons.

### *Proposed Parking, Loading, and Bicycle Parking*

#### *Proposed Project and Office Variant*

The proposed project and Office Variant would include a single-level 35,000-gsf below-grade basement with a mezzanine level for storage, back-of-house areas, and approximately 19,600 gsf of area for 104 parking spaces, including two car-share spaces. Parking would be provided at a ratio of one space per four dwelling units, and 17 non-residential stalls would be provided for commercial tenants, hotel and retail staff (or office), and building management. No on-site parking would be provided for hotel guests, arts patrons, or students. Access would be via a driveway along the Taylor Street frontage, adjacent to Opal Place, which is currently used for trash bin storage and emergency egress serving the Warfield Theater and the Crazy Horse Theater. A new, approximately 20-foot-wide curb cut would be installed along the Taylor Street frontage to serve the new driveway, and the existing curb cut would be removed. Approximately 78 of the 104 parking spaces would be accommodated by puzzle stackers, a type of mechanical parking lift; no additional below-ground pits would be required to accommodate the stackers. Four van-sized loading spaces would be located in the garage basement for residential loading and unloading.

The proposed project would include 188 Class 1 bicycle parking spaces in the garage levels for residents, 29 Class 1 bicycle parking spaces for the non-residential uses, located within the ground floor, and 50 Class 2 sidewalk bicycle parking spaces in groups of four to eight spaces along the Turk Street and Market Street sidewalks near the entrances to the building at multiple locations around the block, subject to approval by the Department of Public Works. The Office Variant would supply an identical amount of Class 1 bicycle parking spaces in the garage levels for residents, and Class 2 bicycle parking spaces along the Turk Street and Market Street sidewalks; the Office Variant would supply an additional eight Class 1 spaces for non-residential uses, for a total of 37 spaces (see Figure 3, Proposed Basement Plan, and Figure 4, Proposed Street Level Plan).

A new loading zone measuring approximately 122 feet is proposed mid-block on Turk Street to accommodate passenger drop-off and pick-up and valet services for hotel and theater guests. The Turk Street frontage, including the existing curb and sidewalk, would be entirely removed and reconfigured as described in the Proposed Street and Streetscape Improvements section. A 20-foot curb cut would be included for access to two 30-foot-long truck-loading spaces within the building with access from Turk Street.

*120-Foot Variant*

The 120-Foot Variant would include a single-level below-grade garage with approximately 38,500 gsf for 104 parking spaces, including two car-share spaces. Parking would be provided up to a ratio of one space per two dwelling units. No on-site parking would be provided for hotel guests. Garage access would be provided via a driveway ramp along the Taylor Street frontage, adjacent to Opal Place, A new, approximately 20-foot-wide curb cut would be installed along the Taylor Street frontage to serve the new driveway ramp, and the existing curb cut would be removed. A portion of the 104 parking spaces would be accommodated by puzzle stackers, a type of mechanical parking lift; no additional below-ground pits would be required to accommodate the stackers. Space for two service vans would be provided in the garage basement for residential loading and unloading.

The 120-Foot Variant would include a minimum of 151 Class 1 bicycle parking spaces in the garage and ground floor level. The project would provide a minimum of 44 Class 2 sidewalk bicycle parking spaces in groups of four to eight spaces along the Turk Street and Market Street sidewalks near the entrances to the building at multiple locations around the block, subject to approval by the Department of Public Works (Figure 8, 120-Foot Variant Street Level Plan).

The 120-Foot Variant would propose a new curb loading zone measuring approximately 122 feet, on the Turk Street frontage, to accommodate passenger drop-off and pick-up and valet services for hotel guests. The Turk Street frontage, including the existing curb and sidewalk, would be entirely rebuilt and reconfigured, as described in the Proposed Street and Streetscape Improvements section. A 20-foot curb cut would provide access from Turk Street to two truck-loading bays within the building. An approximately 1,800-gsf off-street loading area with the two 35-foot-long truck-loading bays would be located on Turk Street near Taylor Street and would serve residential, hotel, and retail uses in the building (see Figure 8, 120-Foot Variant Street Level Plan).

### *Proposed Street and Streetscape Improvements*

The proposed project and variants would include additional sidewalk changes. Along Turk Street, the sidewalk would be reconstructed and widened (except at the pedestrian loading area) to remove hazards and existing sidewalk elevators, and to accommodate new sidewalk transformer vaults at the western end of the Turk Street frontage. As part of the proposed project and variants, 11 new street trees would be planted along the Turk Street frontage, where no trees currently exist. In addition, a sidewalk bulb-out on the southeast corner of Turk Street and Taylor Street, and a bulb-out on the southwest corner of Turk Street and Mason Street would be installed. Along Taylor Street, where street trees currently do not exist, no new street trees would be planted in order to maintain the existing 10-foot clear sidewalk width. All 17 existing street trees, the brick sidewalk improvements, and the historic Path of Gold lamp posts are proposed to be retained along the Market Street frontage.

### *Proposed Site Design*

#### *Proposed Project and Office Variant*

The proposed project would have street-level pedestrian access on Market Street, Taylor Street, and Turk Street. Entrances from Market Street and Turk Street would lead to a shared lobby serving the arts, retail, and hotel or office uses. Entrances from Taylor Street would provide access only to the proposed community arts rehearsal room. The building would have a public plaza, approximately at the intersection of Market Street and Turk Street. The arts staff lobby entrance would be near the center of the ground-floor shared lobby. The hotel rooftop bar entry would be through the ground-floor hotel lobby. The Office Variant would not include a rooftop bar. The residential entrance would be from Market Street (refer to Figure 4, Proposed Street Level Plan).

*120-Foot Variant*

The 120-Foot Variant would have street-level pedestrian access on Market Street and Turk Street. Entrances from Market Street and Turk Street would lead to separate residential and hotel lobbies (see Figure 8, 120-Foot Variant Street Level Plan).

### *Proposed Building Design*

*Proposed Project and Office Variant*

The hotel or office tower and residential tower would be constructed with gradually increasing floor sizes. See Figure 10, Market Street Cross Section, for a cross-section view and floor details. The height of the triangular-shaped Turk-Market tower (residential) along Market Street would be approximately 192 feet tall as defined by the Planning Code (additional building elements, including parapets and mechanical penthouses, that are exempt from height limits would extend above the roof). The residential tower would gradually slope downward from Market Street along Turk Street and westerly along Market Street, to a low point of approximately 175 feet in height at its northwest corner. The sloping building massing would include rooftop terraces on the 18th and 19th floors to provide common open space for residential tenants. The height of the Turk-Taylor hotel or office tower would be a maximum of 172 feet at its southeast corner, including the rooftop terrace (additional building elements, including parapets and mechanical penthouses, that are exempt from height limits would extend above the roof). The mechanical penthouses would be the tallest building elements. The hotel or office tower would gradually slope downward toward its northwest corner to a height of approximately 158 feet. The gradual decrease in roof height would allow a terrace on the hotel or office tower to occur on the 17th floor to provide a rooftop terrace (refer to Figure 7, Proposed Open Space). The tower floors would gradually increase in size at each floor, and the separation between the two towers would decrease toward the top of the building. A central roof terrace, approximately 82 feet above the sidewalk , would be on the eighth floor above the arts volume, reaching from the Market Street frontage between the two towers to the Turk Street frontage and extending over the sidewalk above the second floor by 10 feet on either end. The central terrace would provide common open space use for the residences and a small amount of shared open space with the hotel. As shown in Figure 10, Market Street Cross Section, Figure 11, Market Street Elevation, Figure 12, Turk Street Elevation, and Figure 13, Taylor Street Elevation, the two towers would rise on either side of the mid-block Arts Center. Figures 14 through 17 are visual simulations of the proposed project building from various viewpoints, for informational purposes. Figure 14 shows the view from Market Street looking west towards the proposed project; Figure 15 shows the view from Market Street looking northeast towards the proposed project; Figure 16 shows the view from Turk Street

looking east towards the proposed project; and Figure 17 shows the view from Taylor Street, looking south towards the proposed project.

*120-Foot Variant*

The 120-Foot Variant would include a 12-story building with a 25-foot setback from the Crazy Horse/Egyptian Theater on Market Street, and would be v-shaped in plan (see Figure 18, 120-Foot Variant Market Street Cross Section, for a cross-section view and floor details). The height of the proposed building would be 120 feet (additional building elements, such as parapets, wind screens, planters, mechanical screens, and mechanical penthouses, which are exempt from height limits, would extend above the 120-foot-high roofline (see Figures 19, Elevation [Market Street], 20, Elevation [Turk Street], and 21, Elevation [Taylor Street]). The building would include rooftop terraces above the 12th floor that would provide both separate and common open spaces for residential and hotel tenants. As noted previously, the open space adjoining Market Street would include a publicly accessible outdoor open space. The open space along Turk Street would have additional outdoor activity and event space for residents, hotel guests, and the public (Figure 8, 120-Foot Variant Street Level Plan).

## A.4. CONSTRUCTION ACTIVITIES AND SCHEDULE

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

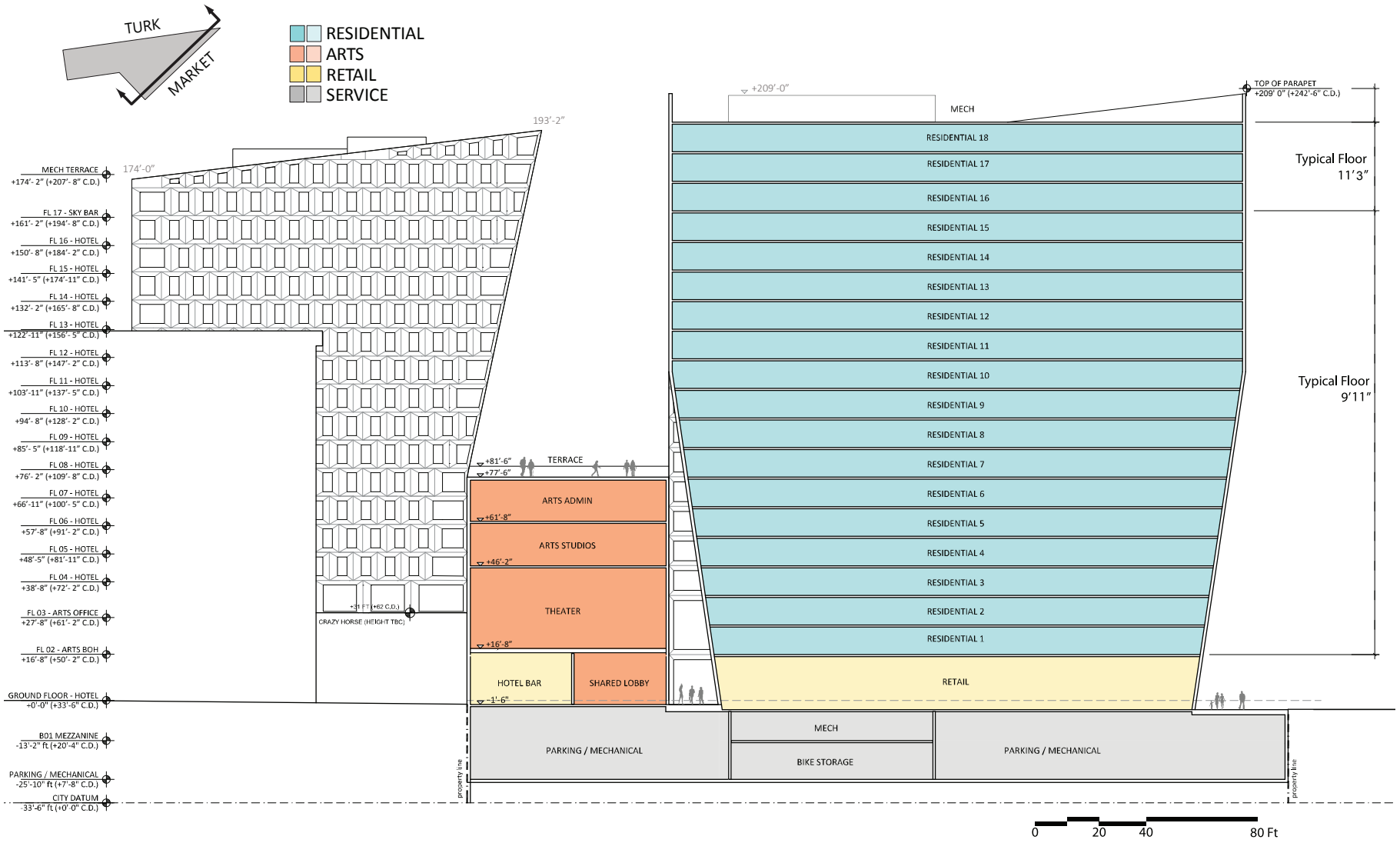
No construction activity is associated with the approval of the SUD and Special Height and Bulk District.

### 950–974 MARKET STREET PROJECT AND VARIANTS

The 950–974 Market Street Project sponsor estimates that the demolition, excavation, and construction of the proposed project or variants would take approximately 27 months. As shown in Table 3, Construction Schedule, demolition of the existing buildings and structures at the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months to complete. Construction of the building would occur over a period of approximately 23 months. Partial sidewalk space on Market Street and full sidewalk space on Turk and Taylor Streets would be required throughout the full 27-month demolition and construction period.

**TABLE 3: CONSTRUCTION SCHEDULE**

| Construction Activity | Approximate Schedule |
|---|---|
| Demolition | 1 month |
| Excavation and Shoring | 3 months |
| Construction | 23 months |

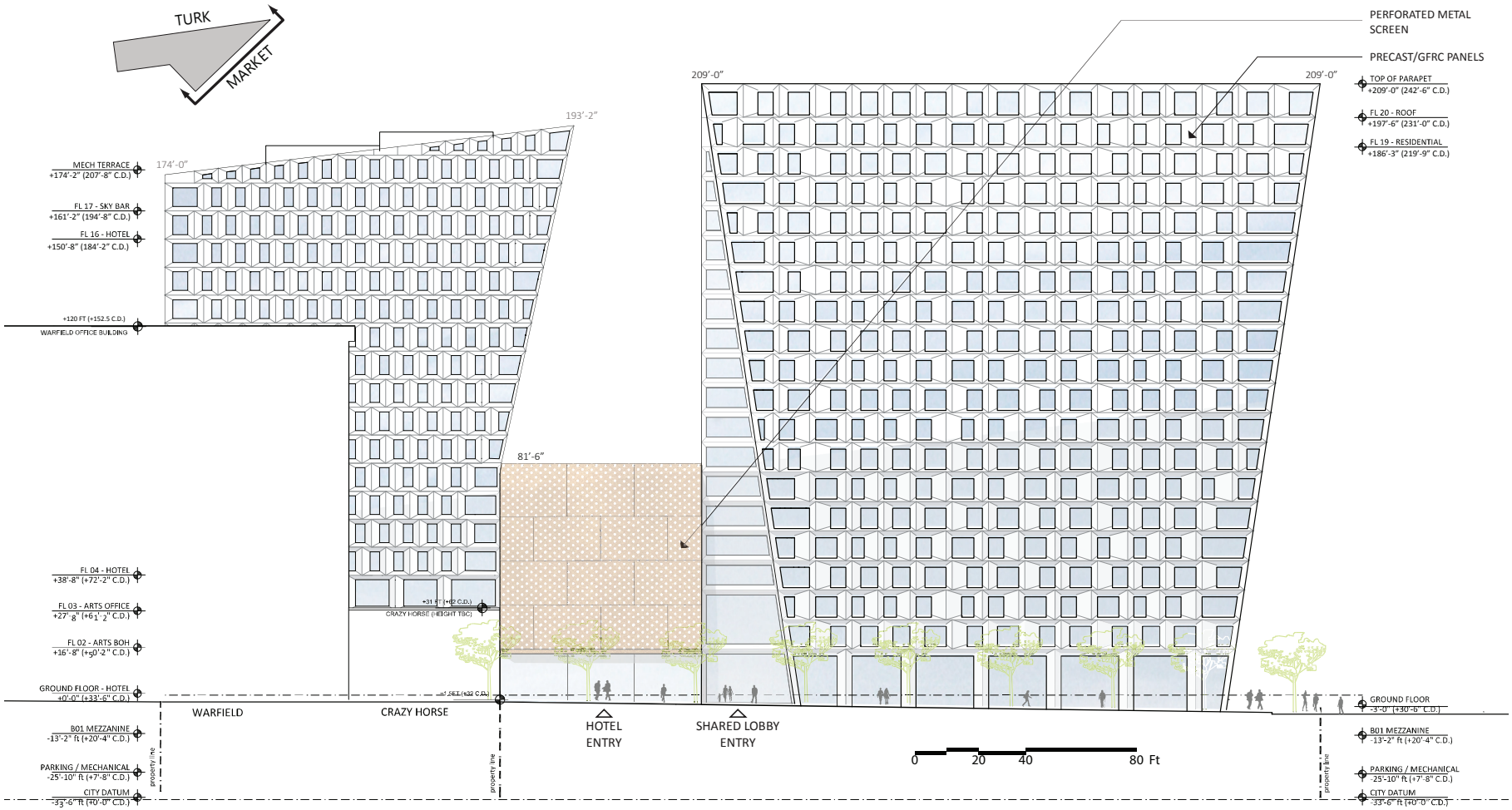



SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 10: MARKET STREET CROSS SECTION**

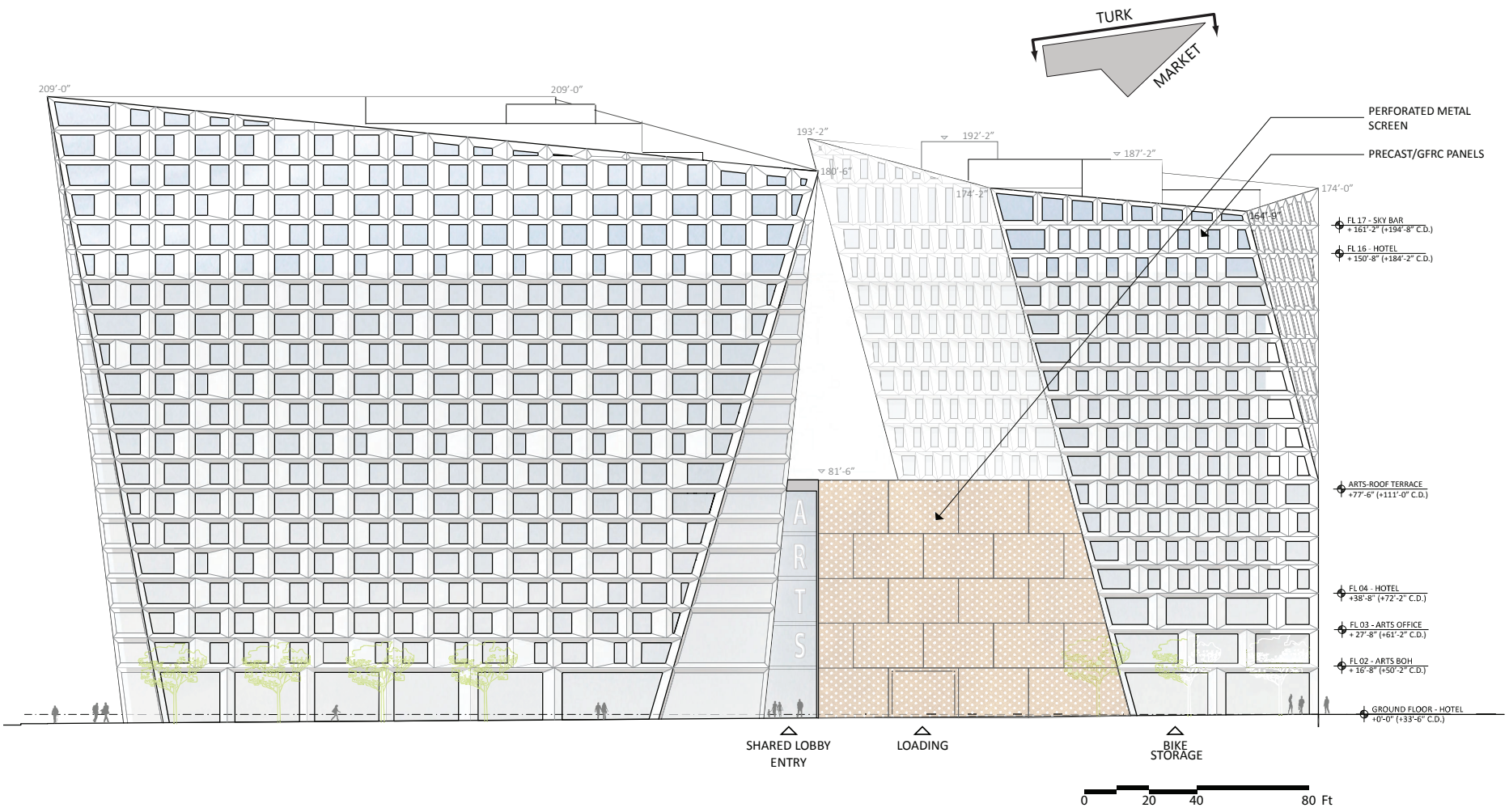



SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 11: MARKET STREET ELEVATION**

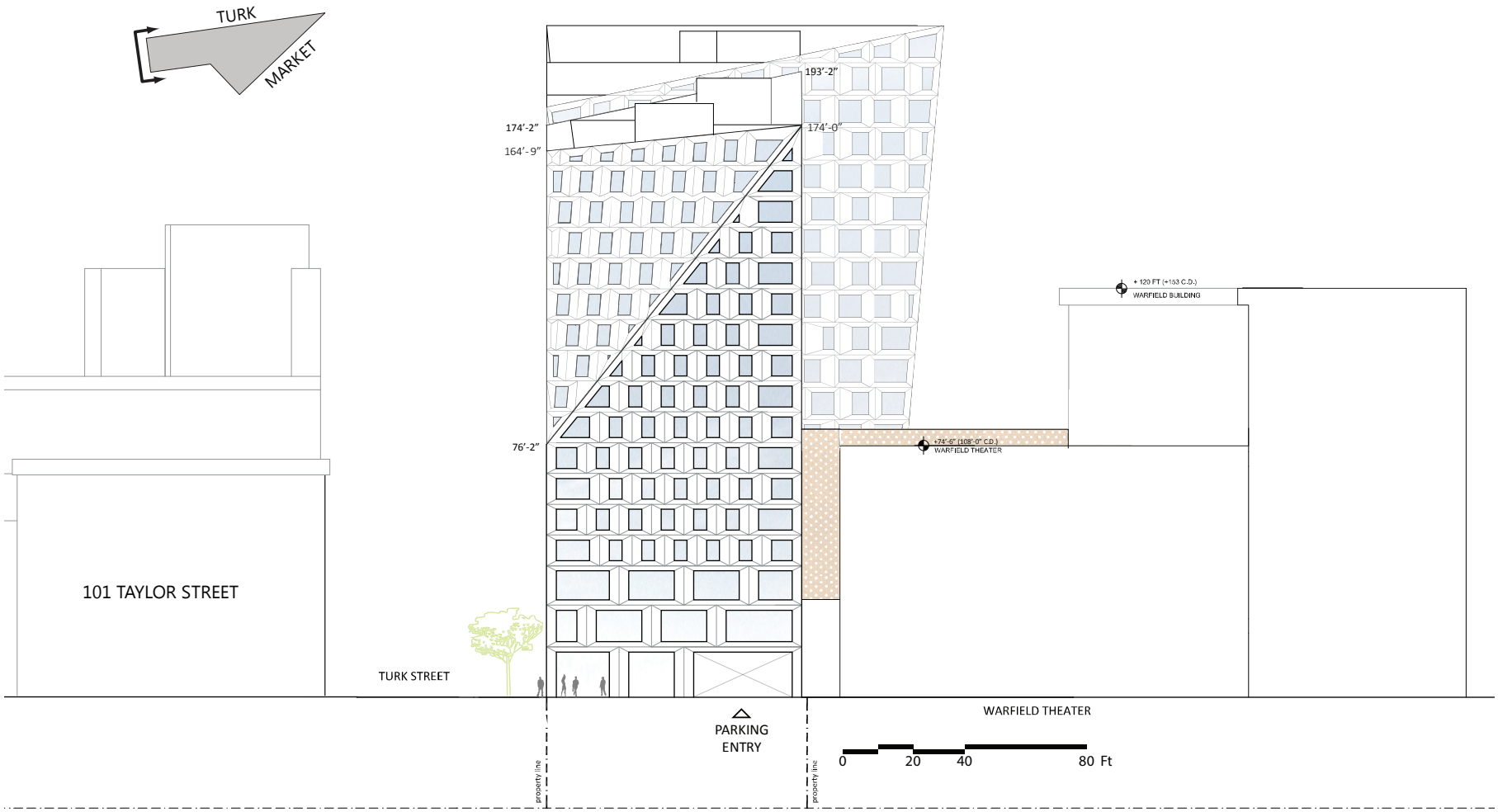



SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 12: TURK STREET ELEVATION**




SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 13: TAYLOR STREET ELEVATION**

Source: Square One Productions

**Figure 14 View from Market Street, Looking West**

Source: Square One Productions

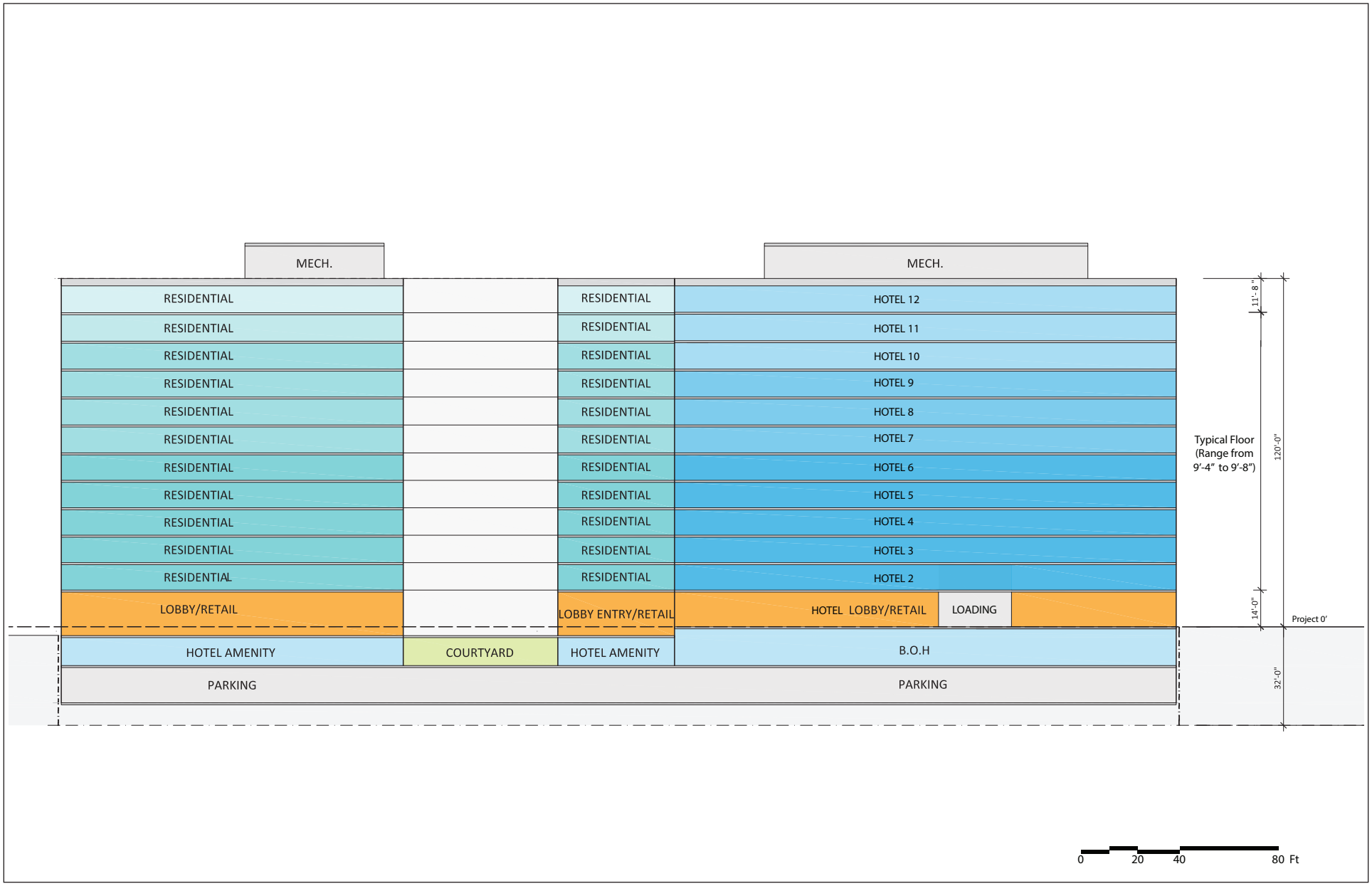
**Figure 15 View from Market Street, Looking Northeast**

Source: Square One Productions

**Figure 16 View from Turk Street, Looking East**


Source: Square One Productions

**Figure 17 View from Taylor Street, Looking South**




SOURCE: BIG, TRC SOLUTIONS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 18: 120-FOOT VARIANT MARKET STREET CROSS SECTION**


SOURCE: HANDEL ARCHITECTS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 19: 120-FOOT VARIANT ELEVATION (MARKET STREET)**


SOURCE: HANDEL ARCHITECTS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 20: 120-FOOT VARIANT ELEVATION (TURK STREET)**


SOURCE: HANDEL ARCHITECTS, MID MARKET CENTER LLC

**MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS & 950-974 MARKET STREET PROJECT**

CASE NOS. 2014.0800E & 2013.1049E

**FIGURE 21: 120-FOOT VARIANT ELEVATION (TAYLOR STREET)**

## A.5. REQUIRED APPROVALS AND PERMITS

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District would require Board of Supervisors approval of amendments to the Planning Code and Zoning Map to create and map the SUD and Special Height and Bulk District, with a recommendation from the Planning Commission.

### 950–974 MARKET STREET PROJECT AND VARIANTS

The proposed project and variants would require the following approvals from the City and County of San Francisco:

- Lot Merger and Subdivision Map approval to merge and re-subdivide the separate lots that compose the project site
- Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309, with exceptions for rear yard configuration, off-street loading, and off-street tour bus loading
- Conditional Use Authorization by the Planning Commission to exempt the on-site BMR dwelling units from FAR calculations (Planning Code Section 124[f])
- Variance by the Zoning Administrator for the width and configuration of the off-street loading access
- For the proposed project and the 120-Foot Variant only, Conditional Use Authorization by the Planning Commission to allow a hotel (Planning Code Section 210.2)
- For the proposed project and Office Variant only, a height exception pursuant to the proposed Special Height and Bulk District
- For the proposed project and Office Variant only, Planning Commission approval, with recommendation from the Recreation and Park Commission, for new shadow on Boeddeker Park
- For the Office Variant only, an Office Allocation approval by the Planning Commission pursuant to Planning Code Section 321
- San Francisco Municipal Transportation Agency approval for all proposed changes to on-street loading zones, and the reconfiguration/removal of existing on-street parking spaces
- Department of Building Inspection approval for demolition and building permits
- Public Utilities Commission approval for the Stormwater Prevention Plan

The Planning Commission recommendation to the Board of Supervisors regarding approval of amendments to the Planning Code and Zoning Map to create and map the SUD and Special Height and Bulk District constitutes the Approval Action for the SUD and Special Height and Bulk District project pursuant to Section 31.04(h)(3) of the San Francisco Administrative Code.

The approval of the Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309 constitutes the Approval Action for the proposed 950–974 Market Street Project, Office Variant, and 120-Foot Variant pursuant to Section 31.04(h)(3) of the San Francisco Administrative Code.

The Approval Action date establishes the start of the 30-day appeal period for this California Environmental Quality Act determination pursuant to Section 31.6(d) of the San Francisco Administrative Code.

# B. PROJECT SETTING

## B.1. MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The proposed Mid-Market Arts and Arts Education Special Use District (SUD) and Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District) is within the Downtown/Civic Center and South of Market neighborhoods. The SUD would include all parcels abutting Market Street between 5th and 8th Streets, except for the parcels associated with the Trinity Plaza Development and those that comprise Hallidie Plaza and United Nations Plaza. The Special Height and Bulk District would include 1053-1055 Market Street (Block 3703, Lot 066) and 1089 Market Street (Block 3703, Lot 060), which are south of Market Street; and 950–974 Market Street (Block 0342, Lots 001, 002, 004, and 014), which is north of Market Street. The project area is within C-3-G and C-3-R Use Districts, and height and bulk districts ranging from 80-X to 120-X. No bulk restrictions exist in these "X" districts.

The SUD and Special Height and Bulk District are located within a network of public transportation, public spaces, and public venues. United Nations Plaza and Hallidie Plaza are major portals for public transit, including Muni Metro subway and Bay Area Rapid Transit, as well as the Powell Street cable car turn-around. The Mid-Market Street area between 5th Street and 8th Street has a wide range of uses, including retail, hotels, office, the Warfield Theater, the Golden Gate Theater, and the Orpheum Theater. The Mid-Market area also contains residential uses in apartments and single room occupancy (SRO; residential hotel) dwellings. The Tenderloin neighborhood north of Market Street has a range of residential development, including substantial amounts of affordable housing, and retail uses. The SUD is close to Union Square retail and theater uses. The Civic Center, Hastings College of the Law, the San Francisco Public Library Main Branch, the Asian Art Museum, Bill Graham Civic Auditorium, and the Performing Arts Center at Davies Symphony Hall, the Opera House and the Veterans Building are near the western end of the proposed SUD.

The central portion of the SUD and Special Height and Bulk District is within the Market Street Theater and Loft Historic District. The eastern end of the SUD is within the Kearny-Market-Mason-Sutter Conservation District. The Market Street Theater and Loft Historic District is a district with post-1906 earthquake buildings that are characterized by two- to eight-story reinforced concrete or steel-frame buildings. The ground floors of almost all the buildings contain retail storefronts and the upper floors

house residential and office space. The pattern of development in the Kearny-Market-Mason-Sutter Conservation District is one of small-scaled, light-colored buildings predominantly four to eight stories in height. This dense area is the heart of San Francisco's retail and tourist sectors, containing a concentration of fine shops, department stores, theaters, hotels, and restaurants. The western end of the SUD is within the Civic Center Landmark District. The Civic Center Landmark District comprises a 15-block area that includes major Beaux Arts civic buildings, such as City Hall and the War Memorial complex, as well as commercial and residential-over-commercial buildings. The Uptown Tenderloin Historic District is immediately north of the SUD and Special Height and Bulk District project area. The Uptown Tenderloin National Register Historic District is a high-density residential area characterized by a variety of multiple-story commercial, residential, hotel, and institutional buildings dating from 1906 to the 1930s, with a few newer, non-contributory buildings.

## B.2. 950–974 MARKET STREET PROJECT AND VARIANTS

The 950–974 Market Street Project (proposed project) site is within the proposed SUD and Special Height and Bulk District, on the north side of Market Street, between Turk and Taylor Streets in San Francisco's Downtown/Civic Center neighborhood. The project site is composed of four lots that contain a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses. The topography of the project site and surrounding area is relatively flat. The project site is within the block bounded by two-way Market Street, one-way westbound Turk Street, and one-way northbound Taylor Street.

The project site is within a Downtown Commercial (C-3-G) Use District and a 120-X Height and Bulk District. Most of the properties along Market Street near the project site are within the C-3-G or Downtown Commercial Retail (C-3-R) Use Districts and similar height and bulk districts. Hallidie Plaza (P [Public] Use District and OS [Open Space] Height and Bulk District), is northeast of the proposed 950–974 Market Street Project site.

Land uses in the surrounding area include a mixture of retail, entertainment, hotel, residential, and office uses, where many of these uses have citywide or regional function. The Warfield Building and Theater are located directly west of the site. The Market Street Place retail center is under construction southeast and across the street from the project site; other existing retail and office space front the south side of Market Street. The site is bordered on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and hotel buildings. Uses north of the project site and in a

one-block radius include several SRO hotels, many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels within one block of 950 Market Street include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. Parks, open spaces, and recreational facilities located within 1,000 feet of the project site include Father Alfred E. Boeddeker Park, which is northwest of the site on the block bordered by Eddy Street, Jones Street, and Ellis Street, and Hallidie Plaza, which is approximately one block to the east, at Market and Powell Streets.

## B.3. CUMULATIVE PROJECTS

Cumulative development in the project vicinity (within a 0.25-mile radius of the project site) includes the following projects that are either under construction or for which the Planning Department has an Environmental Evaluation Application on file:

- **1125 Market Street:** The project would construct a 12-story-over-basement, 120-foot-tall building providing 160 hotel rooms and approximately 8,000 square feet (sf) of public use areas on the ground floor, including restaurant, bar, and hotel lobby uses (environmental review in progress).

- **1028 Market Street:** The project would demolish the existing commercial building and construct a 13-story, 120-foot-tall building containing approximately 186 dwelling units, 9,675 sf of commercial space, and 42 parking spaces in two basement levels (environmental review in progress).

- **1066 Market Street:** The project would demolish the existing commercial building and parking lot and construct a 14-story, 120-foot-tall building providing approximately 301 dwelling units, 1,885 sf of commercial space, and 112 parking spaces (environmental review in progress).

- **1075 Market Street:** The project includes construction of a 90-foot-tall, eight-story mixed-use retail/residential building, with approximately 7,500 sf of retail space, 99 dwelling units, and 24 parking spaces.

- **945 Market Street:** The project includes construction of an approximately 90-foot-tall, five-story retail center.

- **1095 Market Street:** The project would convert the existing office building to a hotel and restaurant/nightclub (environmental review in progress).

- **1127 Market Street:** The project would renovate the existing 12,300-sf movie theater to a 299-seat live theater with support spaces, including a ground-floor restaurant/cafe fronting Market Street.

- **1169 Market Street:** The project demolished the former Trinity Plaza residential building and is constructing approximately 1,900 residential units, including 360 rent-controlled replacement units for tenants of the now-demolished building, and approximately 60,000 sf of ground-floor retail, in four towers (approximately 120 feet tall) at 8th and Market Streets (under construction; two of four buildings are complete, and work is ongoing).

- **1100 Market Street:** The project involves renovation of the existing Renoir Hotel at Market and 7th Streets. Construction is ongoing and the hotel is scheduled to reopen as the San Francisco Proper Hotel.

- **1390 Market Street:** The project includes construction of a 120-foot-tall, 11-story building with 230 dwelling units and 17,000 sf of retail uses.

- **1036–1040 Mission Street:** The project includes construction of a 90-foot-tall, nine-story residential building, including 83 affordable housing units. The project would include 963 sf of ground-floor retail space and 144 bicycle parking spaces.

- **942 Mission Street:** The project includes construction of a 152-foot-tall, 15-story hotel with 172 hotel rooms, 3,240 sf of ground-floor retail, and 4,098 sf of first-floor circulation space.

- **925–967 Mission Street:** The project includes the rehabilitation of two existing buildings, and the demolition and redevelopment of six other existing buildings at the site. The project would result in the construction of five new buildings ranging in height from approximately 50 feet to 400 feet. The project would include approximately 1.85 million sf of new and existing uses, comprising 1,132,200 sf of office uses, 552,800 sf of residential uses, including approximately 748 dwelling units, up to 146,900 sf of ground floor retail/office uses, and 18,200 sf of arts/cultural/educational uses.

- **168 Eddy Street:** The project includes construction of an 88-foot-tall, 130,500-sf mixed-use building, including 103 affordable housing units and 5,500 sf of ground-floor retail space.

- **430 Eddy Street:** The project includes construction of an eight-story, mixed-use building with 28 residential condo units above ground-floor commercial uses.

- **229 Ellis Street:** The project involves interior structural improvement and addition of three stories to an existing three-story building, increasing the building height to 77.5 feet tall, adding 18 residential dwelling units and 5,704 sf retail space.

- **519 Ellis Street:** The project includes construction of an eight-story, mixed-use building with 28 residential condo units above ground-floor commercial uses.

- **181 Turk Street/180 Jones Street:** The project includes the construction of a 80-foot-tall, eight-story mixed-use building containing up to 37 residential dwelling units, approximately 2,700 sf of ground-floor retail space, and up to eight off-street parking spaces.

- **351 Turk Street/145 Leavenworth Street:** The project includes construction of two new group housing buildings over ground floor retail at 351 Turk and 145 Leavenworth, and the one-for-one replacement of residential hotel rooms at five other mixed-tourist/residential hotels throughout the City.

- **19–25 Mason Street/2–16 Turk Street:** The project includes construction of a 120-foot-tall, 12-story mixed-use building with 110 residential dwelling units and ground-floor retail.

- **121 Golden Gate Avenue:** The project includes construction of a 10-story mixed-use affordable housing project, with 102 senior housing units and philanthropic dining facilities on the basement and ground-floor levels.

- **570 Jessie Street:** The project includes construction of a 92-foot-tall residential building, with 47 dwelling units and 24 parking spaces.

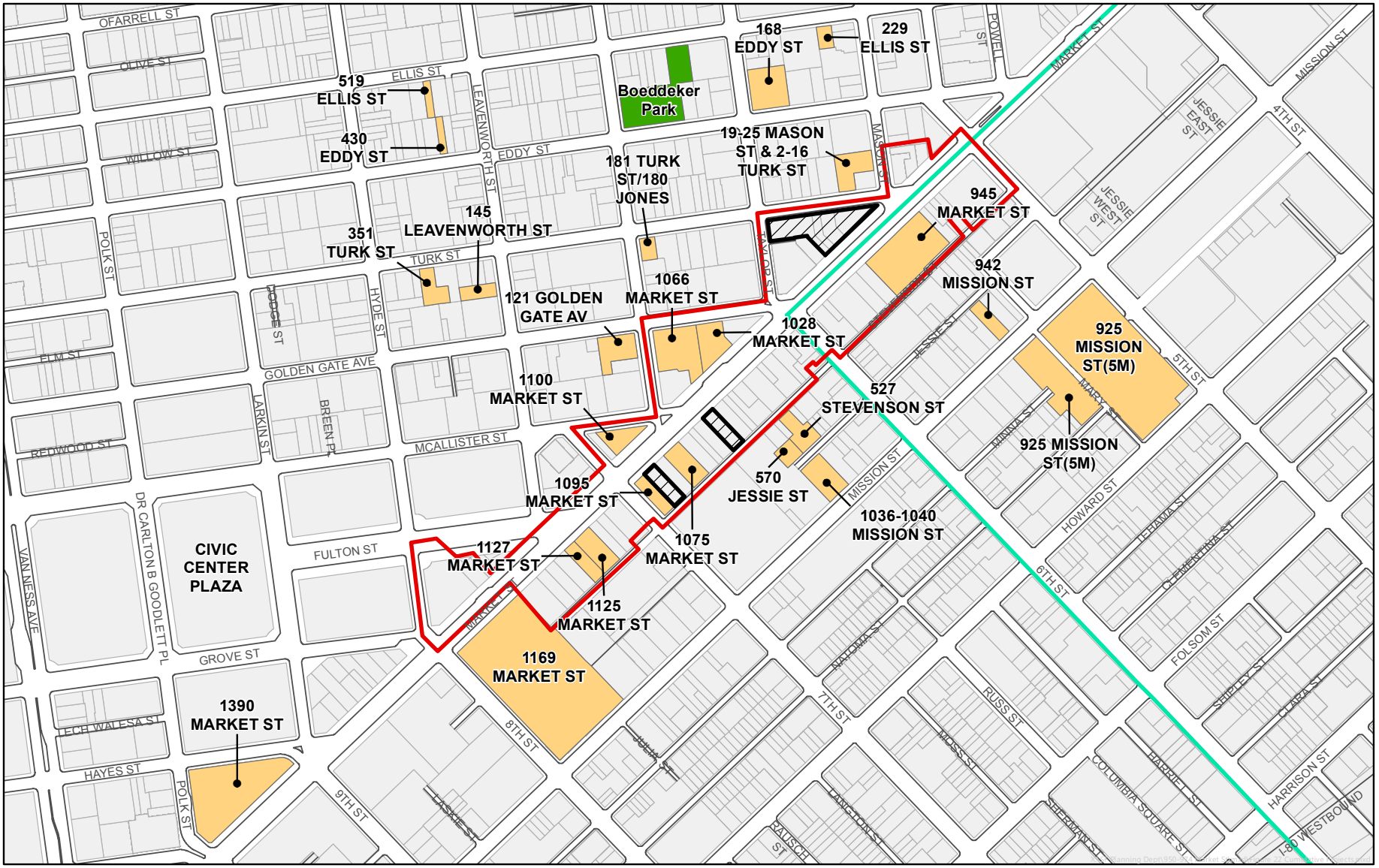
- **527 Stevenson Street:** The project involves the adaptive reuse of an industrial building to residential, with 67 dwelling units, 210 sf of ground-floor commercial space, and nine parking spaces.

- **Better Market Street:** The project (which is underway) will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street from Octavia Boulevard to The Embarcadero.

- **Safer Market Street:** The project (which is underway) will extend transit-only lanes and include turn restrictions for private automobiles between 3rd and 8th Streets at Market Street.

- **Central SoMa Plan:** The Central SoMa Plan (formerly the Central Corridor Plan) establishes a land use and transportation planning framework for the Central SoMa/Yerba Buena areas. The plan area encompasses a 28-block rectangle bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west.

Refer to Figure 22, Cumulative Projects, for the locations of the previously described projects.




source: TRC Solutions, City and County of San Francisco

Cumulative Projects
Mid-Market Arts and Arts Education Special Use District
Mid-Market Arts and Arts Education Special Height District
Central SOMA Plan Area

0 250 500 1,000 ft

N

Mid-Market Arts and Arts Education Special Use and Special Height Districts and 950-974 Market Street Project

Case Nos. 2014.0800E and 2013.1049E

**FIGURE 22: CUMULATIVE PROJECTS**

# 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. | ☐ | ☒ |

## C.1. SAN FRANCISCO PLANNING CODE

The Planning Code, which incorporates the City's Zoning Maps, implements the *San Francisco General Plan* (General Plan), and governs permitted land uses, densities, and configuration of buildings within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project conforms to the Planning Code, (2) allowable exceptions are granted pursuant to provisions of the Planning Code, or (3) amendments to the Planning Code are included as part of the proposed project.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Approval of the Mid-Market Arts and Arts Education Special Use District (SUD) and Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District), would require revisions to the existing Planning Code and to existing use district and height and bulk district zoning maps. All proposed amendments to the Planning Code and zoning maps would be subject to approval by the Board of Supervisors, following a recommendation by the Planning Commission. The proposed legislation would result in the following changes to the Planning Code:

1. Amend the San Francisco Planning Code (Planning Code) to add Section 249.63 to create the SUD, which would generally encompass parcels fronting Market Street on both sides of the street, from 5th Street to 8th Street (with the exception of the parcels affiliated with the Trinity Plaza development project [Block 3702, Lots 308 and 390] and those that comprise Hallidie Plaza and the United Nations Plaza), to permit projects that provide space for arts and arts education uses to exempt from the calculation of gross floor area ratio (FAR) 2 square feet (sf) of floor area for every 1 sf of arts and arts education uses provided.

2. Add Planning Code Section 263.30 to create the new Special Height and Bulk District within the SUD to permit height exceptions of up to a maximum building height of 200 feet on Block 0342, Lots 001, 002, 004, and 014 (950–974 Market Street), and 120 feet on Block 3703, Lot 060 (1089 Market Street) and Block 3703, Lot 066 (1053-1055 Market Street) for projects that obtain an FAR exemption pursuant to the SUD.

3. Amend Planning Code Sectional Maps SU-01, SU-02, and HT-01 to map the SUD and Special Height and Bulk District.

4. Amend Planning Code Section 429.5 to require that the public art fee collected within the SUD be spent within the boundaries of or within 0.5 mile of the SUD.

### *Use District*

The proposed SUD is an overlay use district, placed over existing base use districts. The existing base use districts within the proposed SUD boundaries are the C-3-G Downtown General Commercial Use District and C-3-R Downtown Retail Use District.

#### *Uses*

The C-3-G district covers the western portions of downtown and is composed of a variety of uses, including retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a citywide or regional function, although the intensity of development is lower in this district than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

The C-3-R district is a regional center for comparison shopper retailing and direct consumer services. It covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Like the adjacent Downtown Office District, this district is well-served by City and regional transit, with automobile parking best located at its periphery. Within the district, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities, and minimization of conflicts between shoppers and motor vehicles. A further merging of this district with adjacent, related districts is anticipated, partially through development of buildings which combine retailing with other functions.

The proposed SUD would not allow any uses in the area currently not permitted in the C-3-G and C-3-R districts; therefore, development under the proposed SUD would be consistent with uses currently allowed in the C-3-G and C-3-R districts.

*Floor Area*

The basic permitted FAR—or ratio of building floor area to lot area—in the C-3-G and C-3-R Use Districts is 6:1, as defined in Planning Code Section 124, and can be increased to up to 9:1 with the purchase of Transferable Development Rights (TDRs), pursuant to Planning Code Section 123. Per Planning Code Section 102, currently, floor area devoted to accessory parking and loading, bicycle parking, ground floor retail and circulation space, childcare facilities that meet certain criteria, and floor area permanently devoted to cultural, educational, recreational, religious, or social service facilities that meet certain criteria are deducted from the floor area for the purposes of calculating FAR.

The SUD would allow the following arts and arts education uses to be deducted from the floor area for the purposes of calculating FAR: arts activities (as defined in Planning Code Section 102); educational institutions (as defined in Planning Code Section 102) that engage primarily in arts education; childcare facilities (as defined in Planning Code Section 102); or any uses that are accessory to the aforementioned uses, including office and administrative uses. The proposed SUD would permit projects that provide space for arts and arts education uses to exempt from the calculation of FAR 2 sf of floor area for every 1 sf of arts and arts education uses provided. That would mean that for every 1 gross square foot (gsf) of arts and arts education uses provided, a project would be able to deduct the 1 gsf of arts and arts education uses provided and 1 gsf of non-arts space from floor area for the purposes of calculating FAR. The extra arts space and non-arts space would be permitted in the SUD, beyond the basic 6:1 or maximum 9:1 FAR in the C-3-G and C-3-R Use Districts. The proposed SUD would not increase the maximum 9:1 FAR limit in the C-3-G and C-3-R Use Districts, but rather, allow more uses to be deducted from the building area for the purposes of calculating FAR.

Overall, uses under the proposed SUD would be consistent with uses currently allowed in the area, and with the approval of the Board of Supervisors, and the physical impacts of the SUD are addressed in this Initial Study.

*Height and Bulk District*

The proposed legislation would amend the Planning Code by adding a new Section 249.63 to create the new Special Height and Bulk District. The proposed Special Height and Bulk District would apply to the

following properties within the SUD: 1053-1055 Market Street (Block 3703, Lot 066) and 1089 Market Street (Block 3703, Lot 060), which are south of Market Street; and 950–974 Market Street (Block 0342, Lots 001, 002, 004, and 014), which is north of Market Street. The Special Height and Bulk District would permit height exceptions of up to a maximum building height of 200 feet (north of Market Street) and 120 feet (south of Market Street) along portions of Market Street for those parcels with projects receiving an FAR exemption for arts and arts education uses. See Table 4, Existing and Proposed Height and Bulk, which shows the existing and proposed height exceptions for the Special Height and Bulk District.

TABLE 4: EXISTING AND PROPOSED HEIGHT AND BULK

| Address | Existing Height and Bulk | Proposed Height and Bulk |
|---|---|---|
| 1089 Market Street | 90-X | 90-120-X |
| 1053–1055 Market | 90-X | 90-120-X |
| 950–974 Market Street | 120-X | 120-200-X |

The proposed Special Height and Bulk District limits on the north side of Market Street for 950–974 Market Street would be somewhat higher than immediately surrounding height limits, but would be within the range of heights permitted a block or two east of the project site. The proposed Special Height and Bulk limits on the south side of Market Street at 1053–1055 Market Street and 1089 Market Street would be consistent with the height permitted on the eastern side of the same block. Overall, height exceptions permitted under the proposed Special Height and Bulk District would be consistent with permitted heights in the surrounding area and the physical impacts of the Special Height and Bulk District are addressed in this Initial Study..

### 950–974 MARKET STREET PROJECT AND VARIANTS

The 950–974 Market Street site is within the C-3-G Use District and is within a 120-X Height and Bulk District. The project site is within the proposed SUD and the Special Height and Bulk District, which would permit a FAR exemption, as described previously, and a height exception of up to 200 feet.

**Proposed Project and Office Variant.** The proposed project and Office Variant would require a FAR exemption provided by the SUD. As permitted by the SUD and the purchase of TDRs, the proposed project and Office Variant would develop approximately 485,000 to 501,000 gsf of arts, hotel or office, residential, and retail uses on the site. The proposed project would include approximately 65,000 gsf of arts and arts education uses, and approximately 65,000 gsf of non-arts space that would be exempt from

the gross floor area for the purposes of calculating FAR. These aforementioned uses are permitted and would be consistent with the C-3-G district uses.

The proposed project and Office Variant would require a height exception of up to 200 feet, as provided by the proposed Special Height and Bulk District. The proposed building would include two tower; one tower would be approximately 192 feet in height from ground level to rooftop and the other tower would be approximately 172 feet in height. The parapets and mechanical penthouses would be up to an additional 16 feet; however, the parapets and mechanical penthouses would be exempt from the height limit, under Planning Code Section 260. At 192 and 172 feet in height, the proposed building would be taller than most nearby developments, but would be within the range of building heights farther west and east of the project site.

The proposed Project and Office Variant would be consistent with the requirements of the Planning Code following the approval of the proposed SUD and the Special Height and Bulk District, but would not be consistent with the current Planning Code, and the physical impacts of the proposed project and Office Variant are addressed in this Initial Study.

**120-Foot Variant.** The 120-Foot Variant would not require a FAR exemption provided by the proposed SUD. The 120-Foot Variant would develop approximately 396,000 gsf of hotel, residential, and retail uses on the site, as permitted and consistent with the C-3-G district uses. The 120-Foot Variant would not include any arts uses. The 120-Foot Variant would not require a height exception as provided by the proposed Special Height and Bulk District. The 12-story, 120-foot building would meet the existing 120-X Height and Bulk limit. Overall, the 120-Foot Variant would be consistent with the existing San Francisco Planning Code, and the physical impacts of the 120-Foot Variant are analyzed in this Initial Study.

*Section 309 Review*

The proposed 950–974 Market Street Project and variants would seek a Downtown Project Authorization (Section 309 of the Planning Code), including an exception for rear yard (Section 134 of the Planning Code). Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels. The proposed project does not provide a rear yard that complies with this requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted provided the

building location and configuration ensure adequate light and air to windows within the residential units and to the usable open space provided.

## C.2. SAN FRANCISCO GENERAL PLAN

The General Plan provides general policies and objectives to guide land use decisions, and contains some policies that relate to physical environmental issues. The General Plan contains 10 elements (Housing, Commerce and Industry, Recreation and Open Space, Transportation, Urban Design, Environmental Protection, Community Facilities, Community Safety, Arts, and Air Quality) that set forth goals, policies, and objectives for the physical development of the City. Any conflict between the SUD and Special Height and Bulk District at a plan level and 950–974 Market Street and its variants at a project level and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the SUD, Special Height and Bulk District, and proposed project and its variants with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their determination whether to approve or disapprove the SUD, Special Height and Bulk District, and proposed project or its variants. The General Plan also contains a number of area plans, which provide more specific policy direction for certain neighborhoods, primarily on the east side of the City.

## C.3. PROPOSITION M – 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 to establish eight Priority Policies. These policies, and the topics of the evaluation of environmental effects addressing the environmental issues associated with the policies, include the following: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Question 2b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 4a, b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Questions 13 a–d, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act; prior to issuing a permit for any demolition, conversion, or change of use; and prior to taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project, its variants, or legislation would be consistent with the Priority Policies.

As noted previously, the compatibility of the proposed project or its variants with General Plan objectives and policies that do not relate to physical environmental issues will be considered by decision-makers as part of their determination whether to approve or disapprove the SUD, Special Height and Bulk District, and proposed project or its variants. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the SUD, Special Height and Bulk District, and proposed project or its variants.

## C.4. BETTER MARKET STREET PROJECT

The Better Market Street Project is underway, and is being led by the Planning Department with the participation of other City agencies. The goal of the project is to revitalize Market Street from Octavia Boulevard to The Embarcadero, and reestablish the street as the premier cultural, civic, and economic center of San Francisco and the Bay Area. The Better Market Street Project will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street. The project goals are to create a comfortable, universally accessible, sustainable, and enjoyable place that attracts more people on foot, bicycle, and public transit to visit shops, adjacent neighborhoods, and area attractions. As of 2014, public visioning, existing conditions studies, and conceptual planning and design have been completed for the project. Environmental review and preliminary engineering will continue through 2016, and final design and initial construction will be conducted from 2016 to 2018.

The SUD, Special Height and Bulk District, and 950 – 974 Market Street project site are within the Better Market Street Project area, and the SUD, Special Height and Bulk District, and proposed project and its variants would not inherently conflict with the Better Market Street Project goals to enhance conditions in the corridor.

## C.5. CENTRAL SOMA PLAN

A portion of the SUD and Special Height and Bulk District, on the south side of Market Street between 5th and 6th Street, is within the Central South of Market Area (SoMa) Plan boundary. The 950–974 Market

Street site is not within the Central SoMa Plan boundary. The Central SoMa Plan (formerly, Central Corridor Plan) establishes a land use and transportation planning framework for the Central SoMa/Yerba Buena areas. The plan area encompasses a 28-block rectangle bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. The focus of the plan is to integrate land use and transportation planning associated with the Central Subway fixed-rail alignment along the Fourth Street corridor. The five major goals of the plan are to: 1) support transit-oriented growth, particularly workplace growth, in the Central SoMa Area; 2) shape the area's urban form recognizing both City and neighborhood contexts; 3) maintain the area's vibrant economic and physical diversity; 4) support growth with improved streets, additional open space, and other elements of "complete communities;" and 5) create a model of sustainable growth.[3] While the plan does not propose specific changes to streets in the immediate vicinity of the Mid-Market area, there are a variety of changes proposed for major access roadways serving the Mid-Market area, including the Howard Street/Folsom Street and 3rd Street/4th Street couplets.

The SUD and Special Height and Bulk District would not allow uses in conflict with the goals set forth in the Central SoMa Plan. Future development under the SUD and Special Height and Bulk District within the Central SoMa Plan area would be subject to the requirements of the Central SoMa Plan. Therefore, it is anticipated that future improvements would not change or conflict with existing and planned transit improvements in the area, and would include streetscape improvements that would enhance underutilized sites. Therefore, the SUD and Special Height and Bulk District would not conflict with goals included in the Central SoMa Plan.

## C.6. DOWNTOWN AREA PLAN

The SUD and Special Height and Bulk District project area and the 950–974 Market Street Project site are within the *Downtown Area Plan* (Area Plan). The Area Plan states that downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.[4] The Area Plan also contains a transportation component, including a call for improved pedestrian circulation in the downtown area (Objective 22) by providing sufficient space for pedestrian movement, minimizing sidewalk obstructions, ensuring safe

[3] San Francisco Planning Department. *Central SoMa Plan*. Online: http://www.sf-planning.org/index.aspx?page=2557. Accessed on August 2, 2015.

[4] San Francisco Planning Department. *Downtown Area Plan*. Online: http://www.sf-planning.org/ftp/general_plan/downtown.htm. Accessed on September 3, 2014.

and convenient street crossings, and improving the downtown pedestrian network. In addition, Objective 13 in the Area Plan is to create an "Urban Form" for downtown that enhances San Francisco's stature as one of the world's most visually attractive cities. This is done through a number of policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The proposed SUD and Special Height and Bulk District are within a network of public transportation, spaces, and venues. United Nations Plaza and Hallidie Plaza are major portals for public transit, including Muni and BART, and the Powell Street cable car turn-around is located in the district. The district is in close proximity to the Civic Center, Hastings College of the Law, the San Francisco Public Library Main Branch, the Asian Art Museum, Bill Graham Civic Auditorium, Davies Symphony Hall, the Opera House, and Veterans Building. The SUD and Special Height and Bulk District would build on this strategic location to create increased opportunities for positive social activity in the area. The arts and arts education uses encouraged by the SUD and Special Height and Bulk District would attract people from the community to flow into the Mid-Market area. Those uses encouraged by the SUD and Special Height and Bulk District would be compatible with the goals of the Area Plan. The SUD and Special Height and Bulk District would not conflict with the Area Plan objectives.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The 950–974 Market Street Project site is within the proposed SUD and Special Height and Bulk District, and would be a mixed-use building providing arts, hotel, residential, retail, and public open space. The proposed project would be consistent with the Urban Form policies of the Area Plan and the other policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street that are part of the Area Plan. The proposed project would not conflict with the Area Plan objectives.

**Office Variant.** The Office Variant would include a mixed-use building providing arts, office, residential, retail, and public open space. The Office Variant would be similar in design to the proposed project, and would be consistent with the Urban Form policies of the Area Plan and the other policies, objectives, and actions governing development in the Area Plan. The Office Variant would not conflict with the Area Plan objectives.

**120-Foot Variant**. The 120-Foot Variant would include a mixed-use building providing hotel, residential, retail, and public open space. The 120-Foot Variant would not include office or arts spaces. The proposed building would be smaller than that of the proposed project/Office Variant and would not exceed 120 feet in height. The 120-Foot Variant would also be consistent with the Urban Form policies of the Area Plan and the other policies, objectives, and actions governing development in the Area Plan. The 120-Foot Variant would not conflict with Area Plan objectives.

## C.7. REGIONAL PLANS AND POLICIES

The five principal regional planning agencies and their overarching policy and plans to guide planning in the nine-county bay area include the Association of Bay Area Governments' *Projections 2009*, Bay Area Air Quality Management District's *Bay Area 2010 Clean Air Plan*, Metropolitan Transportation Commission's *Regional Transportation Plan – Transportation 2035*, San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Due to the size and nature of the proposed project and its variants, no anticipated conflicts with regional plans would occur.

## C.8. REQUIRED APPROVALS BY OTHER AGENCIES

See page 38 for a list of required approvals.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

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

### D.1. APPROACH TO ENVIRONMENTAL REVIEW

This document is a "program level" Initial Study for the Mid-Market Arts and Arts Education Special Use District (SUD) and Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District), and a "project-level" Initial Study for 950–974 Market Street. The California Environmental Quality Act (CEQA) Guidelines help define the role and exceptions of this Initial Study and the degree of specificity of a CEQA document is addressed in CEQA Guidelines Section 15146. An Initial Study for a project that includes the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but does not need to be as detailed as an Initial Study for the specific construction projects that might follow. The Initial Study for a construction project[5] will be more detailed in the specific effects of the project than an Initial Study for the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites

[5] In this case, the portions of the Initial Study discussing 950 Market Street and its variants.

(1053–1055 Market Street, 1089 Market Street, 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the floor area ratio (FAR) exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts), and taller buildings in the project area.

Currently, the 950–974 Market Street Project is the only development proposal that the San Francisco Planning Department has received that would seek the FAR and height and bulk exemptions offered by the SUD and Special Height and Bulk District.

Accordingly, this Initial Study includes a program-level analysis of the SUD and Special Height and Bulk District, analyzing the environmental impacts of potential development that the City anticipates under the SUD and Special Height and Bulk District, and a project-level analysis of the 950–974 Market Street Project that contains a more detailed analysis to specifically address the effects associated with this individual proposal. Individual development projects, other than the 950–974 Market Street Project, under the SUD and Special Height and Bulk District would be subject to environmental review at such time as those projects are proposed.

The Initial Study examines the SUD, Special Height and Bulk District, and the proposed project to identify potential effects on the environment. For each item on the Initial Study checklist, the evaluation has considered the impacts of the SUD, Special Height and Bulk District, and proposed project both individually and cumulatively, with the exception of GHG, which is only considered on a cumulative basis. All items on the Initial Study Checklist that have been checked "Less-than-Significant Impact with Mitigation Incorporated," "Less-than-Significant Impact," "No Impact," or "Not Applicable," indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked "Less-than-Significant Impact with Mitigation Incorporated" and "Less-than-Significant Impact" and for most items checked "No Impact" or "Not Applicable." For all of the items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience, and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Transportation Impact Analysis Guidelines for Environmental Review, or the California Natural Diversity Database and maps, published

by the California Department of Fish and Wildlife. The items checked in the table above have been determined to be "Less than Significant with Mitigation Incorporated."

## D.2. SENATE BILL 743 AND PUBLIC RESOURCES CODE SECTION 21099

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014.[6] Among other provisions, SB 743 amends the CEQA by adding Public Resources Code Section 21099, which involves analysis of aesthetics and parking impacts for urban infill projects.[7]

### AESTHETICS AND PARKING ANALYSIS

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

a) The project is in a transit priority area
b) The project is on an infill site
c) The project is residential, mixed-use residential, or an employment center

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk Districts. Therefore, it is unknown at this time if all future development under the SUD and Special Height and Bulk District would meet the criteria, so this Initial Study includes aesthetics and parking analyses. The proposed 950–974 Market Street Project and its variants meet each of the previously listed criteria, and thus, this Initial

[6] California Legislative Information. SB 743. Online: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743. Accessed on September 23, 2014.

[7] A "transit priority area" is defined in as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of San Francisco Transit Priority Areas can be found online at: http://sfmea.sfplanning.org/Map%20of%20San%20Francisco%20Transit%20Priority%20Areas.pdf.

Study does not consider aesthetics and the adequacy of parking in determining the significance of the proposed project impacts under CEQA.[8]

Public Resources Code Section 21099(e) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers, and that aesthetics impacts do not include impacts on historical or cultural resources. As such, there will be no change in the Planning Department's methodology related to design and historic review.

The Planning Department acknowledges that parking conditions may be of interest to the public and the decision-makers. Therefore, this Initial Study presents parking demand analysis for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces, which affects the public right-of-way), as applicable, in the transportation analysis in Section E.5, Transportation and Circulation.

[8] San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist, 950–974 Market Street Project, Case No. 2013.1049E, June 25, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

# E. EVALUATION OF ENVIRONMENTAL EFFECTS

## E.1. LAND USE AND LAND USE PLANNING

| *Topics:* | | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|---|
| **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? | ☐ | ☐ | ☒ | ☐ | ☐ |

**Impact LU-1: The SUD, Special Height and Bulk District, and proposed project would not physically divide an established community. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the Mid-Market Arts and Arts Education Special Use District (SUD) and Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District) would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk Districts. The SUD and Special Height and Bulk District would not allow any new uses beyond what is currently allowed in the C-3 districts. Additionally, the Special Height and Bulk District specifies that height exceptions may be permitted provided that future projects are compatible with the character and development of the surrounding area.

Land use impacts are considered significant if a proposed project would physically divide an established community. 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. The SUD and Special Height and Bulk District do not include any plans or requirements for construction of a new freeway or removal of a means of access, and it is not anticipated

that future development under the proposed SUD and Special Height and Bulk District would involve construction that would interfere with or change the existing street pattern or impede the passage of persons. Therefore, approval of the SUD and Special Height and Bulk District would not physically divide an established community and the impact would be less than significant.

### 950–974 Market Street Project and Variants

**Proposed Project.** The 950–974 Market Street Project (proposed project or 950–974 Market Street) site is composed of four lots that include four buildings that accommodate retail and office uses with some vacancy, and one below-grade parking structure. The proposed project would include the demolition of the existing structures and the construction of a mixed-use building with arts and arts education, residential, hotel, and retail uses on the four lots after their merger. The proposed project would be articulated in three separate masses, with an Arts Center creating a wide separation between the residential tower and the hotel tower. The proposed project would not disrupt or divide the physical arrangement of existing uses adjacent to the project site or impede the passage of persons or vehicles. Those surrounding uses would be expected to continue in operation and relate to each other as they do presently, without disruption from the proposed project. The project site is located at the intersection of the Mid-Market district and Tenderloin neighborhood. The proposed arts and arts education, residential, hotel, and retail spaces created would not divide the Tenderloin neighborhood from the Mid-Market Street area. The proposed project would connect these Mid-Market and Tenderloin neighborhoods with plans for passages through the building at street level and access to arts uses at the project site. Access to Market Street from Turk and Taylor Streets would also remain unchanged. Therefore, the proposed project would not physically divide an established community and a less-than-significant impact would result.

**Office Variant.** The Office Variant would develop office space in place of the hotel use within the proposed project; however, the building design, massing, and site design would be the same as the proposed project. The Office Variant would not disrupt or divide the physical arrangement of existing uses adjacent to the project site or impede the passage of people or vehicles. Therefore, the Office Variant would have the same effect on established communities as the proposed project and this variant would result in a less-than-significant impact.

**120-Foot Variant.** The 120-Foot Variant would develop an approximately 396,000-gross-square-foot (gsf) building that would not exceed 120 feet in height, complying with the existing C-3-G Planning Use Code

District and 120-X Height and Bulk District, and would generally include the same uses as the proposed project, with the exception of the arts and arts education space. The site design would be similar to the proposed project. Although arts and arts education space would not be provided, the 120-Foot Variant would still include a hotel lobby that would extend through the building at the street level between Market and Turk Streets. The 120-Foot Variant would not disrupt or divide the physical arrangement of existing uses adjacent to the project site or impede the passage of persons or vehicles. Therefore, the 120-Foot Variant would have a less-than-significant effect on established communities.

**Impact LU-2: The SUD, Special Height and Bulk District, and proposed project would not conflict with any applicable land use plans, policies, or regulations (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. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Land use impacts would be considered significant if the SUD and Special Height and Bulk District would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like the Bay Area Air Quality Management District (BAAQMD) *Bay Area 2010 Clean Air Plan* (2010 Clean Air Plan), which directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The SUD and Special Height and Bulk District would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result (see Section C, Compatibility with Existing Zoning and Plans). Furthermore, the proposed SUD and Special Height and Bulk District would not conflict with the *San Francisco General Plan* (General Plan) policies that relate to physical environmental issues. The proposed SUD and Special Height and Bulk District would result in additions and amendments to the Planning Code and zoning map, but they would not substantially conflict with any adopted plan or policy, and this impact would be less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The proposed project would not obviously or substantially conflict with applicable plans, policies, and regulations such that an adverse physical change would result. In addition, the proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy, including the BAAQMD 2010 Clean Air Plan, the *Strategies to Address Greenhouse Gas*

*Emissions* (GHG Reduction Strategy), and the City's local tree ordinance, as discussed in Section E.7, Air Quality, E.8, Greenhouse Gas Emissions, and Section E.13, Biological Resources. Therefore, the proposed project would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations.

**Office Variant.** As with the proposed project, the Office Variant would not obviously or substantially conflict with applicable plans, policies, and regulations such that an adverse physical change would result. In addition, the Office Variant would not obviously or substantially conflict with any such adopted environmental plan or policy, including the 2010 Clean Air Plan, GHG Reduction Strategy, or the City's local tree ordinance, as discussed in Section E.7, Air Quality, E.8, Greenhouse Gas Emissions, and Section E.13, Biological Resources. Therefore, the Office Variant would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations

**120-Foot Variant.** As with the proposed project, the 120-Foot Variant would not obviously or substantially conflict with applicable plans, policies, and regulations such that an adverse physical change would result. In addition, the 120-Foot Variant would not obviously or substantially conflict with any such adopted environmental plan or policy, including the 2010 Clean Air Plan, the GHG Reduction Strategy, or the City's local tree ordinance, as discussed in Section E.7, Air Quality, E.8, Greenhouse Gas Emissions, and Section E.13, Biological Resources. Therefore, the 120-Foot Variant would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations.

**Impact LU-3: The SUD, Special Height and Bulk District, and proposed project would not have a substantial impact on the existing character of the project vicinity. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District are located in a developed urban area of downtown San Francisco. Land uses within the SUD and Special Height and Bulk District project area include a mixture of high-density retail, entertainment, hotel, residential, and office uses. Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur. The

potential development of these three sites would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts). Development under the SUD and Special Height and Bulk District would include a range of uses similar to land use patterns in the Mid-Market area. Therefore, the proposed legislation would have a less-than-significant impact on the existing land use character of the SUD and Special Height and Bulk District vicinity.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project would involve a new mixed-use building with arts and arts education, residential, hotel, and retail uses. These land uses already exist elsewhere in the neighborhood, so the proposed project would be compatible with the existing land use character of the project vicinity. The proposed project would not introduce any land uses, such as industrial uses, that would disrupt or be incompatible with the character of the vicinity. Therefore, the proposed project would have a less-than-significant impact on the existing land use character of the project vicinity.

**Office Variant.** The Office Variant would involve a new mixed-use building with arts and arts education, residential, office, and retail uses. These land uses already exist elsewhere in the neighborhood, so the proposed project would be compatible with the existing land use character of the project vicinity. The Office Variant would include 112,400-gsf of office uses, instead of the hotel uses included in the proposed project. While larger office uses are more typical in the Financial District, east of the project site, office uses currently exist adjacent to the project site at 992–989 Market Street (the Warfield Building) and across Market Street on the same block. The Office Variant would not introduce any land uses, such as industrial uses, that would disrupt or be incompatible with the character of the vicinity. Therefore, the Office Variant would have a less-than-significant impact on the existing land use character of the project vicinity.

**120-Foot Variant.** The 120-Foot Variant would involve a new mixed-use building with residential, hotel, and retail uses. These land uses already exist elsewhere in the neighborhood, so the 120-Foot Variant would be compatible with the existing land use character of the project vicinity. The 120-Foot Variant would not introduce any land uses, such as industrial uses, that would disrupt or be incompatible with the character of the vicinity. Therefore, the 120-Foot Variant would have a less-than-significant impact on the existing land use character of the project vicinity.

**Impact C-LU-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not result in significant cumulative impacts related to land use. (Less than Significant)**

Cumulative developments in the project vicinity (within a 0.25-mile radius of the project site) that are either under construction or for which the Planning Department has an Environmental Evaluation Application on file are listed and discussed in Section B.3, Cumulative Projects.

The SUD, Special Height and Bulk District, and 950–974 Market Street project or its variants, combined with other past, present, and reasonably foreseeable future projects, would result in land use changes in the project vicinity. However, these changes would not create adverse land use impacts, as the land uses that would be allowed or introduced would be compatible with the existing land uses in the project vicinity, and would not result in physical division of the established community. As with the SUD, Special Height and Bulk District, and 950–974 Market Street Project and its variants, some future projects would require modifications, variances, or exceptions to Planning Code requirements; however, any changes to land use plans or policies would not result in cumulative land use impacts that relate to physical environmental issues. The SUD, Special Height and Bulk District, and proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to land use and planning. The cumulative impact would be less than significant.

## E.2. AESTHETICS

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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? | ☐ | ☐ | ☒ | ☐ | ☐ |

Pursuant to Public Resources Code Section 21099(d), contained in Senate Bill (SB) 743, effective January 1, 2014, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Consistent with these criteria, the 950–974 Market Street project and its variants would not be considered to have significant impacts, and therefore, are not further discussed in this section. Thus, this section discusses potential aesthetics impacts related to the SUD and Special Height and Bulk District.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the floor area ratio (FAR) exemption. The development of these three sites would result in more arts and arts education uses and more non-arts uses (but not uses beyond

what is allowed in the C-3 districts), and taller buildings in the project area. As previously stated, because the 950–974 Market Street project and its variants are consistent with the SB 743 criteria, they are not further discussed in this section.

**Impact AE-1: The SUD and Special Height and Bulk District would not have a substantial adverse effect on scenic vistas. (Less than Significant)**

The increases in permitted heights for 1053-1055 Market Street and 1089 Market Street would be approximately 30 feet, from 90-X to 90-120-X. While this increase in heights could result in decreased view angle to the sky, it would not substantially obstruct east-west views to the bay or hills up and down Market Street. Although some reduced private views would be an unavoidable consequence of the proposed project, any change in private views would not exceed that commonly accepted in an urban setting. While this loss or change of views might be of concern to those property owners or tenants, it would not affect a substantial number of people and would not rise to a level considered to be a significant impact on the environment. Therefore, the SUD and Special Height and Bulk District would not substantially affect scenic vistas, and potential impacts would be less than significant.

**Impact AE-2: The SUD and Special Height and Bulk District would not substantially damage scenic resources or substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)**

The increases in permitted heights for 1053–1055 Market Street and 1089 Market Street would be approximately 30 feet, from 90-X to 90-120-X. However, this increase would be unlikely to result in adverse changes in visual character. The block on which the two sites are located includes buildings that are up to seven stories, and the western portion of the block currently has a height and bulk limit of 120-X. These two sites are located on the south side of Market Street, and height limit increases would not adversely affect scenic resources or visual character and could, over time, result in development more compatible with adjacent buildings. Redeveloping the existing one- to two-story buildings currently on the two sites into taller buildings would result in a more consistent street wall along Market Street.

In addition, pursuant to the SUD and Special Height and Bulk District, height exceptions may only be permitted provided that future projects are compatible with the character and development of the surrounding area, by incorporating the following design elements:

- Its silhouette is harmonious with building patterns in the surrounding context and the larger urban form of the downtown area, including the patterns produced by height limits.
- The project incorporates massing and architectural design that responds, where appropriate, to development of a lower height or dissimilar character.
- The use of materials, colors, and scales is compatible with those of nearby development.
- The design preserves or enhances the pedestrian environment by maintaining a pleasant scale and visual interest.

Therefore, the SUD and Special Height and Bulk District would not substantially damage scenic resources or substantially degrade the existing visual character quality of the area, and potential impacts would be less than significant.

**Impact AE-3: The SUD and Special Height and Bulk District would not create new sources of substantial light or glare that would adversely affect daytime or nighttime views in the area or that would adversely affect other people or properties. (Less than Significant)**

The SUD and Special Height and Bulk District are legislative amendments, rather than a specific physical project, and the districts themselves would not generate any new sources of light or glare. While individual development projects that occur under the SUD and Special Height and Bulk District could generate additional night lighting in the future, they would not result in obtrusive light or glare that would adversely affect views or substantially affect other properties. While future projects could generate additional night lighting, it would not be in amounts unusual for a developed urban area. Furthermore, Planning Commission Resolution 9212 generally prohibits the use of mirrored or reflective glass in new buildings. Therefore, the SUD and Special Height and Bulk District would not create new sources of substantial light or glare that would adversely affect daytime or nighttime views in the area or that would adversely affect other people or properties, and potential impacts would be less than significant.

**Impact C-AE-1: The SUD and Special Height and Bulk District, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a substantial adverse cumulative impact to aesthetics. (Less than Significant)**

Implementation of the SUD and Special Height and Bulk District, in combination with the cumulative projects described in Section E.1, Land Use and Land Use Planning, would result in changes to the visual character of the project area. However, the majority of these cumulative projects would be consistent with the criteria in SB 743, and thus, would not be considered to have significant aesthetic impacts. The SUD and Special Height and Bulk District would not have a substantial adverse cumulative effect on a scenic vista, scenic resource, or existing visual character or quality of the site and its surroundings, and would not create a new adverse source of substantial light or glare. For these reasons, the SUD and Special Height and Bulk District, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable aesthetics impacts.

## E.3. POPULATION AND HOUSING

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ | ☐ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ | ☐ |

**Impact PH-1: The SUD, Special Height and Bulk District, and proposed project would not induce substantial population growth in the area, either directly or indirectly. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

In general, a project would be considered growth inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project would not be implemented. Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. As a regulatory program, no direct physical development would be proposed as part of the new districts, and therefore, they would not be expected to directly induce population growth. However, approval of the SUD and Special Height and Bulk District could create incentives for new development within their boundaries that could lead to a direct population growth. Potential development could increase the amount of residential, commercial, and arts uses in the area, encouraging growth and directly inducing population growth in the immediate area and the City.

The SUD and Special Height and Bulk District encompass portions of Assessor's Blocks 0341, 0342, 0350, 0351, 3702, 3703, and 3704 between 5th and 8th Streets, along the north and south sides of Market Street.[9] The 2010 U.S. Census reported a population of 805,235 residents in the City and County of San Francisco. The SUD and Special Height and Bulk District include parcels located within U.S. Census Tracts 125.01, 124.02, and 176.01. The 2010 U.S. Census reported populations of 5,335, 3,974, and 7,630 residents in those tracts, respectively.[10] The population of census tracts generally within the Downtown/Civic Center neighborhood is approximately 33,896 residents.[11] Potential development within the SUD and Special Height and Bulk District could increase the population within the districts, but the number of sites directly affected by SUD and Special Height and Bulk District controls would be limited; therefore, the population changes would also be expected to be limited. This population change within the Downtown/Civic Center neighborhood and citywide context would not be considered substantial. Therefore, population growth due to approval of the SUD and Special Height and Bulk District would be less than significant.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project would directly increase population and employment at the project site and contribute to anticipated population and employment growth in the neighborhood and citywide context.

According to the 2010 U.S. Census, the proposed project is located within Census Tract 125.01, which had a reported population of 5,335 residents. As previously described, the 2010 U.S. Census reported a population of 805,235 residents in the City and County of San Francisco, and a population of approximately 33,896 residents within the Downtown/Civic Center neighborhood. The proposed project would add approximately 312 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 312 new residential units would increase the citywide population by approximately 705 residents. This would represent a residential population increase of approximately

[9] San Francisco Planning Department. 2014. San Francisco Property Information Map. Online: http://ec2-50-17-237-182.compute-1.amazonaws.com/pim/#BookmarkParcels. Accessed on September 16, 2014.

[10] United States Census. 2010. New York Times. Mapping the U.S. Census. Online: http://projects.nytimes.com/census/2010/map?view=PopChangeView&l=14&lat=37.78219966826208&lng=-122.41140246867958. Accessed on September 16, 2014.

[11] Census Tracts 120, 121, 122.01, 122.02, 123.01, 123.02, 124.01, 124.02, and 125.02 were included in this calculation, in the area generally bound by Bush Street to the north, Powell Street to the east, Market Street to the south, and Van Ness Avenue to the west.

0.09 percent citywide, and is not considered to be substantial within the citywide context. The addition of retail, hotel, and arts space could also indirectly contribute to a population increase as a result of new employees potentially moving to the city and project area from out of the region. The proposed project would generate an estimated 300 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant.

**Office Variant.** As with the proposed project, the Office Variant would add 312 residential units, which would increase the citywide population by approximately 705 residents. This would represent a residential population increase of approximately 0.09 percent citywide, and is not considered to be substantial within that context. The Office Variant would generate an estimated 407 employees and could indirectly increase the population by attracting employees who are not currently from the region. However, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and that this would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the Office Variant would be less than significant.

**120-Foot Variant.** The 120-Foot Variant would add 262 residential units, which would which would increase the citywide population by approximately 592 residents. This would represent a residential population increase of approximately 0.07 percent citywide, and is not considered to be substantial within the citywide context. The 120-Foot Variant would require approximately 250 employees, and could indirectly contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. However, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and would not be a substantial increase in the citywide context. The direct and indirect population growth due to approval of the 120-Foot Variant would be less than significant.

**Impact PH-2: The SUD, Special Height and Bulk District, and the proposed project would not displace existing housing units or substantial numbers of people, or create the demand for additional housing, necessitating the construction of replacement housing elsewhere. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, redevelopment is likely to occur. The 1053–1055 Market Street and 1089 Market Street sites are currently vacant, and therefore, there would be no potential for the displacement of residents and employees at those locations. A discussion of the 950–974 Market Street site is provided in the following paragraph. While potential future development may generate demand for additional new employees, the anticipated number of new employees would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. Therefore, the need for additional and/or replacement housing due to displacement of residents and housing demands would be less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The project site currently contains four buildings that are either vacant or partially occupied by retail and office uses, and a surface parking lot over a below-grade parking structure. Therefore, no residential displacement would occur as a result of proposed project development. A small number of employees would be displaced from retail and office spaces during project construction; however, the addition of new retail and hotel space would provide potential new employment for those displaced.

The creation of approximately 19,000 gsf of retail, a 292-room hotel, and approximately 65,000 gsf of space used for arts and arts education could result in the need for a small amount of additional housing for employees and students. However, the proposed project would also include the addition of 275 new market rate residential units and 37 BMR residential units, providing potential housing for any potential new employees and students. Moreover, the number of such employees would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. Therefore, the proposed project would result in

less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

**Office Variant.** As with the proposed project, no residential displacement would occur. A small number of employees would be displaced from retail and office spaces during project construction; however, the addition of new retail and office space would provide potential new employment for those displaced.

The Office Variant would create approximately 15,000 gsf of retail space, approximately 112,400 gsf of office space instead of hotel space, and approximately 65,000 gsf of space used for arts and arts education, and could result in the need for a small amount of additional housing for employees and students. However, the Office Variant would also include the addition of 275 new market rate residential units and 37 BMR residential units, providing potential housing for any potential new employees and students. Moreover, the number of such employees would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. The Office Variant would result in less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

**120-Foot Variant.** As with the proposed project, no residential displacement would occur. A small number of employees would be displaced from retail and office spaces during project construction; however, the addition of new retail and hotel space would provide potential new employment for those displaced.

The 120-Foot Variant would create approximately 19,000 gsf of retail space and a 235-room hotel, and could result in the need for a small amount of additional housing for employees. However, the 120-Foot Variant would include 262 new residential units (including BMR units), providing potential housing for any potential new employees. Moreover, the number of such employees would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. Therefore, the proposed project would result in less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

**Impact C-PH-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on population and housing. (Less than Significant)**

As described previously, the SUD, Special Height and Bulk District, and the proposed project or its variants would not induce substantial population growth or have significant physical environmental effects on housing demand or population. The approved and proposed projects identified in Section E.1, Land Use and Land Use Planning, within Census Tract 125.01—including the proposed 950–974 Market Street Project—would add approximately 1,677 new residents within 753 dwelling units in the area.[12] In addition, since commencement of the environmental analysis,[13] two other proposed projects within Census Tract 125.01 have filed Environmental Evaluation Applications with the Planning Department. Combined; these two projects would add approximately 1,249 new residents within 516 dwelling units in Census Tract 125.01.[14] Overall, these approved and proposed projects (including the proposed project) would add 2,926 new residents within 1,269 dwelling units in Census Tract 125.01, which would represent a residential population increase of 54.8 percent and an occupied dwelling unit increase of 58.2 percent. These proposed projects would be required to pay an affordable housing in-lieu fee or provide a percentage of the total number of units either on site or off site as affordable units, and the physical impacts of the population increase are analyzed in this Initial Study.

Over the last several years, the supply of housing has not met the demand for housing within San Francisco. In July 2013, the Association of Bay Area Governments (ABAG) projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. The jurisdictional need of San Francisco for 2014–2022 is 28,869 dwelling units consisting of 6,234 dwelling units within the very low income level (0–50 percent); 4,639 units within the low income level (51–80 percent); 5,460 units within the moderate income level (81–120 percent); and 12,536 units within the above moderate income level (120 percent plus).[15] These numbers are consistent with the development pattern for the region's *Plan Bay Area: Sustainable Communities Strategy* (Plan Bay Area), a state-mandated, integrated long-range

[12] These figures assume 2.42 persons per household for 181 Turk Street/180 Jones Street (37 units), 19–25 Mason Street, 2–16 Turk Street (110 units), 229 Ellis Street (14 units), 168 Eddy Street (178 units), and 950–974 Market Street (312 units), and assume 1.00 person per household for 121 Golden Gate Avenue (102 senior dwelling units).

[13] For this project, the commencement of environmental analysis is considered the time at which the Notification of Project Receiving Environmental Review was sent, which was November 11, 2013.

[14] These figures assume 2.42 persons per household for 1028 Market Street (186 units) and 1066 Market Street (330 units).

[15] ABAG. 2013. Regional Housing Need Plan for the San Francisco Bay Area: 2014 – 2022, July 2013. Online: http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf. Accessed on August 15, 2014.

transportation, land use, and housing plan.[16] As part of the planning process for Plan Bay Area, San Francisco identified Priority Development Areas, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. Census Tract 125.01 was identified within a Priority Development Area. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth, as this population growth has been anticipated. Furthermore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in the displacement of substantial numbers of housing units or people as the majority of the approved and proposed projects would demolish vacant buildings and/or construct new buildings on surface parking lots. The project at 351 Turk/145 Leavenworth Streets would replace existing residential hotel rooms with two new residential hotel buildings, resulting in an increase in residential units.

For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable population and housing impact.

[16] Metropolitan Transportation Commission and ABAG. Plan Bay Area. 2013. Online: http://onebayarea.org/plan-bay-area/final-plan-bay-area.html. Accessed on August 15, 2014.

## E.4. CULTURAL RESOURCES

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **CULTURAL RESOURCES – Would the project:** | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | ☐ | ☒ | ☐ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5? | ☐ | ☒ | ☐ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ | ☐ |
| d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074? | ☐ | ☒ | ☐ | ☐ | ☐ |

**Impact CR-1: The SUD, Special Height and Bulk District, and proposed project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code (Less than Significant with Mitigation)**

The following sections summarize historic architectural resources in the area based on reports completed prior to and for the analysis of potential impacts of the proposed project. These reports include the Historic Resources Evaluation (HRE) report prepared by Page & Turnbull, Inc.,[17] and the Historic Resource Evaluation Response (HRER) prepared by the San Francisco Planning Department.[18]

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The Market Street Theater and Loft Historic District, the Kearny-Market-Mason-Sutter Conservation District, and the Civic Center Landmark District overlap with the proposed SUD and Special Height and Bulk District area. The central portion of the SUD and Special Height and Bulk District boundaries are within the Market Street Theater and Loft Historic District. The eastern end of the SUD is within the Kearny-Market-Mason-Sutter Conservation District. The western end of the SUD is within the Civic Center Landmark District. The Uptown Tenderloin Historic District is located north of the project area.

[17] Page & Turnbull, Inc. July 17, 2015. 950–974 Market Street Historic Resource Evaluation. Parts 1&2.
[18] San Francisco Planning Department. September 2, 2015. 950–974 Market Street Historic Resource Evaluation Response.

**Market Street Theater and Loft Historic District.** The Market Street Theater and Loft Historic District, consisting of properties fronting Market Street between 6th and 7th streets, was listed on the National Register of Historic Places (NRHP) in 1985. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The post-1906 earthquake buildings constructed along this portion of Market Street are characterized by two- to eight-story reinforced concrete or steel-frame construction, with façades primarily clad in terracotta, brick, or stucco, and featuring two- or three-part vertical composition, prominent cornices, and classical ornamentation.

**Kearny-Market-Mason-Sutter Conservation District.** The Kearny-Market-Mason-Sutter Conservation District—roughly bounded by Kearny, Market, Cyril Magnin, O'Farrell, Taylor, Sutter, Stockton, Bush, and Pine Streets—was designated pursuant to Article 11 of the Planning Code in 1985. The district is significant for its association with the development of San Francisco's downtown retail district and as a unique collection of early 20th century commercial architecture. The pattern of development is one of light-colored buildings predominantly four- to eight-stories in height, with reinforced concrete or steel-frame construction with Classical, Renaissance, Gothic, and Romanesque ornament.

**Civic Center Landmark District.** The Civic Center Landmark District—roughly bounded by 7th, Market, Fell, Franklin, and McAllister Streets, and Golden Gate Avenue—was designated in 1994 pursuant to Article 10 of the Planning Code. The Civic Center Landmark District comprises a roughly 15-block area and is significant for its association with events and architectural styles connected to the Panama-Pacific International Exposition and the Beaux Arts Civic Center Plan, with a period of significance from 1896 to 1951. The district includes major civic buildings as well as commercial and residential-over-commercial buildings.

**Uptown Tenderloin Historic District.** The Uptown Tenderloin Historic District—roughly bounded by Mason, McAllister, Larkin, and Geary Streets, and Golden Gate Avenue—was listed on the NRHP in 2008. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The district is formed around its predominant building type: a three- to seven-story, multi-unit apartment, hotel, or apartment-hotel constructed of brick or reinforced concrete. Because virtually the entire district was constructed between 1906 and the early 1930s, this is a harmonious group of structures that share a single, classically oriented visual imagery using similar materials and details.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in demolition or new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The 1053–1055 Market Street and 1089 Market Street sites are located within the Market Street Theater and Loft Historic District, but are non-contributors to the district. The 950–974 Market Street site is not located within a historic district. None of the existing buildings on the three sites have been found to be individually eligible for listing in the California Register of Historical Resources (CRHR) (950–974 Market Street is discussed in more detail below). In accordance with the SUD, any project that would result in the demolition or material impairment of a historic resource would be ineligible for the gross floor area exemption permitted by the SUD.

Additionally, the height exceptions would be permitted by the Planning Commission in accordance with procedures and criteria required for a conditional use authorization set forth in Planning Section 303, and in accordance with the following criteria:

1. The additional building height that is proposed beyond the base height limit is necessary to accommodate the additional floor area of uses that qualify for the FAR deduction described previously.
2. The added height does not substantially contribute to shading of parks and other publicly accessible open spaces in the vicinity
3. The building, structure, or development is compatible with the character and development of the surrounding area, by incorporating the following design elements:
    a. Its silhouette is harmonious with building patterns in the surrounding context and the larger urban form of the downtown area, including the patterns produced by height limits.
    b. The project incorporates changes in massing and architectural expression that responds, where appropriate, to development of a lower height or dissimilar character.

c. The use of materials, colors, and scales is compatible with those of nearby development.

d. The design preserves or enhances the pedestrian environment by maintaining a pleasant scale and visual interest.

Currently, the 950–974 Market Street Project is the only development proposal received by the San Francisco Planning Department that would seek the FAR and height and bulk exemptions offered by the SUD and Special Height and Bulk District; a detailed evaluation of the proposed project is presented in the following paragraphs. The San Francisco Planning Department has not received any other proposals at this time, and future development would require a historic resource evaluation to determine that the proposed project would not materially impair a historic resource pursuant to the SUD and Special Height and Bulk District. If a proposed project is determined to materially impair a historic resource, it would not be allowed to seek a FAR and height and bulk exception. Therefore, the SUD and Special Height and Bulk District would result in less-than-significant impacts on historic resources.

### 950–974 Market Street Project and Variants

The 950-974 Market Street Project site is located on the north side of Market Street, bounded by Market, Turk, and Taylor Streets; Opal Place; and the rear and side property lines of 976–980 Market Street (Crest/Egyptian Theater). The project site is currently occupied by four buildings and a surface parking lot, at 950–964 Market Street, 966–970 Market Street, 972 Market Street, and 974 Market Street (67 Turk Street).

The neighborhood is characterized by mid- to high-rise, mixed-use buildings and the busy pedestrian, public transit, automobile, and bicycle traffic that runs on Market Street. The immediate neighbors on the block are the one-story Crest/Egyptian Theater (976–980 Market Street) and nine-story Warfield Theater (982–988 Market Street), which is a Category I (Significant) building per Article 11 of the Planning Code and contributing resource to the NRHP-listed Market Street Theater and Loft Historic District. On the blocks facing the project site are Renaissance Revival-style buildings that range from four to nine stories and are characterized by tripartite design, vertical expression, punched windows, decorative brickwork, fire escapes, and modillion cornices. The surrounding blocks are characterized by multi-use, masonry buildings with commercial, theater, institutional, and residential uses.

The following paragraphs contain brief descriptions of each building on the project site.

**950–964 Market Street (the Dean Building).** The 950–964 Market Street (the Dean Building), which was constructed in 1906, is located at the east end of the project site. It is a two-story-over-basement, unreinforced masonry commercial building redesigned in the Art-Moderne style in 1937. The building has a triangular plan, terracotta tile cladding, and flat roof with parapet and stepped cornice. Ground-floor commercial storefronts and the building entrance, which consists of metal and glass storefront system with fluted pilasters clad with terracotta tile, face Market Street. The upper floor, on both façades, is fenestrated by steel-sash windows and is occupied by office space.

**966–970 Market Street.** 966–970 Market Street was constructed in 1907. It is a two-story, V-shaped, brick masonry structure, clad with partially removed stucco and exposed structural brick and topped by a flat roof.

**972 Market Street.** 972 Market Street was constructed in 1912 based on design by Burtell R. Christensen. It is a three-story, V-shaped, reinforced masonry building clad with buff-colored brick and topped by a flat roof.

**974 Market Street (aka 67 Turk Street).** 974 Market Street includes a building fronting on Market Street and a surface parking lot that fronts on Turk and Taylor Streets. The building was constructed in 1909 based on designs by William Curlett and Son architects. The façade was remodeled circa 1950 in the Art-Moderne style. It is a two-story, trapezoidal-plan, reinforced concrete building clad with stucco and topped by a flat roof.

*Pre-Existing Historic Rating/Survey*

Each of the four buildings on the project site were included in the 1977–78 Downtown Survey conducted by San Francisco Architectural Heritage, the 1990 Unreinforced Masonry Structure Survey, and were also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms, with an update in 2011 by Tim Kelley Consulting. Neither the 2007 survey nor the 2011 survey update findings have been adopted. As these latter surveys are still in draft form, and the former surveys were informational in nature, the original date of construction each property makes them "Category B" (Properties Requiring Further Consultation and Review) for the purposes of CEQA review (see the categories detailed in the regulatory background information for the City of San Francisco Planning Department). Although not officially adopted, the Planning Department concurs with the findings for 966–970 Market Street, 972 Market Street, and 974 Market Street by Tim Kelley Consulting in

DPR forms prepared as part of the Central Market Survey. In this survey effort, Tim Kelley Consulting found that these three properties did not appear eligible for any level of designation and assigned a California Register Status Code of "6Z," or "found ineligible for NRHP, CRHR, or local designation through survey evaluation." Further, a Historic Resource Evaluation Response for 974 Market Street prepared in 2009 found that the properties did not qualify as historic resources. Based on these determinations, the three properties are not considered potential historic resources. The 950–964 Market Street building was found to be eligible for inclusion on the CRHR individually under Criterion 1/A (Event) for its association with the development of gay bars in the Tenderloin, specifically with the Rainbow Tavern and Old Crow Bar, gay bars that occupied the commercial unit at 962 Market Street from 1933 to 1980. However, due to substantial alteration and the change in the use from a bar to storefront retail, the property does not appear to retain sufficient integrity to convey its significance under this criterion.

The property does not appear eligible for listing under Criteria 2, 3, or 4, for the following reasons:

- Criterion 2: No persons associated with the Dean Building, or the Rainbow Tavern/Old Crow Bar, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion.

- Criterion 3: The building was originally constructed in 1906, using Classical Revival style ornament. In 1937, the entire building was remodeled into a simple, stripped down version of the Art-Moderne style. The building does not display high artistic value nor does it appear to represent the work of a master, as neither the original construction nor the 1937 remodel identify an architect or contractor. The building is not a good example of a type, period, or method of construction, in part due to substantial alterations at the ground floor on both the Market and Turk Street façades.

- Criterion 4: This significance criterion is typically associated to archeological resources, and is also applicable to rare construction types when involving the built environment. The subject properties are not an example of a rare construction type.

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the CRHR criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The 950–964 Market Street building, particularly the former Rainbow Tavern/Old Crow Bar commercial space at 962 Market Street, does not retain integrity. Although the main building entrance and second story retain original materials and streamlined terracotta ornament, the storefronts and interiors of all ground floor storefronts have been substantially altered on both the Market and Turk street façades. In particular, the commercial space at 962 Market Street no longer retains any storefront or interior features from the identified period of significance for the former Rainbow Tavern/Old Crow Bar tenant.

According to historic photos of the exterior, the storefront for the Rainbow Tavern/Old Crow Bar featured an entry door recessed within an angled entryway, with the door located to the east of an angled show window. All signage, including a neon sign, was located above or on either side of the entry door, flush with the building. While the storefront and entry appear to have been present at the time of Anne Bloomfield's evaluation of the property in 1997, the storefront has since been removed in its entirety. The commercial space is currently accessed by a full-width roll-up metal garage door. There is only a ghost of the former recessed entry on the ceiling of the open entrance. There are no interior remnants of the former bar. Thus, the building does not retain integrity of design, materials, and workmanship in association with the Rainbow Tavern/Old Crow Bar.

Further, the building lacks integrity of feeling and association as there are no remaining vestiges of the former gay bars that operated in the building. The exterior storefronts and interior commercial spaces have been substantially reconfigured, and 962 Market Street no longer functions as a restaurant or bar. The building as a whole would be recognizable from the period of significance due to the intact nature of its design at the second story, but lack of physical remnants of the former Rainbow Tavern/Old Crow Bar at 962 Market Street severs the building's feeling and association with this previous occupant and use.

Therefore, the building is no longer able to physically convey its significance and does not retain historic integrity, and does not qualify as eligible for the CRHR.

### IMPACT ANALYSIS

**Proposed Project.** The proposed project would demolish the existing buildings and surface parking lot on the project site, and construct an approximately 501,000-gsf mixed-use building with arts, education, residential, hotel, and retail uses. None of the buildings on the project site have been found to be individually eligible for listing in the CRHR or as part of a historic district. The proposed project would have a less-than-significant impact on historic resources with regard to buildings on the site. Although

the proposed project would not have a direct impact on historic resources, Improvement Measure I-CR-1a, Interpretive Display, would ensure commemoration of the Rainbow Tavern/Old Crow Bar formerly located at 962 Market Street.

**Improvement Measure I-CR-1a: Interpretive Display**

As part of the project, the Project Sponsor should install a permanent on-site interpretive display in a publicly accessible location, such as a lobby or Market Street frontage, which will help to memorialize the importance of the building after it is demolished. The content of the display should outline the significance of the subject building, namely its association with the Rainbow Tavern and Old Crow Bar within LGBTQ history in San Francisco. Interpretation of the site's history shall be supervised by a qualified preservation consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull HRE for the subject project may be used for content. A proposal prepared by the qualified consultant describing the general parameters of the interpretive program shall be approved by the San Francisco Planning Department preservation staff prior to issuance of a demolition permit or site permit. The detailed content, media, and other characteristics of such interpretive display shall be approved by preservation staff prior to issuance of a Temporary Certificate of Occupancy.

The proposed project would not cause a substantial adverse impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, Kearny-Market-Mason-Sutter Conservation District, or any individual buildings in those districts. Although the HRER found that the proposed project would not be compatible in design or massing with nearby historic resources, the physical separation between new construction and such resources would reduce the potential for direct or indirect impacts from the proposed project design. The proposed project would alter the setting of these nearby individual buildings and historic districts; but would not affect the overall integrity of those districts and individual resources within the districts.

The proposed project is near several parcels that contain designated or eligible historical buildings. Although the proposed project would alter the setting of the Warfield Building, immediately to the west of the project site on the project block, through incompatible design and massing, the spatial separation

between the two properties, by Opal Place north of the Warfield Building and the Crest Theater Building east of the Warfield Building would allow the Warfield Building to continue to convey its significance. The proposed project would be constructed at the rear of the theater portion of the Warfield Building. That north façade contains no ornamentation and little fenestration. The proposed project would not conceal or obscure any significant design elements, features, or materials of the Warfield Building or Crest/Egyptian Theater.

Due to the adjacency of new and subsurface construction to the historic Warfield Building and Crest Theater Building, project demolition, excavation, and construction activities have the potential to damage the historic fabric and features of those buildings. In particular, vibration resulting from the use of heavy equipment has the potential to damage adjacent historical resources. To reduce potential vibration-induced damage to a less-than-significant level, the Project Sponsor would be required to implement Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan.

**Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each

building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

To further safeguard against damage to adjacent buildings and minimize the potential effects from construction activities, Preservation Planning staff recommends Improvement Measure I-CR-1b, Construction Best Practices for Historic Resources.

**Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of

vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

With the implementation of Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan, potential impacts on those historical resources would be reduced to a less-than-significant level. In addition, implementation of Improvement Measures I-CR-1a, Interpretive Display, and I-CR-1b, Construction Best Practices for Historic Resources, would further reduce the project's less-than-significant effects on historic resources.

**Office Variant.** The Office Variant would develop office space in place of the hotel use, and would have a slightly reduced floor area than with the proposed project. However, impacts on historic resources would be similar to those with the proposed project. With the implementation of Mitigation Measure M-CR-1, the impact would be less than significant. In addition, implementation of Improvement Measures I-CR-1a and I-CR-1b would further reduce the less-than-significant effects on historic resources.

**120-Foot Variant.** The 120-Foot Variant would generally include the same uses as the proposed project, at a reduced scale, including a 235-room hotel, 262 dwelling units, and approximately 18,500 gsf of retail space. The variant would not include arts and arts education space. Although the overall building massing would be reduced, impacts on historic resources would be similar to those with the proposed project; with the implementation of Mitigation Measure M-CR-1, the impact would be less than significant. In addition, implementation of Improvement Measures I-CR-1a and I-CR-1b would further reduce the less-than-significant effects on historic resources.

**Impact C-CR-1: The SUD, Special Height and Bulk Districts, and proposed project, in combination with past, present, and reasonably foreseeable future projects, would not have a cumulative impact on historic resources. (Less than Significant)**

The geographic scope, or cumulative study area, for cumulative historic architectural resource impacts includes the SUD, Special Height and Bulk District, project site, and surrounding city blocks, which include properties designated as part of the Market Street Theater and Loft Historic District, Uptown Tenderloin Historic District, and Kearny-Market-Mason-Sutter Conservation District. Twenty-three previous, proposed, and foreseeable projects were identified in the proposed project area. Of those 23 projects, six appear to be outside the boundaries of any identified historic district(s) and are far enough

from the project site as to be unlikely to combine with the subject project or variants to result in a cumulative impact. The remaining projects are discussed by historic district in the following paragraphs.

### Uptown Tenderloin Historic District

Six recent and foreseeable projects are within the Uptown Tenderloin Historic District. Of these identified projects, only the demolition and new construction at 121 Golden Gate Avenue would have significant unavoidable project-specific and cumulative impacts on the historic district. Three of the six projects were found to have no project-specific or cumulative impacts. The remaining two projects, at 430 Eddy Street and 519 Ellis Street, are still undergoing review. These two proposed projects would not demolish existing resources within the district.

Although a project within the cumulative setting at 121 Golden Gate Avenue that would result in project-level significant impacts to historic resources, the proposed project would not combine with that project in such a way that there would be a significant cumulative impact on historic architectural resources. The proposed project is outside the boundaries of the Uptown Tenderloin Historic District, would not have project-specific impacts on the historic district, and would be a substantial distance from 121 Golden Gate Avenue. There is no concentration of proposed projects within the Uptown Tenderloin Historic District that would affect the historic fabric or character such that it would no longer be eligible for listing on the NRHP.

### Market Street Theater and Loft Historic District

Seven recent and foreseeable projects are within or adjacent to the Market Street Theater and Loft Historic District. Of those projects, only the proposed project at 1028 Market Street, which proposes demolition of a contributing resource to the historic district, would have the potential to impact to the district; the 1028 Market Street Project is undergoing review. Four of the seven identified projects have been evaluated and found to result in no project-specific or cumulative impacts on the historic district. The remaining two projects, at 1066 Market Street and 1125 Market Street, are still undergoing review. These two proposed projects—one of which is outside of district boundaries—would not demolish existing resources within the district.

Although one project within the cumulative setting, 1028 Market Street, may result in project-level and cumulative significant impacts on historic resources, the proposed project would not combine with this, or other, projects in such a way that there would be a significant cumulative impact on historic

architectural resources. The project site is outside of the outside the boundaries of the district and would not combine with any other project to result in a material impairment of the district.

### KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT

None of the project sites identified in the cumulative study area are located within this conservation district. Although the HRER found that the proposed project would not be compatible with the character of adjacent contributing buildings within this district, there would be no cumulatively considerable impact on the Kearny-Market-Mason-Sutter Conservation District.

For the reasons described previously, along with the findings for the other projects within the nearby historic districts, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, or the Kearny-Market-Mason-Sutter Conservation District.

**Impact CR-2: The SUD and Special Height and Bulk District would potentially cause a substantial adverse change in the significance of an archeological resource and potentially disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)**

### POTENTIAL ARCHEOLOGICAL PROPERTY TYPES IN THE PROJECT AREA

This subsection has been adapted from the *Archeological Technical Memorandum for the San Francisco General Plan Housing Element EIR*[19] and *Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project Final EIR*.[20]

#### *Significance of San Francisco's Archeological Record*

Archeological resources typically attain legal significance from their potential to address relevant research issues under Criterion 4 of the CRHR and/or Criterion D of the NRHP. Resources from periods for which complementary documentary evidence is either rare or missing have a higher likelihood of legal significance. Such periods include prehistory, the Spanish and Mexican period, and the Gold Rush era, although archeological resources of the Spanish and Mexican period are not anticipated to be located within the project area. Archeological resources that can speak to categories of investigation for which

[19] William Self Associates and Dean, Randall. 2009. *Archeological Technical Memorandum for the San Francisco General Plan Housing Element EIR*. Prepared for San Francisco Planning Department. Add Western SoMa EIR citation.

[20] San Francisco Planning Department, 2012. *Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project Final EIR.* December 6.

documentary evidence tends to be biased, sparse, or silent, also have a higher likelihood of legal significance. Such archeological resources include, but are not limited to, prehistoric archeological features; artifact-filled hollow features (privies, wells, and trash pits) or building infrastructural remains of the domestic, commercial, institutional, and industrial sites associated with specific ethnic, racial, religious, occupational, or lower economic and social-status groups or communities (e.g., an African-American-owned general store, or a Chinese shrimp fishing village); or hollow features—such as privies, cisterns, wells, and trash pits—that were filled during the course of the daily lives of working-class San Franciscans.

*Prehistoric-Period Archeological Resources*

Within the past 30 years or so, the body of work on the prehistoric northern San Francisco peninsula has expanded, as archeological sites are uncovered during construction or development activities within the City. Approximately 50 prehistoric archeological sites have been documented within the northern San Francisco peninsula and Yerba Buena Island; the majority of these sites were within 0.5 mile or less of the historic margins of San Francisco Bay. The great majority of prehistoric sites contain shell midden, and the greatest concentrations of these sites occur in the South of Market (SoMa) neighborhood, terraces of Islais and Precita Creeks, and the Hunters Point-Bayview-Candlestick Point-Visitacion Valley area. Although midden sites in the latter area have been known since the 1870s and include some of the largest shellmound sites in San Francisco, they have been subject to little investigation and hard dating. The SoMa sites have, on the other hand, largely only come to light since the 1980s and have been subject to various analytical and absolute dating techniques. The SoMa shell midden sites are also remarkable within Bay Area shellmound studies, in that many of them possess good physical integrity as a result of having been buried beneath natural sand dune deposits for hundreds of years following their abandonment.

Based on previous research in the vicinity of the proposed project, SUD, and Special Height and Bulk District, the area, as a whole, is likely to contain legally significant prehistoric archeological resources.[21] San Francisco prehistoric-period archeological research has identified two general categories of archeological resources: residential and non-residential sites. Residential sites contain evidence of permanent or semi-permanent occupation. Non-residential sites are varied, but all lack indications of

[21] Byrd, B., Meyer, J., Allen, R., Larson, B., McMorris, C., and Bunse, M. 2014. *Archaeological Research Design and Treatment Plan for the Central SoMa Plan Area, San Francisco, California*. April. Hupman, J. and Chavez, D. 2001. *Archaeological Resources Investigations for the Mid-Market Redevelopment Plan Project, San Francisco, California*. June.

long-term occupation. They represent activities that were carried out away from the residential base, such as temporary hunting or shellfish-gathering camps or isolated burials, and are also referred to as special purpose sites.

San Francisco's prehistoric archeological record includes a variety of site types that housed different numbers of people for varying lengths of time (e.g., hunting groups, small tribes, or larger gatherings of tribes). As mentioned previously, the majority of prehistoric sites in San Francisco are shell middens that formed in coastal or estuarine habitats. Middens are accumulations or concentrations of objects crafted by people, as well as objects left behind by human activities. Middens most commonly include some combination of flaked stone objects and debris from their manufacture; groundstone implements and fragments; and burned and unburned faunal bone, ash, charcoal, and fire-affected rocks. Middens in San Francisco and the surrounding Bay Area are typically characterized by relatively high concentrations of shells and shell fragments. Shell middens resulted from long-term or frequent occupation by people carrying out daily activities, such as food preparation, eating, and tool-making, as well as gathering and processing massive quantities of shellfish. Extended occupation by large groups of people led to the accumulation of mounded shell midden, or shellmounds. Even among shellmounds, there were varying sizes, and perhaps, varying functions.

In the eastern portion of SoMa, seven sites have been recognized by the State Historic Preservation Officer (SHPO) as composing an archeological district eligible for listing in the NRHP.[22] The district's theme is "Prehistoric Native American Shellmiddens on Mission Bay, San Francisco." Shell middens, some representing residential and others non-residential sites, have been interpreted as locations of occupation, ritual, and burial, but also as symbolic landscapes. The NRHP defines a district as a category of property that "possesses a significant concentration, linkage, or continuity of sites … united historically …"[23] To be eligible for the NRHP as a contributing element of a district, an archaeological site must: (1) have been present during the district's period of significance; (2) relate to the significance of the district; and (3) have the potential to yield important information that is relevant to the district. The archaeological district is eligible under Criteria A and D; the boundaries are still being defined, but are roughly the historical shoreline of Mission Bay.

[22] Sonoma State University, Anthropological Studies Center. 2010. *Site Specific Archaeological Research Design, Evaluation, and Data Recovery and Treatment Plan for Prehistoric Midden Deposits at Fourth and Howard Streets, San Francisco, September*.

[23] National Park Service. 1997. *Cultural Resource Management Guidelines*, Release N. 5. (Washington, D.C.: U.S. Department of the Interior, National Park Service), p. 5.

*Historic-Period Archeological Resources*

A significant research focus in historic-period archeological work in San Francisco and in Oakland, across the Bay, has been comparative studies of domestic and commercial deposits after 1860 and before the 1906 earthquake and fire. Freeway projects conducted by the California Department of Transportation, stimulated by the damage caused during the 1989 Loma Prieta earthquake, made possible several in-depth archeological studies of this period. Such studies have shown that archeological deposits of the late 19th century or early 20th century may have significant research value independent of the existence of a good associated historical record. These studies have shown that the archeological record of the past 150 years has the potential to fill in the gaps and misrepresentations that characterize the written record.

Based on previous research, analysis of historical maps (including, but not limited to, 1853, 1857, and 1869 U.S. Coast Survey [USCS] and 1886–1887 and 1899–1900 Sanborn fire insurance maps), as well as the location and constituents of other historic-period archeological sites in the greater vicinity, the project area could contain legally significant historic-period archeological resources.[24] Historic-period archeological resources include individual objects, features consisting of historically and spatially meaningful associations of objects, features, structural remains, and elements of landscape. General categories of resources include domestic occupation sites, domestic architecture, commercial sites, institutional sites, industrial sites, storage yards and warehouses, and landfills. Resources from either the Gold Rush era (1849–1859) or the Spanish/Mexican period (1776–1848) could have relevance to some of the general resource categories; however, archeological resources from these periods are rare, supporting documentary evidence is sparse, and therefore, their potential significance to San Francisco history is great and merits individual treatment.

IMPACT ANALYSIS

Future below-grade construction on potential development sites within the boundaries of the SUD and Special Height and Bulk District could potentially encounter and result in a change in the significance of an archeological resource, and/or unknown human remains.

Previous archeological research and the location and constituents of known prehistoric and historic-period archeological resources shows that legally significant resources are present in the SUD and Special

[24] Byrd, B., Meyer, J., Allen, R., Larson, B., McMorris, C., and Bunse, M. 2014. *Archaeological Research Design and Treatment Plan for the Central SoMa Plan Area*, San Francisco, California. April. Hupman, J. and Chavez, D. 2001. *Archaeological Resources Investigations for the Mid-Market Redevelopment Plan Project, San Francisco, California*. June.

Height and Bulk District area and that currently unknown resources are likely to be in the SUD and Special Height and Bulk District area. These resources could be damaged or destroyed through earthwork, ground stabilization, or other subsurface construction activities that would be undertaken by subsequent development.

Effects on archeological resources are only knowable once a specific project has been proposed, because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. However, implementation of the SUD and Special Height and Bulk District would have the potential to result in significant impacts on archeological resources as new and taller buildings are constructed within the SUD and Special Height and Bulk District.

New construction would likely include excavation and the installation of deep foundation systems. As a result, ground-disturbing activities could affect the significance of archeological deposits that may be present beneath the surface of the project under CRHR Criterion 4 (Information Potential) by impairing the ability of such resources to convey important scientific and historical information. Therefore, the implementation of the SUD and Special Height and Bulk District could result in a significant impact on archeological resources.

Further, any prehistoric site in the area that is identified as a contributing element to a district whose theme is "Prehistoric Native American shell middens on Mission Bay, San Francisco" cannot be mitigated by data recovery alone, but would require consultation with the Native American community and the development of an interpretation program.

Any potential future development would be subject to archeological assessments, as required by Mitigation Measure M-CR-2a, Project-Specific Preliminary Archeological Resources, and site-specific mitigation measures that may include the requirements in Mitigation Measure M-CR-2b, Procedures for Accidental Discovery of Archeological Resources. Therefore, with implementation of Mitigation Measures M-CR-2a and M-CR-2b, impacts on potential archeological resources and/or human remains would be reduced to a less-than-significant level.

**Mitigation Measure M-CR-2a: Project-Specific Preliminary Archeological Assessment**

This archeological mitigation measure shall apply to any project involving any soil-disturbing or soil-improving activities including excavation, utilities installation, grading, soil remediation, and

compaction/chemical grouting to a depth of 5 feet or greater below ground surface, and located within properties within the SUD area for which no archeological assessment report has been prepared.

Projects to which this mitigation measure applies shall be subject to Preliminary Archeology Review (PAR) by the San Francisco Planning Department archeologist, or a Preliminary Archeological Sensitivity Study (PASS) may be required in consultation with the San Francisco Planning Department archeologist. The PASS shall be prepared by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist.

The PASS shall contain the following:

- Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps.
- Determine types of archeological resources/properties that may have been located at the project site and whether the archeological resources/property types would potentially be eligible for listing on the CRHR.
- Determine if 19th- or 20th-century soil-disturbing activities may have adversely affected the identified potential archeological resources.
- Assess potential project effects in relation to the depth of any identified potential archeological resource.
- Provide a conclusion that assesses whether any CRHR-eligible archeological resources could be adversely affected by the project and recommends appropriate further action.

Based on the PAR or PASS, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design Treatment Plan (ARDTP) shall be required to more definitively identify the potential for California Register-eligible archeological resources to be present at the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. The scope of the ARDTP shall be determined in consultation with the ERO and consistent with the standards for archeological

documentation established by the Office of Historic Preservation (OHP) for purposes of compliance with CEQA (OHP Preservation Planning Bulletin No. 5). If the PAR or PASS adequately identifies the potential for California Register-eligible archeological resources to be present at the project site, the ERO shall determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. Actions may include an archeological testing program, archeological monitoring program, archeological data recovery program, accidental discovery measures/worker training, final reporting, curation, consultation with descendant communities, and interpretation undertaken in consultation with the Planning Department archeologist by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist.

**Mitigation Measure M-CR-2b: Procedures for Accidental Discovery of Archeological Resources**

This archeological mitigation measure shall apply to any project involving any soil-disturbing or soil-improving activities, including excavation, utilities installation, grading, and soil remediation. This mitigation measure is required to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources, as defined in CEQA Guidelines Section 15064.5(a)(c).

The Project Sponsor shall distribute the San Francisco Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); and to utilities firms involved in soil-disturbing activities within the project site. Prior to any soil-disturbing activities being undertaken, each contractor is responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The Project Sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firms) confirming that all field personnel have received copies of the ALERT sheet.

Should any indication of an archeological resource be encountered during any soil-disturbing activity of the project, the head foreman and/or Project Sponsor shall immediately notify the ERO and shall immediately suspend any soil-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

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

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

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

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

These measures would reduce the potential impacts on CEQA-significant archeological resources resulting from implementation of the SUD and Special Height and Bulk District to a less-than-significant level by ensuring that archeological resources are appropriately handled and documented.

**Impact CR-3: The proposed project would potentially cause a substantial adverse change in the significance of an archeological resource and potentially disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)**

A preliminary review for potential impacts on archeological resources was conducted for the proposed project.[25] The following analysis relies on the information provided in the preliminary review.

**Proposed Project.** Subsurface construction for the proposed project and variants would require excavation to a depth of approximately 35 feet for basements and the below-grade parking garage. While the project site is generally underlain by fill, which extends to approximately 19 to 23 feet below ground surface (bgs),[26] several prehistoric archeological sites are recorded at a depth of approximately 10.5 to 15.7 feet bgs, south of Market Street in the vicinity of the proposed project. Based on a review of early 1850s USCS maps, the project area is in a similar terrain as those nearby prehistoric sites. One structure is shown within the project site on the early 1850s USCS maps and a review of USCS maps from the late 1850s showed multiple buildings with the project site by that time. The project site appears to have been filled during the 1860s. Based on the 1887 Sanborn map, the project site appears to be built out primarily with hotels and saloons. Post-1906 earthquake development of the project area resulted in several buildings with basements that have disturbed the project site to an estimated 11 feet bgs. Due to the filling of the site, likely during the 1860s, archeological resources associated with the 1850s development may still exist within the project site below the existing basements.

Therefore, subsurface construction could potentially encounter and result in a change in the significance of an archeological resource, with potential archeological resources anticipated to be prehistoric resources, and the low possibility of disturbing human remains within the native dune sand that occurs at approximately 10 feet bgs. This is considered a potentially significant impact.

[25] Allison Vanderslice. July 2, 2014. *Environmental Planning Preliminary Archeological Review: Checklist for 950 Market Street*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

[26] Treadwell & Rollo. June 6, 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

Mitigation Measure M-CR-3, Archeological Testing, would apply to any components of the proposed project resulting in below-grade soil disturbance. This measure requires, among other steps, that the Project Sponsor prepare an archeological monitoring plan. With implementation of Mitigation Measure M-CR-3, the proposed project would result in less-than-significant impacts on archeological resources and/or human remains.

**Mitigation Measure M-CR-3: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Consultation with Descendant Communities*. On discovery of an archeological site[27] associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate

[27] The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

representative[28] of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

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

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

[28] An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or

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

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

The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.

If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures*. Descriptions of proposed field strategies, procedures, and operations.

- *Cataloguing and Laboratory Analysis*. Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy*. Description of and rationale for field and post-field discard and deaccession policies.

- *Interpretive Program*. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

- *Security Measures*. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.

- *Final Report*. Description of proposed report format and distribution of results.

- *Curation*. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

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

*Final Archeological Resources Report*. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken.

Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Office Variant.** The Office Variant would have the same building massing and volume as the proposed project, and would also require the same level of excavation for the construction of basements and the parking garage, resulting in the same potential archeological resource impacts and potential disturbance to unknown human remains. However, with the implementation of Mitigation Measure M-CR-3, impacts on archeological resources and potential unknown human remains would be less than significant.

**120-Foot Variant.** The 120-Foot Variant, as with the proposed project, would require excavation to a depth of approximately 35 feet, which could result in the same potential archeological resource impacts and potential disturbance to unknown human remains. However, with the implementation of Mitigation Measure M-CR-3, impacts on archeological resources and potential unknown human remains would be less than significant.

**Impact CR-4: The SUD, Special Height and Bulk District, and proposed project may cause a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)**

*Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts*

Tribal cultural resources (TCRs) are those resources that meet the definitions in Public Resources Code Section 21074. TCRs are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either (a) included or determined to be eligible for inclusion in the CRHR or (b) included in a local register of historical resources as defined

in Public Resources Code Section 5020.1(k). Based on discussions with Native American tribal representatives, in San Francisco, prehistoric archeological resources are presumed to be potential TCRs. A TCR is adversely affected when a project impacts its significance.

Pursuant to Assembly Bill 52, effective July 1, 2015, within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the Lead Agency to discuss potential impacts on TCRs and measures for addressing those impacts.

On August 14, 2015, the Planning Department mailed a "Tribal Notification Regarding Tribal Cultural Resources and CEQA" to the appropriate Native American tribal representatives who have requested notification. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation. As discussed under Impact CR-2, Mitigation Measure M-CR-2a, Project-Specific Preliminary Archeological Assessment, would be applicable to subsequent development projects in the SUD and Special Height and Bulk District for all proposed projects resulting in below-grade soil disturbance of 5 feet or greater below ground surface. Unknown archeological resources may be encountered during construction of subsequent development projects that could be identified as TCRs at the time of discovery or at a later date. Therefore, the potential adverse effects of the proposed project on previously unidentified archeological resources, discussed under Impact CR-2, also represent a potentially significant impact on TCRs. Implementation of Mitigation Measure M-CR-4, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level. Mitigation Measure M-CR-4 would require either preservation-in-place of the TCRs, if determined effective and feasible, or an interpretive program regarding the TCRs developed in consultation with affiliated Native American tribal representatives.

**Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program**

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.

> If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

Future below-grade construction on potential development sites within the boundaries of the SUD and Special Height and Bulk District could potentially encounter and result in a change in the significance of TCRs. However, implementation of Mitigation Measure M-CR-4, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level.

*950–974 Market Street Project*

**Proposed Project.** On August 14, 2015, the Planning Department mailed a "Tribal Notification Regarding Tribal Cultural Resources and CEQA" letter to the appropriate Native American tribal representatives who requested notification. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation. As discussed under Impact CR-3, Mitigation Measure M-CR-3, Archeological Testing, would apply to any components of the proposed project resulting in below-grade soil disturbance. Unknown archeological resources may be encountered during construction that could be identified as TCRs at the time of discovery or at a later date. Therefore, the potential adverse effects of the proposed project on previously unidentified archeological resources, discussed under Impact CR-3, also represent a potentially significant impact on TCRs. Implementation of Mitigation Measure M-CR-3 and Mitigation Measure M-CR-4 would reduce potential adverse effects on TCRs to a less-than-significant level. Mitigation Measure M-CR-4 would require either preservation-in-place of the TCRs, if determined effective and feasible, or an interpretive program regarding the TCRs developed in consultation with affiliated Native American tribal representatives.

**Office Variant.** The Office Variant would have the same building massing and volume as the proposed project, and would also require the same level of excavation for the construction of basements and the parking garage, resulting in the same potential TCRs impacts. However, implementation of Mitigation Measure M-CR-3 and Mitigation Measure M-CR-4 would reduce potential adverse effects on TCRs to a less-than-significant level.

**120-Foot Variant.** The 120-Foot Variant, as with the proposed project, would require excavation to a depth of approximately 35 feet, which could result in the same potential archeological resource impacts and potential disturbance to unknown human remains. However, implementation of Mitigation Measure M-CR-3 and Mitigation Measure M-CR-4 would reduce potential adverse effects on TCRs to a less-than-significant level.

**Impact C-CR-2: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not cause a substantial adverse change in the significance of an archeological or tribal cultural resource nor disturb human remains. (Less than Significant)**

Project-related impacts on archeological resources and human remains are site-specific and generally limited to the project's construction area. For these reasons, the SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact on archeological resources, TCRs, and human remains.

## E.5. TRANSPORTATION AND CIRCULATION

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 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? | ☐ | ☐ | ☒ | ☐ | ☐ |

The SUD and Special Height and Bulk District and the project site are not within an airport land use plan area, or in the vicinity of a private airstrip, and would not interfere with air traffic patterns. Therefore, topic 5c is not applicable.

A transportation impact study (TIS) and variant memorandum were prepared for the proposed project.[29,30] The following discussion relies on the information provided in the TIS and variant memorandum.

## SETTING

### *Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts*

The primary, and multi-modal, transit route through the SUD and Special Height and Bulk District is Market Street. Within the SUD and Special Height and Bulk District area (between 5th and 8th Streets), Market Street operates as a two-way arterial with two travel lanes in each direction, described as follows:

- The center lanes operate primarily as transit lanes, and accommodate surface rail service and island transit stops in both directions. The eastbound center lane is officially designated as a transit-only lane (buses and taxis only) from 12th Street to 5th Street at all times, and while often used by non-transit traffic, frequent stopping at these island transit stops deters some non-transit traffic from using this lane on a regular basis.

- The curbside lanes operate as shared (general purpose) lanes, and accommodate general vehicular traffic, transit vehicles accessing curbside stops along Market Street, and bicycles.

Market Street accommodates Class 3 bikeway facilities (shared travel lanes) east of 8th Street, with green retro-reflective thermoplastic paint used to increase the visibility of road space designated for bicycle use. Market Street also accommodates an enhanced pedestrian realm, with widened sidewalks to accommodate increased pedestrian activity, street landscaping features, entrances to Muni Metro light rail and BART stations, and various public open spaces. On-street parking is generally prohibited along Market Street east of Octavia Boulevard, and there are no curb cuts provided east of 12th Street/Franklin Street/Page Street. However, on-street bays in multiple locations accommodate passenger loading (white curb) and commercial loading (yellow curb) activities. Various vehicular traffic restrictions are in effect along Market Street, including left-turn restrictions at multiple intersections and forced eastbound right-turn movements at 10th Street. Private vehicles are prohibited from turning onto Market Street between 3rd and 8th Street.

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[29] AECOM. 2015. *950–974 Market Street Project and Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts. Transportation Impact Study.* This document is on file and available for public review at the San Francisco Planning Department, as part of Case Files 2013.1049E and 2014.0800E.

[30] AECOM. 2015. *950–974 Market Street Project and Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts Transportation Impact Study: 120-Foot Variant Analysis*. This document is on file and available for public review at the San Francisco Planning Department, as part of Case Files 2013.1049E and 2014.0800E.

*950–974 Market Street Project*

In the project site vicinity, Turk Street runs one-way westbound, with two travel lanes and no parking on either side; Taylor Street runs one-way northbound with three travel lanes and metered parking on both sides; and Market Street acts as the primary, multi-modal arterial. Transit conditions along Market Street in the project vicinity are as previously described for the SUD and Special Height and Bulk District. Left turns for private vehicles from Market Street are prohibited in the proposed project vicinity, and Market Street is the only roadway in the project vicinity with designated bikeways.

Pedestrian curb ramps are provided to cross intersections near the project site, except for pedestrians heading south across Turk Street from the west side of Mason Street. An existing surface parking lot in the northwest corner of the project site has access from three existing curb cuts, two along Turk Street and one along Taylor Street. The curb cuts in the northeast corner and center of the of the parking lot along Turk Street are approximately 20 feet wide and 30 feet wide, respectively. The curb cut along Taylor Street is approximately 35 feet wide. An approximately 45-foot-wide commercial loading bay is on the north side of Market Street on the project site frontage. Adjacent to the project site, the existing sidewalk widths (curb to property line) are approximately 12 feet along Turk Street, 10 feet along Taylor Street, and 28 feet along Market Street (although sidewalk widths vary along Market Street).

The SUD, Special Height and Bulk District, and the project site are well-served by public transit, with both local and regional service. Muni, BART, and the F-line streetcar (F-Line) systems currently operate along and/or beneath Market Street. The project site is located approximately 400 feet from the Powell Street Muni/BART station, which serves all Muni Metro lines and BART. An approximately 120-foot-long Muni bus stop fronts the north side of Market Street, approximately at the center of the project site, serving Muni lines 5-Fulton; 5L-Fulton Limited; and 21-Hayes. Muni routes 31-Balboa and 16X Noriega Express stop at the 120-foot-long Muni bus stop on the north side of Turk Street near the project site. Five other Muni bus lines and the F-line stop are located within a block of the project site.

## APPROACH TO ANALYSIS

This analysis of transportation and circulation impacts evaluates the potential effects of the SUD, Special Height and Bulk District, and proposed project on transportation and circulation in the project area and around the project site; the following scenarios were evaluated to identify the potential transportation impacts:

- Existing plus SUD and Special Height and Bulk District
- Existing plus 950–974 Market Street Project
- Cumulative (Year 2040) conditions

### *Travel Demand Analysis*

A travel demand analysis was conducted for the SUD and Special Height and Bulk District, and the 950-974 Market Street Project. Travel demand refers to the new vehicle, transit, pedestrian, and bicycle traffic generated by the new land uses projected to be developed within the SUD and Special Height and Bulk District project area, and the 950-974 Market Street Project site.

#### *Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts*

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses, which could consist of a mixture of residential, hotel, office, and retail uses; the travel demand analysis assesses the buildout of those three sites.

The SUD and Special Height and Bulk District would generate up to 9,562 daily person-trips. During the PM peak hour, the SUD and Special Height and Bulk District would generate up to an estimated 1,375 PM peak hour trips, consisting of up to 376 auto trips, 554 transit trips, 354 walking trips, and 91 other trips (other includes bicycle, motorcycle, taxi, and additional modes). During the PM peak hour, the SUD and Special Height and Bulk District would generate up to 195 vehicle trips.

*950–974 Market Street Project and Variants*

**Proposed Project.** The 950–974 Market Street Project would generate 5,901 daily person-trips. During the PM peak hour, the proposed project would generate an estimated 905 PM peak hour trips, consisting of 241 auto trips, 386 transit trips, 224 walking trips, and 54 other trips. During the PM peak hour, the proposed project would generate 125 vehicle trips.

**Office Variant.** The Office Variant would generate 5,269 daily person-trips. During the PM peak hour, the Office Variant would generate an estimated 818 PM peak hour trips, consisting of 214 auto trips, 382 transit trips, 354 walking trips, and 91 other trips. During the PM peak hour, the Office Variant would generate 109 vehicle trips.

**120-Foot Variant.** The 120-Foot Variant would generate 3,403 daily person-trips. During the PM peak hour, the 120-Foot Variant would generate an estimated 605 PM peak hour trips, consisting of 165 auto trips, 231 transit trips, 174 walking trips, and 35 other trips. During the PM peak hour, the 120-Foot Variant would generate 93 vehicle trips.

**Impact TR-1: The SUD, Special Height and Bulk District, and proposed project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, nor would they conflict with an applicable congestion management program. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

As set forth in the *Transportation Impact Analysis Guidelines for Environmental Review* (Transportation Guidelines),[31] the Planning Department evaluates traffic conditions for the weekday PM peak hour conditions (between the hours of 4 p.m. and 6 p.m.), which typically represent the worst conditions for the local transportation network. In addition, for this analysis, weekday AM peak hour conditions (between the hours of 7 a.m. and 9 a.m.) were evaluated for studied intersections. As shown in Table 5, Intersection Level of Service – Existing Plus SUD and Special Height and Bulk District Conditions, most study intersections would see a slight increase in average delay as a result of the proposed SUD and Special Height and Bulk District, but would not see a material change in Level of Service (LOS).

[31] San Francisco Planning Department. 2002. *Transportation Impact Analysis Guidelines for Environmental Review*. October.

All intersections would continue to operate at a similar LOS as under existing conditions, and the proposed SUD and Special Height and Bulk District would not result in any new locations operating at unacceptable conditions (LOS E or LOS F). While four study intersections would operate at unacceptable conditions under Existing plus Mid-Market SUD and Special Height District Conditions during either one or both of the weekday AM or PM peak hours, these intersections already currently operate at unacceptable conditions under Existing Conditions during the relevant peak hours.

TABLE 5: INTERSECTION LEVEL OF SERVICE – EXISTING PLUS SUD AND SPECIAL HEIGHT AND BULK DISTRICT CONDITIONS

| Intersection | | Existing Conditions | | | | | | Existing plus SUD and Special Height and Bulk District Conditions | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | |
| | | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c |
| 1 | Cyril Magnin/Eddy | | | | B | 19.1 | | | | | B | 19.2 | |
| 2 | Market/5th/Cyril Magnin | B | 17.6 | | E | 55.9 | | B | 17.6 | | E | 57.3 | |
| 3 | Mission/5th | C | 20.4 | | B | 15.1 | | C | 20.5 | | B | 15.2 | |
| 4 | Mason/Eddy | | | | B | 12.9 | | | | | B | 13.0 | |
| 5 | Market/Mason/Turk | | | | B | 15.2 | | | | | B | 15.3 | |
| 6 | Taylor/Eddy | | | | B | 14.8 | | | | | B | 15.0 | |
| 7 | Taylor/Turk | A | 10.0 | | B | 10.3 | | B | 10.2 | | B | 10.4 | |
| 8 | Market/6th/Taylor/Golden Gate | F | > 80.0 | 0.63 | D | 44.6 | | F | > 80.0 | 0.64 | D | 49.0 | |
| 9 | Mission/6th | D | 50.2 | | C | 32.3 | | D | 53.9 | | C | 34.4 | |
| 10 | Jones/Golden Gate | | | | D | 41.1 | | | | | D | 43.6 | |
| 11 | Market/Jones/McAllister | B | 17.2 | | B | 19.4 | | B | 17.2 | | B | 19.4 | |
| 12 | Leavenworth/McAllister | | | | B | 14.3 | | | | | B | 14.6 | |
| 13 | Charles J. Brenham/McAllister | | | | B | 15.3 | | | | | B | 15.5 | |
| 14 | Market/7th/Charles J. Brenham | D | 44.4 | | F | > 80.0 | 0.75 | D | 46.6 | | F | > 80.0 | 0.76 |
| 15 | Mission/7th | | | | C | 28.2 | | | | | C | 31.6 | |
| 16 | Hyde/McAllister | | | | B | 14.8 | | | | | B | 14.8 | |
| 17 | Market/8th/Hyde/Grove | F | > 80.0 | 0.63 | D | 39.3 | | F | > 80.0 | 0.63 | D | 41.3 | |
| 18 | Mission/8th | | | | C | 27.1 | | | | | C | 27.9 | |

Notes:
Delay is presented in seconds per vehicle.
LOS = Level of Service
V/C = volume to capacity ratio
**Bold** indicates intersection operating at unacceptable conditions (LOS E or LOS F).
Source: AECOM 2015

A contribution analysis was conducted to determine whether or not the proposed SUD and Special Height and Bulk District would represent a considerable contribution to conditions at these poorly performing intersections, based on the level of vehicular traffic added to LOS E or LOS F critical movements (lane groups) that control overall intersection LOS and delay. The results of this contribution analysis are summarized in Table 6, Intersection Contributions – Existing plus SUD and Special Height and Bulk District Conditions.

TABLE 6: INTERSECTION CONTRIBUTIONS – EXISTING PLUS SUD AND SPECIAL HEIGHT AND BULK DISTRICT CONDITIONS

| Intersection | Critical Movement | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | |
|---|---|---|---|---|---|---|---|---|
| | Approach | Lane Group | Total Volume | Added Trips | Contribution | Total Volume | Added Trips | Contribution |
| Market/5th/ Cyril Magnin | Southbound (Cyril Magnin) | Through + right | | | | 584 | 7 | 1.2% |
| Market/6th/Taylor/ Golden Gate | Eastbound (Golden Gate) | Right | 994 | 11 | 1.1% | | | |
| Market/7th/ Charles J. Brenham | Northbound (7th) | Through + right | | | | 1,285 | 12 | 0.9% |
| Market/8th/Hyde /Grove | Southbound (Hyde) | Left + through | 1,484 | 12 | 0.8% | | | |
| | | Right | 113 | 0 | 0.0% | | | |
| Source: AECOM 2015. | | | | | | | | |

As shown in Table 6, development potential under the SUD and Special Height and Bulk District would add vehicular traffic to some LOS E or LOS F critical lane groups at some of the study intersections. However, the increase in vehicular traffic in these lane groups attributable to the SUD and Special Height and Bulk District would be minimal, and would not constitute a considerable contribution to the total traffic volumes. The change in vehicular traffic at these intersections is described as follows:

- At the Market/5th/Cyril Magnin intersection, the SUD and Special Height and Bulk District would contribute 1.2 percent to the total volume in the southbound shared through–right (southbound Cyril Magnin Street to southbound 5th Street and westbound Market Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

- At the Market/6th/Taylor/Golden Gate intersection, the SUD and Special Height and Bulk District would contribute 1.1 percent to the total volume in the eastbound right (eastbound Golden Gate Avenue to southbound 6th Street and westbound Market Street) critical lane group, which would

operate at LOS F during the weekday AM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

- At the Market/7th/Charles J. Brenham intersection, the SUD and Special Height and Bulk District would contribute 0.9 percent to the total volume in the northbound shared through–right (northbound 7th Street to northbound Charles J. Brenham Place and eastbound Market Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

- At the Market/8th/Hyde/Grove intersection, the SUD and Special Height and Bulk District would contribute 0.8 percent to the total volume in the southbound shared left–through (southbound Hyde Street to eastbound Market Street and southbound 8th Street) critical lane group and 0.0 percent to the total volume in the southbound right (southbound Hyde Street to westbound Market Street) critical lane-group, which would both operate at LOS F during the weekday AM peak hour under Existing plus Mid-Market SUD and Special Height and Bulk District Conditions.

In conclusion, the SUD and Special Height and Bulk District would not directly cause any of the study intersections to operate at unacceptable conditions. At locations currently operating at unacceptable conditions and expected to continue to do so under Existing plus SUD and Special Height and Bulk District Conditions, the SUD and Special Height and Bulk District would not constitute a considerable contribution to the total traffic volumes in LOS E or LOS F critical lane groups. Overall, the SUD and Special Height and Bulk District are not expected to result in significant impacts on intersection operations.

### 950–974 Market Street Project and Variants

#### *Traffic Impacts*

**Proposed Project and Office Variant.** As previously described, the Planning Department Transportation Guidelines evaluate traffic conditions for the weekday PM peak hour conditions (between the hours of 4 p.m. and 6 p.m.). The weekday AM peak hour conditions (between the hours of 7 a.m. and 9 a.m.) were also evaluated in this assessment. As shown in Table 7, Intersection Level of Service – Existing plus Project Conditions, both the proposed project and the Office Variant would result in similar LOS and delay at the study intersections. Overall, most study intersections would see a slight increase in average delay as a result of the proposed project and Office Variant, but would not see a material change in LOS. All intersections would continue to operate at similar LOS as under Existing Conditions, and the proposed project and Office Variant would not result in any new locations operating at unacceptable

conditions (LOS E or LOS F). While four study intersections would operate at unacceptable conditions under Existing plus Project Conditions during either one or both of the weekday AM or PM peak hours, these intersections already currently operate at unacceptable conditions under Existing Conditions during the relevant peak hours.

TABLE 7: INTERSECTION LEVEL OF SERVICE – EXISTING PLUS PROJECT CONDITIONS

| Intersection | | Existing Conditions | | | | | | Existing plus Project Conditions | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Proposed Project | | | | | | Office Variant | | | | | |
| | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | |
| | | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c |
| 1 | Cyril Magnin/Eddy | | | | B | 19.1 | | | | | B | 19.2 | | | | | B | 19.2 | |
| 2 | Market/5th/ Cyril Magnin | B | 17.6 | | E | 55.9 | | B | 17.6 | | E | 57.3 | | B | 17.6 | | E | 56.9 | |
| 3 | Mission/5th | C | 20.4 | | B | 15.1 | | C | 20.5 | | B | 15.2 | | C | 20.5 | | B | 15.2 | |
| 4 | Mason/Eddy | | | | B | 12.9 | | | | | B | 13.0 | | | | | B | 13.0 | |
| 5 | Market/Mason/ Turk | | | | B | 15.2 | | | | | B | 15.3 | | | | | B | 15.3 | |
| 6 | Taylor/Eddy | | | | B | 14.8 | | | | | B | 15.0 | | | | | B | 14.9 | |
| 7 | Taylor/Turk | A | 10.0 | | B | 10.3 | | B | 10.2 | | B | 10.4 | | B | 10.2 | | B | 10.4 | |
| 8 | 6th/Market/Taylor /Golden Gate | F | >80.0 | 0.63 | D | 44.6 | | F | >80.0 | 0.64 | D | 49.0 | | F | >80.0 | 0.63 | D | 48.9 | |
| 9 | Mission/6th | D | 50.2 | | C | 32.3 | | D | 51.6 | | C | 34.6 | | D | 51.4 | | C | 34.5 | |
| 10 | Jones/Golden Gate | | | | D | 41.1 | | | | | D | 43.6 | | | | | D | 43.6 | |
| 11 | Market/Jones/ McAllister | B | 17.2 | | B | 19.4 | | B | 17.2 | | B | 19.4 | | B | 17.2 | | B | 19.4 | |
| 12 | Leavenworth/ McAllister | | | | B | 14.3 | | | | | B | 14.5 | | | | | B | 14.5 | |
| 13 | C. J. Brenham/ McAllister | | | | B | 15.3 | | | | | B | 15.5 | | | | | B | 15.5 | |
| 14 | 7th/Market/ C.J. Brenham | D | 44.4 | | F | >80.0 | 0.75 | D | 45.7 | | F | >80.0 | 0.75 | D | 45.9 | | F | >80.0 | 0.75 |
| 15 | Mission/7th | | | | C | 28.2 | | | | | C | 28.8 | | | | | C | 28.7 | |
| 16 | Hyde/McAllister | | | | B | 14.8 | | | | | B | 14.8 | | | | | B | 14.8 | |
| 17 | 8th/Market/Hyde/ Grove | F | >80.0 | 0.63 | D | 39.3 | | F | >80.0 | 0.63 | D | 40.6 | | F | >80.0 | 0.63 | D | 40.6 | |
| 18 | Mission/8th | | | | C | 27.1 | | | | | C | 27.7 | | | | | C | 27.7 | |

Notes:
Delay is presented in seconds per vehicle.
LOS = Level of Service
V/C = volume to capacity ratio
**Bold** indicates intersection operating at unacceptable conditions (LOS E or LOS F).
Source: AECOM 2015

A contribution analysis was conducted to determine whether or not the proposed project or Office Variant would represent a considerable contribution to conditions at these poorly performing intersections, based on the level of vehicular traffic added to LOS E or LOS F critical movements (lane groups) that control overall intersection LOS and delay. The results of this contribution analysis are summarized in Table 8, Intersection Contributions – Existing plus Project Conditions.

TABLE 8: INTERSECTION CONTRIBUTIONS – EXISTING PLUS PROJECT CONDITIONS

| Intersection | Critical Lane Group | | Proposed Project | | | | | | Office Variant | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Approach | Lane Group | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | |
| | | | Total Volume | Added Trips | Contribution | Total Volume | Added Trips | Contribution | Total Volume | Added Trips | Contribution | Total Volume | Added Trips | Contribution |
| Market/ 5th/Cyril Magnin | Southbound (Cyril Magnin) | Through + right | | | | 584 | 7 | 1.2% | | | | 582 | 5 | 0.9% |
| Market/6th/ Taylor/ Golden Gate | Eastbound (Golden Gate) | Right | 994 | 11 | 1.1% | | | | 992 | 9 | 0.9% | | | |
| Market/7th /Charles J. Brenham | Northbound (7th) | Through + right | | | | 1,282 | 9 | 0.7% | | | | 1,281 | 8 | 0.6% |
| Market/8th/ Hyde/Grove | Southbound (Hyde) | Left + through | 1,482 | 10 | 0.7% | | | | 1,481 | 9 | 0.6% | | | |
| | | Right | 113 | 0 | 0.0% | | | | 113 | 0 | 0.0% | | | |
| Source: AECOM 2015. | | | | | | | | | | | | | | |

As shown in Table 8, the proposed project and Office Variant would add vehicular traffic to some LOS E or LOS F critical lane groups at some of the study intersections. However, the increase in vehicular traffic in these lane groups attributable to the proposed project and Office Variant would be minimal, and would not constitute a considerable contribution to the total traffic volumes. The change in vehicular traffic at these intersections is described as follows:

- At the Market/5th/Cyril Magnin intersection, the proposed project and Office Variant would contribute between 0.9 percent (under the Office Variant) and 1.2 percent (under the proposed project) to the total volume in the southbound shared through–right (southbound Cyril Magnin Street to southbound 5th Street and westbound Market Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Existing plus Project Conditions.

- At the Market/6th/Taylor/Golden Gate intersection, the proposed project and Office Variant would contribute between 0.9 percent (under the Office Variant) and 1.1 percent (under the proposed project) to the total volume in the eastbound right (eastbound Golden Gate Avenue to southbound 6th Street and westbound Market Street) critical lane group, which would operate at LOS F during the weekday AM peak hour under Existing plus Project Conditions.

- At the Market/7th/Charles J. Brenham intersection, the proposed project and Office Variant would contribute between 0.6 percent (under the Office Variant) and 0.7 percent (under the proposed project) to the total volume in the northbound shared through–right (northbound 7th Street to northbound Charles J. Brenham Place and eastbound Market Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Existing plus Project Conditions.

- At the Market/8th/Hyde/Grove intersection, the proposed project and Office Variant would contribute between 0.6 percent (under the Office Variant) and 0.7 percent (under the proposed project) to the total volume in the southbound shared left–through (southbound Hyde Street to eastbound Market Street and southbound 8th Street) critical lane group and 0.0 percent (under both the proposed project and Office Variant) to the total volume in the southbound right (southbound Hyde Street to westbound Market Street) critical lane-group. Both of these critical lane groups would operate at LOS F during the weekday AM peak hour under Existing plus Project Conditions.

Overall, the proposed project and Office Variant would not be expected to result in significant impacts related to intersection LOS.

**120-Foot Variant.** As the proposed project would result in a larger "trip envelope" than the 120-Foot Variant, the magnitude of the effects of the 120-Foot Variant on intersection LOS would be less than that of the proposed project. Specifically, the 120-Foot Variant would result in fewer vehicle-trips assigned to each movement at each study intersection. Correspondingly, the 120-Foot Variant would not result in any LOS impacts beyond those identified previously for the proposed project. The proposed project would not result in significant impacts related to LOS; therefore, the 120-Foot Variant would also not result in significant impacts related to LOS. As such, further evaluation of intersection LOS is not needed.

*Garage Driveway Queuing*

**Proposed Project, Office Variant, and 120-Foot Variant.** A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding

parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.

The proposed project, Office Variant, and 120-Foot Variant would provide a curb cut and driveway ramp along Taylor Street to serve a below-grade garage. The garage would provide private parking only and would not be open to the public. As discussed under traffic impacts, the proposed project would generate approximately 102 vehicle trips during the weekday AM peak hour and approximately 125 vehicle trips during the weekday PM peak hour that could potentially use the curb cut and driveway ramp on Taylor Street to access the project garage. The Office Variant would generate approximately 95 vehicle-trips during the weekday AM peak hour and approximately 109 vehicle-trips during the weekday PM peak hour. The 120-Foot Variant would generate approximately 69 vehicle-trips during the weekday AM peak hour and approximately 93 vehicle-trips during the weekday PM peak hour. As discussed in the following paragraphs, substantial queuing at the driveway is not expected.

It is anticipated, however, that a portion of those vehicle trips would not access the garage driveway, either because they would choose to use on-street parking or another off-street parking facility, or would involve passenger and/or valet pick-up and drop-off activities at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the residential uses of the project. In addition, the traffic signal at Market/6th/Taylor /Golden Gate effectively meters northbound traffic onto Taylor Street, and it is anticipated that at least some of the vehicle movements at the driveway would likely occur while traffic is temporarily stopped at the signal, thus allowing any potential queue to dissipate that might have formed while waiting for a break in the traffic flow.

The proximity of the proposed Taylor Street driveway to the Taylor/Turk intersection could cause some "weaving" effects if vehicles exiting the below-grade garage attempt to access the westernmost (far side) lane on Taylor Street to turn left on Turk Street. However, the analysis found that this traffic pattern would not adversely affect LOS at the intersection. Table 5 shows that the Taylor/Turk intersection would operate at LOS B with the project; motorists would also have the option of continuing north along Taylor Street and making a left turn on Ellis Street to head west. While there may be minor disruptions to traffic flow along Taylor Street as a result of driveway queuing, those effects would be temporary and would dissipate quickly. Therefore, the driveway queuing effects of the proposed project, Office Variant, and 120-Foot Variant on traffic circulation would be less than significant. The queuing effects of the proposed

project, Office Variant, and 120-Foot Variant on pedestrian facilities are discussed under Impact TR-5, and Improvement Measure I-TR-5f, Queue Abatement, which is related to vehicle queuing and pedestrian facilities, would further minimize the less-than-significant effects of driveway queuing on traffic circulation.

*Passenger Loading*

**Proposed Project**. The proposed project would provide a new passenger loading zone along the south side of Turk Street. While this change would help to accommodate pick-up and drop-off activities generated by the project, particularly for the proposed hotel, retail spaces, or theater venues, such activities could potentially result in substantial disruptions to traffic circulation.

In particular, the proposed passenger loading zone would be expected to generate its highest volume of activity before and after performances at one or both of the theaters proposed at the project site. For weekday evening performances, the after-show period (generally 10:00 p.m. and later) would be well outside of the PM peak period for background traffic (4:00 p.m. to 6:00 p.m.), but the before-show period would generally correspond with the shoulder of the weekday PM peak period (6:00 p.m. to 7:00 p.m.), during which traffic volumes are still relatively high. Weekend performances, while taking place outside of the business week, could also result in some disruption to traffic circulation due to traffic in the Downtown area generated by leisure travelers (tourists), shoppers, and other visitors, even though overall traffic volumes in the Downtown area are generally lower on Saturdays or Sundays than on weekdays. In addition, any proposed valet activities—either for patrons of theater events or for visitors of the project's hotel and retail spaces—may also substantially disrupt traffic circulation as a result of queuing and double parking.

Turk Street, however, generally operates at free-flow conditions on the segment adjacent to the project site, and has sufficient capacity to handle additional traffic, even if pick-up and drop-off activities at the proposed passenger loading zone intrude into portions of the southernmost travel lane. The provision of a passenger loading zone may also help minimize disruptions to traffic circulation as a result of passenger loading activities generated by the project, which would be more likely to intrude into or occupy portions of the adjacent travel lane if a zone were not present.

Hotel uses in C-3 zoning districts are required by Planning Code Section 162 to provide off-street loading spaces for tour buses based on the number of hotel rooms. The proposed project would include 292 hotel

rooms, and would be required to provide one off-street tour bus loading space. While the proposed project does not propose any off-street tour bus loading spaces, Planning Code Section 162(b) allows the provision of any required spaces to be waived if space is provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations, or general traffic circulation. Given the size and nature of the proposed hotel and field observations of tour bus loading activities at other hotels in the area, the demand for tour bus loading spaces for the proposed project would not be expected to exceed more than one space (i.e., one bus) on a regular basis. The proposed project would not provide a substantial amount of on-site meeting or convention space, and is not expected to host major conferences or other events that would attract unusual amounts of tour bus activity. While conferences and other events at off-site locations such—as Moscone Center—may provide tour bus or shuttle service to connect hotel guests with event venues, these events would generally be infrequent, and it is unlikely that any more than two tour buses would need to serve the project site at any one time.

Given these considerations, the proposed project would not be expected to result in significant impacts on traffic conditions along Turk Street as a result of the proposed passenger loading zone. Improvement Measure I-TR-1a, Passenger Loading, would further reduce these less-than-significant effects.

**Improvement Measure I-TR-1a: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.

- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an "extended period of time" shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days, including observations during events at the proposed theaters on no less than 3 separate days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or

her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

**Office Variant.** The Office Variant would provide a new passenger loading zone along the south side of Turk Street. The Office Variant would also have arts uses similar to the proposed project. Therefore, passenger loading impacts related to arts and theater uses would be the same as the proposed project. However, the Office Variant would not include any hotel uses, and therefore, would not result in any hotel passenger loading demands. While the office uses would result in some use of the passenger loading zone, the amount of passenger loading activity would not be more than that of the hotel use. Therefore, like the proposed project, the Office Variant would have less-than-significant impacts related to passenger loading, and Improvement Measure I-TR-1a would further reduce these less-than-significant effects.

**120-Foot Variant.** The 120-Foot Variant would provide a new passenger loading zone along the south side of Turk Street, though slightly more west than the proposed project and Office Variant. The 120-Foot Variant would not have any arts uses, and therefore, would not result in any theater passenger loading demands. The 120-Foot Variant would include hotel uses, but would include fewer hotel rooms than the proposed project. Therefore, hotel passenger loading activities would be less than those of the proposed project. Therefore, like the proposed project, the 120-Foot Variant would have less-than-significant impacts related to passenger loading, and Improvement Measure I-TR-1a would further reduce these less-than-significant effects.

*Freight/Service Loading*

**Proposed Project and Office Variant.** Pursuant to Planning Code Section 152.1, the proposed project and Office Variant would be required to provide a total of three off-street freight loading spaces in a C-3-G zoning district. Furthermore, as described in Planning Code Section 153(a)(6), substitution of two service vehicle spaces for each required off-street freight loading space is permitted in the C-3 zoning district. The proposed project would provide an off-street freight loading dock along Turk Street with two freight loading spaces, and four service vehicle spaces in the below-grade parking garage accessed from Taylor Street. Freight and service loading access would comply with required dimensions in Planning Code Section 155(f). Off-street freight loading spaces would each be 12 feet wide and 35 feet long, with a minimum vertical clearance—including entry and exit—of 14 feet or more. The proposed service vehicle spaces would be 8 feet wide and 20 feet long, with a minimum vertical clearance of 7 feet. The proposed

project would generate a peak-hour freight loading/service vehicle demand of approximately two spaces, and therefore, would meet the requirements established in Planning Code Section 154(b). For residential move-in and move-out activities, it is anticipated that residents would consult building management to reserve space in the building's loading dock or parking garage, or use available on-street commercial loading space. No significant traffic, transit, bicycle, or pedestrian impacts are expected to result from proposed project freight loading and service vehicle activities, and therefore, impacts would be less than significant. However, the following proposed improvement measures would minimize any freight and service loading-related effects.

**Improvement Measure I-TR-1b: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

**Improvement Measure I-TR-1c: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

**120-Foot Variant.** The requirement for the 120-Foot Variant off-street freight loading spaces would be the same as the proposed project, and a total of three off-street freight loading spaces would be provided. The 120-Foot Variant would provide an off-street freight loading dock along Turk Street with two freight loading spaces, and four service vehicle spaces in the below-grade parking garage accessed from Taylor

Street. Freight and service loading access would comply with required dimensions in Planning Code Section 155(f). The 120-Foot Variant would generate a peak-hour freight loading/service vehicle demand of approximately two spaces, and therefore, would meet the requirements established in Planning Code Section 154(b).

A portion of the passenger loading zone would overlap with the proposed 27-foot curb cut accommodating loading dock access, and would need to be vacated in the event of dock ingress and egress movements. This shared arrangement for curb space would partially reduce the usability of this portion of the passenger loading zone, but is not expected to result in substantively greater effects (in terms of magnitude) or new effects on other modes or on freight loading/service vehicle conditions not already disclosed for the proposed project. While trucks attempting to enter the loading dock may need to temporarily wait for any vehicles obstructing the dock's curb cut to vacate this section of the passenger loading zone, there is sufficient clearance to the nearest travel lane on Turk Street to minimize disruptions to traffic, transit, or bicycle circulation along Turk Street.

The dock would be shifted approximately 55 feet to the west, but there is sufficient distance from the downstream intersection (Taylor/Turk) such that trucks exiting the dock can safely merge into the traffic flow along Turk Street. Residential move-in and move-out activities and collection of trash, recycling, and compost would take place in a similar fashion to the proposed project. No significant traffic, transit, bicycle, or pedestrian impacts are expected to result from freight loading and service vehicle activities, and therefore, impacts would be less than significant. However, Improvement Measure I-TR-1b, Loading Dock Safety, and Improvement Measure I-TR-1c, Loading Schedule, would minimize any freight and service loading-related effects.

### *Construction*

**Proposed Project, Office Variant, and 120-Foot Variant**. Construction of the proposed project, Office Variant, or 120-Foot Variant would last approximately 27 months, and would consist of three phases (demolition, excavation and shoring, and construction). During this period, temporary and intermittent transportation impacts would result from additional vehicle trips to the project site from workers and equipment deliveries, but these activities would be limited in duration. Construction staging would occur primarily within the confines of the project site and any closures along Taylor Street or Turk Street would likely require the temporary closure of the adjacent parking lane and one traffic lane, but would likely otherwise have little effect on roadway capacity. Some minor disruptions to pedestrian flow could occur,

including diversion of pedestrian traffic to the north side of Turk Street, but would not otherwise impede or inhibit pedestrian circulation or degrade pedestrian safety. Construction vehicle trips during peak traffic flow would have a greater potential to create conflicts than during non-peak hours; however, given the temporary and intermittent nature of the construction activities, the proposed project's construction-related activities would not result in significant transportation impacts. Although construction-related impacts would be temporary and less than significant, the following proposed improvement measures would further minimize any effects.

**Improvement Measure I-TR-1d: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

**Improvement Measure I-TR-1e: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.
- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
- Identifying routes for construction-related trucks to utilize during construction.

- Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.

- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g. concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

*Parking*

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project and its variants meet each of the three criteria, and therefore, this analysis presents a parking demand, supply, and requirements analysis for informational purposes.

Parking conditions are not static, as parking supply and demand varies. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking) would be in keeping with San Francisco's "Transit First" policy and numerous General Plan polices, including those in the Transportation Element.

This transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus, choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis—as

well as in the associated air quality and noise analyses—would reasonably address potential secondary effects.

**Proposed Project and Office Variant.** The proposed project's supply of off-street vehicle parking was compared to the requirements established in the Planning Code, as well as the anticipated weekday midday and evening vehicle parking demand. The proposed project would generate a vehicle parking demand of 414 spaces during the weekday midday period and 518 spaces during the weekday evening period. The proposed project would provide 104 vehicle parking spaces (78 residential spaces, 24 non-residential spaces, and two car-share spaces), and would result in a shortfall of approximately 312 spaces during the weekday midday period and 416 spaces during the weekday evening period. However, there are at least 20 off-street parking facilities within walking distance of the project site. Those facilities currently operate at approximately 57 percent occupancy during the weekday midday period and 38 percent occupancy during the weekday evening period. Furthermore, even with the removal of the surface parking lot at the corner of Turk and Taylor Streets, the previously described facilities would have the capacity to handle the extra demand, as the existing parking lot is only open during the weekday midday period. Therefore, during the daytime and evening time, off-street vehicular parking could be found by project residents, visitors, and patrons. Although the unmet parking demand would cause a slight increase in competition for on-street and off-street parking spaces in the proposed project vicinity, the area is well served by public transit and bicycle facilities. Moreover, the project site is not required to provide any off-street vehicular parking per Planning Code C-3 requirements.

It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit-rich area, the Planning Commission may not support the provision of any off-street parking spaces.

If the proposed project were ultimately approved with no off-street parking spaces, the project would have an unmet demand of 414 spaces during the weekday midday period and 518 spaces during the weekday evening period. As mentioned previously, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes, such as public transit and bicycle facilities. Therefore, the proposed project would not create any hazardous conditions due to parking-related factors, and Improvement Measure I-TR-1f, Residential Transportation

Demand Management Program, and Improvement Measure I-TR-5f, Queue Abatement, would further reduce any potential parking-related impacts.

**Improvement Measure I-TR-1f: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants, in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco), or the TDM Coordinator may be an existing staff member (e.g., property manager); the TDM Coordinator would not be required to work full-time at the project site. However, they would be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator would provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

- Transportation and Trip Planning Information

    - Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
    - New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and

fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.

- Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.

- Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

**120-Foot Variant.** The 120-Foot Variant would generate a vehicle parking demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. The 120-Foot Variant would provide 104 vehicle parking spaces (78 residential spaces, 24 non-residential spaces, and two car-share spaces), and would result in a shortfall of approximately 227 spaces during the weekday midday period and 309 spaces during the weekday evening period. Similar to the proposed project, during the daytime and evening time, off-street vehicular parking could be found by project residents, visitors, and patrons. Although the unmet parking demand would cause a slight increase in competition for on-street and off-street parking spaces, the area is well served by public transit and bicycle facilities. Moreover, the project site is not required to provide any off-street vehicular parking per Planning Code C-3 requirements.

If the 120-Foot Variant were ultimately approved with no off-street parking spaces, the variant would have an unmet demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. As described previously, the unmet parking demand could be accommodated by existing nearby on-street and off-street parking spaces and through alternative modes, such as public transit and bicycle facilities. Therefore, the 120-Foot Variant would not create any hazardous conditions due to parking-related factors, and Improvement Measure I-TR-1f, Residential Transportation Demand

Management Program, and Improvement Measure I-TR-5f, Queue Abatement, would further reduce any potential parking-related impacts.

**Impact TR-2: The SUD, Special Height and Bulk District, and proposed project would not substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in design features or changes to the existing transportation infrastructure, nor do they contain any plans or policies pertaining to transportation infrastructure. As discussed in Section E.1, Land Use and Land Use Planning, potential future uses within the districts would be consistent with uses currently common in the area, and therefore, would not result in incompatible uses. Potential future development seeking to take advantage of the SUD and Special Height and Bulk District could potentially include design features that could result in hazards. However, the environmental impacts resulting from future development under the SUD and Special Height and Bulk District, other than the 950–974 Market Street Project (which is discussed in the following paragraphs), are too speculative to be evaluated with a reasonable certainly herein. Future developments would be subject to independent environmental review to assess their potential environmental impacts. Therefore, impacts related to the SUD and Special Height and Bulk District would be less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project and Office Variant.** No project design features are proposed that would substantially increase traffic-related hazards. In addition, as discussed in Section E.1, Land Use and Land Use Planning, the proposed project and Office Variant would not include incompatible uses. Therefore, traffic hazard impacts due to a design feature or resulting from incompatible uses from the proposed project and Office Variant would be less than significant. The effects of the proposed driveway along Turk Street on pedestrian facilities are discussed under Impact TR-1.

**120-Foot Variant.** Although development of the 120-Foot Variant would result in a different building design than the proposed project, the variant would not propose design features that would substantially increase traffic-related hazards. The 120-Foot Variant would also not include any incompatible uses. Therefore, traffic-related hazard impacts due to a design feature or resulting from incompatible uses with

implementation of the 120-Foot Variant would be less than significant. The queuing effects of the proposed project, Office Variant, and 120-Foot Variant on pedestrian facilities are discussed under Impact TR-1.

**Impact TR-3: The SUD, Special Height and Bulk District, and proposed project would not result in inadequate emergency access. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in design features or changes to the existing transportation infrastructure or roadway conditions, nor do the districts contain any plans or policies pertaining to transportation infrastructure. Emergency access is currently provided by an extensive roadway network in the area, with Market Street as the main access route. Potential future development seeking to take advantage of the SUD and Special Height and Bulk District could potentially include alterations to the existing roadway network. However, the environmental impacts resulting from future development under the SUD and Special Height and Bulk District, other than the 950–974 Market Street Project (which is discussed in the following paragraphs), are too speculative to be evaluated with a reasonable certainly herein. Future developments would be subject to independent environmental review to assess their potential environmental impacts. Additionally, future developments would be required to comply with all applicable regulatory requirements pertaining to emergency access. Therefore, impacts pertaining to emergency access would be considered less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project and Office Variant.** Emergency vehicle access is currently provided along all three streets that front the project site (Market Street, Taylor Street, and Turk Street). Emergency access would remain unchanged from existing conditions. The proposed project and Office Variant would not close off any existing streets or entrances to public uses. Therefore, the proposed project would have a less-than-significant impact on emergency access.

**120-Foot Variant.** No unique design features would be proposed that would inhibit emergency vehicle access, and design modifications under the 120-Foot Variant—including the shift of the proposed loading dock and associated curb cut, and the proposed passenger loading zone to the west, and the creation of a

new parklet along the south side of Turk Street—are expected to have a negligible effect on emergency vehicle access. Therefore, impacts related to emergency vehicle access would be less than significant.

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

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950—974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses, which could consist of a mixture of residential, hotel, office, and retail uses. The travel demand analysis assesses the buildout of those three sites.

The SUD and Special Height and Bulk District would increase ridership on the Muni Downtown screenlines,[32] but would not directly cause any of the screenlines or corridors to exceed the 85 percent capacity utilization threshold. However, several screenlines and corridors currently exceed the 85 percent capacity utilization threshold under Existing Conditions and would continue to do so under Existing plus SUD and Special Height and Bulk District Conditions. Therefore, a contribution analysis was performed to determine whether or not the proposed SUD and Special Height and Bulk District would represent a considerable contribution to the ridership in these screenlines and corridors.

[32] Screenlines represent a grouping of transit services, usually by a common direction or origin/destination served, reflecting the fact that transit passengers generally have multiple transit options or alternatives available to them on their journey. For the Downtown screenlines, transit services are first grouped into corridors, generally representing the major trunk services radiating from Downtown San Francisco, and then grouped into screenlines.

The following Muni screenlines currently exceed the 85 percent capacity utilization threshold; the proposed SUD and Special Height and Bulk District would not represent a considerable contribution to ridership on any of these Muni screenlines or corridors:

- In the Northwest Screenline, Fulton/Hayes corridor (5 Fulton and 21 Hayes), the Mid-Market SUD and Special Height and Bulk District would contribute 0.4 percent to total ridership during the weekday PM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

- In the Southwest Screenline, 3rd Street corridor (T 3rd Street), the Mid-Market SUD and Special Height and Bulk District would contribute 0.6 percent to total ridership during the weekday PM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight–Noriega/71L Haight–Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the Mid-Market SUD and Special Height and Bulk District would contribute 0.5 percent to total ridership during the weekday AM peak hour under Existing plus SUD and Special Height and Bulk District Conditions.

As a result, the proposed SUD and Special Height and Bulk District would not result in significant impacts on capacity utilization on Muni's Downtown screenlines.

The proposed SUD and Special Height and Bulk District would increase ridership on the regional transit screenlines, but would not directly cause any of them to exceed the 100 percent capacity utilization threshold. All regional transit operators and screenlines would continue to operate below 100 percent capacity utilization under Existing plus SUD and Special Height and Bulk District Conditions. As a result, the proposed SUD and Special Height and Bulk District are not expected to result in significant impacts related to capacity utilization on regional transit screenlines.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in design features or changes to the existing transportation infrastructure or roadway conditions, nor do the districts contain any plans or policies pertaining to transportation infrastructure. Potential future development seeking to take advantage of the SUD and Special Height and Bulk District could potentially include design features that could impact bicycle or pedestrian facilities. However, the environmental impacts resulting from future development under the SUD and Special Height and Bulk District, other than the 950–974 Market Street Project (which is discussed under Impact C-TR-1), are too speculative to be evaluated with reasonable certainly herein. Future developments would be subject to

independent environmental review to assess their potential environmental impacts. Additionally, future development would be required to comply with all adopted policies, plans, or programs regarding public transit, bicycle, and pedestrian facilities. Therefore, impacts related to the SUD and Special Height and Bulk District would be less than significant.

**Impact TR-5: The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Less than Significant)**

### 950–974 Market Street Project and Variants

#### *Transit Facilities*

**Proposed Project and Office Variant.** As discussed previously, the project site is well served by local and regional public transit. The proposed project and Office Variant would result in similar ridership on Muni corridors and screenlines. Overall, the proposed project would increase ridership on the Downtown corridors and screenlines, but would not directly cause any of them to exceed the 85 percent capacity utilization threshold. However, several screenlines and corridors currently exceed the 85 percent capacity utilization threshold under Existing Conditions, and would continue to do so under Existing plus Project Conditions. The following screenlines and corridors currently exceed the 85 percent capacity utilization threshold; the proposed project and Office Variant would not represent a considerable contribution to ridership on any of these Muni screenlines or corridors:

- In the Northwest Screenline, Fulton/Hayes corridor (5 Fulton and 21 Hayes), the project would contribute between 0.2 percent (under the proposed project) and 0.3 percent (under the Office Variant) to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.

- In the Southeast Screenline, 3rd Street corridor (T Third Street), the proposed project and Office Variant would contribute 0.4 percent to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.

- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight–Noriega/71L Haight–Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the project would contribute between 0.2 percent (under the proposed project) and 0.3 percent (under the Office Variant) to the total ridership during the weekday AM peak hour under Existing plus Project Conditions.

As a result, the proposed project and Office Variant would not result in significant impacts to capacity utilization on Muni's Downtown screenlines.

The proposed project and Office Variant would result in similar ridership on regional transit screenlines and operators. Overall, the proposed project and Office Variant would increase ridership on regional transit screenlines and operators, but would not directly cause any of them to exceed the 100 percent capacity utilization threshold. All regional transit screenlines and operators would continue to operate below 100 percent capacity utilization under Existing plus Project Conditions. As a result, the proposed project is not expected to result in significant impacts related to capacity utilization on the regional transit screenlines.

The proposed project would provide a new passenger loading zone and service loading dock on the south side of Turk Street. Vehicles using the passenger loading area and service vehicles entering or leaving the loading dock would use the southernmost lane of one-way westbound Turk Street. The Muni bus stop serving the 16X Noriega Express and 31 Balboa lines is on the north side of Turk Street. Therefore, the effects of proposed project passenger and service loading activities on transit operations is generally expected to be negligible and proposed project impacts on transit would be less than significant.

**120-Foot Variant.** The 120-Foot Variant would not propose any unique features (i.e., features not included in the proposed project) that would result in a greater effect (in terms of magnitude) on transit operations than the proposed project, or result in new effects on transit operations not already disclosed for the proposed project. Therefore, like the proposed project, the 120-Foot Variant would not result in significant impacts on general transit operations.

### *Bicycle Facilities*

**Proposed Project, Office Variant, and 120-Foot Variant.** The project vicinity is well served by existing bicycle routes, most notably route 50 along Market Street. The proposed project, Office Variant, and 120-Foot Variant would not interfere with accessibility to that route. The proposed project would be required to provide a total of 178 Class 1 spaces and 39 Class 2 spaces per Planning Code Section 155.2. The proposed project would provide a total of 217 Class 1 spaces (188 spaces for the residential uses and 29 spaces for the non-residential uses) and 50 Class 2 spaces, exceeding Planning Code requirements. The Office Variant would supply an identical amount of Class 1 bicycle parking spaces in the garage levels for

residents, and Class 2 bicycle parking spaces along the Turk Street and Market Street sidewalks; the Office Variant would supply an additional eight Class 1 spaces for non-residential uses, for a total of 37 spaces. The 120-Foot Variant would provide 151 Class 1 bicycle parking spaces (141 spaces for the residential uses and 10 spaces for non-residential uses), and 44 Class 2 bicycle parking spaces, exceeding Planning Code requirements. The project passenger and service loading zones along Turk Street could potentially affect bicycle circulation and safety; however, bicycle activity is anticipated to be minimal as this is not a designated bikeway, and bicyclists generally would use Market Street. While the project would increase the amount of bicycle traffic along Market Street and other streets in the vicinity of the project site, the expected magnitude of this increase would not be substantial enough to affect overall bicycle circulation or the operations of bicycle facilities, and therefore, impacts would be less than significant.

*Pedestrian Facilities*

**Proposed Project and Office Variant.** Pedestrian trips generated by the proposed project would generally consist of people walking to and from the site. Overall, the proposed project would generate a maximum of approximately 167 walk-only person-trips during the weekday AM peak hour and 224 walk-only person-trips during the weekday PM peak hour. The Office Variant would generate a maximum of approximately 137 walk-only person-trips during the weekday AM peak hour and 174 walk-only person-trips during the weekday PM peak hour. The new pedestrian trips generated by the project could be accommodated on the adjacent facilities and would not substantially affect pedestrian operations on nearby sidewalks or crosswalks, particularly given the existing sidewalk widths along Market Street, which is expected to be the primary pedestrian corridor to and from the project site.

The proposed project and Office Variant would also include several streetscape improvements to pedestrian facilities, including widening the sidewalk along Turk Street adjacent to the project site by approximately 10 feet, installing enhancements such as street trees, eliminating and consolidating existing curb cuts, and incorporating setbacks at street-level entrances to provide plaza space. Furthermore, sidewalks around the project site are observed to be underutilized. The increased pedestrian activity generated by the project, in combination with the proposed streetscape improvements, would be expected to enhance the overall pedestrian conditions in the area.

Vehicle movements at the garage driveway along Taylor Street would involve vehicles crossing the sidewalk on the east side of Taylor Street, adjacent to the project site. While not a high-volume pedestrian

corridor in and of itself, Taylor Street provides a key pedestrian connection between the neighborhood commercial corridor along 6th Street and high-density mixed-use residential/commercial uses in the Tenderloin. In terms of net new travel demand, the proposed project would generate approximately 45 inbound vehicle trips and 57 outbound vehicle trips during the weekday AM peak hour, and approximately 70 inbound vehicle trips and 55 outbound vehicle trips during the weekday PM peak hour. The Office Variant would generate approximately 47 inbound vehicle trips and 47 outbound vehicle trips during the weekday AM peak hour, and approximately 60 inbound vehicle trips and 49 outbound vehicle trips during the weekday PM peak hour.

However, it is anticipated that some portion of the project-generated vehicle trips would not access the garage driveway, either because vehicles would choose to use on-street parking or another off-street parking facility, or would involve pick-up and drop-off of passengers at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the proposed residential uses; at least some of the employees and visitors of the project's other uses—including the proposed retail, arts and arts education, and hotel (or office) uses—would be likely to choose these alternative options for vehicle access and parking.

In addition, there is already some level of existing conflict generated by the existing curb cuts that serve the off-street surface parking lot on the project site (located at 67 Turk Street), which currently provides parking for approximately 80 vehicles. The project would provide approximately 104 off-street spaces for vehicle parking within a below-grade garage, which would effectively be a one-to-one replacement of the existing surface lot. As such, the net increase in vehicle-pedestrian conflict at curb cuts serving the project site is expected to be minimal. Given these considerations, project-generated vehicle traffic would not be expected to result in significant impacts on pedestrian conditions.

However, recognizing the existing deficiencies and safety issues related to pedestrian conditions in the immediate vicinity of the project site, improvement measures are proposed to minimize the less-than-significant effects arising from project-generated vehicle traffic. Improvement Measures I-TR-1a, Passenger Loading, I-TR-5a, Garage Exit Warning, I-TR-5b, Pedestrian Safety Signage, I-TR-5c, Garage Curb Cut, I-TR-5d, Pedestrian Signals, I-TR-5e, Americans with Disabilities Act Standards, and I-TR-5f, Queue Abatement, would further reduce the less-than-significant effects.

**Improvement Measure I-TR-5a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

**Improvement Measure I-TR-5b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

**Improvement Measure I-TR-5c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

**Improvement Measure I-TR-5d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

**Improvement Measure I-TR-5e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

**Improvement Measure I-TR-5f: Queue Abatement**

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.

- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.

- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.

- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern

side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.

- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.

- If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be

limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**120-Foot Variant.** The 120-Foot Variant would result in fewer overall pedestrian trips than the proposed project. The 120-Foot Variant would not propose any unique features (i.e., features not included under the proposed project) that would result in greater effect (in terms of magnitude) on pedestrian conditions than the proposed project, or result in new effects on pedestrian conditions not already disclosed for the proposed project. Therefore, like the proposed project, the 120-Foot Variant would not result in significant impacts on pedestrian conditions. Improvement Measures I-TR-1a, Passenger Loading, I-TR-5a, Garage Exit Warning, I-TR-5b, Pedestrian Safety Signage, I-TR-5c, Garage Curb Cut, I-TR-5d, Pedestrian Signals, I-TR-5e, Americans with Disabilities Act Standards, and I-TR-5f, Queue Abatement, would further reduce these less-than-significant effects.

**Impact C-TR-1: The SUD, Special Height and Bulk District, and proposed project, in combination of past, present, and reasonably foreseeable future projects, would not have a cumulative impact on transportation. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

#### *Traffic*

Future year 2040 cumulative traffic conditions were developed to assess the cumulative effects of the proposed SUD and Special Height and Bulk District and other development that could occur through the year 2040. The 2040 traffic forecast for the study intersections was developed using the San Francisco County Transportation Authority travel demand model runs (CHAMP model version 4.3.0.3), with manual adjustments conducted by the transportation consultant to take into account recent network changes (e.g., Eddy Street and Ellis Street two-way conversions).

The analysis of future year 2040 conditions also incorporates various assumptions about the transportation network. Future year conditions assume implementation of roadway changes in the following plans and projects: Better Market Street, 6th Street Improvement Project, Central SoMa Plan, Tenderloin-Little Saigon Neighborhood Transportation Plan, Polk Streetscape Project, and Vision Zero.

As shown in Table 9, Intersection Level of Service – Cumulative Conditions (which includes the development assumed with the proposed SUD and Special Height and Bulk District), study area intersections would continue to operate at acceptable LOS, with the exception of five intersections: Market/5th/Cyril Magnin; Mission/6th; Leavenworth /McAllister; Mission/7th; and Mission/8th.

TABLE 9: INTERSECTION LEVEL OF SERVICE – CUMULATIVE CONDITIONS

| | Intersection | Existing Conditions | | | | | | Cumulative Conditions | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | | Weekday AM Peak Hour | | | Weekday PM Peak Hour | | |
| | | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c | LOS | Delay | v/c |
| 1 | Cyril Magnin/Eddy | | | | B | 19.1 | | | | | C | 30.4 | |
| 2 | Market/5th/Cyril Magnin | B | 17.6 | | E | 55.9 | | C | 23.4 | | F | > 80.0 | 0.90 |
| 3 | Mission/5th | C | 20.4 | | B | 15.1 | | C | 33.6 | | C | 31.1 | |
| 4 | Mason/Eddy | | | | B | 12.9 | | | | | B | 15.9 | |
| 5 | Market/Mason/Turk | | | | B | 15.2 | | | | | B | 15.8 | |
| 6 | Taylor/Eddy | | | | B | 14.8 | | | | | B | 17.9 | |
| 7 | Taylor/Turk | A | 10.0 | | B | 10.3 | | B | 10.2 | | B | 10.4 | |
| 8 | Market/6th/Taylor/Golden Gate | F | > 80.0 | 0.63 | D | 44.6 | | D | 46.8 | | D | 38.4 | |
| 9 | Mission/6th | D | 50.2 | | C | 32.3 | | F | > 80.0 | 1.22 | D | 39.8 | |
| 10 | Jones/Golden Gate | | | | D | 41.1 | | | | | C | 34.8 | |
| 11 | Market/Jones/McAllister | B | 17.2 | | B | 19.4 | | C | 22.0 | | C | 23.5 | |
| 12 | Leavenworth/McAllister | | | | B | 14.3 | | | | | F | > 80.0 | 1.15 |
| 13 | Charles J. Brenham/McAllister | | | | B | 15.3 | | | | | C | 26.8 | |
| 14 | Market/7th/Charles J. Brenham | D | 44.4 | | F | > 80.0 | 0.75 | C | 23.0 | | E | 63.7 | |
| 15 | Mission/7th | | | | C | 28.2 | | | | | F | > 80.0 | 1.07 |
| 16 | Hyde/McAllister | | | | B | 14.8 | | | | | C | 20.2 | |
| 17 | Market/8th/Hyde/Grove | F | > 80.0 | 0.63 | D | 39.3 | | C | 27.2 | | C | 26.6 | |
| 18 | Mission/8th | | | | C | 27.1 | | | | | E | 68.7 | |

Notes:
Delay is presented in seconds per vehicle.
LOS = Level of Service
V/C = volume to capacity ratio
**Bold** indicates intersection operating at unacceptable conditions (LOS E or LOS F).
Source: AECOM 2015

For intersections operating at unacceptable LOS under Cumulative Conditions, a contribution analysis was conducted to determine whether or not the proposed SUD and Special Height and Bulk District would represent a cumulatively considerable contribution to conditions at these poorly performing intersections, based on the level of vehicular traffic added to LOS E or LOS F critical movements (lane groups) that control overall intersection LOS and delay.

- At the Market/5th/Cyril Magnin intersection, the SUD and Special Height and Bulk District would contribute 0.8 percent to the total volume in the southbound shared through-right (southbound Cyril Magnin Street to southbound 5th Street and westbound Market Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Cumulative Conditions.

- At the Mission/6th intersection, the SUD and Special Height and Bulk District would contribute 3.1 percent to the total volume in the southbound shared through-right (southbound 6th Street to southbound 6th Street and westbound Mission Street) critical lane group and 0.0 percent to the total volume in the eastbound through (eastbound Mission Street to eastbound Mission Street) critical lane group, which would operate at LOS E and LOS F, respectively, during the weekday AM peak hour under Cumulative Conditions.

- At the Leavenworth/McAllister intersection, the SUD and Special Height and Bulk District would contribute 0.6 percent to the total volume in the westbound shared through-right (westbound McAllister Street to westbound McAllister Street and northbound Leavenworth Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Cumulative Conditions.

- At the Market/7th/Charles J. Brenham intersection, the SUD and Special Height and Bulk District would contribute 0.7 percent to the total volume in the northbound shared through-right (northbound 7th Street to northbound Charles J. Brenham Place and eastbound Market Street) critical lane group, which would operate at LOS E during the weekday PM peak hour under Cumulative Conditions.

- At the Mission/7th intersection, the SUD and Special Height and Bulk District would contribute 1.8 percent to the total volume in the northbound shared left-through-right (northbound 7th Street to westbound Mission Street, northbound 7th Street, and eastbound Mission Street) critical lane group, which would operate at LOS F during the weekday PM peak hour under Cumulative Conditions.

- At the Mission/8th intersection, the SUD and Special Height and Bulk District would contribute 0.6 percent to the total volume in the southbound shared left-through (southbound 8th Street to eastbound Mission Street and southbound 8th Street) critical lane group and 0.0 percent to the westbound through (westbound Mission Street to westbound Mission Street) critical lane group,

which would operate at LOS F and LOS E, respectively, during the weekday PM peak hour under Cumulative Conditions.

As a result, the proposed SUD and Special Height and Bulk District would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to intersection LOS.

***Transit***

As with traffic volume forecasts, future year 2040 cumulative transit conditions were developed for the SUD and Special Height and Bulk District. Based on adjustments made to the estimates of net new travel demand, the SUD and Special Height and Bulk District would generate a maximum of approximately 273 inbound transit person-trips and 208 outbound transit person-trips during the weekday AM peak hour, and approximately 338 inbound transit person-trips and 263 outbound transit person-trips during the weekday PM peak hour, depending on the programs assumed for the respective sites. Several Muni screenlines and corridors would operate at or above the 85 percent threshold under cumulative conditions. The proposed SUD and Special Height and Bulk District would not represent a cumulatively considerable contribution to ridership on any of the following Muni corridors, which currently exceed the 85 percent capacity utilization threshold:

- In the California corridor (1 California, 1AX California "A" Express, and 1BX California "B" Express), the SUD and Special Height and Bulk District would contribute 0.1 percent to total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.

- In the Sutter/Clement corridor (2 Clement and 3 Jackson), the SUD and Special Height and Bulk District would contribute 0.3 percent to total ridership during the weekday PM peak hour under Cumulative Conditions.

- In the Fulton/Hayes corridor (5 Fulton and 21 Hayes), the SUD and Special Height and Bulk District would contribute 0.2 percent and 0.3 percent, respectively, to total ridership during the weekday AM and PM peak hours under Cumulative Conditions.

- In the Northwest Screenline (38 Geary, 38L Geary Limited, 38AX Geary "A" Express, and 38BX Geary "B" Express; 1 California, 1AX California "A" Express, and 1BX California "B" Express; 2 Clement and 3 Jackson; 5 Fulton and 21 Hayes; and 31 Balboa, 31 Balboa "A" Express, and 31BX Balboa "B" Express), the SUD and Special Height and Bulk District would contribute 0.3 percent to the total ridership during the weekday PM peak hour under Cumulative Conditions.

- In the Mission corridor (14 Mission, 14L Mission Limited, 14X Mission Express, and 49 Van Ness-Mission), the SUD and Special Height and Bulk District would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.

- In the San Bruno/Bayshore corridor (8X Bayshore Express, 8AX Bayshore "A" Express, 8BX Bayshore "B" Express, 9 San Bruno, and 9L San Bruno Limited), the SUD and Special Height and Bulk District would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.

- On other lines in the Southeast Screenline (J Church, 10 Townsend, 12 Folsom-Pacific, 19 Polk, and 27 Bryant), the SUD and Special Height and Bulk District would contribute 0.3 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions

- On the Haight/Noriega corridor (6 Parnassus, 71 Haight–Noriega/71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express), the SUD and Special Height and Bulk District would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.

- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight-Noriega / 71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the SUD and Special Height and Bulk District would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.

As a result, the proposed SUD and Special Height and Bulk District would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on Muni's Downtown screenlines.

None of the regional transit operators and screenlines would operate at or above their capacity utilization thresholds under Cumulative Conditions. While development potential under the proposed SUD and Special Height and Bulk District would add new ridership to regional transit services, it would not contribute to any regional transit operators and screenlines exceeding their capacity utilization thresholds. As a result, the proposed SUD and Special Height and Bulk District would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on the regional transit screenlines.

In addition to the transit-related improvements being implemented by the roadway changes described previously, several transit-specific projects in the area will add improvements to the existing transit network. While some projects would not physically affect service in the immediate vicinity of the SUD

and Special Height and Bulk District, they would affect routes currently serving the area. Transit improvement projects include the Transit Effectiveness Project; Central Subway Project; F Market and Wharves Extension to Fort Mason Project; M Ocean View Undergrounding and Parkmerced Realignment Project; Light Rail Vehicle Seating Pilot Project; and Treasure Island Express Bus Service Project.

### 950–974 Market Street and Variants

#### *Traffic*

**Proposed Project and Office Variant.** As the proposed project and Office Variant represent only a portion of the total development potential under the SUD and Special Height and Bulk District, they would not result in impacts beyond those of the SUD and Special Height and Bulk District. As a result, the proposed project and Office Variant would also not represent a cumulatively considerable contribution to traffic volumes in LOS E and LOS F critical lane groups at these poorly performing intersections, and thus, would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to intersection LOS.

**120-Foot Variant.** As the 120-Foot Variant is smaller in scale than the proposed project and Office Variant, it would also not represent a cumulatively considerable contribution to traffic volumes in LOS E and LOS F critical lane groups at these poorly performing intersections. Therefore, the 120-Foot Variant would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to intersection LOS.

#### *Transit*

**Proposed Project and Office Variant**. As the proposed project and Office Variant represent only a portion of the total development potential under the SUD and Special Height and Bulk District, they would not result in impacts beyond those of the SUD and Special Height and Bulk District. As a result, the proposed project and Office Variant would also not represent a cumulatively considerable contribution to ridership on these screenlines and corridors, and thus, would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on Muni's Downtown screenlines.

**120-Foot Variant**. As the 120-Foot Variant is smaller in scale than the proposed project and Office Variant, it would also not represent a cumulatively considerable contribution to ridership on these screenlines and

corridors. Therefore, the 120-Foot Variant would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on Muni's Downtown screenlines.

*Other Future Roadway Changes*

Nearly all of the proposed future roadway changes identified in the Mid-Market area would have minor effects on traffic generated by the proposed project and its variants. However, two projects—the 6th Street Improvement Project and the Better Market Street Project—could result in cumulative implications for traffic, circulation, and vehicular access to and from the project site. The 6th Street Improvement Project would reduce travel lanes and the overall capacity of 6th Street, which could have corresponding impacts with the project's vehicular access points, including the garage entry/exit and the proposed passenger loading zone along Turk Street. However, with the implementation of traffic-division measures, impacts would be intermittent and minimal, and no new significant impacts would be expected.

Immediately adjacent to the project site, the preliminary concept for private automobile restrictions under the Better Market Street Project would convert the segment of Turk Street between Mason Street and Taylor Street from a one-way configuration to a two-way configuration to facilitate local circulation, resulting in the reduction of one travel lane in the westbound direction along the project frontage. Pick-up and drop-off activities along the proposed on-street passenger loading zone on Turk Street may result in intermittent and short-term disruptions to traffic circulation (including transit vehicles and bicycles) due to activities such as double parking or queuing. Overall, however, these effects would be temporary in duration and minor in magnitude, and no new significant impacts would be expected. Therefore, the proposed project, Office Variant, and 120-Foot Variant would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to future roadway changes

For the previously described reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable transportation and circulation impacts.

## E.6. NOISE

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) For a project within 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? | ☐ | ☐ | ☒ | ☐ | ☐ |

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 5e and 5f are not applicable to the SUD, Special Height and Bulk District, or the proposed project.

**Impact NO-1: The SUD and Special Height and Bulk District would result in a substantial permanent increase in ambient noise levels, expose persons to or generate levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and would be substantially affected by existing noise levels. (Less than Significant with Mitigation)**

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead they would establish zoning controls that would create incentives for

new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts).

Noise in the area is generated by of a mixture of retail, entertainment, hotel, residential, and office uses; however, noise primarily consists of vehicular traffic and pedestrian sounds. The SUD and Special Height and Bulk District would indirectly increase population, housing, and employment within the project area, which would consequently increase traffic levels throughout the project area. Future development would generate new motor vehicle trips on the local road network as a result of intensification of uses throughout the project area. These trips would be distributed over the local road network and would affect roadside noise levels at sensitive receptor locations. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (a 3 decibel [dB] increase). Potential SUD and Special Height and Bulk District vehicle trip increases would not double the traffic volumes in the area.

In addition to vehicle-related noise, the SUD and Special Height and Bulk District could involve new noise-generating sources and uses in the project area. Specifically, mechanical equipment—such as heating and ventilation systems—produces operational noise. Mechanical equipment would be subject to Title 24 regulations of the California Building Code and Section 2909 of the Noise Ordinance (Article 29 of the Police Code). As amended in November 2008, this section of the Noise Ordinance establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the limit is 5 A-weighted decibels (dBA) in excess of ambient; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient; and for noise on public property, including streets, the limit is 10 dBA in excess of ambient. In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours. Compliance with Section 2909 of the Noise Ordinance serves to minimize stationary source noise from building operations. Given that the vehicle trips associated with the SUD and Special Height and Bulk District would not cause traffic volumes to double on nearby streets, thereby not resulting in a noticeable increase in

ambient noise levels, and because any mechanical equipment proposed as part of future development would be required to comply with the Noise Ordinance, the SUD and Special Height and Bulk District would not result in a noticeable permanent increase in ambient noise levels.

The SUD and Special Height and Bulk District could result in new noise-sensitive receptors in the project area. The parcels within SUD and Special Height and Bulk District generally include frontage along Market Street, which has a modeled noise level above 75 dBA day-night average sound level ($L_{dn}$). Therefore, future projects that contain residential uses would be subject to Mitigation Measure M-NO-1 in the Housing Element EIR,[33] which requires new residential development located along streets with noise levels above 75 dBA $L_{dn}$ to prepare a noise analysis to demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met and that there are no particular circumstances related to the project site that appear to warrant heightened concern about noise levels in the vicinity. Additionally, Housing Element Mitigation Measure M-NO-1 mandates that residential open space required by the Planning Code be protected, to the maximum feasible extent, from existing ambient noise levels that could be annoying or disruptive to users of the open space.

The SUD and Special Height and Bulk District could result in new non-residential sensitive receptors—such as childcare facilities and schools for arts education uses—in the project area. These uses would be exposed to noise levels above 75 dBA $L_{dn}$. Implementation of Mitigation Measure M-NO-1, Siting of Non-Residential Noise-Sensitive Uses, would reduce the impact of noise exposure to a less-than-significant level.

**Mitigation Measure M-NO-1: Siting of Non-Residential Noise-Sensitive Uses**

To reduce potential conflicts between existing noise-generating uses and new non-residential sensitive receptors (e.g., schools and childcare, religious, and convalescent facilities, etc.), the San Francisco Planning Department shall require an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and that includes at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) taken prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering, and

[33] San Francisco Planning Department. 2011. *2004 and 2009 Housing Element Final EIR*. Certified on March 24, 2011.

> shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels in the vicinity. The analysis shall be conducted prior to completion of the environmental review process. Should the Planning Department conclude that such concerns are present, it may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

For the previously described reasons, the SUD and Special Height and Bulk District would not result in a substantial permanent increase in ambient noise levels in the project vicinity, expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or be substantially affected by existing noise levels, and the impact would be less than significant with mitigation incorporated.

**Impact NO-2: The proposed project would not result a substantial permanent increase in ambient noise levels, expose persons to or generate levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and would not be substantially affected by existing noise levels. (Less than Significant)**

The project site is located in a highly urbanized area, with ambient noise levels typical of those in San Francisco neighborhoods. As previously stated, ambient noise in San Francisco is largely generated by traffic-related sources. As Figures V.G-2 and V.G-3 of the San Francisco 2004 and 2009 Housing Element EIR show, many roadways in the proposed project vicinity experience traffic noise levels exceeding 60 $L_{dn}$ or 75 $L_{dn}$.[34]

The United States Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. The HUD considers noise levels below 65 decibels as generally "acceptable," between 65 dB and 75 dB as "normally unacceptable," and in excess of 75 dB as "considered unacceptable" for residential land uses.[35] The California State Office of Planning and Research has developed similar statewide guidelines,[36] which have largely been incorporated into the

[34] Ibid.
[35] Code of Federal Regulations, Title 24, Part 51, Section 51.100 – 51.105.
[36] Office of Planning and Research. 2003. State of California General Plan Guidelines. October.

Environmental Protection Element of the San Francisco General Plan.[37] In addition, the California Building Code and Title 24 of the California Code of Regulations include regulations that limit building interior noise levels to 45 dBA $L_{dn}$.[38,39]

**Proposed Project.** The proposed project would include residential uses and arts education uses that would place sensitive receptors in the vicinity of a noisy environment, thus potentially exposing people to noise levels in excess of established standards. In accordance with Mitigation Measure M-NO-1, Siting of Non-Residential Noise-Sensitive Uses, and Mitigation Measure M-NO-1 of the Housing Element,[40] a noise analysis was prepared, including ambient noise measurements conducted at nearby noise-sensitive locations and an evaluation of potential noise related to increased vehicular traffic and construction equipment associated with the proposed project.[41] Noise level measurements were taken at short-term intervals (15 minutes at each location) at noise-sensitive locations near the site, and for a continuous 24-hour period at the project site itself. Short-term measurements were taken at a height of approximately 5 feet above ground level, and the continuous measurement was taken at a height of approximately 25 feet, with the instrument mounted on the top of an existing building at the project site.

Land uses in the surrounding area that contribute to ambient noise include a mixture of retail, entertainment, hotel, residential, and office uses. However, the primary noise source in the area is related to transportation. The Warfield Building and Theater and the Crazy Horse Theater are located directly west of the project site. The Market Street Place retail center is under construction southeast and across the street from the proposed site; other existing retail and office space fronts the south side of Market Street. The proposed site is bordered directly on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and office space. Uses north of the project site and in a one-block radius include several single-room occupancy (SRO) hotels (residential hotels), many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels within one

37 San Francisco General Plan. Environmental Protection Element, Policy 11.1.

38 $L_{dn}$ refers to the equivalent 24-hour noise level with a 10 dB penalty added to sounds which occur between the hours of 10 PM and 7AM. dBA refers to a logarithmic scale for measuring noise expressed in decibels (dB). The A-weighting scale was developed and has been shown to provide a good correlation with the human response to sound.

39 dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

40 San Francisco Planning Department. 2011. *2004 and 2009 Housing Element Final EIR*. Certified on March 24, 2011.

41 TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E. July.

block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

The measured maximum noise level for continuous monitoring at the site was 58.9 $L_{eq}$, which is a single value of sound that includes all of the varying sound energy in a given duration. However, measured continuous sound levels were substantially lower than the short-term sound level measurements at the ground level, due to the fact that the continuous meter was placed two stories (25 feet) above street level. The greater distance from traffic sounds created lower sound levels at the continuous meter. Calculated $L_{dn}$ sound levels reached noise levels between 75.6 dBA and 78.0 dBA at the street level.

Typical residential building construction will generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. In this case, exterior noise exposure would need to exceed 70 dBA $L_{dn}$ to produce interior noise levels in excess of the City's and Title 24's interior noise criterion of 45 dBA $L_{dn}$. Due to calculated exterior levels in excess of 75 dBA $L_{dn}$, the noise analysis provided recommendations to achieve interior noise attenuation in compliance with noise criteria, including constructing exterior windows and doors with sound transmission class (STC)-rated materials up to STC31 to STC33. With implementation of the required STC-rated materials, interior noise levels would be further attenuated to acceptable levels.

Operation of the proposed project would create noise from HVAC systems, generators, and boilers that would be installed on site, as well as noise from activities at rooftop common areas such as the rooftop bar (discussed further under Impact NO-4). As previously described, mechanical equipment would be subject to Section 2909 of the Noise Ordinance (Article 29 of the Police Code). Most of the mechanical equipment would be located in enclosed spaces within the building, in areas that would be as far as possible from residential and hotel areas, and would be in enclosed rooms constructed to dampen sound levels in such a way that any indoor residential areas of the proposed project would experience noise levels less than 45 dBA $L_{dn}$, in accordance with the Noise Ordinance.

The proposed project could also potentially contribute to an increase in ambient traffic noise in the project vicinity. However, the noise analysis for the project determined that the greatest calculated noise increase in the project vicinity would be 2.2 dBA during the peak hour, with the remaining time periods having

increases of less than 2 dBA. Increases of less than 3 dBA are considered barely perceptible, and thus, would not contribute to a substantial increase in traffic-related noise.

For the previously described reasons, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or be substantially affected by existing noise levels, and the impact would be less than significant with mitigation.

**Office Variant.** The Office Variant would also introduce new residential and arts education noise sensitive receptors at the project site and would have similar noise sources as the proposed project. Thus, impacts would be expected to be similar to those generated by the proposed project. The Office Variant would be subject to the same regulations and standards as detailed for the proposed project, and the impact would be less than significant with mitigation.

**120-Foot Variant.** The 120-Foot Variant would also introduce new residential noise-sensitive receptors at the project site, and would have similar noise sources as the proposed project, albeit with fewer vehicle trips. Thus, impacts would be expected to be similar to the proposed project, or would be slightly diminished with the reduction of hotel and residential areas. Therefore, the 120-Foot Variant would also have a less-than-significant impact. The 120-Foot Variant would not include any arts education uses, so Mitigation Measure M-NO-1 would not apply.

**Impact NO-3: The SUD, Special Height and Bulk District, and proposed project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant with Mitigation)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District, which would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts), and taller buildings in the project area.

Future development construction activities would expose people to groundborne vibration and noise. Construction activity that may result in groundborne vibration and noise would fluctuate depending on

the type of construction equipment. Due to the programmatic nature of the SUD and Special Height and Bulk District, it is unknown whether future development within the SUD and Special Height and Bulk District project area would involve pile driving, with the exception of the 950–974 Market Street Project (as discussed in the following paragraphs). However, future construction involving pile driving could occur adjacent to sensitive receptors, and thus, expose these receptors to noise associated with pile-driving equipment. If pile driving is determined to be required for a subsequent individual development project within the SUD and Special Height and Bulk District, the Project Sponsor would be required to comply with Mitigation Measure M-NO-3, Noise Control Measures During Pile Driving.

**Mitigation Measure M-NO-3: Noise-Control Measures During Pile Driving**

For individual projects that require pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

Parcels within the SUD and Special Height and Bulk District generally include frontage along Market Street. Muni light rail, BART, and the Muni F-line streetcar (F-Line) systems currently operate along and/or beneath Market Street, contributing intermittent groundborne vibration in the area. The SUD and Special Height and Bulk District could result in new noise-sensitive receptors in the project area; thereby exposing people and structures to vibration from these sources. The F-Line would be the greatest source of groundborne vibration on parcels fronting Market Street. A survey conducted in 2006 determined that a maximum level of 81 vibration decibels (VdB) at 25 feet[42] occur along straightaway segments of the rail line, such as those along Market Street. However, vehicle base design and isolation offered by building design and foundation coupling would reduce vibration levels to 66 VdB, which would be less than the 72-VdB impact criterion suggested by the 2006 Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment* for residences and buildings where people normally sleep.[43]

Analysis for the Central Subway Project Final Supplemental Environmental Impact Report/Environmental Impact Statement (SEIS/SEIR) anticipates grade-surface vibration within concrete and steel buildings where trains operate at a depth of 20 feet bgs to be 62 VdB at a distance of 25 feet from the track centerline. At a distance of 50 feet from the track centerline, which is representative of the distance of Muni from parcels fronting Market Street, vibration would be diminished to 57 VdB.[44] BART operates at a depth of more than 40 feet bgs, and vibration impacts would be expected to be similar to or less than those of Muni. However, both rail systems would contribute vibration levels well below the 72-VdB impact criterion, and thus, would not expose people to excessive groundborne vibration.

For the reasons described previously, the SUD and Special Height and Bulk District would not expose people to excessive groundborne vibration or noise, and would have a less-than-significant impact with mitigation incorporated.

### 950–974 Market Street Project and Variants

**Proposed Project**. The proposed project's construction activities would last approximately 27 months, and would be conducted in three phases—demolition, excavation and shoring, and construction. Construction noise and vibration have the potential to be felt by nearby receptors and uses. However, construction noise and vibration would be intermittent and limited to the period of construction. The

[42] Wilson Ihrig & Associates. 2009. *Noise and Vibration Setting Report Historic Streetcar Service to Fort Mason*. April.
[43] FTA. 2006. *Transit Noise and Vibration Impact Assessment*. May.
[44] City and County of San Francisco and FTA. 2008. *SEIS/SEIR for Central Subway Project*.

closest sensitive receptors to construction activities would be the residential units located approximately 65 feet north of the proposed project, across Turk Street.

The greatest construction-related noise- and vibration-generating activities would generally be limited to the first and second phases during excavation, new foundation construction (including pile driving), and exterior and façade element construction. While the Project Sponsor would be required to comply with measures required for construction equipment in Section 2907 of the Noise Ordinance, there is still the potential to expose sensitive receptors to temporary increases in noise levels substantially in excess of ambient levels, resulting in a potentially significant groundborne noise impact. Implementation of Mitigation Measure M-NO-3, Noise-Control Measures During Pile Driving, would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level.

The noise analysis completed for the proposed project determined that vibration source levels for construction equipment would create vibration levels at a maximum of 0.031 peak particle velocity (PPV) with use of a drilling rig for caisson drilling activities, which would be below the barely perceptible response of 0.035 PPV level when measured at 50 feet,[45] and would be well below the distinctly perceptible response level of 0.24 PPV. Therefore, the proposed project would have a less-than-significant impact related to the exposure of people to and generation of excessive groundborne vibration.

The main sources contributing intermittent groundborne vibration are those located along and/or beneath Market Street, including Muni Metro light rail, BART, and the Muni F-Line. The proposed project would place residential uses approximately 50 feet north of the F-Line. Muni Metro and BART operate at depths of more than 32 feet bgs and 50 feet bgs, respectively.[46] Vibration generated by these rail systems dissipates rapidly with distance from the source rail.

The noise analysis completed for the proposed project determined that the F-Line streetcar would contribute the largest amount of groundborne vibration impacting the proposed building.[47] A survey conducted in 2006 determined that a maximum level of 81 VdB at 25 feet[48] occur along straightaway

[45] TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

[46] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

[47] TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

[48] Wilson Ihrig & Associates. 2009. *Noise and Vibration Setting Report Historic Streetcar Service to Fort Mason*. April.

segments of the rail line, such as those along Market Street adjacent to the proposed project. However, vehicle base design and isolation offered by building design and foundation coupling would reduce vibration levels to 66 VdB, which would be less than the 72-VdB impact criterion suggested by the 2006 *FTA Transit Noise and Vibration Impact Assessment* for residences and buildings where people normally sleep.[49]

Analysis for the Central Subway Project Final SEIS/SEIR anticipates grade-surface vibration within concrete and steel buildings where trains operate at a depth of 20 feet bgs to be 62 VdB at a distance of 25 feet from the track centerline. At a distance of 50 feet from the track centerline, which is representative of the distance of Muni from the project site along Market Street, vibration would be diminished to 57 VdB.[50] BART operates at a depth of more than 40 feet bgs, and vibration impacts would be expected to be similar to or less than those of Muni. However, both rail systems would contribute vibration levels well below the 72-VdB impact criterion, and thus, would not expose people to excessive groundborne vibration.

For the previously described reasons, the proposed project would not expose people to excessive groundborne vibration or noise, and would have a less-than-significant impact with mitigation incorporated.

**Office Variant.** The Office Variant would involve the same construction activities as the proposed project, resulting in similar groundborne vibration and noise impacts which could result in a potentially significant groundborne noise impact. The Office Variant would be exposed to the same less-than-significant existing vibration conditions as the proposed project, and therefore, would also have a less-than-significant impact with mitigation incorporated.

**120-Foot Variant.** The 120-Foot Variant would involve similar construction activities as the proposed project, resulting in similar groundborne vibration and noise impacts which could result in a potentially significant groundborne noise impact. The 120-Foot Variant would be exposed to the same less-than-significant existing vibration conditions as the proposed project. Therefore, while the 120-Foot Variant

[49] FTA. 2006. *Transit Noise and Vibration Impact Assessment*. May.
[50] City and County of San Francisco FTA. 2008. *Supplemental Environmental Impact Report/Environmental Impact Statement for Central Subway Project*.

would not take advantage of the SUD and Special Height and Bulk District, Mitigation Measure M-NO-3 would apply to the 120-Foot Variant to reduce groundborne noise impacts to less-than-significant levels.

**Impact NO-4: The SUD, Special Height and Bulk District, and proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant with Mitigation)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District, which would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts), and taller buildings in the project area.

Future projects could create temporary increases in ambient noise through the use of construction equipment that may be necessary for development. Demolition, excavation, and building construction would cause a temporary increase in noise levels within the project vicinity. Construction equipment would generate noise, and possibly vibration, that could be considered an annoyance by occupants of nearby properties. Construction noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. As noted previously, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of the Department of Public Works or the Director of Building Inspection. The project would be required to comply with regulations set forth in the Noise Ordinance. Noise impacts from future construction activities would be temporary in nature and limited in duration. Moreover, future projects would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. Although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment, and would not be considered significant.

As discussed previously, the SUD and Special Height and Bulk District could result in more arts and arts education uses and more non-arts uses in the project area. New arts uses and non-residential uses could occasionally generate noise levels that could prove disruptive to the occupants of new residential development. Implementation of Mitigation Measure M-NO-4, Siting of Noise-Generating Uses, would reduce this impact to a less-than-significant level.

**Mitigation Measure M-NO-4: Siting of Noise-Generating Uses**

To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development—including commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average—the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses (primarily residences, and also including schools and childcare, religious, and convalescent facilities, etc.) within 900 feet of, and that have a direct line-of-sight to, the project site, and that includes at least one 24-hour noise measurement (with average and maximum noise-level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) prior to the first project approval action. The analysis shall be conducted prior to completion of the environmental review process. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering, and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the San Francisco General Plan and Police Code Section 2909, that the proposed use would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should the Planning Department conclude that such concerns are present, it may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, and may require implementation of site-specific noise-reduction features or strategies

### 950–974 Market Street Project and Variants

**Proposed Project.** Demolition, excavation, and building construction would cause a temporary increase in noise levels in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the

Project Sponsor, the construction period would last approximately 27 months. Construction noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. Impacts would generally be limited to demolition and the periods during which new foundations and exterior structural and façade elements are constructed. Interior construction noise would be substantially reduced by exterior walls. However, there would be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site.

As noted previously, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The nearest sensitive receptors to the project site are the residential uses approximately 65 feet north of the project site. These uses would experience temporary and intermittent noise associated with site clearance and construction activities. Noise impacts would be temporary in nature and would be limited to the 27-month period of construction. Moreover, the project demolition and construction activities would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. Although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment, and would not be considered significant. Pile driving is discussed under Impact NO-3.

The proposed project would include new theater and hotel uses, and therefore, would incorporate Mitigation Measure M-NO-3, Siting of Noise-Generating Uses. Theater uses would be completely enclosed within the proposed building, and substantial temporary or periodic increases in ambient noise levels are not anticipated. The proposed hotel would include a bar on the rooftop on floor 17, approximately 174 feet tall. The rooftop bar itself would be enclosed within the building, but the outdoor rooftop terrace would be open to patrons of the bar, and may include amplified music. The closest sensitive receptors to the rooftop would be the residential units located approximately 65 feet north of the proposed project, across Turk Street. Due to the height of the building themselves, it is expected that at least a 10-dBA noise reduction would occur from generated rooftop and terrace noises to the street level. The rooftop area would also have parapet walls, further reducing noise levels. Additionally, the proposed project would be subject to Noise Ordinance limits of 8-dBA increases over ambient levels for commercial uses. Therefore, the noise associated with rooftop terrace uses is not anticipated to result in a substantial temporary and intermittent increase in ambient noise levels in the project vicinity above existing conditions without rooftop terrace uses.

For the previously described reasons, with mitigation incorporated, the proposed project would have less-than-significant impacts on ambient noise levels in the project area.

**Office Variant.** The Office Variant would involve the same construction activities as the proposed project and would be subject to the same standards in the Noise Ordinance, resulting in similar less-than-significant construction-related noise impacts as the proposed project. Like the proposed project, the Office Variant would include arts and arts education uses, such as theaters, but would not include a hotel or associated rooftop bar. It is not anticipated that office uses would result in substantial temporary and intermittent increases in ambient noise levels in the project vicinity. Therefore, operation-related impacts would be generally similar to the proposed project, or would be slightly reduced due to a potential decrease in common space and the lack of hotel use. Therefore, impacts related to the Office Variant would be less than significant with mitigation incorporated.

**120-Foot Variant.** The 120-Foot Variant would involve similar construction activities as the proposed project and would result in similar less-than-significant construction-related noise impacts. The 120-Foot Variant would not include arts and arts education uses, but would include hotel uses and the associated bar on the rooftop. It would also include a food and beverage garden on the ground floor of the southwestern corner of the project site, along Market Street. The 120-Foot Variant would be subject to the same standards in the Noise Ordinance as the proposed project. As previously described, the closest sensitive receptors to the site would be the residential units located approximately 65 feet north of the project site, across Turk Street. Therefore, the noise associated with the rooftop terrace and food and beverage garden is not anticipated to result in a substantial temporary and intermittent increase in ambient noise levels in the vicinity above existing conditions.

For the previously described reasons, the 120-Foot Variant, with mitigation incorporated, would have a less-than-significant impact on ambient noise levels in the project area.

**Impact C-NO-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in cumulative impacts related to noise. (Less than Significant with Mitigation)**

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development. However, future development could result in construction activities and new uses that could result in new noise sources. Compliance with the San Francisco Noise Ordinance would

help reduce construction noise impacts. While it is unknown whether the SUD and Special Height and Bulk District would include projects that would involve pile-driving, implementation of Mitigation Measure M-NO-3, Noise-Control Measures During Pile Driving, would help reduce construction noise impacts to less-than-significant levels.

The 950–974 Market Street project would be required to comply with the San Francisco Noise Ordinance. Construction of the proposed project would involve pile-driving activities, and thus, Mitigation Measure M-NO-3, Noise-Control Measures During Pile Driving, would be applicable to the proposed project. The Office Variant and 120-Foot Variant would have the same or similar construction activities as the proposed project, so it is anticipated that these variants would result in the same construction-related noise impacts. Construction activities in the vicinity of the project site would occur on a temporary and intermittent basis and, with the exception of the CityPlace development project at 945 Market Street, are not anticipated to occur during the same time period as the proposed project. Although construction activities could occur simultaneously with the CityPlace project, generating increased construction noise in the area, noise impacts from both projects would be short term in nature. As a primary traffic corridor in downtown San Francisco, generation of intermittent construction noise would not contribute to excessive noise levels along Market Street. As with the proposed project, construction and operation of the CityPlace project would be subject to the San Francisco Noise Ordinances, and therefore, these activities are not anticipated to create significant cumulative construction-related noise impacts.

Noises in the area are generated by a mixture of retail, entertainment, hotel, residential, and office uses; however, noise sources in the area are primarily a result of vehicular traffic and pedestrian sounds, and are typical of noise levels found in San Francisco urban environments. As discussed previously, the SUD and Special Height and Bulk District could result in more arts and arts education uses and more non-arts uses in the project area. New arts uses and non-residential uses could occasionally generate noise levels that could prove disruptive to the occupants of new residential development. Implementation of Mitigation Measure M-NO-4, Siting of Noise-Generating Uses, would help ensure that new noise-generating uses would not contribute to any significant cumulative increases in ambient noise.

The 950–974 Market Street Project would include hotel, arts, and residential uses, and would be subject to Mitigation Measure M-NO-4, Siting of Noise-Generating Uses. The proposed project would not include any uses uncommon to the area and would not contribute to a substantial noise increase in the project area. The Office Variant and 120-Foot Variant would include similar uses, and would also be subject to

Mitigation Measure M-NO-4, Siting of Noise-Generating Uses, and the requirements of the San Francisco Noise Ordinance. Therefore, it is not anticipated that the proposed project or its variants would contribute to any significant cumulative increases in ambient noise.

The SUD, Special Height and Bulk District, and proposed project and its variants, along with the other cumulative projects in the vicinity, are not anticipated to result in a doubling of traffic volumes along nearby streets. Therefore, the SUD, Special Height and Bulk District, and proposed project and its variants would not contribute considerably to any cumulative traffic-related increases in ambient noise.

For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable noise impact.

## E.7. AIR QUALITY

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 or state 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? | ☐ | ☐ | ☒ | ☐ | ☐ |

### SETTING

#### *Overview*

The BAAQMD is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties and portions of Sonoma and Solano Counties. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2010 Clean Air Plan* (CAP), was adopted by the BAAQMD on September 15, 2010. The 2010 CAP updates the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and

establish emission control measures to be adopted or implemented. The 2010 CAP contains the following primary goals:

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

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

*Criteria Air Pollutants*

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide ($NO_2$), sulfur dioxide ($SO_2$), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment[51] or unclassified for most criteria pollutants with the exception of ozone, $PM_{2.5}$, and $PM_{10}$, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.[52]

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 10, Criteria Air Pollutant Significance Thresholds, identifies air quality significance thresholds followed by a discussion of each threshold.

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

[52] BAAQMD. 2011. California Environmental Quality Act Air Quality Guidelines, page 2-1. May.

TABLE 10: CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS

| Pollutant | Construction Thresholds | Operational Thresholds | |
|---|---|---|---|
| | Average Daily Emissions (lbs./day) | Average Daily Emissions (lbs./day) | Maximum Annual Emissions (tons/year) |
| ROG | 54 | 54 | 10 |
| $NO_x$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (exhaust) | 54 | 10 |
| Fugitive Dust | Construction Dust Ordinance or other Best Management Practices | Not Applicable | |

Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

*Ozone Precursors*

As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen ($NO_x$). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and $NO_x$, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).[53] These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and $NO_x$ emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds, would not

[53] BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* page 17. October.

be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and $NO_x$ emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

*Particulate Matter ($PM_{10}$ and $PM_{2.5}$)*[54]

The BAAQMD has not established an offset limit for $PM_{2.5}$. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For $PM_{10}$ and $PM_{2.5}$, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels below which a source is not expected to have an impact on air quality.[55] Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

*Fugitive Dust*

Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust[56] and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.[57] The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.[58] The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust and the BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

54 $PM_{10}$ is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. $PM_{2.5}$, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

55 BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 16. October.

56 Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. Online: http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf. Accessed on July 16, 2015.

57 BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 27. October.

58 BAAQMD. 2011. CEQA Air Quality Guidelines. May.

*Other Criteria Pollutants*

Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and $SO_2$ concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related $SO_2$ emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than 5 percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and $SO_2$. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and $SO_2$ emissions that could result from a development projects, development projects would not result in a cumulatively considerable net increase in CO or $SO_2$, and quantitative analysis is not required.

*Local Health Risks and Hazards*

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

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.[59]

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

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

Exposures to fine particulate matter ($PM_{2.5}$) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.[60] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.[61] The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on health-protective criteria that considers estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. The project site is located within the Air Pollutant Exposure Zone. Each of the Air Pollutant Exposure Zone criteria is discussed below.

*Excess Cancer Risk*

The above 100 per one million persons (100 excess cancer risk) criteria is based on United States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.[62] As described by the BAAQMD, the

[60] SFDPH. 2008. *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review.* May.

[61] ARB. 1998. Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines." October.

[62] BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.

USEPA considers a cancer risk of 100 per million to be within the "acceptable" range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,[63] the USEPA states that it "…strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years." The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.[64]

*Fine Particulate Matter*

In April 2011, the United States Environmental Protection Agency (USEPA) published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards* (Particulate Matter Policy Assessment). In this document, USEPA staff concludes that the then current federal annual $PM_{2.5}$ standard of 15 $\mu g/m^3$ should be revised to a level within the range of 13 to 11 $\mu g/m^3$, with evidence strongly supporting a standard within the range of 12 to 11 $\mu g/m^3$. The Air Pollutant Exposure Zone for San Francisco is based on the health protective $PM_{2.5}$ standard of 11 $\mu g/m^3$, as supported by the USEPA's Particulate Matter Policy Assessment, although lowered to 10 $\mu g/m^3$ to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

*Proximity to Freeways*

According to the California ARB, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,[65] lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

63 54 Federal Register 38044, September 14, 1989.
64 BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.
65 ARB. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective.* April. Online: http://www.arb.ca.gov/ch/landuse.htm.

*Health Vulnerable Locations*

Based on the BAAQMD's evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area Health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying lots in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) $PM_{2.5}$ concentrations in excess of 9 $\mu g/m^3$.[66]

The above citywide health risk modeling was also used as the basis in approving a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

### CONSTRUCTION AIR QUALITY IMPACTS

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following addresses construction-related air quality impacts resulting from the SUD, Special Height and Bulk District, and proposed project and its variants.

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

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites

[66] San Francisco Planning Department and San Francisco Department of Public Health. 2014. *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14 Amendment to Health Code Article 38.

(1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses. Future development construction activities in the SUD and Special Height and Bulk District would be subject to BAAQMD air quality regulations, the San Francisco Construction Dust Control Ordinance (described in further detail in the following paragraphs), and Planning Department and San Francisco Department of Public Health (DPH) standards for air quality review and analysis. Any future development projects would also require site-specific air quality screening and analyses consistent with BAAQMD *CEQA Air Quality Guidelines* and Planning Department Environmental Review Guidelines. To help Lead Agencies determine whether short-term construction-related air pollutant emissions require further analysis to conclude if the project may exceed the criteria air pollutant significance thresholds shown in Table 10, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), developed screening criteria. If a proposed project meets the screening criteria, construction of the project would result in less-than-significant criteria air pollutant impacts. It is anticipated that potential development under the proposed SUD and Special Height and Bulk District would meet the screening criteria, and for projects that do not, as discussed in the 950–974 Market Street Project and Variants section, it is not anticipated that construction activities would exceed BAAQMD thresholds for criteria air pollutants from construction. Therefore, the SUD and Special Height and Bulk District would not violate any air quality standards and would result in less-than-significant construction-related air quality impacts.

### 950–974 Market Street Project and Variants

**Proposed Project**. Construction activities (short-term) typically result in emissions of ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project would include demolition of the four existing buildings and below-grade parking structure, and construction of a new, approximately 501,000-gsf building containing approximately 65,000 gsf of arts and arts education uses, 312 dwelling units, a 292-room hotel, and approximately 19,000 gsf of retail uses. The project would also include a single-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces.

During the project's approximately 27-month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed in the following paragraphs.

*Fugitive Dust.* Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the ARB, reducing particulate matter $PM_{2.5}$ concentrations to state and federal standards of 12 $\mu g/m^3$ in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.[67]

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

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

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than 0.5 acre that are unlikely to result in any visible wind-blown dust.

[67] ARB. 2008. *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c. October 24.

In compliance with the Construction Dust Control Ordinance, the Project Sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. CCSF Ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

For projects over 0.5 acre, such as the proposed project, the Dust Control Ordinance requires that the Project Sponsor submit a Dust Control Plan for approval by the San Francisco DPH. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. Interior-only tenant improvement projects that are over 0.5 acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

The site-specific Dust Control Plan would require the Project Sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to

the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions. The Project Sponsor would be required to designate an individual to monitor compliance with these dust control requirements.

Compliance with the regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level.

*Criteria Air Pollutants.* As discussed previously, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield sites [68] without any form of mitigation measures taken into consideration. In addition, the previously described screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project exceeds the criteria air pollutant screening criteria, therefore a quantitative analysis was conducted. Construction-related criteria air pollutants generated by the proposed project were quantified using the California Emissions Estimator Model (CalEEMod) and provided in the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco.*[69] The model was developed, including default data (e.g., emission factors, meteorology, etc.), in collaboration with California air districts' staff. Default assumptions were used where project-specific information was unknown. The model run assumes compliance with the Clean Construction Ordinance. For projects located within the Air Pollutant Exposure Zone, like the proposed project, the Clean Construction Ordinance requires equipment to meet or exceed Tier 2 standards for off-road engines and operate with the most effective ARB verified diesel emission control strategy (VDECS). Construction of the proposed project would occur over approximately 27 months. Demolition of the existing buildings and structures at

[68] A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

[69] TRC Solutions, Inc. 2015. *Technical Memorandum, CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. May 2015. This document is on file and is available for public review at the San Francisco Planning Department as part of Case File No. 2013.1761E.

the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months. Construction of the two towers would occur concurrently over a period of approximately 23 months. Emissions were converted from tons/year to lbs/day using the estimated construction duration of approximately 1,116 working days. As shown in Table 11, Daily Project Construction Emissions, unmitigated project construction emissions would be below the threshold of significance for all criteria air pollutants. Therefore, construction-related emissions of those pollutants would not violate air quality standards or contribute significantly to an existing or projected air quality violation.

TABLE 11: DAILY PROJECT CONSTRUCTION EMISSIONS

| | Pollutant Emissions (Average Pounds per Day) | | | |
|---|---|---|---|---|
| | **ROG** | **NOx** | **Exhaust $PM_{10}$** | **Exhaust $PM_{2.5}$** |
| Unmitigated Project Emissions | 10.75 | 30.92 | 1.05 | 0.97 |
| Significance Threshold | 54.0 | 54.0 | 82.0 | 54.0 |
| Source: BAAQMD 2011; TRC Solutions, Inc. 2015 | | | | |

**Office Variant.** Construction activities for the Office Variant would be the same as for the proposed project. Therefore, construction-related air quality impacts would be similar to those generated by the proposed project. The Office Variant would be subject to the same air quality regulations and standards as with the proposed project. Therefore, the Office Variant would also have less-than-significant construction-related air quality impacts.

**120-Foot Variant.** Construction activities for the 120-Foot Variant would be similar to the proposed project. Therefore, construction-related air quality impacts would be similar to those generated by the proposed project, or would be slightly diminished because a smaller building would be constructed. The 120-Foot Variant would be subject to the same regulations and standards as the proposed project. Therefore, the 120-Foot Variant would also have less-than-significant construction-related air quality impacts.

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

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. Almost all of the area that would be covered by the SUD and Special Height and Bulk District is located within an Air Pollutant Exposure Zone, as described previously. With regards to construction emissions, off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.[70] Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.[71] For example, revised PM emission estimates for the year 2010, which DPM is a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the SFBAAB.[72] Approximately half of the reduction in emissions can be attributed to the economic recession and half to updated methodologies used to better assess construction emissions.[73]

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines would be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies.

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

71 Ibid.

72 ARB. 2015. In-Use Off-Road Equipment, 2011 Inventory Model. Online: http://www.arb.ca.gov/msei/categories.htm#inuse_or_category. Accessed on July 16, 2015.

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

Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, $NO_x$ and PM emissions will be reduced by more than 90 percent.[74]

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

> "Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk."[75]

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution. The SUD and Special Height and Bulk District would cover an area that already experiences poor air quality, and future project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, would reduce the magnitude of this impact to a less-than-significant level.

While emission reductions from limiting idling, educating workers and the public, and properly maintaining equipment are difficult to quantify, other measures—specifically the requirement for equipment to have Tier 2 engines and operate with Level 3 VDECS—can reduce construction emissions by 89 to 94 percent compared to equipment with engines that do not meet emission standards or operate

[74] USEPA. 2004. Clean Air Nonroad Diesel Rule: Fact Sheet. May.
[75] BAAQMD. 2011. CEQA Air Quality Guidelines, pages 8-6. May.

with VDECS.[76] Emissions reductions from the combination of Tier 2 equipment and Level 3 VDECS are almost equivalent to requiring equipment to have Tier 4 Final engines, which are not yet available for engine sizes subject to the mitigation. Therefore, compliance with Mitigation Measure M-AQ-2 would reduce construction-related emissions impacts on nearby sensitive receptors to a less-than-significant level.

**Mitigation Measure M-AQ-2: Construction Air Quality**

The Project Sponsor or the Project Sponsor's contractor shall comply with the following:

A. Engine Requirements

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

[76] PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).

2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

**Off-Road Equipment Compliance Step-down Schedule**

| Compliance Alternative | Engine Emission Standard | Emissions Control |
|---|---|---|
| 1 | Tier 2 | ARB Level 2 VDECS |
| 2 | Tier 2 | ARB Level 1 VDECS |
| 3 | Tier 2 | Alternative Fuel* |

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.

* Alternative fuels are not a VDECS.

C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.

3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The project site is located within an Air Pollutant Exposure Zone, as described previously. There are sensitive land uses in proximity to the project site. The nearest residential sensitive

receptor is the Dalt Hotel, located across Turk Street, approximately 65 feet north of the project site. Other residential hotels within one block of the project site include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. The proposed project would require construction activities for the approximate 27-month construction period. Project construction activities would result in short-term emissions of DPM and other TACs. As discussed previously, within the Air Pollutant Exposure Zone, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution. The project site is located in an area that already experiences poor air quality and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, would reduce the magnitude of this impact to a less-than-significant level.

**Office Variant.** The Office Variant would require the same construction activities for the approximately 27-month construction period as the proposed project. As with the proposed project, construction activities would result in short-term emissions of DPM and other TACs, which could affect nearby sensitive receptors, resulting in a significant impact. The implementation of Mitigation Measure M-AQ-2, Construction Air Quality, would reduce the magnitude of this impact to a less-than-significant level.

**120-Foot Variant.** The 120-Foot Variant would require similar construction activities as the proposed project (though potentially fewer due to the construction of a smaller building) for the approximately 27-month construction period. As with the proposed project, construction activities would result in short-term emissions of DPM and other TACs, which could affect nearby sensitive receptors, resulting in a significant impact. While the 120-Foot Variant would not take advantage of the SUD and Special Height and Bulk District, Mitigation Measure M-AQ-2, Construction Air Quality, would still apply and would reduce the magnitude of this impact to a less-than-significant level.

### OPERATIONAL AIR QUALITY IMPACTS

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses operation-related air quality impacts.

**Impact AQ-3: The SUD, Special Height and Bulk District, and proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses. Future development in the SUD and Special Height and Bulk District would be subject to the same BAAQMD air quality regulations, and Planning Department and DPH standards for air quality review and analysis. Any future development projects would also require site-specific air quality screening and analyses consistent with BAAQMD *CEQA Air Quality Guidelines* and Planning Department Environmental Review Guidelines. To help Lead Agencies determine whether operation-related air pollutant emissions require further analysis to conclude if the project may exceed the criteria air pollutant significance thresholds shown in Table 10, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), developed screening criteria. If a proposed project meets the screening criteria, operation of the project would result in less-than-significant criteria air pollutant impacts. It is anticipated that potential development under the proposed SUD and Special Height and Bulk District would meet the screening criteria, and for projects that do not, as discussed in the following paragraphs, it is not anticipated that operational activities would exceed BAAQMD thresholds for criteria air pollutants from operation. Therefore, the SUD and Special Height and Bulk District would not violate any air quality standards.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** As discussed previously in Impact AQ-1, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, the Lead Agency or applicant do not need to perform a detailed air quality assessment.

The proposed project would generate criteria pollutant emissions associated with vehicle traffic (mobile sources), on-site area sources (i.e., natural gas combustion for space and water heating, and combustion of other fuels by building and grounds maintenance equipment), energy usage, and testing of up to two backup diesel generators. Operational-related criteria air pollutants generated by the proposed project were also quantified using CalEEMod and provided within the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. Default assumptions were used where project-specific information was unknown.

The daily and annual emissions associated with operation of the proposed project are shown in Table 12, Summary of Operational Criteria Air Pollutant Emissions. Table 12 also includes the thresholds of significance that the City utilizes. As shown in Table 12, the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less-than-significant impact with respect to criteria air pollutants

TABLE 12: SUMMARY OF OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS

| | ROG | NOx | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| Project Average Daily Emissions (lbs/day) | 22.51 | 25.12 | 0.58 | 0.56 |
| Significance Threshold (lbs/day) | 54 | 54 | 82 | 54 |
| Project Maximum Annual Emissions (tpy) | 4.11 | 4.58 | 0.11 | 0.10 |
| Significance Threshold (tpy) | 10.0 | 10.0 | 10.0 | 10.0 |
| lbs/day = pounds per day<br>tpy = tons per year<br>Source: BAAQMD 2011; TRC Solutions, Inc. 2015. | | | | |

**Office Variant.** The operational conditions of the Office Variant would be similar to those of the proposed project. The daily and annual emissions associated with operation of the Office Variant are shown in Table 13, Summary of Office Variant Operational Criteria Air Pollutant Emissions. Table 13 also includes the thresholds of significance that the City utilizes.

TABLE 13: SUMMARY OF OFFICE VARIANT OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS

| | ROG | NOx | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| Project Average Daily Emissions (lbs/day) | 16.20 | 12.17 | 0.37 | 0.36 |
| Significance Threshold (lbs/day) | 54 | 54 | 82 | 54 |
| Project Maximum Annual Emissions (tpy) | 2.96 | 2.22 | 0.07 | 0.07 |
| Significance Threshold (tpy) | 10.0 | 10.0 | 10.0 | 10.0 |
| lbs/day = pounds per day<br>tpy = tons per year<br>Source: BAAQMD 2011; TRC Solutions, Inc. 2015 | | | | |

As shown in Table 13, the Office Variant would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less-than-significant impact with respect to criteria air pollutants.

**120-Foot Variant.** Operation-related air quality impacts would be similar to those of the proposed project, or would be slightly diminished with the reduction of hotel and residential areas. The operation-related impact would be less than significant.

**Impact AQ-4: The SUD, Special Height and Bulk District, and proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. (Less than Significant with Mitigation)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses. Future development construction activities in the SUD and Special Height and Bulk District would be subject to the same BAAQMD air quality regulations, and Planning Department and DPH standards for air quality review and analysis. Any future development projects would also require site-specific air quality screening and analyses consistent with BAAQMD *CEQA Air Quality Guidelines* and Planning Department Environmental Review Guidelines.

*Sources of Toxic Air Contaminants.* Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact, even in combination with other nearby sources, and recommends that these sources be excluded from the environmental analysis. The daily vehicle trips associated with potential development within the SUD and Special Height and Bulk District would be below this level and would be distributed among the local roadway network; therefore, an assessment of project-generated TACs resulting from vehicle trips is not

required, and the SUD and Special Height and Bulk District would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

Due to the taller permitted heights, future projects may be required to install backup emergency generators. Emergency generators are regulated by the BAAQMD through their New Source Review (Regulation 2, Rule 5) permitting process. The Project Applicant would be required to obtain applicable permits from the BAAQMD to operate an emergency generator. Although emergency generators are intended only to be used during power outages, monthly testing of the generators would be required. The BAAQMD limits testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility to no more than 10 per 1 million population, and require any source that would result in an excess cancer risk greater than one per 1 million population to install Best Available Control Technology for Toxics (TBACT). However, because the SUD and Special Height and Bulk District are located in an area that already experiences poor air quality, the proposed emergency backup generators have the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Implementation of Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the magnitude of this impact to a less-than-significant level by reducing emissions by 89 to 94 percent compared to equipment with engines that do not meet any emission standards and without a VDECS. Therefore, for future projects that would add a new source of TACs within an area that already experiences poor air quality, implementation of M-AQ-4 would reduce this impact to a less-than-significant level.

**Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

For individual projects within the SUD and Special Height and Bulk District, the Project Sponsor shall ensure that the backup diesel generators meet or exceed one of the following emission standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this

mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

*Siting Sensitive Land Uses*

New development could site sensitive land uses within the Air Pollutant Exposure Zone, as defined by Article 38. Article 38 requires that the Project Sponsor submit an Enhanced Ventilation Proposal—which achieves protection from $PM_{2.5}$ equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration— for approval by the DPH. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal. Compliance with the regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The project site is located within the Air Pollutant Exposure Zone, as described previously. The proposed project includes sensitive uses, and sensitive land uses are located in proximity to the project. The nearest residential sensitive receptor is the Dalt Hotel, which is located across Turk Street, approximately 65 feet north of the project site. Other SRO hotels within one block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

*Sources of Toxic Air Contaminants.* Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's 227 net daily vehicle trips would be well below this level and would be distributed among the local roadway network; therefore, an assessment of project-generated TACs resulting from vehicle trips is not required and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

The proposed project would also include two backup emergency generators. Because the project site is located in an area that already experiences poor air quality, the proposed emergency backup generators

would have the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Implementation of Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the magnitude of this impact to a less-than-significant level.

**Office Variant.** As with the proposed project, an assessment of project-generated TACs resulting from vehicle trips is not required, and the proposed project would not generate a substantial amount of vehicle TAC emissions that could affect nearby sensitive receptors. The Office Variant would also include up to two emergency backup generators that have the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Therefore, although the Office Variant would add a new source of TACs within an area that already experiences poor air quality, implementation of M-AQ-4 would reduce this impact to a less-than-significant level.

**120-Foot Variant.** As with the proposed project, an assessment of project-generated TACs resulting from vehicle trips is not required, and the 120-Foot Variant would not generate a substantial amount of vehicle TAC emissions that could affect nearby sensitive receptors. The 120-Foot Variant would include one emergency backup generator that has the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. The 120-Foot Variant would not take advantage of the SUD and Special Height and Bulk District, but would add a new source of TACs within an area that already experiences poor air quality. Implementation of M-AQ-4 would reduce this impact to a less-than-significant level.

*Siting Sensitive Land Uses*

**Proposed Project, Office Variant, and 120-Foot Variant.** The proposed project and variants would include development of residential space, which is considered a sensitive land use for purposes of air quality evaluation. For sensitive use projects within the Air Pollutant Exposure Zone, as defined by Article 38—such as the proposed project and its variants—Article 38 requires the Project Sponsor to submit an Enhanced Ventilation Proposal, which achieves protection from $PM_{2.5}$ equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration, for approval by the DPH. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the Project Sponsor has submitted an initial application to the DPH.[77] The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

**Impact AQ-5: The SUD, Special Height and Bulk District, and the proposed project would not conflict with, or obstruct implementation of, the 2010 Clean Air Plan. (Less than Significant).**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The 2010 CAP directly address air quality issues and contains control measures and standards that must be met to reduce air pollution in the SFBAAB. The SUD and Special Height and Bulk District would revise the existing Planning Code use districts and height and bulk districts, and would not directly include physical development. The SUD and Special Height and Bulk District would not contain any plans or policies that would conflict with the 2010 Clean Air Plan and potential future development in the SUD and Special Height and Bulk District would be subject to the same BAAQMD air quality regulations described in the following paragraphs. Therefore, the SUD and Special Height and Bulk District would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The most recently adopted air quality plan for the SFBAAB is the 2010 CAP. The 2010 CAP is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the 2010 CAP, this analysis considers whether the project would: (1) support the primary goals of the CAP, (2) include applicable control measures from the CAP, and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

The primary goals of the CAP are to: (1) reduce emissions and decrease concentrations of harmful pollutants, (2) safeguard the public health by reducing exposure to air pollutants that pose the greatest health risk, and (3) reduce greenhouse gas emissions. To meet the primary goals, the CAP recommends

[77] Mid Market Center LLC. 2015. Application for Article 38 Compliance Assessment. August 3. This document is available for review at the San Francisco Planning Department, as part of Case File No 2013.1049E.

specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the 2010 CAP includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to GHGs are discussed in Section E.8, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 227 net new vehicle trips (each weekday) would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the General Plan, as discussed in Section E.5, Transportation and Circulation. Transportation control measures that are identified in the 2010 CAP are implemented by the General Plan and the Planning Code (for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees). Compliance with these requirements would ensure the project includes relevant transportation control measures specified in the 2010 CAP. Therefore, the proposed project would include applicable control measures identified in the CAP to the meet the CAP's primary goals.

Examples of a project that could cause the disruption or delay of 2010 CAP control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would consist of a 501,000-gsf mixed-use building containing arts, arts education, residential, hotel, and retail space in a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or

a bike path or any other transit improvement, and thus, would not disrupt or hinder implementation of control measures identified in the CAP.

For the reasons described previously, the proposed project would not interfere with implementation of the 2010 CAP, and because the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be less than significant.

**Office Variant.** Impacts would be similar to those with the proposed project. The Office Variant would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy. As with the proposed project, the Office Variant would not generate substantial growth in automobile trips and vehicle miles traveled, and would result in a negligible increase in air pollutant emissions. The Office Variant would not interfere with implementation of the 2010 CAP, and because the proposed project would be consistent with the applicable air quality plan, the impact would be less than significant.

**120-Foot Variant.** Impacts would be similar to those with the proposed project. The 120-Foot Variant would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy. As with the proposed project, the 120-Foot Variant would not generate substantial growth in automobile trips and vehicle miles traveled, and would result in a negligible increase in air pollutant emissions. The 120-Foot Variant would not interfere with implementation of the 2010 CAP, and because the 120-Foot Variant would be consistent with the applicable air quality plan, the impact would be less than significant.

**Impact AQ-6: The SUD, Special Height and Bulk District, and proposed project would not create objectionable odors that would affect a substantial number of people. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. The SUD and Special Height and Bulk District would revise the existing Planning Code use districts and height and bulk districts at a program level, and would not directly include physical development. The SUD and Special Height and Bulk District would not permit any new uses beyond what is allowed in the base C-3 districts, and would not permit any of the previously described typical odor sources. Therefore, it is not anticipated that future development projects would result in uses that are typical odor sources of

concern. Construction of future development could generate diesel exhaust, which would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Therefore, the SUD and Special Height and Bulk District would not create significant sources of new odors. The impact would be less than significant

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.[78] The proposed project would include arts and arts education, residential, hotel, and retail uses, which are not anticipated to create significant sources of new odors. Therefore, odor-related impacts would be less than significant.

**Office Variant.** Construction impacts would be similar to those with the proposed project. Observation indicates that the project site is not substantially affected by sources of odors.[79] The Office Variant would include arts and arts education, residential, office, and retail uses, which are not anticipated to create significant sources of new odors. Therefore, odor-related impacts would be less than significant.

**120-Foot Variant.** The construction-related impacts of the 120-Foot Variant would be similar to those of the proposed project. Observation indicates that the project site is not substantially affected by sources of odors.[80] The 120-Foot Variant would include residential, hotel, and retail uses, which are not anticipated to create significant sources of new odors. Therefore, odor-related impacts would be less than significant.

**Impact C-AQ-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative air quality impacts. (Less than Significant with Mitigation)**

As discussed previously, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing

78 Observations based on TRC staff site visit, April 18, 2014.
79 Ibid.
80 Ibid.

cumulative adverse air quality impacts.[81] The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. It is not anticipated that future projects under the SUD and Special Height District would exceed screening criteria, with the exception of the 950–974 Market Street project. However, the 950–974 Market Street Project's (and its variants) construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants; therefore, the proposed project and its variants would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

As discussed previously, the SUD and Special Height and Bulk District and the 950–974 Market Street project site are located in an area that already experiences poor air quality. The SUD, Special Height and Bulk District, and proposed project (and its variants) would add new vehicle trips and stationary sources within an area already adversely affected by air quality, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would be a significant cumulative impact. Future projects within the SUD and Special Height and Bulk District, and the proposed project (and its variants) would be required to implement Mitigation Measure M-AQ-2, Construction Air Quality, which could reduce construction period emissions by as much as 94 percent, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, which requires best available control technology to limit emissions from the project's emergency backup generators. Furthermore, compliance with Article 38 would ensure that new sensitive receptors are not exposed to cumulatively significant levels of air pollution. Implementation of these mitigation measures and adherence to Article 38 would reduce the contribution of the SUD and Special Height and Bulk District and the proposed project (and its variants) to cumulative air quality impacts to a less-than-significant level.

[81] BAAQMD. 2011. *CEQA Air Quality Guidelines*, page 2-1. May.

## E.8. GREENHOUSE GAS EMISSIONS

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

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will contribute to global climate change and its associated environmental impacts.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15064.4 allows Lead Agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared the *GHG Reduction Strategy*,[82] which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified *GHG Reduction Strategy* in compliance with CEQA guidelines.

The actions outlined in the strategy have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's *2010 Clean*

[82] San Francisco Planning Department. 2010. *Strategies to Address Greenhouse Gas Emissions in San Francisco*. Online: http://www.sf-planning.org/index.aspx?page=2627.

*Air Plan,* Executive Order S-3- 05,[83] and Assembly Bill 32 (also known as the Global Warming Solutions Act).[84,85]

Given that the City's local GHG reduction targets are more aggressive than the state and region's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's *GHG Reduction Strategy* is consistent with the goals of EO S-3-05, AB 32, and the *2010 Clean Air Plan*. Therefore, proposed projects that are consistent with the City's *GHG Reduction Strategy* would be consistent with the goals of EO S-3-05, AB 32, and the *2010 Clean Air Plan* would not conflict with these plans, and therefore, would not exceed San Francisco's applicable GHG threshold of significance.

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

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

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 waste removal, disposal, and landfill operations.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District would revise the existing Planning Code use districts and height and bulk districts at a program level, and would not directly include physical development or

[83] Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million $MTCO_2E$); by 2020, reduce emissions to 1990 levels (estimated at 427 million $MTCO_2E$); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million $MTCO_2E$).

[84] San Francisco Department of Environment. *San Francisco Climate Action Strategy, 2013 Update*.

[85] The *Clean Air Plan*, Executive Order S-3-05, and AB 32 goals, among others, are to reduce GHGs in the year 2020 to 1990 levels.

result in GHG emissions. Development within the SUD and Special Height and Bulk District would be subject to the same BAAQMD air quality regulations and Planning Department standards for GHG review and analysis as the proposed project. Although no construction activity is associated with the approval of the SUD and Special Height and Bulk District, potential future development within the proposed the SUD and Special Height and Bulk District has the potential to contribute to a cumulative GHG impact. Any future projects within the SUD and Special Height and Bulk District would be subject to and required to comply with several regulations adopted to reduce GHG emissions, as identified in the *GHG Reduction Strategy*. As such, approval of the SUD and Special Height and Bulk District would result in a less-than-significant impact with respect to GHG emissions.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project would increase the on-site activity by demolishing four existing buildings and a below-grade parking structure, and developing the site. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial 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.

The proposed project would be subject to and required to comply with several regulations adopted to reduce GHG emissions, as identified in the *GHG Reduction Strategy*. The regulations that are applicable to the proposed project include the Commuter Benefits Ordinance, Emergency Ride Home Program, Bicycle Parking requirements, Street Tree Planting Requirements for New Construction, Mandatory Recycling and Composting Ordinance, SF Green Building Requirements for Energy Efficiency, and Stormwater Management.

These regulations, as outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions, have proven effective, as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the *2010 Clean Air Plan* GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's *GHG Reduction Strategy*.[86] Other existing regulations, such as those implemented

[86] Greenhouse Gas Analysis: Compliance Checklist. July 14, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

through AB 32, will continue to reduce the proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, or local GHG reduction plans and regulations and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

**Office Variant.** This variant would have similar effects related to GHG emissions as with the proposed project, and would be required to comply with the same GHG-related regulations. Therefore, the Office Variant would result in a less-than-significant impact with respect to GHG emissions.

**120-Foot Variant.** GHG-related impacts of the 120-Foot Variant would be similar to those of the proposed project, and the variant would be required to comply with the same GHG-related regulations. Therefore, the 120-Foot Variant would result in a less-than-significant GHG-related impact.

## E.9. WIND AND SHADOW

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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? | ☐ | ☐ | ☒ | ☐ | ☐ |

**Impact WS-1: The SUD, Special Height and Bulk District, and proposed project would alter wind in a manner that substantially affects public areas. (Less than Significant with Mitigation)**

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. Throughout the year, the highest wind speeds occur in mid-afternoon and the lowest in the early morning. West-northwest, west, northwest, and west-southwest are the most frequent and strongest of primary wind directions during all seasons (referred to as prevailing winds).

Tall buildings and exposed structures can strongly affect the wind environment for pedestrians. A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong, turbulent, and incompatible with the intended uses of nearby ground-level spaces. A building with a height that is similar to the heights of surrounding buildings typically would cause little or no additional ground-level wind acceleration and turbulence. Thus, wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. In general, new buildings less than approximately 80 feet in height are unlikely to result in substantial adverse effects on ground-level winds such that pedestrians would be uncomfortable. Such winds may exist under existing conditions, but shorter buildings typically do not cause substantial changes in ground-level winds.

San Francisco Planning Code Section 148, Reduction of Ground-level Wind Currents in C-3 Districts, outlines wind reduction criteria for projects in C-3 districts. The SUD, Special Height and Bulk District, and 950–974 Market Street site are located within a C-3 district and are subject to these criteria. The Planning Code sets criteria for comfort and hazards, and requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria. However, for the purposes of evaluating impacts under CEQA, the analysis uses the hazard criterion to determine whether the proposed project would alter wind in a manner that substantially affects public areas.

The Planning Code pedestrian comfort criterion of 11 miles per hour (mph) is based on wind speeds measured and averaged over a period of 1 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 1 hour. When stated on the same time basis as the comfort criterion wind speed, the hazard criterion wind speed (26 mph averaged over 1 hour) is equivalent to a 1-minute average of 36 mph, which is a speed where wind gusts can blow people over, and therefore, are hazardous. As stated previously, the analysis uses the hazard criterion to determine significant effects under CEQA. The project's effects related to the comfort criterion are presented for informational purposes.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

As noted in Section C, Compatibility with Existing Zoning and Plans, the existing height and bulk districts in the project area range from 80 feet to 120 feet. The proposed Special Height and Bulk District would increase the permitted height to 120 feet on the south side of Market Street, for 1053–1055 Market Street and 1089 Market Street, and to 200 feet on the north side of Market Street, for 950–974 Market Street.

The proposed SUD and Special Height and Bulk District are within C-3-G and C-3-R Use Districts; therefore, Planning Code Section 148 wind reduction criteria would apply to any development proposals within the SUD and Special Height and Bulk District. Mitigation Measure WS-1, Screening-Level Wind Analysis and Wind Testing, would ensure that the wind effects of potential development in the SUD and Special Height and Bulk District would be evaluated, and significant wind effects on public use areas would be avoided.

**Mitigation Measure M-WS-1: Screening-Level Wind Analysis and Wind Testing**

For projects within the proposed SUD and Special Height and Bulk District, the Planning Department shall conduct the following review:

*Screening-Level Wind Analysis.* Any structure proposed within the SUD and Special Height and Bulk District over 80 feet in height shall be required to undergo screening-level wind impact analysis that would take into account the surrounding topography and building heights. As part of this analysis, a qualified wind expert shall review the proposed building plans as well as results of other wind tests conducted nearby, if available. Based on this review, a determination shall be made as to whether wind hazards are expected as a result of project development. If not enough information is available to make a determination with relative certainty that no wind hazard criteria are expected, a project-level wind test shall be conducted.

*Project-Level Wind Test.* If the screening level wind analysis determines that the project may result in wind hazards, a project-level wind test shall be prepared by a qualified wind expert to determine impacts on pedestrian-level wind speeds. The methodology of a wind test shall be consistent with accepted San Francisco Planning Department practice. The project-level wind test shall be conducted and interpreted in a technical memorandum, with test results related to the Planning Code Section 148 hazard criterion. To satisfy the criteria of San Francisco Planning Code Section 148, two sets of wind tunnel test results shall be produced: one that indicates, for each test location, the wind speed that is exceeded 10 percent of the time, year-round; and another that indicates whether a wind speed of 26 miles per hour is exceeded for 1 full hour of the year. The former results would determine whether the project would meet the Planning Code's "comfort criterion," while the latter results would determine whether the project would cause an exceedance of the Planning Code's "hazard criterion."

*Design Modifications.* If a proposed structure is determined to result in significant wind impacts, modifications shall be incorporated into the project design to reduce these impacts so as not to cause ground-level wind currents to exceed the hazard level of 26 mph for a single full hour of the year. Modifications to reduce wind speeds could include one or more of the following: shifting the building's orientation; adding articulation, texturing, or setbacks along one or more of the façades; increasing the height and density of exterior landscaping and related structures; and adding more landscaping and screening structures.

With implementation of Mitigation Measure M-WS-1, the SUD and Special Height and Bulk District would have a less-than-significant impact on wind conditions.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** A wind study was prepared for the proposed project.[87] The following discussion relies on the information provided in that report.

The wind tunnel testing followed San Francisco Planning Department protocols. Wind tunnel testing was conducted at 73 wind speed sensor locations under existing conditions, within a 1,125-foot radius of the project site, at a pedestrian height of approximately 5 feet. The results of the wind tunnel testing indicate that no sensor locations exceed the hazard criterion under existing conditions.

The results of the wind tunnel testing indicate that 27 of the 73 sensor locations exceed the Planning Code's 11 mph pedestrian comfort criterion under existing conditions. Wind speeds of 10 percent exceedance (i.e., the wind speed exceeded 10 percent of time) are 11 mph on average over the 73 sensor locations. The nearest comfort criterion exceedances to the project site are at the southwest corner of Turk and Market; mid-block on the Market Street sidewalk adjacent to the site; and on the east sidewalk of Taylor Street, north of Golden Gate Avenue. In addition, other sensor locations along Market Street exceed the comfort criterion, with the highest wind speeds modeled along the south side of Market Street, between 5th and 6th Streets.

The proposed project would remove the existing buildings and parking structure and construct a new building with two towers that would be 17 and 19 stories tall (approximately 176 and 200 feet in height, respectively), connected by a mid-block five-story Arts Center that would be approximately 80 feet in height. The new building would have multiple terraces—a rooftop bar with an adjacent roof terrace on the hotel tower (on floor 17 of the Taylor-Turk tower) and two terraces on the residential tower (floors 18 and 19 of the Market-Turk tower). The rooftop above the arts volume on the 8th floor would serve as a common open space for residents. There would be wider sidewalks into three entrances on Market and Turk Streets.

[87] RWDI. 2014. 950 Market Street, San Francisco, CA, Pedestrian Wind Conditions Consultation - Wind Tunnel Tests, RWDI #140087. October 14. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

Wind tunnel testing was conducted for existing plus project conditions, with an additional four wind speed sensor locations at the proposed new street entrances and 12 sensor locations on rooftop terraces. The results of the wind tunnel testing indicate that the proposed project would not cause a street-level sensor location to exceed the hazard criterion. Therefore, the proposed project would not alter wind in a manner that substantially affects public areas, and impacts are considered less than significant.

The results of the wind tunnel testing indicate that 36 of the 77 street-level sensor locations would exceed the Planning Code's 11 mph pedestrian comfort criterion under existing plus project conditions, an increase of nine sensor locations. Wind speeds of 10 percent exceedance would be average 12 mph over the 89 sensor locations, approximately 1 mph higher than existing conditions. Nine sensor locations adjacent to the project site would exceed the comfort criterion, compared to three locations with existing conditions.

Additional wind comfort criterion exceedances compared to existing conditions would occur along the sidewalks on the proposed project block fronting Market Street, Turk Street, and Taylor Street. The greatest increases with the proposed project, from 12 mph to 17 mph, would occur at the Turk and Market Streets corner. However, the proposed project would not create hazardous pedestrian-level wind conditions, and wind impacts would be less than significant.

The proposed project's outdoor rooftop terraces would not be subject to the Planning Code wind comfort or wind hazard criteria. The wind tunnel analysis reviewed conditions at the rooftop terraces. At the proposed outdoor rooftop terraces, 11 of the 12 sensor locations would exceed the comfort criterion, with wind speeds exceeded 10 percent of time, ranging from 12 to 23 mph.

For informational purposes, the wind tunnel testing found that, while the proposed project's wind hazard impacts would be less than significant, five locations on the proposed project terraces would exceed the hazard criterion with existing plus project conditions.

The following improvement measure could improve usability of the new rooftop terraces by reducing wind exposure.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the

new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

**Office Variant.** The proposed Office Variant would have the same building design and massing as the proposed project; therefore, the wind impacts would be the same as with the proposed project, and would be less than significant.

**120-Foot Variant.** A wind study memorandum was prepared for the 120-Foot Variant.[88] The following discussion relies on the information provided in that report.

The 120-Foot Variant would be a 12-story building totaling approximately 396,000 gsf, including second floor and rooftop terraces. Considering the similar footprint and reduced height of the 120-Foot Variant, the 120-Foot Variant would have a similar or a marginally reduced effect on local wind speeds in the area, particularly west of the site. The 120-Foot Variant, as with the proposed project, would not generate pedestrian-level wind speeds that would exceed the wind hazard criterion in Planning Code Section 148, Therefore, the variant would not alter wind in a manner that would substantially affect public areas, and impacts would be less than significant.

The rooftop terrace would also be exposed to the prevailing westerly winds. As with the proposed project, the 120-Variant would implement Improvement Measure I-WS-1, Wind Reduction on New Rooftop Terraces, including wind screens and landscaping, to reduce wind impacts from and increase usability of the terraces.

**Impact WS-2: The SUD, Special Height and Bulk District, and proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)**

Section 295 of the Planning Code was adopted to protect certain public open spaces under the jurisdiction of the Recreation and Park Department from shadowing by new and altered structures during the period between 1 hour after sunrise and 1 hour before sunset, year round. Section 295 restricts new shadow

[88] RWDI. 2015. *Pedestrian Wind Conditions - 120-Foot Variant Memorandum 950 -974 Market Street, San Francisco, CA.* April 15. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

upon public open spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height, unless the Planning Commission finds that any adverse impact on use of the open space caused by the shadow would be insignificant. In 1989, to implement Section 295 and Proposition K, the Planning Commission and Recreation and Park Commission jointly adopted a memorandum (1989 Memorandum) establishing qualitative criteria for evaluating shadow impacts as well as Absolute Cumulative Limits (ACL) for certain parks. ACLs are "shadow" budgets that establish absolute cumulative limits for additional shadows, expressed as a percentage of Theoretically Available Annual Sunlight (TAAS) on a park with no adjacent structures present. An ACL standard has not been adopted for parks less than 2 acres having less than 20 percent existing shadow. To date, ACL standards have been established for 14 downtown parks.

The 1989 Memorandum sets forth qualitative criteria to determine when a shadow would be significant as well as information on how to quantitatively measure shadow impact. Qualitatively, shadow impacts are evaluated based on (1) existing shadow profiles, (2) important times of day, (3) important seasons in the year, (4) location of the new shadow, (5) size and duration of new shadows, and (6) public good served by buildings casting a new shadow. Quantitatively, new shadows are to be measured by the additional annual amount of shadow-square foot-hours as a percent of TAAS. Where an ACL has not been adopted for a park, the Planning Commission's decision on whether a structure has a significant impact on property under the jurisdiction of the Recreation and Park Department is based on a review of qualitative and quantitative factors

Planning Code Section 147 also applies in C-3 districts, and requires that new buildings and additions to existing buildings where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The nearest public open spaces to the SUD and Special Height and Bulk District are Father Alfred E. Boeddeker Park (Boeddeker Park) on the block bordered by Eddy Street, Jones Street, and Ellis Street; Hallidie Plaza, at Powell and Market Streets; and Mint Plaza. Other public open spaces in the vicinity include United Nations Plaza, on Market Street between Leavenworth and Hyde Streets; and Civic Center Plaza, bounded by Grove, Polk, McAllister, and Larkin Streets. Of these public open spaces, only

Boeddeker Park and Civic Center Plaza are under the jurisdiction of the Recreation and Park Commission and are protected by Section 295.

As noted previously, the existing height limits in the SUD and Special Height and Bulk District range from 80 feet to 120 feet. The proposed Special Height and Bulk District would increase permitted height to 120 feet on the south side of Market Street, at 1053–1055 Market Street and 1089 Market Street, and to 200 feet on the north side of Market Street at 950–974 Market Street. Development under the proposed SUD and Special Height and Bulk District would have the potential to result in structures that could add shade to public open spaces. However, the SUD and Special Height and Bulk District would only allow the FAR and height and bulk exceptions for projects that would not substantially contribute to shading of parks and other publically accessible open spaces in the vicinity as determined by the Planning Commission. Therefore, approval of the SUD and Special Height and Bulk District would have a less-than-significant impact on shade conditions.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project would remove the existing buildings and parking, and construct a new building with two towers that would be 17 and 19 stories tall (approximately 176 and 200 feet in height, respectively), connected by a mid-block five-story Arts Center measuring approximately 80 feet in height.

The nearest public open spaces to project site are Boeddeker Park, located approximately 0.2 mile northwest of the project site; Hallidie Plaza, located approximately 200 feet east of the project site; and Mint Plaza, located approximately 0.1 mile southeast of the project site. Of those public open spaces, only Boeddeker Park is protected by Section 295.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza.[89] However, the preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted.[90]

[89] San Francisco Planning Department. 2013. *950–974 Market – PPA Shadow Analysis*. October 2. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049U.

[90] CADP. 2014. *950–974 Market Street Shadow Analysis*. August 25. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

The shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, but would shade Boeddeker Park, as discussed in the following paragraphs.

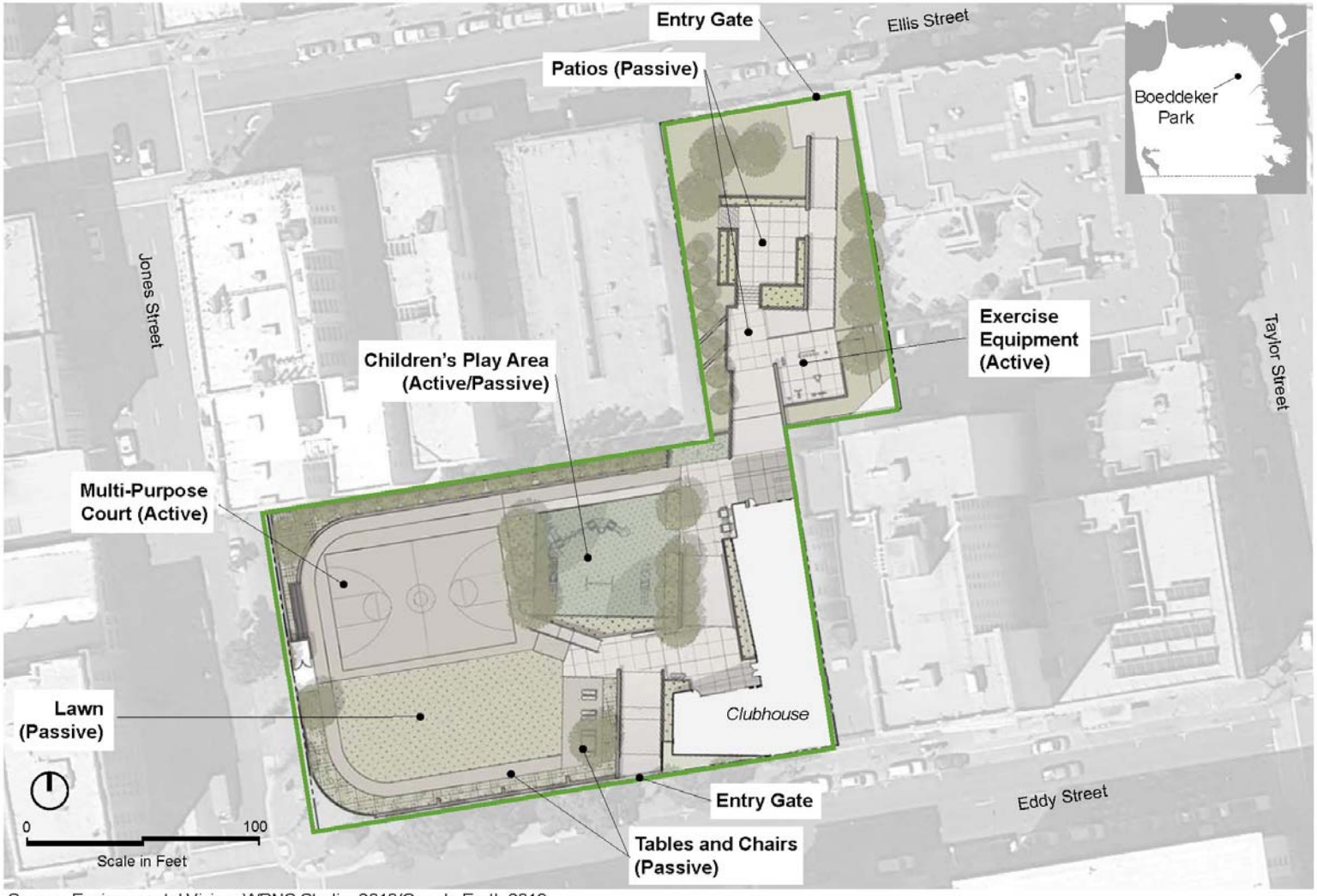
Boeddeker Park is in the Tenderloin neighborhood. According to the San Francisco Property Information Map, Boeddeker Park has a parcel area of approximately 0.97 acre or 42,281.25 sf. The park is located on the northeast corner of Eddy and Jones Streets, with a portion of the park extending midblock north to Ellis Street (see Figure 23, Boeddeker Park Layout). The portion on the corner of Eddy and Jones Streets is bounded by Eddy Street to the south; Jones Street to the west; residential uses and the extension of the park to the north; and residential to the east. The part of the park extending north midblock to Ellis Street is bounded by residential uses and the extension to the rest of the park to the south; residential to the west; Ellis Street to the north; and residential uses to the east. The properties surrounding Boeddeker Park have an 80-foot height limit.

Opened in 1985, Boeddeker Park was developed to serve nearby residents, including many seniors and low-income households. A major renovation of the park facilities and the clubhouse began in March 2012, and the park reopened in December 2014.

Boeddeker Park, which is less than 1 acre in area, does not have an ACL for shadow increases under the 1989 Memorandum. Shadow effects on the park have been reviewed in the past under the criteria in Section 295 and the 1989 Memorandum.

Because the proposed project would cast new shadow on Boeddeker Park, under Planning Code Section 295, the Planning Commission, in a joint action with the Recreation and Parks Commission, must raise the absolute cumulative shadow limits. The 1989 Memorandum sets forth quantitative and qualitative criteria to assist the Planning Commission in reaching their determination as to whether the net new shadow is adverse. The analysis of shadow conditions in Boeddeker Park presented in the following paragraphs considers CEQA criteria regarding adverse effects on open space.

The shadow analysis found that from late October to mid-February, the proposed project's shadow would reach Boeddeker Park during the early morning after the 1 hour after sunrise Section 295 cutoff.




Source: Environmental Vision, WRNS Studio, 2010/Google Earth 2013

**Figure 23** **Boeddeker Park Layout**

The range of duration of new shade would occur for approximately 17 minutes to 28 minutes, and would cover from approximately less than 1 sf to about 293 sf of the park, or approximately 0.7 percent of the overall sf of Boeddeker Park. This maximum effect would be on December 20, starting at about 8:30 a.m., for approximately 28 minutes (see Figure 24, Shadow Projection, December 20, 8:30 a.m.).

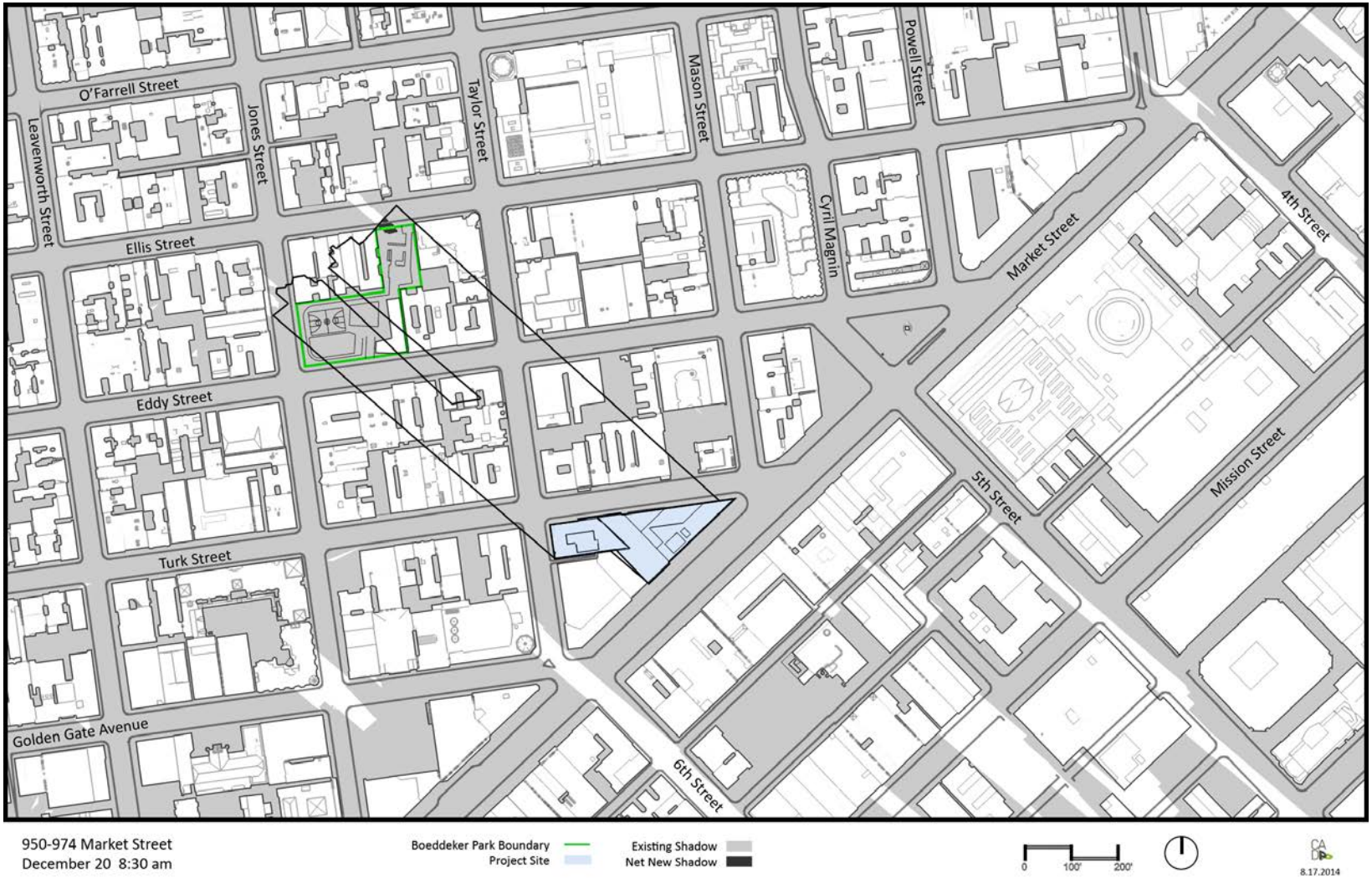
The proposed project would add a total of 2,709.55 new square-foot-hours of shadow on the park. This would be a 0.00172 percent increase in shadow as a percentage of the TAAS. New shadows that would be cast by the proposed project would occur during the early morning hours of the day, and would be gone no later than 9:00 a.m.

The net new shadow that would fall on Boeddeker Park would cover a part of the Ellis Street entry gate area and some of the landscaped area adjacent to the entry gate. During a site visit to the park, it was observed that the Ellis Street entry gate was being used as an emergency exit only. The landscaped area adjacent to the entry gate did not include turf or other landscaping that would typically support passive recreation, such as picnicking or group gatherings. This area does not contain tables or chairs, and is not expected to be subject to active use. Net new shadows would not reach the playground, basketball courts, or clubhouse building. Because the net new shadow generated by the proposed project would cover an area of the park that would be primarily used for entering and exiting the park and because the net new shadow is projected to be gone no later than 9:00 a.m. which is when the park currently opens the shadow would not adversely affect the use of Boeddeker Park.

Planning Code Section 147 requires new buildings in C-3 districts where the building height exceeds 50 feet to be shaped "consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295."

The shadow analysis found the proposed project would not add shade to Hallidie Plaza or Mint Plaza, two public plazas in the project vicinity.

The proposed project would cast net new shadow on nearby sidewalks—including those along Taylor Street, Turk Street, and Market Street—at certain times of day throughout the year. Many of the sidewalks in this part of San Francisco are already shadowed for much of the day by densely developed, multi-story buildings, and additional project-related shadow would be temporary in nature and would not substantially affect the use of sidewalks.




Source: CADP

**Figure 24** **Shadow Projection, December 20, 8:30 a.m.**

The shadow analysis also found that, at times, the proposed project would shade portions of nearby private property. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the previously discussed reasons, the proposed project would not create new shadow that would substantially affect outdoor recreation facilities or other public areas, and impacts on Boeddeker Park would be considered less than significant.

**Office Variant.** The proposed Office Variant would have the same building design as the proposed project; the shadow impacts would be the same as with the proposed project and would be less than significant.

**120-Foot Variant.** A shadow fan prepared for the 120-Foot Variant shows that the variant, as with the proposed project, would have the potential to cast shadow on Boeddeker Park, Hallidie Plaza, and Mint Plaza.[91] The shadow analysis for the 120-Foot Variant is based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance. The shadow analysis found that all shadows from the variant would fall within areas already shaded by existing structures. The 120-Foot Variant would not create any net new shadows Boeddeker Park, Hallidie Plaza, or Mint Plaza.[92] Therefore, the 120-Foot Variant would have less-than-significant shadow-related impacts.

**Impact C-WS-1: The SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not result in significant cumulative impacts related to wind. (Less than Significant with Mitigation)**

The SUD and Special Height and Bulk District, in compliance with Planning Code Section 148 and with implementation of Mitigation Measure M-WS-1 regarding wind effects, would not contribute to significant cumulative effects on wind conditions. The wind study found that under the project plus cumulative conditions, wind speeds would continue averaging 12 mph for all 89 measurement locations.[93] Winds at 33 street-level locations and 11 rooftop terrace locations would exceed the comfort

[91] San Francisco Planning Department. 2014. *950-974 Market Street – Variant Shadow Fan*. December 9. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049U.

[92] CADP. 2015. *950–974 Market Street: 120-Foot Variant Shadow Analysis*. July 21.This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

[93] Cumulative conditions added two under-construction projects and 11 under review or approved projects in a 1,125-foot radius of the existing plus project conditions.

criterion. The project plus cumulative scenario identified one location that would exceed the pedestrian hazard criterion at the northeast corner of Eddy and Taylor Streets; however, the exceedance would not be influenced by the 950–974 Market Street Project. Therefore, the proposed project plus cumulative conditions would not alter wind in a manner that substantially affects public areas, and cumulative impacts are considered less than significant. For informational purposes, the wind tunnel testing found that, with project plus cumulative conditions, two locations on the proposed project terraces would exceed the hazard criterion. The wind study stated that this decrease would occur due to the sheltering effect of upwind cumulative development.

**Impact C-WS-2: The SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not have a cumulative impact related to shadow. (Less than Significant)**

The SUD and Special Height and Bulk District would not permit a FAR and height and bulk exception for projects that would substantially contribute to shading of parks and other publically accessible open spaces in the vicinity. The SUD and Special Height and Bulk District would not contribute to significant cumulative effects on shadow conditions.

The 950–974 Market Street Project and Office Variant would add shade to Boeddeker Park; however, because of the limited location, duration, time of day, and percentage increase in square-foot-hours of that new shade, the effect is considered less than significant.

Other development could affect shading of Boeddeker Park. The 168–186 Eddy Street project—a 153-unit affordable housing development sponsored by the Tenderloin Neighborhood Housing Corporation (TNDC)—was approved in 2009, but is not yet under construction. In approving that project, the Planning Commission found that project's shadow on Boeddeker Park would not have an adverse impact on the use of the park.[94] The TNDC project would add approximately 369,409 square foot hours of shadow to the park, or .39 percent of the TAAS. The shade would occur before 9:15 a.m., from about mid-January to late November.

The proposed 5M project, currently in public review, would be a mixed-use development of office, retail, residential, cultural, educational, and open space uses on an approximately 4-acre site in the

[94] Planning Commission Motion No. 17849, Case No. 2007.1342CK (168-186 Eddy Street). p. 10-12. Approved March 26, 2009.

southwestern quadrant of 5th and Mission Streets. Per the 5M Final EIR, implementation of the 5M project would result in a very small (about 0.004 percent) increase in shadow cast on Boeddeker Park. Because the net new shadow would cover an area of the park that would be used primarily for entering and existing the park, and because the net new shadow would occur during the early morning hours during a time of year when park use tends to diminish, the shadow would not adversely affect the use of Boeddeker Park.[95]

Because the 120-Foot Variant would not result in net new shadow on Boeddeker Park, it would not contribute to significant cumulative effects on shadow conditions.

Therefore, other approved or reasonably foreseeable projects that would add shade to Boeddeker Park would have a less-than-significant effect on the use of the park. The 950–974 Market Street Project, together with the potential development in the area, would not have cumulatively considerable adverse effects on the use of Boeddeker Park. Thus, the proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects proposed in the vicinity, would not result in a cumulatively considerable shadow impact.

[95] San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

## E.10. RECREATION

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 facility would occur or be accelerated? | ☐ | ☐ | ☒ | ☐ | ☐ |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ | ☐ |
| c) Physically degrade existing recreational resources? | ☐ | ☐ | ☒ | ☐ | ☐ |

**Impact RE-1: The SUD, Special Height and Bulk District, and proposed project would not increase the use of existing neighborhood parks or other recreational facilities, include recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than Significant)**

The San Francisco General Plan Recreation and Open Space Element (ROSE) identifies areas throughout the City that are identified as having a "High Need" for open space. High Need areas are defined as those with high population densities, high concentrations of seniors and youth, and lower income populations that are located outside of existing parking service areas.[96] Although neighboring areas, such as the Tenderloin, are classified as High Need areas, the SUD and Special Height and Bulk District are located within parcels classified as having a lesser need for open space. Neighborhood parks within or near the SUD and Special Height and Bulk District include Boeddeker Park, which is an approximately 1-acre community park on the block bordered by Eddy, Jones, and Ellis Streets, and the Turk and Hyde Mini Park, which is a 0.1-acre park primarily for preschoolers. Other public open spaces in the vicinity of the SUD and Special Height and Bulk District include United Nations Plaza, on Market Street near Leavenworth Street, and Civic Center Plaza—with two children's playgrounds at its eastern end—north of Market and bounded by Grove, Polk, McAllister, and Polk Streets. East and south of Market Street, Yerba Buena Gardens is a large public park that contains the Sister Cities Garden, the Martin Luther

[96] San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E., Map 7.

King, Jr. Memorial, Yerba Buena Center for the Arts Galleries and Forum Building, and the Yerba Buena Center for the Arts Theater. The block south of Howard Street includes the Yerba Buena Bowling and Ice Skating Center, the Children's Creativity Museum, the Child Development Center, the Children's Garden, and the restored 1905 Carousel.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. For the three sites (1053–1055 Market Street, 1089 Market Street, and 950–974 Market Street) within both the SUD and Special Height and Bulk District, where rezoning would allow for changes to permitted heights, gradual development is likely to occur, as the incentive for development would be greater due to additional permitted heights in combination with the FAR exemption. The potential development of these three sites would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts). These new non-arts uses could potentially include residential uses, but with the exception of 950–974 Market Street, the Planning Department has not received any other applications proposing to take advantage of the SUD and Special Height and Bulk District. Thus, while the SUD and Special Height and Bulk District would introduce a new permanent population to the area, it is not anticipated that the number of new residents enabled by the SUD would be large enough to substantially increase demand for or use of the neighborhood parks and recreational facilities listed previously or citywide facilities, such as Golden Gate Park, such that substantial physical deterioration would be expected. Future projects would also be required to provide open space, as required by the Planning Code, which would partially offset the demand for recreational resources. For the reasons stated previously, the SUD and Special Height and Bulk District would have a less-than-significant impact on recreational resources.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The proposed project would provide approximately 33,090 gsf of common and private open space for visitors and project residents. The private open space would provide passive recreational opportunities for residents, while the common open space would be accessible to the public for passive recreational use. In addition, residents at the project site would be within walking distance to Boeddeker

Park and Turk and Hyde Mini Park. Other recreation and open space would available at the Civic Center and Yerba Buena Gardens.

Although the proposed project would introduce a new permanent population (approximately 705 residents) to the project site, the number of new residents projected would not be large enough to substantially increase demand for or use of the previously described neighborhood parks and recreational facilities, or citywide facilities, such as Golden Gate Park, such that substantial physical deterioration would be expected. The permanent residential population at the site and the incremental on-site temporary hotel visitor and daytime population growth that would result from the arts and arts education, hotel, and retail uses would not require the construction of new recreational facilities or the expansion of existing facilities.

For the previously described reasons, the proposed project would have a less-than-significant impact on recreational facilities and resources.

**Office Variant.** As with the proposed project, the Office Variant would provide approximately 33,090 gsf of common and private open space for visitors and project residents, and would introduce a new permanent population (approximately 705 residents) to the project site. As previously noted, the number of new residents projected would not be large enough so as to substantially increase demand for or use of neighborhood parks and recreational facilities or citywide facilities, such that substantial physical deterioration would be expected. The permanent residential population at the site and the incremental on-site temporary population growth that would result from the arts and arts education, office, and retail uses would not require the construction of new recreational facilities or the expansion of existing facilities, and the Office Variant would have a less-than-significant impact on recreational facilities and resources.

**120-Foot Variant.** The 120-Foot Variant would provide 26,524 gsf of common and private open space for visitors and project residents. The passive recreational opportunities available in this open space would be the same as those for the proposed project.

The 120-Foot Variant would introduce a new permanent population (approximately 592 residents, which is less than that of the proposed project) to the project site. However, similar to the proposed project, the number of new residents projected would not be large enough so as to substantially increase demand for or use of neighborhood parks and recreational facilities or citywide facilities, such that substantial

physical deterioration would be expected. The permanent residential population on the site and the incremental on-site temporary population growth that would result from the hotel and retail uses would not require the construction of new recreational facilities or the expansion of existing facilities.

For these reasons, the 120-Foot Variant would have a less-than-significant impact on recreational facilities and resources.

**Impact C-RE-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on recreation. (Less than Significant)**

The use of recreational facilities in the area is not expected to noticeably increase as a result of the SUD, Special Height and Bulk District, and proposed project. The provision of the Planning Code-required open space would partially offset the demand for recreational resources and the potential for the deterioration and/or degradation of existing recreational resources in the project area. As with the proposed project, residential or residential mixed-use cumulative projects would also include Planning Code-required private and common open spaces to partially meet the demand for recreational resources from residents. Furthermore, the San Francisco General Plan ROSE recognizes the need for preserving and renovating existing public recreation space, as well as prioritizing acquisitions of potential new recreation spaces throughout the City, and specifically in "high need areas.[97]" The ROSE provides a neighborhood specific framework for implementation of the General Plan goals for improvement and acquisition of recreation and open space resources; implementation of the policies included in the ROSE would address long-term needs associated with population increase in the project vicinity. Additionally, some cumulative projects, such as 5M, would increase public open space in the project vicinity and improve access to existing open spaces in the project vicinity. For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable recreation impact.

[97] San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E.

## E.11. UTILITIES AND SERVICE SYSTEMS

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☒ | ☐ | ☐ |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate 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: Approval of the SUD, Special Height and Bulk District, and proposed project would not exceed wastewater treatment requirements, exceed the capacity of the wastewater treatment provider serving the project site, or result in the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. Potential development would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts.)

The project area is served by San Francisco's combined sewer system. The system is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. The SUD and Special Height and Bulk District could result in new development that would generate wastewater and stormwater that would flow to the City's combined stormwater and sewer system, and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). The proposed SUD and Special Height and Bulk District would not contain any plans or policies that would conflict with those NPDES standards, and future projects under the SUD and Special Height and Bulk District would be required to adhere to these standards. Therefore, the proposed SUD and Special Height and Bulk District would not conflict with RWQCB requirements.

Future development under the SUD and Special Height and Bulk District would incrementally increase wastewater flows due to the introduction of new residential and employee population. This would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area. All future development would be required, by Title 24 of the California Code of Regulations and the City's Green Building Ordinance, to install water-efficient fixtures. Compliance with these regulations would reduce wastewater flows, which could lead to more efficient use of existing wastewater capacity. The potential increase in demand would not require expansion of wastewater treatment facilities.

The SUD and Special Height and Bulk District are within a developed urban area, with buildings, streets, and parking areas—essentially all impervious surfaces. Development under the SUD and Special Height and Bulk District would not result in a substantial increase in impervious surfaces. The City's Stormwater Management Ordinance (Ordinance No. 83-10) requires a project to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from a project site. To achieve this, future development within the SUD and Special Height and Bulk District would be required to include stormwater management systems that retain runoff on site, promote stormwater reuse, and limit (or eliminate altogether) site discharges entering the combined 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 for upsizing or constructing new facilities. Therefore,

the SUD and Special Height and Bulk District would not substantially increase the demand for wastewater or stormwater treatment and would result in a less-than-significant impact.

### 950–974 Market Street Project and Variants

**Proposed Project.** The project site is served by San Francisco's combined sewer system. The sewer system is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. Project-related wastewater and stormwater would be treated according to standards contained in the City's NPDES permit, which are set and regulated by the RWQCB. The proposed project would meet the wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance, to meet RWQCB requirements. Therefore, the proposed project would not conflict with RWQCB requirements.

The proposed project would add residential, hotel, retail, and arts and arts education uses to the project site, which would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area. As required by the City's Commercial Water Conservation Ordinance, Title 24 of the California Code of Regulations, and the City's Green Building Ordinance, the proposed project would install high-efficiency water fixtures, which could lead to more efficient use of existing wastewater capacity. The potential increase in demand from the proposed project would not require expansion of wastewater treatment facilities.

The proposed project could require dewatering during construction, increasing groundwater discharge. This groundwater discharge would enter the City sewer system, and would require a Batch Wastewater Discharge permit pursuant to San Francisco Public Works Code Article 4.1. The City's requirements usually consist of a Stormwater Pollution Prevention Plan (SWPPP), including an Erosion and Sediment Control Plan, and a review of the plan by SFPUC. The use of BMPs would also be required during construction and operation of the proposed project. This groundwater discharge would be temporary, and would not generate so much wastewater that new or expanded wastewater facilities would be required.

The proposed project would not substantially increase the amount of impervious surfaces at the project site. Low-impact design features are proposed to capture stormwater runoff. The proposed project would be required to meet the standards for stormwater management identified in the San Francisco

Stormwater Management Ordinance and would be designed to meet the San Francisco *2010 Stormwater Design Guidelines*, which would reduce the total stormwater runoff volume and peak stormwater runoff rate through the use of low-impact design approaches and BMPs, including landscape solutions designed to capture rainwater, such as vegetated roof areas. The Project Sponsor would be required to submit a Stormwater Control Plan for SFPUC approval; the plan must comply with the stormwater design guidelines, and implementation of the plan would ensure that the project meets SFPUC performance measures related to stormwater runoff rate and volume. Because the proposed project would not substantially increase the amount of impervious surfaces, it would not create a substantial amount of additional runoff water.

Therefore, while the 950–974 Market Street Project may incrementally increase stormwater and wastewater flows, no expansion of existing facilities or construction of new facilities would be warranted, and the impact would be less than significant.

**Office Variant.** Development of the Office Variant would be subject to the same site conditions as the proposed project. Implementation of the Office Variant would result in similar or slightly diminished stormwater and wastewater demand compared to the proposed project, as the hotel uses would be replaced with office uses, which are expected to generate less wastewater.

The Office Variant would comply with all of the previously discussed applicable standards and regulations regarding stormwater runoff and groundwater discharge. Therefore, the Office Variant would not result in the expansion of stormwater or wastewater facilities or construction of new facilities, and the impact would be less than significant.

**120-Foot Variant.** Development of the 120-Foot Variant would be subject to the same site conditions as the proposed project. Implementation of the 120-Foot Variant would result in less stormwater and wastewater demand than the proposed project. The variant would not include any arts and arts education uses, and would have fewer residential and hotel uses compared to the proposed project.

The 120-Foot Variant would comply with all of the previously discussed applicable standards and regulations related to stormwater runoff and groundwater discharge. Therefore, the 120-Foot Variant would not result in the expansion of stormwater or wastewater facilities or construction of new facilities, and the impact would be less than significant.

**Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the SUD, Special Height and Bulk District, and proposed project, and approval of the SUD, Special Height and Bulk District, and proposed project would not require expansion or construction of new water supply or treatment facilities. (Less than Significant)**

Under Senate Bill 610 and Senate Bill 221.45, all large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand. Under Senate Bill 610, a water supply assessment is required if a proposed project is subject to CEQA, requiring an Environmental Impact Report or Negative Declaration, and includes any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 sf or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have water demand at least equal to a 500-dwelling unit project.

The SFPUC can meet the current and future water demand in years of average or above-average precipitation. It can also meet future water demand in single-dry-year and multiple-dry-year events. With the Water Shortage Allocation Plan in place, and the addition of local supplies developed under the SFPUC Water System Improvement Program, the SFPUC concluded that it has sufficient water available to serve existing customers and planned future uses.[98]

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, these districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District.

Future development under the SUD and Special Height and Bulk District would be subject to the requirements of Senate Bill 610 and 221.45, as previously described. The Planning Department has not received any applications that propose to take advantage of the SUD and Special Height and Bulk District, with the exception of 950–974 Market Street (as discussed in the following paragraphs).

[98] SFPUC 2013. 2013 *Water Availability Study for the City and County of San Francisco.*

However, it is not anticipated that other future projects within the SUD and Special Height and Bulk District would need to obtain a water supply assessment from the SFPUC, and that the potential increase in the demand for water could be accommodated within anticipated water use and supply for San Francisco.

The SFPUC currently has access to adequate water supplies to meet current demands, and predicts increased water capacity after 2016 with implementation of approved groundwater and recycled water improvement projects,[99] such that no new water facilities are anticipated to be required as a result of future development in the SUD and Special Height and Bulk District. Future development would be subject to the City's Commercial Water Conservation Ordinance, Title 24 of the California Code of Regulations, and the City's Green Building Ordinance, which help to minimize water use and maximize water conservation. The Commercial Water Conservation Ordinance would require the use of high-efficiency water fixtures. Facilities subject to the Commercial Water Conservation Ordinance would also be subject to Title 24 regulations in Chapter 4 of the California Plumbing Code. Thus, the SUD and Special Height and Bulk District would have a less-than-significant impact on SFPUC water supply.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project would include residential, hotel, retail, and arts and arts education uses, and would increase the amount of water required to serve the project site. CEQA Guidelines Section 15155 and Sections 10910 through 10915 of the California Water Code require the preparation of a water assessment for certain large projects that meet the definition of a water-demand project to determine whether projected water supplies will be sufficient to satisfy the demands of the project in addition to existing and planned future water use. Due to the combination of hotel uses and residential units, the proposed project meets the definition of a water demand project and a water supply assessment is required. As the water supplier for the City and County of San Francisco, to comply with CEQA and the California Water Code, the SFPUC is required to prepare and adopt a water assessment for proposed project. The SFPUC's Urban Water Management Plan may be used to support a water assessment, but does not substitute for one. The SFPUC Commission adopted the water supply assessment for the proposed project,[100] which determined that the projected water supply would be

[99] Currently, San Francisco has access to an annual average 83.4 mgd from all existing water supply sources. Beginning in 2016, the SFPUC's retail water supplies are projected to increase if the local groundwater and recycled water projects are approved and implemented. SFPUC. 2013 Water Availability Study. Page 18.

[100] SFPUC. 2015. *Water Supply Assessment for the 950-974 Market Street Project*. November 10.

sufficient to satisfy the demands of the proposed project. This is consistent with the SFPUC's conclusion that it has sufficient water available to serve existing customers and planned future uses, as discussed previously. Therefore, the proposed project would not require new water delivery facilities or systems, the SFPUC water supply is sufficient to meet demands, and the impact would be considered less than significant.

**Office Variant.** The Office Variant would likely result in less water demand than the proposed project, as office uses generate less water demand than hotel uses; a reduction of square footage between the office and hotel space is also anticipated to yield a diminished water demand. As discussed previously, the SFPUC Commission adopted the water supply assessment, which determined that the SFPUC would have adequate water supply for the proposed project as well as the Office Variant. Therefore, the expansion of existing facilities or construction of new facilities would not be required and the Office Variant would have a less-than-significant impact on water supply.

**120-Foot Variant.** The 120-Foot Variant would result in less water demand than the proposed project, as it would not include any arts and arts education uses, and would include fewer residential and hotel uses compared to the proposed project. While the 120-Foot Variant would increase water demand at the project site, the demand would be no more than that of the proposed project, for which the SFPUC determined it would have adequate water supply. Therefore, the expansion of existing facilities or construction of new facilities would not be required and the 120-Foot Variant would have a less-than-significant impact on water supply.

**Impact UT-3: The SUD, Special Height and Bulk District, and proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would follow all applicable statutes and regulations related to solid waste. (Less than Significant)**

The majority of San Francisco's solid waste that is not recycled is disposed of in the Altamont Landfill. As of March 2013, San Francisco's remaining capacity at the landfill was approximately 1 million tons out of the original 15 million-ton capacity.[101] At current disposal rates, San Francisco's available landfill space under the existing contract will run out in January 2016.[102] In September 2015, the City approved an

[101] San Francisco Department of the Environment. Zero Waste FAQ. Online: http://www.sfenvironment.org/zero-waste/overview/zero-waste-faq. Accessed on September 23, 2014.
[102] SF Environment. 2015. Zero Waste FAQ. What is San Francisco's remaining landfill capacity? Online: http://www.sfenvironment.org/zero-waste/overview/zero-waste-faq. Accessed on August 6, 2015.

agreement with Recology, Inc., for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. The agreement is anticipated to extend for approximately 9 years from 2016, with an option to renew for an additional 6 years thereafter. The Hay Road Landfill has a remaining capacity of approximately 27,177,046 cubic yards, and the earliest estimated closure year, assuming the maximum permitted rate of waste disposal, is 2034.[103]

The California Integrated Waste Management Act of 1989 (Assembly Bill 939) requires municipalities to adopt an Integrated Waste Management Plan to establish objectives, policies, and programs relative to waste disposal, management, source reduction, and recycling. San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. San Francisco Ordinance No. 100-09 requires everyone in San Francisco to separate their solid waste into recyclables, compostables, and trash.

San Francisco had a goal of 75 percent solid waste diversion by 2010, and has a goal of 100 percent solid waste diversion by 2020. San Francisco surpassed its 2010 goal by diverting 80 percent of its solid waste from landfills in that year.[104]

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. The potential development would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts). Future development could incrementally increase total waste generation from the City; however, future projects would be required to comply with San Francisco Ordinance No. 27-06 and 100-09, described previously. Due to the existing and anticipated increase of solid waste recycling in the City, the Altamont Landfill's remaining capacity, and the future diversion of solid waste to the Hay Road Landfill, any increase in solid waste would be accommodated by the existing

[103] San Francisco Planning Department. 2015. Final Negative Declaration, Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County. July 20, 2015. Online: http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf. Accessed on January 8, 2016.

[104] SF Environment. 2012. Mayor Lee Announces San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America. Online: http://www.sfenvironment.org/news/press-release/mayor-lee-announces-san-francisco-reaches-80-percent-landfill-waste-diversion-leads-all-cities-in-north-america. Accessed on February 12, 2015.

landfills, and thus, the SUD and Special Height and Bulk District would have less-than-significant impacts related to solid waste.

### 950–974 Market Street Project and Variants

**Proposed Project, Office Variant, and 120-Foot Variant.** The proposed project and its variants would incrementally increase total waste generation from the City; however, the proposed project and is variants would be required to comply with San Francisco Ordinance No. 27-06 and 100-09, as described previously. Due to the existing and anticipated increase of solid waste recycling in the City, the Altamont Landfill's remaining capacity, and the future diversion of solid waste to the Hay Road Landfill, any increase in solid waste resulting from the proposed project or its variants would be accommodated by the existing landfills. Thus, the proposed project and its variants would have less-than-significant impacts related to solid waste.

**Impact C-UT-1: In combination with past, present, and reasonably foreseeable future development in the project site vicinity, the SUD, Special Height and Bulk District, and proposed project would not have a cumulative impact on utilities and service systems. (Less than Significant)**

The SUD, Special Height and Bulk District, and proposed project would not substantially impact utility supply or service. Nearby development would not contribute to a cumulatively substantial effect on the utility infrastructure of downtown San Francisco. Furthermore, existing service management plans address anticipated growth in the surrounding area and the region. Therefore, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable utilities and service systems impact.

## E.12. PUBLIC SERVICES

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **PUBLIC SERVICES – Would the project:** | | | | | |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 of the public services such as fire protection, police protection, schools, parks, or other services? | ☐ | ☐ | ☒ | ☐ | ☐ |

For a discussion of impacts on parks, refer to Section E.10, Recreation.

**Impact PS-1: The SUD, Special Height and Bulk District, and proposed project would increase demand for police protection and fire protection, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District project area is within District 2 and District 3 of the San Francisco Fire Department (SFFD), and Southern District or Tenderloin District of the San Francisco Police Department (SFPD). The nearest fire stations to the SUD and Special Height and Bulk District are Station 1, located at 935 Folsom at 5th Street, and Station 3, located at 1067 Post Street at Polk Street. The Southern District Police Station is located at 766 Vallejo Street, and the Tenderloin District Police Station is located at 301 Eddy Street.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. Potential development would result in more arts and arts education uses and more non-arts uses (but not uses beyond what is allowed in the C-3 districts). Development under the SUD and Special Height and Bulk District could incrementally increase demand for police and fire protection from the development of new commercial, residential, visitor, and arts spaces, resulting in new residents, employees, and patrons.

Nevertheless, this increase would not be substantial in light of the existing demand for police and fire protection in the City. The proposed SUD and Special Height and Bulk District project area is located in proximity to existing police and fire protection services, and meeting this additional service demand would not require the construction of new police facilities. Therefore, the SUD and Special Height and Bulk District would have less-than-significant impacts on fire and police services.

### 950–974 Market Street Project and Variants

**Proposed Project, Office Variant, and 120-Foot Variant.** The project site currently receives emergency services from SFFD Station 1 at 935 Folsom at 5th Street, which is 0.4 mile southeast of the project site, and SFPD Tenderloin Station at 301 Eddy Street, which is 650 feet northwest of the project site.[105] The project site is located near and is already served by existing police and fire protection services. Proposed new structures would comply with applicable state and City building and fire codes. The proposed project and its variants would incrementally increase service population in the project area; this increase would not be substantial in light of the existing demand for police and fire protection in the City. Approval of the proposed project or its variants would not necessitate the construction of new fire or police stations or require the alteration or expansion of existing stations to maintain service ratios. Therefore, impacts on police and fire services would be less than significant.

**Impact PS-2: The SUD, Special Height and Bulk District, and proposed project would not substantially increase the population of school-aged children and would not require new or physically altered school facilities. (Less than Significant)**

A decade-long decline in San Francisco Unified School District (SFUSD) enrollment ended in the 2008–2009 school year, and total enrollment in the SFUSD has increased from approximately 55,000 in 2007–2008 to nearly 57,650 in the 2013–2104 school year. According to a 2010 SFUSD enrollment study, new market-rate condominium units in San Francisco generate very few public school students. In projecting enrollment through 2035, the study used a mix of enrollment factors; for the Market and Octavia and Transbay areas combined, the overall weighted student generation rate was 0.19 Kindergarten through 12th grade students per unit.[106]

[105] SFFD. Online: http://www.sf-fire.org/. Accessed on September 16, 2014.

[106] California Department of Education, Data Reporting Office, San Francisco Unified School District, K-12 Public School Enrollment, Time Series, 1996-2014. Online: http://dq.cde.ca.gov/dataquest/DQ/EnrTimeRpt.aspx?Level=District&cYear=2013-14&cname=San%20Francisco%20Unified&cCode=3868478. Accessed on January 7, 2016.

The Tenderloin Community Elementary School, at 627 Turk Street (approximately 0.5 mile west of the project site), Bessie Carmichael Elementary School, at 375 7th Street (approximately 0.5 mile south of the project site), and Daniel Webster School, at 465 Missouri Street (approximately 2 miles south of the project site), are the nearest public elementary schools to the project site. The closest middle schools are Everett, approximately 1.75 miles southwest, and Francisco, about 1.8 miles north. Mission, O'Connell, Galileo, and Independent Studies Academy High Schools are all within approximately 2 miles of the site. Nearby private schools include De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (just over two blocks northwest of the project site).

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. Potential development within the districts would result in more arts and arts education uses and more non-arts uses, which could incrementally increase the population of school-aged children. As previously discussed, several schools are located near the proposed SUD and Special Height and Bulk District project area; however, the increase in school-aged children would not exceed the student capacities that are projected and accommodated by the SFUSD, as well as private schools in the project area. Therefore, the SUD and Special Height and Bulk District would not necessitate the need for new or physically altered schools.

In addition, future projects would be subject to a citywide development impact fee, which requires a payment of $2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.[107]

In summary, the SUD and Special Height and Bulk District would not increase the population of school-aged children to the extent that new school facilities would be required, and the project would have a less-than-significant impact on schools.

[107] San Francisco Unified School District. 2014. *Developer Impact Fee Annual and Five Year Reports for the Fiscal Year Ending June 30 2014*. November 10.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project and Office Variant.** The proposed project and Office Variant would include 312 residential units. Applying the student generation rate of 0.19 to the 312 residential units would result in an anticipated enrollment increase of approximately 60 students. As discussed previously, several schools are located near the project site, and this increase would not exceed the student capacities that are projected and accommodated by the SFUSD, as well as private schools in the project area. Therefore, the proposed project and Office Variant would not necessitate the need for new or physically altered schools.

In addition, the proposed project and Office Variant would be subject to a citywide development impact fee, which requires a payment of $2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.[108]

In summary, the proposed project and Office Variant would not increase the population of school-aged children to the extent that new school facilities would be required, and would have a less-than-significant impact on schools.

**120-Foot Variant.** The 120-Foot Variant would include 262 residential units. Applying the student generation rate of 0.19 to the 262 residential units would result in an enrollment increase of approximately 50 students. As with the proposed project, nearby schools would be able to accommodate this increase in enrollment, and the 120-Foot Variant would not necessitate the need for new or physically altered schools. The 120-Foot Variant would also be subject to the previously described citywide development impact fee.

In summary, the 120-Foot Variant would not increase the population of school-aged children to the extent that new school facilities would be required, and would have a less-than-significant impact on schools.

[108] Ibid.

**Impact PS-3: The SUD, Special Height and Bulk District, and proposed project would not increase demand for other government services to the extent that they would require new or physically altered government facilities. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. The potential development would result in more arts and arts education uses and more non-arts uses, which would incrementally increase demand for governmental services and facilities, such as libraries. However, the incremental increase in the need for additional government services would not be to the extent that new or physically altered government services would be required. Therefore, the impact of the SUD and Special Height and Bulk District on government services would be considered less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The proposed project and its variants would incrementally increase the demand for governmental services and facilities, such as libraries. However, this incremental increase would not be to the extent that new or physically altered facilities would be required. Therefore, the proposed project and its variants would have a less-than-significant impact on other government services.

**Impact C-PS-1: The SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable impact on public services. (Less than Significant)**

The geographic scope for potential cumulative public services impacts encompasses public service providers in the vicinity of the SUD, Special Height and Bulk District, and proposed project. Public services include services provided by the SFPD, SFFD, SFUSD, and City and County of San Francisco. As with the SUD, Special Height and Bulk District, and the proposed project, other past, present, and future projects within the vicinity would use services provided by these agencies.

Cumulative development in the vicinity could incrementally increase demand for public services, which could result in the need for new or altered government facilities. However, increases in employment, visitor, and resident population associated with the SUD, Special Height and Bulk District, and proposed

project would not be cumulatively considerable because the increase in demand would not be beyond levels already anticipated and planned for in the vicinity.

For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants would not result in a considerable contribution to cumulative public service impacts, and this impact would be less than significant. For a discussion of impacts on parks, refer to Section E.10, Recreation.

## E.13. BIOLOGICAL RESOURCES

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☒ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife 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? | ☐ | ☐ | ☐ | ☐ | ☒ |

The SUD and Special Height and Bulk District project area, and the 950–974 Market Street Project site are not located within an adopted Habitat Conservation Plan; Natural Community Conservation Plan; other approved local, regional, or state habitat conservation plan; or within federally protected wetlands, as defined by Section 404 of the Clean Water Act. The project area does not contain riparian habitat or other sensitive natural communities or a federally protected wetland. Therefore, topics 13b, 13c, and 13f are not applicable to the proposed SUD, Special Height and Bulk District, and 950–974 Market Street Project and its variants, and will not be discussed further in this section.

**Impact BI-1: The SUD, Special Height and Bulk District, and proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District project area is located in an urban environment with high levels of human activity, and only common bird species are likely to nest in the area. Furthermore, a search of the California Natural Diversity Database (CNDDB) for special-status species revealed no special-status species are known to occur within the proposed SUD and Special Height and Bulk District.[109] All development would also be required to comply with the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA), which protect special-status bird species. Therefore, the proposed SUD and Special Height and Bulk District would have a less-than-significant impact on special-status species.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The project site is covered by buildings or paved with impervious surfaces, and thus, any special-status species have been extirpated from this area. The project site does not provide habitat for any rare or endangered plant or wildlife species or diminish habitats. With the exception of trees, the project site does not support or provide habitat for any known rare or endangered species and, as previously discussed, a CNDDB search of the project area revealed no occurrences of special-status species within the project area. All development would also be required to comply with the California Fish and Game Code and the MBTA, which protect special-status bird species. Therefore, the proposed project and its variants would have a less-than-significant impact on special-status species.

**Impact BI-2: The SUD, Special Height and Bulk District, and proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (Less than Significant)**

Structures in an urban setting may present risks for migratory birds. The City has adopted guidelines to describe the issue and provide regulations for bird-safe design within the City.[110] The regulations

[109] California Natural Diversity Database. June 23, 2015.

[110] San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. Adopted by the Planning Commission on July 14, 2011. Ordinance No. 199-11, adopted by the Board of Supervisors on October 7, 2011. Online: http://www.sf-planning.org/index.aspx?page=2506. Accessed on September 18, 2013.

establish bird-safe standards for new building construction, additions to existing buildings, and replacement façades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated are (1) location-related hazards, where the siting of a structure creates increased risk to birds (defined as inside or within 300 feet of open spaces 2 acres and larger that are dominated by vegetation or open water) and (2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Standards for location-related hazards for new building construction include façade requirements consisting of no more than 10 percent untreated glazing, and the use of minimal lighting. Lighting that is used shall be shielded, without any uplighting. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 sf and larger in size. Any structure that contains these elements shall treat 100 percent of the glazing.

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District project area is not located within 300 feet of open spaces measuring 2 acres or larger.[111] Therefore, future development within the SUD and Special Height and Bulk District would not be considered a location-related hazard, but would be subject to standards for feature-related hazards. Because development under the proposed SUD and Special Height and Bulk District would be subject to and would comply with City-adopted regulations for bird-safe buildings, the proposed SUD and Special Height and Bulk District would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. Therefore, the SUD and Special Height and Bulk District would have a less-than-significant impact on wildlife species

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The proposed project and its variants could contain feature-related hazards, which may create increased risk to birds regardless of where the structure is located. The proposed project and its variants would comply with Planning Code Section 139, as well as the California Fish and Game Codes and the MBTA, which protect special-status bird species. Therefore, impacts of the proposed project and its variants related to bird strikes would be considered

[111] San Francisco Planning Department. 2014. Urban Bird Refuge Poster. Online: http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Urban_Bird_Refuge_Poster.pdf. Accessed on September 10, 2014.

less than significant, and no mitigation measures are necessary. The proposed project and its variants would not interfere with the movement of any native resident or wildlife species or with established native resident or migratory wildlife corridors. Therefore, the proposed project and its variants would result in a less-than-significant impact on migratory species movement.

**Impact BI-3: The SUD, Special Height and Bulk District, and proposed project would not conflict with local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. (Less than Significant)**

The San Francisco 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 is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees, collectively referred to as "protected trees," located on private and public property. The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq., to require a permit from the DPW to remove any protected trees.[112] If any activity is to occur within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arborists-certified arborist is to be submitted to the Planning Department for review and approval. All permit applications for projects that could potentially impact a protected tree must include a Planning Department "Tree Disclosure Statement." Article 16 of the San Francisco Public Works Code, the Urban Forestry Ordinance, provides for the protection of landmark, significant, and street trees. Landmark trees are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designations by using established criteria (Section 810). Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that meet any of three size criteria. The size criteria for significant trees are a diameter at breast height in excess of 12 inches, or a height in excess of 20 feet, or a canopy in excess of 15 feet (Section 810[A])[a]). A street tree is any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the DPW (Section 802[w]). If a project would result in tree removal subject to the Urban Forestry Ordinance and the DPW would grant a permit, the DPW shall require that replacement

[112] San Francisco Planning Department. Required Checklist for Tree Planting and Protection. Online: http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321. Accessed on September 12, 2014.

trees be planted (at a one-to-one ratio) by the Project Sponsor or that an in-lieu fee be paid by the Project Sponsor (Section 806[b]).

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Future Development under the proposed SUD and Special Height and Bulk District would potentially require the removal of street trees; such future development would be required to comply with the Urban Forestry Ordinance. Therefore, the proposed SUD and Special Height and Bulk District would not conflict with any local policy or ordinance protecting biological resources, and less-than significant-impacts would occur.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** In accordance with Planning Code Section 138.1, Streetscape and Pedestrian Improvements, which requires that street trees be planted with construction of a new building in any district, the proposed project would include 11 new street trees along Turk Street. The 17 existing street trees along the Market Street frontage would be retained. If any construction activity would occur within the dripline of any protected tree, an International Society of Arboriculture-certified arborist must prepare a tree protection plan, and the plan must be submitted to the Planning Department for review and approval before a building permit is issued. Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that are greater than 20 feet in height or meet the other previously described criteria. Therefore, the proposed project would not conflict with any local policy or ordinance protecting biological resources, and no impact would occur.

**Office Variant.** Based on the conditions at the project site, as discussed previously, and the proposed streetscape improvements similar to those of the proposed project, the Office Variant would have the same effect on local policies or ordinances protecting biological resources, such as street trees. No impact would occur.

**120-Foot Variant.** Based on the conditions at the project site, as discussed previously, and the proposed streetscape improvements similar to those of the proposed project, the 120-Foot Variant would have the same effect on local policies or ordinances protecting biological resources, such as street trees. Therefore, the 120-Foot Variant would have no impact.

**Impact C-BI-1: The SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, or reasonably foreseeable projects, would not result in a considerable contribution to cumulative impacts on biological resources. (Less than Significant)**

As stated previously, the proposed SUD, Special Height and Bulk District, and 950–974 Market Street Project and its variants would not have a substantial adverse effect, either directly or through habitat modifications, or interfere with the movement of native resident or wildlife species. Similar to the proposed project, cumulative developments in the project area would be required to comply with the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq. and apply for a tree removal permit with the DPW (including requirements for tree replacement or in-lieu fees) if those projects propose tree removal. In the event any cumulative projects would have biological impacts, the proposed SUD, Special Height and Bulk District, and proposed project would not contribute in a cumulatively considerable way that would affect a rare or endangered species or habitat, or conflict with any local, regional or state habitat conservation plan or ordinance. For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant biological resources impacts.

## E.14. GEOLOGY AND SOILS

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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 waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Change substantially the topography of any unique geologic or physical features of the site? | ☐ | ☐ | ☐ | ☒ | ☐ |
| g) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ | ☐ |

The proposed project and other potential new development in the proposed SUD and Special Height and Bulk District would connect to the combined sewer system, which is the wastewater conveyance system for San Francisco, and would not use septic tanks or other on-site land disposal systems for sanitary

sewage. Therefore, topic 14e is not applicable to the SUD, Special Height and Bulk District, or the proposed project.

**Impact GE-1: The SUD, Special Height and Bulk District, and proposed project 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, seismic groundshaking, seismically induced ground failure, or landslides. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District are not located within an Alquist-Priolo Earthquake Fault Zone, and no active or potentially active faults exist on or in the immediate vicinity of the project area.[113] The SUD and Special Height and Bulk District lies within a liquefaction potential zone, as mapped by the California Division of Mines and Geology for the City and County of San Francisco (seismic hazard zone).[114] Because of the topography of the area, the SUD and Special Height and Bulk District are not within an area prone to seismically induced landslides. The City and County of San Francisco has adopted building codes that mitigate effects of seismic events and geologic hazards. Any potential development that would occur within the SUD and Special Height and Bulk District would be subject to, and comply with, all appropriate standards and codes. These standards include, but are not limited to, the San Francisco Building Code, which incorporates the California Building Code. Adherence to these codes would incorporate engineering and procedures designed to alleviate the effects of seismic events and geologic hazards. Therefore, the SUD and Special Height and Bulk District would not result in exposure of people and structures to potential substantial adverse effects. Impacts from seismic events or geologic hazards would be considered less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** Treadwell & Rollo conducted a geotechnical investigation for the project site.[115] The following discussion relies on information provided in the geotechnical investigation.

One geotechnical boring to a depth of approximately 8 feet below the slab of the existing parking structure basement and one cone penetrometer test to a depth of 27 feet below the top of the slab were

[113] State of California Department of Conservation. Alquist-Priolo Regulatory Maps. Online: http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm. Accessed on September 12, 2014.
[114] City of San Francisco. 2012. *General Plan.* Community Safety Element, Map 4. June.
[115] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

completed at the project site. The results of the boring, cone penetration test, and investigation indicate that the site is generally underlain by fill, which extends approximately 19 to 23 feet below adjacent sidewalk grade. The fill consists of very loose to medium dense sand. The fill is generally underlain by loose to medium dense sand, typically referred to as dune sand. The dune Sand is underlain by approximately 3 feet of a marsh deposit, generally consisting of soft to medium stiff clay and silty clay. In other locations in the site vicinity, the marsh deposit is up to 7 feet thick, and includes loose to medium dense silty and clayey sand. The marsh deposit and/or dune Sand is underlain by stiff to very stiff clays and silts with varying amounts of medium dense sand, clayey sand, and silty sand. Dense to very dense sand and silty sand is present approximately 25 to 39 feet below adjacent street grade.

Groundwater has been measured at and adjacent to the project site at depths ranging from approximately 25 feet below adjacent sidewalk grade in 1964 (prior to construction of BART) to 34 feet below grade in 2013.[116] It is understood that since construction of the BART tunnel, the site vicinity has been dewatered; therefore, the groundwater is presently lower than was measured in 1964.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone, and no active or potentially active faults exist on or in the immediate vicinity of the site. The nearest mapped active fault is the N. San Andreas Peninsula Fault, which is located approximately 7.5 miles to the west.[117]

During a major earthquake located on a nearby fault, strong to very strong groundshaking is expected to occur at the project site. However, the project would not expose people or structures to substantial adverse effects due to this groundshaking because the project would be designed and constructed in accordance with the most current San Francisco Building Code. The San Francisco Building Code also incorporates California Building Code requirements. The California Building Code defines various seismic sources, as well as calculations used to determine force exerted on structures during groundshaking events. The Preliminary Geotechnical Investigation for the site concluded that for a design in accordance with the San Francisco Building Code, a site class D-level design should be used.

[116] SFD, or San Francisco City Datum, establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level (MSL) established by 1929 U.S. Geological Survey datum, and approximately 11.3 feet above the current 1988 North American Vertical Datum. Because tides are measured from mean lower low water, which is about 3.1 feet below MSL, an elevation of 0 SFD, is approximately 8.2 feet above MSL.

[117] State of California Department of Conservation. Alquist-Priolo Regulatory Maps. Online: http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm. Accessed on September 12, 2014.

The investigation determined that the primary foundation concern is the presence of the MUNI and BART tunnels, and that a mat foundation would be appropriate for foundation support.[118]

The project site lies within an area that has liquefaction potential, identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990,[119] and could experience the effects of liquefaction. According to the Preliminary Geotechnical Investigation for the site, approximately 1.5 inches of liquefaction-induced total settlement may occur in the isolated areas of the site. Differential settlements equivalent to total settlements may occur over short distances. However, the Preliminary Geotechnical Investigation completed for the site determined that while potentially liquefiable soil was encountered in a previous boring taken from the site, it is anticipated that the soil is only present in isolated areas within the vicinity of the site, and should not adversely affect overall site response during an earthquake event. Foundation considerations previously discussed would therefore be sufficient to alleviate the adverse effects of liquefaction.

According to the geotechnical investigation, the potential for lateral spreading on the project site is classified as low. Furthermore, it is not located in a mapped area of earthquake-induced landslide susceptibility, as identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990.[120]

Therefore, the proposed project would not result in exposure of people and structures to potential substantial adverse effects. Impacts from seismic events or geologic hazards would be considered less than significant.

**Office Variant.** Development of the Office Variant would be subject to the same site conditions and to the same San Francisco Building Code standards. Therefore, impacts related to seismic events and geologic hazards would be less than significant.

**120-Foot Variant.** The development of the 120-Foot Variant would be subject to the same site conditions and to the same San Francisco Building Code standards as the proposed project. Therefore, impacts related to seismic events and geologic hazards with the 120-Foot Variant would be less than significant.

[118] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.
[119] California Department of Conservation, Division of Mines and Geology. 2000. State of California Seismic Hazard Zones, City and County of San Francisco, Official Map. November 17,
[120] Ibid.

**Impact GE-2: The SUD, Special Height and Bulk District, and proposed project would not result in substantial erosion or loss of topsoil, nor would they change substantially the topography of any unique geologic or physical features of the site. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The proposed SUD and Special Height and Bulk District are within a highly developed urban area covered with impervious surfaces, including various buildings, streets, and sidewalks. Potential new development under the SUD and Special Height and Bulk District would only create the potential for wind- and water-borne soil erosion should future development requiring excavation occur. However, potential future development would not result in loss of topsoil because construction activities would utilize standard erosion-control BMPs, and Erosion and Sediment Control Plans would be required during construction activities, which would ensure that the potential for erosion or loss of topsoil would be less than significant. Furthermore, the SUD and Special Height and Bulk District would be located in a relatively flat area of San Francisco that does not contain unique geologic or physical features, so it is not anticipated that potential future development would substantially alter the topography of any unique geologic or physical features within the project area, resulting in less-than-significant impacts..

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** The project site is built out and covered with impervious surfaces, including various buildings, streets, and sidewalks. Therefore, the proposed project would not result in the loss of topsoil. Construction of the proposed project would require excavation to a depth of approximately 35 feet bgs. Site preparation and excavation activities could create the potential for wind- and water-borne soil erosion. However, the project site is flat, and the proposed project would affect only relatively small areas where site soils would be exposed; therefore, substantial erosion and loss of soil would not be expected to occur. Furthermore, the Project Sponsor would be required to implement an Erosion and Sediment Control Plan during construction activities, in accordance with Article 4.1 of the San Francisco Public Works Code (discussed in E.15, Hydrology and Water Quality), to reduce the impact of runoff from the construction site. The SFPUC must review and approve the Erosion and Sediment Control Plan prior to implementation, and would conduct periodic inspections to ensure compliance with the plan. As the site is generally flat, minor grading activities would not change the site topography or remove any unique geological features.

Therefore, impacts of the proposed project related to soil erosion and loss of topsoil would be less than significant.

**Office Variant.** Development of the Office Variant would be subject to the same site conditions and to the same San Francisco Public Works Code requirements as the proposed project. Therefore, the Office Variant would have a less-than-significant impact on soil erosion and loss of topsoil.

**120-Foot Variant.** Development of the 120-Foot Variant would also require excavation to a depth of approximately 35 feet, and would be subject to the same site conditions and to the same San Francisco Public Works Code requirements as the proposed project. Therefore, the 120-Foot Variant would have a less-than-significant impact on soil erosion and loss of topsoil.

**Impact GE-3: The SUD, Special Height and Bulk District, and project site would not be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Potential development within the SUD and Special Height and Bulk District may result in ground settlement. However, future development projects would conduct geotechnical investigations, submit appropriate designs, and comply with applicable standards, including but not limited to the San Francisco Building Code. Therefore, development within the SUD and Special Height and Bulk District would have a less-than-significant impact related to geologic stability.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project.** Ground settlement could result from excavation for construction and from construction dewatering. The preliminary geotechnical evaluation conducted at the site recommends support of the sides of the excavation, adjacent buildings, streets, and utilities during construction of the basement level to address potential impacts of excavation and dewatering. The San Francisco DBI would review the detailed geotechnical report to ensure that the potential settlement and subsidence impacts of excavation and dewatering are appropriately addressed in accordance with Section 1704.15 of the *San Francisco Building Code*. DBI would also require that the report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the Project Sponsor to perform this monitoring. Groundwater observation wells could be required to monitor potential settlement and subsidence during dewatering. If, in the judgment of the Special Inspector, unacceptable movement were

to occur during construction, corrective actions would be used to halt this settlement. Groundwater recharge could be used to halt settlement due to dewatering. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required.

Therefore, impacts related to unstable soils at the project site would be less than significant.

**Office Variant.** Development of the Office Variant would be subject to the same site conditions, excavation and dewatering limits, and DBI requirements as the proposed project. Therefore, impacts related to unstable soils would be less than significant.

**120-Foot Variant.** However, the 120-Foot Variant would similarly require excavation to a depth of approximately 35 feet, and would be subject to the same site conditions and dewatering level as the proposed project. The 120-Foot Variant would be subject to the same DBI requirements, and therefore, impacts related to unstable soils would be less than significant.

**Impact GE-4: The SUD, Special Height and Bulk District, and proposed project would not create substantial risks to life or property as a result of being located on expansive soil. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Future development in the SUD and Special Height and Bulk District would be subject to all applicable Building Code requirements. Soils located beneath urban built-out areas are also generally not highly susceptible to the effects of expansive soils, and compliance with the appropriate building standards would avoid adverse effects related to expansive soils. Parcels within the SUD and Special Height and Bulk District generally have frontage along Market Street. BART and Muni rail tunnels underlie Market Street adjacent to the project area. The location of these tunnels in relation to the boundaries of excavation activities and foundation installation would be taken into consideration for future projects.

BART has developed guidelines for construction, which would be consulted prior to the design phase. These guidelines include the following:

1. The BART ZOI is defined as the area above a line from the critical point of the substructure at a slope of 1.5 horizontal to 1 vertical.
2. Soil redistribution caused by temporary shoring or permanent foundation systems shall be analyzed.

3. Shoring shall be required to maintain soil's at-rest condition; shoring structure shall be monitored for movement.
4. Minimum predrilled depth for piles shall be approximately 10 feet below the line of influence.
5. Vibration monitoring of piling operations closest to the subway will be required; piles to be driven in a sequence away from the subway structure.
6. Tunnels, where affected, shall be monitored for movement and deformation due to adjacent construction activities as to ensure structural and operation safety.
7. Dewatering shall be monitored for changes in groundwater level; recharge program will be required if existing groundwater level is expected to drop more than 2 feet.
8. Where basements are excavated, the amount of loading (on subway) can be increased to the extent it is balanced by the weight of the removed material; however, the effect of soil rebound in such cases shall be fully analyzed.
9. All structures shall be designed so as not to impose any temporary or permanent adverse effects, including unbalanced loading and seismic loading, on the adjacent BART subways. [121]

Also, a plan review is necessary for any construction on, or adjacent to, the BART right-of-way prior to construction, and the geotechnical investigation, as well as the structural plans and calculations for the project, would be reviewed by BART and SFMTA during the final design phase. Additionally, future projects would be required to submit engineering calculations to demonstrate that the project would not adversely affect the BART and Muni stations or tunnels.

Therefore, the SUD and Special Height and Bulk District would not create substantial risk to life or property related to the presence of the BART and Muni tunnels adjacent to the site, and the impact would be less than significant.

Therefore, development under the SUD and Special Height and Bulk District would not create substantial risk to life or property due to the presence of expansive soils, and related impacts would be less than significant.

[121] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

## 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** Because the artificial fill and dune sand found beneath the project site do not contain high proportions of clay particles that can shrink or swell with changes in moisture content, expansive soils are not anticipated to be found within the project site. In addition, urban built-out areas are generally not as susceptible to the effects of expansive soils.

BART and Muni rail tunnels underlie Market Street adjacent to the project site. The location of these tunnels in relation to the excavation and foundation installation for the proposed project and its variants would be taken into consideration during the foundation construction design. The Preliminary Geotechnical Investigation conducted for the site determined that foundation piles should extend approximately 40 to 65 feet, as measured from the basement slab.[122] BART has developed guidelines for construction, as summarized previously, which would be consulted prior to the design phase.[123] It is anticipated that the BART ZOI partially extends into the project site, and the previously described BART guidelines must be considered.

Also, a plan review is necessary for any construction on, or adjacent to, the BART right-of-way prior to construction, and the geotechnical investigation, as well as the structural plans and calculations for the project, would be reviewed by BART and SFMTA during the final design phase. Additionally, the Project Sponsor would submit engineering calculations to demonstrate that the proposed project or its variants would not adversely affect the BART and Muni stations or tunnels.

Therefore, the proposed project and its variants would not create substantial risk to life or property related to the presence of the BART and Muni tunnels adjacent to the site, and the impact would be less than significant.

[122] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.
[123] BART. 2003. *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*. July 23.

**Impact GE-5: The SUD, Special Height and Bulk District, and proposed project could result in damage to, or destruction of, an as-yet unknown unique paleontological resource or site or unique geologic feature. (Less than Significant with Mitigation)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Previous projects reviewed in the SUD and Special Height and Bulk District vicinity, including the Mason and Turk Residential Mixed-Use Project[124] and the 5M project,[125] concluded that the Colma Formation is present at various depths ranging from approximately 22 feet bgs to 35 feet bgs, and is known to potentially contain paleontological resources.

Implementation of the SUD and Special Height and Bulk District would not, in and of itself, directly result in new development; instead, the districts would establish zoning controls that would create incentives for new development within the SUD and Special Height and Bulk District. The potential development could result in taller buildings that may require deeper excavation. Excavation at depths within the Colma Formation could potentially encounter and potentially damage or destroy unknown unique paleontological resources and/or unique geologic features.

Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would apply to any project-level components of potential future development resulting in soil disturbance at depths within the Colma Formation. This measure requires, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. With implementation of Mitigation Measure M-GE-5, the SUD and Special Height and Bulk District would result in less-than-significant impacts on paleontological resources.

**Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For individual projects within the SUD and Special Height and Bulk District that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential future project-related adverse effect on paleontological resources.

[124] San Francisco Planning Department. 2015. *Final Mitigated Negative Declaration. Mason and Turk Residential Mixed-Use Project*. March 25, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2012.0678E.

[125] San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.[126] The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

### 950–974 Market Street Project and Variants

**Proposed Project, Office Variant, and 120-Foot Variant.** Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geological formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable, and impact-sensitive scientific and educational resource. No unique geologic features exist at the project site.

Subsurface construction for the proposed project and its variants would require excavation to a depth of approximately 35 feet for basements and the single-level below-grade parking garage. The project site is generally underlain by fill, which extends to approximately 19 to 23 feet bgs. The fill is then underlain by Dune Sand, which is subsequently underlain by marsh deposits and clays. There is also potential to encounter the Colma Formation, which is known to potentially contain paleontological resources. While the Preliminary Geotechnical Investigation for the project site did not conclude that the Colma Formation was present underlying the site, it has been identified at other project sites in the vicinity; the Mason and

[126] Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft*). Society of Vertebrate Paleontology News Bulletin 166:31-32.

Turk Residential Mixed-Use Project site—adjacent to the proposed project across Turk Street—concluded that the Colma Formation is present at a depth of approximately 22 feet bgs.[127] Therefore, paleontological remains could be encountered during excavation associated with the project. This is considered a potentially significant impact. However, Mitigation Measure M-GE-5 would apply to any components of the project resulting in soil disturbance below the ground surface, and would reduce any potential paleontological resources impacts from the proposed project and its variants to a less-than-significant level.

**Impact C-GE-1: The SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative impacts related to geologic hazards. (Less than Significant)**

Geologic impacts are usually site-specific, and the 950–974 Market Street Project and other future development in the SUD and Special Height and Bulk District would have no potential of cumulative effects with other projects. Cumulative development would be subject to the same standards, requirements, and design reviews as the SUD, Special Height and Bulk District, and the proposed project. These measures would reduce the geologic effects of cumulative projects to less-than-significant-levels.

For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant geology and soils impacts.

[127] San Francisco Planning Department. 2015. *Final Mitigated Negative Declaration. Mason and Turk Residential Mixed-Use Project*. March 25, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2012.0678E

## E.15. HYDROLOGY AND WATER QUALITY

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 which would result in substantial erosion or 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 which 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 flood hazard delineation map? | ☐ | ☐ | ☐ | ☐ | ☒ |
| h) Place within a 100-year flood hazard area structures which 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 SUD, Special Height and Bulk District, and project site are not located within a 100-year Flood Hazard Zone,[128] a dam failure area,[129] or a tsunami hazard area.[130] No mudslide hazards exist in the SUD, Special Height and Bulk District, or project site because this part of the City is not located near any landslide-prone areas.[131] A seiche is an oscillation of a waterbody, such as a bay, that may cause local flooding. A seiche could occur in the San Francisco Bay due to seismic or atmospheric activity. However, the SUD, Special Height and Bulk District, and project site are located approximately 1.2 miles from San Francisco Bay, and thus, would not be subject to a seiche. Therefore, topics 15g, 15h, 15i, and 15j are not applicable to the SUD, Special Height and Bulk District, or the proposed project.

**Impact HY-1: The SUD, Special Height and Bulk District, and proposed project would not violate any water quality standards or waste discharge requirements, substantially degrade water quality, or 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. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Development under the SUD and Special Height and Bulk District would generate wastewater that would flow to the City's combined stormwater and sewer system to be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Wastewater and stormwater is currently treated to standards contained in the City's NPDES Permit, which is regulated by the San Francisco Bay Area RWQCB, and future development would continue to comply with all applicable regulations.

During construction of projects within the SUD and Special Height and Bulk District, the potential for erosion and transportation of soil particles would exist. Once in surface water runoff, sediment and other pollutants could leave construction sites and drain into the combined sewer and stormwater system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. To minimize sediments and other pollutants from entering the combined sewer and stormwater system, an Erosion and Sediment Control Plan, including BMPs, would be required to be prepared by Project Sponsors to minimize stormwater runoff. In addition, the proposed project would be

[128] Federal Emergency Management Agency. 2007. *Draft Special Flood Hazard Areas (San Francisco)*. September 21.
[129] City of San Francisco. 2012. *General Plan*. Community Safety Element, October 2012, Map 6.
[130] Ibid, Map 5.
[131] Ibid, Map 4.

required to comply with the Maher Ordinance, which has further site management and reporting requirements for potential hazardous soils.

The SUD and Special Height and Bulk District are located in downtown San Francisco, with sufficient existing wastewater and stormwater infrastructure in place to support current buildings and uses within the boundaries of the district. The City's Stormwater Management Ordinance (Ordinance No. 83-10) would require proposed development to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from project sites. To achieve this, proposed development would implement and install appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit (or eliminate altogether) site discharges entering the combined 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 to upsize existing or construct new facilities. The existing SUD and Special Height and Bulk District boundaries contain areas that are predominantly covered by impervious surfaces, including streets, sidewalks, and buildings or other infrastructure. Development with the SUD and Special Height and Bulk District would not substantially contribute additional impervious surfaces beyond the current conditions, and thus, would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff beyond current conditions. For these reasons, the SUD and Special Height and Bulk District would have a less-than-significant impact on water quality and discharge.

### 950–974 Market Street Project and Variants

**Proposed Project.** Wastewater resulting from the proposed project would flow to the City's combined stormwater and sewer system, which is designed to collect and treat both sanitary sewage and rainwater runoff. Wastewater would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area RWQCB, and therefore, the proposed project would not conflict with RWQCB requirements.

Proposed project construction could have the potential to result in runoff of surface water containing sediments and other pollutants from the site, which could drain into the combined sewer and stormwater system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. However, to minimize the potential for sediments and other pollutants to enter the

combined system, a SWPPP—which includes an Erosion and Sediment Control Plan and BMPs—would be prepared by the Project Sponsor to reduce impacts from construction-related activities to a less-than-significant level.

The existing project site is completely covered with a surface parking lot over a below-grade parking structure, and four buildings that are either vacant or partially occupied with retail and office uses. The proposed project footprint would also completely cover the project site; thus, no substantial increase in impervious surfaces would occur. Furthermore, the proposed project would be designed to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance, and would implement the use of low-impact design features, including landscape solutions, designed to capture stormwater runoff, such as vegetated roof areas. Therefore, while the proposed project may incrementally increase stormwater runoff, it would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would have a less-than-significant impact.

**Office Variant.** Approval of the Office Variant would likely result in a lesser demand on the combined wastewater and stormwater system because the Taylor-Turk tower would contain office space instead of a hotel, producing less wastewater. Wastewater and stormwater would also flow to the City's combined sewer system, and would not conflict with any San Francisco Bay Area RWQCB requirements.

Construction would be similar to that of the proposed project, and therefore, would be required to implement and comply with a SWPPP that includes an Erosion and Sediment Control Plan and BMPs.

Therefore, the Office Variant would not violate any water quality standards or waste discharge requirements, substantially degrade water quality, or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; the Office Variant would have a less-than-significant impact.

**120-Foot Variant.** The 120-Foot Variant would result in the construction of an approximately 396,000-gsf building that would include slightly less residential and hotel space than the proposed project, and would likely resulting in a lesser demand on the combined wastewater and stormwater system due to a decrease in the potential number of occupants. Wastewater and stormwater produced from the 120-Foot Variant would also flow to the City's combined sewer system, and would not conflict with any San Francisco Bay Area RWQCB requirements.

Construction of the 120-Foot Variant would be required to implement and comply with a SWPPP that includes an Erosion and Sediment Control Plan and BMPs, and the building would also be designed to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance.

Therefore, the 120-Foot Variant would not violate any water quality standards or waste discharge requirements, substantially degrade water quality, or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; the 120-Foot Variant would have a less-than-significant impact.

**Impact HY-2: The SUD, Special Height and Bulk District, and proposed project would not 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. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

As noted previously, the SUD and Special Height and Bulk District are in a developed urban area covered by impervious surfaces, greatly limiting the amount of surface that water could infiltrate to groundwater. Development with the SUD and Special Height and Bulk District would not result in an increase in impervious surface, nor would it be expected to result in the use of groundwater. Excavation associated with future development could encounter groundwater, depending on the depth of excavation and groundwater conditions at a particular project site.

Furthermore, any future construction and development within the SUD and Special Height and Bulk District would be required to comply with all applicable regulations, including the City's Ordinance No. 83-10, RWQCB requirements, and the development of site-specific SWPPPs. For these reasons, the proposed SUD and Special Height and Bulk District would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The existing project site is completely covered with four buildings and a surface parking lot over a below-grade parking structure, greatly limiting the amount of surface that water could infiltrate to the groundwater. The proposed project and its variants

would not result in an increase in impervious surface. Groundwater could potentially be encountered, as excavation would occur to depths of approximately 35 feet bgs, and groundwater was previously observed at a depth of 34 feet bgs in 2013.[132] However, the area was dewatered during the previous construction of the BART tunnel, lowering the depth of shallow groundwater. The proposed project and its variants would not result in the use of groundwater; if groundwater were to be encountered, construction dewatering would be implemented. Therefore, the proposed project and its variants would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

**Impact HY-3: The SUD, Special Height and Bulk District, and proposed project would not result in alterations to 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 or siltation on-site or off-site, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The SUD and Special Height and Bulk District are located in downtown San Francisco, which does not contain any streams or rivers. Potential development within the SUD and Special Height and Bulk District would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the area.

Development in the SUD and Special Height and Bulk District could involve subsurface excavation or grading activities with the potential for off-site erosion or siltation, but as stated in Impact HY-1, any project would be subject to and be required to comply with regulations that limit the amount of runoff from project sites. Development in the SUD and Special Height and Bulk District would not result in an increase in impervious surface. Therefore, due to the requirements of existing regulations and because the SUD and Special Height and Bulk District would not substantially increase impervious surfaces, the proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems; therefore, impacts would be less-than-significant.

[132] Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

## 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The project site is located in downtown San Francisco, and thus, no streams or rivers exist at the project site. Therefore, the proposed project and its variants would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area.

Construction activities would create the potential for erosion and transportation of soil particles off site through excavation and grading activities. However, as discussed previously in Impact HY-1, the Project Sponsor would be required to develop and implement a SWPPP to minimize the potential for on- or off-site erosion or siltation, reducing impacts from construction related-activities to a less-than-significant level. Furthermore, the proposed project and its variants would not result in a substantial increase in impervious surfaces, and therefore, would not substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding beyond current conditions. The proposed project and its variants would also include low-impact design features, such as a landscaped roof, designed to capture and minimize stormwater runoff. Therefore, impacts related to erosion and surface runoff resulting in flooding would be less than significant.

**Impact C-HY-1: The SUD, Special Height and Bulk District, and proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would not have a cumulative impact on hydrology and water quality. (Less than Significant)**

Cumulative development within the vicinity of the SUD, Special Height and Bulk District, and proposed project and its variants would result in intensified uses and a cumulative increase in wastewater generation. However, the SFPUC has accounted for such growth in its service projections. Any development in the vicinity would be required to implement an Erosion and Sediment Control Plan—including BMPs—to minimize stormwater runoff, and comply with the City's Stormwater Management Ordinance and all other applicable water quality regulations. For these reasons, the proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable hydrology and water quality impacts.

## E.16. HAZARDS AND HAZARDOUS MATERIALS

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less than Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 0.25 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? | ☐ | ☐ | ☒ | ☐ | ☐ |

The proposed SUD, Special Height and Bulk District, and 950–974 Market Street Project site are not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 16e and 16f are not applicable to the SUD, Special Height and Bulk District, or the proposed project.

**Impact HZ-1: The SUD, Special Height and Bulk District, and proposed project would not create a significant hazard through routine transport, use, or disposal of hazardous materials. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

The proposed SUD and Special Height and Bulk District would be in the C-3-G Downtown General Commercial and C-3-R Downtown Retail Use Districts. As described in Section A, Project Description, the C-3 districts are composed of a variety of uses. These potential land uses would not change with approval of the SUD and Special Height and Bulk District, and would not permit uses such as industrial or manufacturing activities. Development in the SUD and Special Height and Bulk District would typically involve the use of common types of hazardous materials, such as cleaners, disinfectants, and chemical agents. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. The SUD and Special Height and Bulk District would be located within a highly urbanized area, composed of many buildings that currently use these common types of hazardous materials in their daily operation and maintenance. It is unlikely that the incremental increase in the use of these common chemicals due to the increased floor area size of select buildings would change the pattern of hazardous material use and transportation, which is regulated by the California Highway Patrol and the California Department of Transportation, within the SUD and Special Height and Bulk District boundaries. Furthermore, most of these hazardous materials are consumed upon use, and result in relatively little waste. Therefore, the SUD and Special Height and Bulk District would result in less-than-significant impacts related to the routine transport, use, or disposal of hazardous materials.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The primary use of hazardous materials for the proposed project and its variants would most likely be for building maintenance, particularly cleaning. These materials would be properly labeled, to inform the user of potential risks as well as handling procedures. The majority of these hazardous materials would be consumed upon use, and would produce very little waste. Any hazardous wastes that are produced would continue to be managed in accordance with Article 22 of the San Francisco Health Code. In addition, transportation of hazardous materials would be regulated by the California Highway Patrol and the California Department of Transportation. These hazardous materials are not expected to cause any substantial health or safety hazards. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials would be less than significant.

**Impact HZ-2: The SUD, Special Height and Bulk District, and proposed project would not create a potentially significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, including within 0.25 mile of a school. (Less than Significant with Mitigation)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Approval of the SUD and Special Height and Bulk District would potentially result in demolition of existing buildings and construction in the Mid-Market area. Demolition and construction activities would follow all appropriate standards and regulating hazardous materials, including the California Health and Safety Code. Two private schools—including De Marillac Academy, at 175 Golden Gate Avenue, and the San Francisco City Academy, at 230 Jones Street—are located within 0.25 mile of the SUD and Special Height and Bulk District. Other nearby schools to the SUD and Special Height and Bulk District are the Tenderloin Community Elementary School, which is located to the west and Bessie Carmichael Elementary School.

Prior to any construction, potential future development sites would be assessed for recognized environmental conditions, including any known hazardous materials releases or hazardous conditions. If these or other hazardous building materials were discovered, disruption of these materials could pose health concerns for construction workers if not properly handled or disposed of. However, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would require that the presence of such materials be evaluated prior to demolition or renovation. If such materials are found present, Mitigation Measure M-HZ-2 requires that these materials be properly handled and disposed of. With implementation of Mitigation Measure M-HZ-2, potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level. Therefore, the SUD and Special Height and Bulk District would have a less-than-significant impact.

**Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that any portion of the SUD and Special Height and Bulk District area planned for demolition or renovation is surveyed for hazardous building materials including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (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. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be

assumed that they contain PCBs, and shall be 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.

### 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The nearest schools to the project site are two private schools, including De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (approximately two blocks northwest of the project site), both within 0.25 miles of the project site. Other nearby schools include Tenderloin Community Elementary School, which is located approximately 0.5 mile to the west, and Bessie Carmichael School, which is approximately 0.5 mile to the south.

Harris & Lee Environmental Sciences, LLC conducted two Phase I Environmental Site Assessments (ESAs) at the project site—one for 950–964 Market Street[133] and one for 966–974 Market Street.[134] The Phase I ESAs were conducted to provide a record of conditions at the subject property and to evaluate what, if any, environmental issues exist at the project site. The Phase I ESAs assessed the potential for adverse environmental impacts from the current and historical practices on the site and the surrounding area. The Phase I ESAs recognized no environmental conditions, including any known hazardous materials releases or hazardous conditions in connection with past and present uses for the project site.

Currently, Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Although the Phase I ESAs recognized no environmental conditions for the project site, the site assessment did not include evaluation of asbestos or lead-based paint in its scope, as signs of these substances were not observed. Should these substances be found during soil sampling, project construction, and/or demolition, all appropriate procedures would be followed. Other hazardous

[133] Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102*. September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

[134] Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 966-974 Market Street, San Francisco, CA, APN 0342-002, -004, and -014*. May 30. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

building materials that could be present within the proposed project area, but were not identified in the Phase I ESAs, include electrical transformers containing polychlorinated biphenyls (PCBs), fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. Disruption of these materials could pose health concerns for construction workers if not properly handled or disposed of. However, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would require that the presence of such materials be evaluated prior to demolition or renovation. If such materials are found present, Mitigation Measure M-HZ-2 requires that these materials be properly handled and disposed of. With implementation of Mitigation Measure M-HZ-2, potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

**Impact HZ-3: The SUD, Special Height and Bulk District, and proposed project would not be constructed on a site identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Potential development with the SUD and Special Height and Bulk District would not occur on sites identified as hazardous material sites pursuant to Government Code Section 65962.5. According to GeoTracker, no sites that give any indication of significant environmental impacts are present within the SUD and Special Height and Bulk District boundaries. Sites previously identified as Leaking Underground Storage Tank cleanup sites are present within the boundaries of the SUD and Special Height and Bulk District; however, these sites have since been designated as completed-case closed, and have been remediated to the satisfaction of the applicable regulatory authority (SWRQCB or DTSC). [135] Future development within the SUD and Special Height and Bulk District would also be subject to the Maher Ordinance under San Francisco Department of Public Health (SFDPH) regulations, as potential development sites within the SUD and Special Height and Bulk District could be located on or near historical landfill areas. The SFDPH requires soil sampling if a project requires excavation. Therefore, the effect of the SUD and Special Height and Bulk District related to hazardous materials sites would be less than significant.

[135] California State Water Resources Control Board. GeoTracker. Online: http://geotracker.waterboards.ca.gov. Accessed on September 18, 2014.

## 950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** As previously mentioned, the Phase I ESAs prepared for the project site identified no evidence of recognized environmental conditions.[136] From the 1880s through early 1900s, the project site was developed with commercial structures, including hotels, salons, beer halls, stores, and offices (see Table 14, Historical Land Uses). The current structures at the project site were built between 1907 and 1929. From 1948 through the present, the project site has been occupied by multiple stores.

The SFDPH has jurisdiction over areas likely to contain 1906 earthquake rubble (historical landfill) under Article 22A of the San Francisco Health Code (also known as the Maher Ordinance). Historical landfill typically contains a high lead concentration due to lead-based paint, and SFDPH requires soil sampling if a project requires excavation. The project site is located near historical landfill areas; a large area of known fill is directly across the street. Because the proposed project and its variants would necessitate excavation, the project would be subject to the Maher Ordinance, and soil sampling and/or soil remediation may be required.[137]

TABLE 14: HISTORICAL LAND USES

| Address | Ground Floor | | | Upper Floor(s) | | |
|---|---|---|---|---|---|---|
| | Original Use | Subsequent Uses | Current Use | Original Use | Subsequent Uses | Current Use |
| 950–964 Market Street | 6 Retail Stores | Restaurants<br>Bar (Old Crow)<br>Retail | Paycheck Loan<br>Retail Sunglass<br>Beauty Parlor<br>Wig Store<br>Cell Phones | Offices | Dental Offices | Social Services |
| 966–970 Market | Unknown | Retail/Bar | Vacant | Unknown | Unknown | Vacant |
| 972 Market | Restaurant | Artist Studios<br>General Store<br>Pacific Theatre<br>Jewelry/Pawn | Vacant | Apartments | Avery Hotel<br>Carson Hotel | Vacant |
| 974 Market | Unknown | Unknown | Vacant/Storage | Unknown | Unknown | Vacant |
| 61-67 Turk | Retail | Parking Garage | Parking Garage | The Porter Hotel | N/A | N/A |
| Source: EEA Supplemental Information, Mid Market Center, LLC | | | | | | |

[136] Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102.* September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

[137] Ibid.

To enable SFDPH to determine if soil sampling is required, the Project Sponsor has submitted a Maher Application to the SFDPH in accordance with Article 22A. SFDPH review of the application and associated documents, including the Phase I ESAs, Limited Environmental Site Characterization, and Preliminary Geotechnical Investigation, determined that some of the fill material contains elevated soluble lead at concentrations exceeding State of California hazardous waste levels, and requires additional investigation. The SFDPH requests that a complete Phase II Site Characterization and Work Plan be submitted once on-site buildings have been demolished. The Project Sponsor would also be required to submit a site mitigation plan (SMP) to SFDPH or other appropriate state or federal agencies, and to remediate any site contamination in accordance with an approved SMP prior to the issuance of the building permit. The proposed project would be required to remediate potential contamination in accordance with Article 22A. Because the aforementioned documents would be prepared, and remediation activities would be conducted at the site, the proposed project and its and variants would not result in a significant hazard to the public or environment from site contamination, and the impact would be less than significant.

**Impact HZ-4: Approval of the SUD, Special Height and Bulk District, and proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. (Less than Significant)**

MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

San Francisco ensures fire safety through provisions of the Building and Fire Codes. Should new development occur within the boundaries of the SUD and Special Height and Bulk District, the San Francisco Fire Department would ensure that developers would conform to these standards. Potential future development would be limited in comparison to existing development, and would not substantially affect emergency response plans. Furthermore, the SUD and Special Height and Bulk District are not within a fire hazard severity zone.[138] Therefore, potential impacts related to emergency response and fire hazard resulting from approval of the SUD and Special Height and Bulk District would be less than significant.

[138] California Department of Forestry and Fire Protection. 2007. Draft Fire Hazard Severity Areas in LRA, San Francisco (Map). September 17.

950–974 MARKET STREET PROJECT AND VARIANTS

**Proposed Project, Office Variant, and 120-Foot Variant.** The additional residents, employees, and visitors could contribute to congestion if an emergency evacuation of the greater downtown area were required. However, Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (defined as taller than 75 feet), such as the proposed project, "establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, construction would conform to the provisions of the Building Code and Fire Code, which require additional life-safety protections for high-rise buildings. Final building plans would be reviewed by the San Francisco Fire Department and DBI to ensure conformance with the applicable life-safety provisions, including development of an emergency procedure manual and an exit drill plan. Therefore, the proposed project and its variants would not obstruct implementation of the City's Emergency Response Plan, and potential emergency response and fire hazard impacts would be less than significant.

**Impact C-HZ-1: The proposed SUD, Special Height and Bulk District, and proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not result in a considerable contribution to cumulative impacts related to hazardous materials. (Less than Significant)**

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. The proposed SUD and Special Height and Bulk District would not have a significant impact on hazardous material conditions at the project site or in the vicinity. Although the 950–974 Market Street Project and its variants could result in potential impacts related to the use of hazardous materials, conducting construction activities within potentially contaminated soil, and demolition of structures that contain hazardous building materials, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, and conformance to applicable regulatory requirements would reduce those impacts to less-than-significant levels. Furthermore, any potential impacts would be primarily restricted to the project site and the immediate vicinity. No other developments in the proposed project vicinity would contribute considerably to cumulative effects. For these reasons, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hazards and hazardous materials impact.

## E.17. MINERAL AND ENERGY RESOURCES

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 wasteful manner? | ☐ | ☐ | ☒ | ☐ | ☐ |

The SUD and Special Height and Bulk District project area and the 950–974 Market Street Project site are designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.[139] This designation indicates that there is insufficient information available to designate as any other MRZ, and therefore, it is assumed that no significant mineral deposits exist. Furthermore, according to the *San Francisco General Plan*, no significant mineral resources exist in all of San Francisco.

Therefore, topics 17a and 17b are not applicable to the SUD, Special Height and Bulk District, or the proposed project.

**Impact ME-1: The SUD, Special Height and Bulk District, and proposed project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these resources in a wasteful manner. (Less than Significant)**

### MID-MARKET ARTS AND ARTS EDUCATION SPECIAL USE AND SPECIAL HEIGHT AND BULK DISTRICTS

Potential future development within the SUD and Special Height and Bulk District would add commercial, residential, and arts uses to the area. SUD and Special Height and Bulk District is located in downtown San Francisco, where there are existing buildings and infrastructure. The additional future

[139] California Division of Mines and Geology. Open File Report 96-03 and Special Report 146 Parts I and II.

development would be served by existing utilities in San Francisco. The SUD and Special Height and Bulk District are served by existing utility systems, and it would not require a major expansion of power facilities. As stated in the analysis in Section E.11, Utilities and Service Systems, adequate water supplies exist to serve the proposed SUD and Special Height and Bulk District. In addition, the proposed SUD and Special Height and Bulk District is located in a developed urban area that is served by multiple transit systems. Use of these transit system by residents, visitors, and employees would reduce the amount of fuel expended in private automobiles. Therefore, the SUD and Special Height and Bulk District would not result in a significant impact on fuel, water, or energy resources.

### 950–974 Market Street Project and Variants

**Proposed Project.** The proposed project's energy demand would be typical for a development of this scope and nature, and would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by DBI. The proposed project would also be required to comply with the City's Green Building Ordinance, as outlined in Chapter 7 of the Environment Code. Therefore, the energy demand associated with the proposed project would not result in a significant impact.

**Office Variant.** The Office Variant would also comply with all applicable regulations regarding energy consumption, and the energy demand impact would be similar to that of the proposed project. Therefore, the Office Variant would result in a less-than-significant impact on energy demand.

**120-Foot Variant.** The 120-Foot Variant would develop a mixed use building with less square footage than that of the proposed project, potentially requiring less energy demand. Regardless, the 120-Foot Variant would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by DBI, and with the City's Green Building Ordinance. Therefore, the 120-Foot Variant would have a less-than-significant impact on energy demand.

**Impact C-ME-1: The SUD, Special Height and Bulk District, and proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative mineral and energy impacts. (Less than Significant)**

The geographic scope for potential cumulative impacts on energy resources impacts encompasses the SFPUC water and power supply system. SFPUC supplies the City and County of San Francisco, as well as

others in the region, with water and power. Similar to the proposed project and its variants, projects within the vicinity or the region would require the use of fuel, water, or energy.

Cumulative projects in the area would be required to comply with the City's Green Building Ordinance and Title 24 of the California Code of Regulations, enforced by DBI. Because these building codes encourage sustainable construction practices related to planning and design, energy efficiency, and water efficiency and conservation, energy consumption would be expected to be reduced compared to conditions without such regulations. Therefore, the SUD, Special Height and Bulk District, and proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact related to mineral and energy resources.

## E.18. AGRICULTURE AND FOREST RESOURCES

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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 (Farmland), 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]), timberland (as defined by Public Resources Code section 4526), | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☒ |

The SUD, Special Height and Bulk District, and proposed project are within an urbanized area in the City and County of San Francisco that does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Therefore, topics 18a, b, c, d, and e are not applicable to the SUD, Special Height and Bulk District, or proposed project.

## E.19. MANDATORY FINDINGS OF SIGNIFICANCE

| *Topics:* | *Potentially Significant Impact* | *Less-than-Significant Impact with Mitigation Incorporated* | *Less-than-Significant Impact* | *No Impact* | *Not Applicable* |
|---|---|---|---|---|---|
| **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, substantially 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 are 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 probably future projects.) | ☐ | ☐ | ☒ | ☐ | ☐ |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ | ☐ |

As discussed in the previous sections, the SUD and Special Height and Bulk District and/or the proposed project and its variants are anticipated to have only less-than-significant impacts in the areas discussed. The foregoing analysis identifies potentially significant impacts related to cultural resources, noise, air quality, wind, geology and soils, and hazardous materials, which would be mitigated through implementation of mitigation measures, as described in the following paragraphs and in more detail in Section F, Mitigation Measures and Improvement Measures.

As described in Section E.4, Cultural Resources, the proposed project could result in a substantial adverse change on historic and archeological resources. In addition, the proposed project could disturb human remains. Implementation of Mitigation Measures M-CR-1, Vibration Monitoring and Management Plan, M-CR-2a, Project-Specific Preliminary Archeological Assessment**,** M-CR-2b, Procedures for Accidental Discovery of Archeological Resources, M-CR-3, Archeological Testing, and M-CR-4, Tribal Cultural Resources Interpretive Program, would reduce the impacts to less-than-significant levels. Therefore, the proposed project would not result in a significant impact through the elimination of important examples of major periods of California history or prehistory.

As described in Section E.6, Noise, potential future development in the SUD and Special Height and Bulk District could result in new non-residential sensitive receptors—such as childcare facilities and schools for arts education uses—in the project area. Implementation of Mitigation Measure M-NO-1, Siting of Non-Residential Noise-Sensitive Uses, and Mitigation Measure M-NO-1 in the Housing Element EIR,[140] would reduce the impact of noise exposure to a less-than-significant level. In addition, future development within the SUD and Special Height and Bulk District project area could involve pile driving. If pile driving is determined to be required for a subsequent individual development project within the SUD and Special Height and Bulk District, the Project Sponsor would be required to comply with Mitigation Measure M-NO-3, Noise-Control Measures During Pile Driving. Because the proposed project would require pile driving, Mitigation Measure M-NO-3 would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level. Furthermore, projects in the SUD and Special Height and Bulk District, including the proposed project, could result in more arts and arts education uses and more non-arts uses in the project area. New arts uses and non-residential uses could occasionally generate noise levels that could prove disruptive to the occupants of new residential development. Implementation of Mitigation Measure M-NO-4, Siting of Noise-Generating Uses, would reduce this impact to a less-than-significant level.

As described in Section E.7, Air Quality, the SUD, Special Height and Bulk District, and proposed project could result in construction emissions impacts on nearby sensitive receptors and introduce a new source of toxic air contaminants within the project vicinity. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the impacts to less-than-significant levels.

As described in Section E.9, Wind and Shadow, any development proposals within the SUD and Special Height and Bulk District could create comfort and hazards that would require buildings to be shaped so as not to cause ground-level wind currents that exceed criteria in the Planning Code. Mitigation Measure M-WS-1, Screening-Level Wind Analysis and Wind Testing, would ensure that the wind effects of potential development in the SUD and Special Height and Bulk District would be evaluated, and significant wind effects on public use areas would be avoided.

[140] San Francisco Planning Department. 2011. *2004 and 2009 Housing Element Final EIR*. Certified on March 24, 2011.

As described in Section E.14, Geology and Soils, future sub-grade development within the SUD and Special Height and Bulk District could potentially encounter and damage or destroy unknown unique paleontological resources and/or unique geologic features. Implementation of Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would require, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. Implementation of this measure would ensure that potential impacts related to paleontological resources would be reduced to a less-than-significant level.

As described in Section E.16, Hazards and Hazardous Materials, potential future development sites in the SUD and Special Height and Bulk District could create a potentially significant hazard involving the release of hazardous materials into the environment. Implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would ensure that potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

Both long-term and short-term environmental effects—including substantial adverse effects on human beings—associated with the proposed project would be less than significant, as discussed under each environmental topic. Each environmental topic area includes an analysis of cumulative impacts based on land use projects; compliance with adopted plans, statues, and ordinances; and currently proposed projects.

# F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

## F.1. MITIGATION MEASURES

The following mitigation measures have been adopted by the Project Sponsor and are necessary to avoid potentially significant impacts of the proposed project:

**Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard.

The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

**Mitigation Measure M-CR-2a: Project-Specific Preliminary Archeological Assessment**

This archeological mitigation measure shall apply to any project involving any soil-disturbing or soil-improving activities including excavation, utilities installation, grading, soil remediation, and compaction/chemical grouting to a depth of 5 feet or greater below ground surface, and located within properties within the SUD area for which no archeological assessment report has been prepared.

Projects to which this mitigation measure applies shall be subject to Preliminary Archeology Review (PAR) by the San Francisco Planning Department archeologist, or a Preliminary Archeological Sensitivity Study (PASS) may be required in consultation with the San Francisco Planning Department archeologist. The PASS shall be prepared by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist.

The PASS shall contain the following:

- Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps.

- Determine types of archeological resources/properties that may have been located at the project site and whether the archeological resources/property types would potentially be eligible for listing on the CRHR.

- Determine if 19th- or 20th-century soil-disturbing activities may have adversely affected the identified potential archeological resources.

- Assess potential project effects in relation to the depth of any identified potential archeological resource.

- Provide a conclusion that assesses whether any CRHR-eligible archeological resources could be adversely affected by the project and recommends appropriate further action.

Based on the PAR or PASS, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design Treatment Plan (ARDTP) shall be required to more definitively identify the potential for California Register-eligible archeological resources to be present at the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. The scope of the ARDTP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation (OHP) for purposes of compliance with CEQA (OHP Preservation Planning Bulletin No. 5). If the PAR or PASS adequately identifies the potential for California Register-eligible archeological resources to be present at the project site, the ERO shall determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. Actions may include an archeological testing program, archeological monitoring program, archeological data recovery program, accidental discovery measures/worker training, final reporting, curation, consultation with descendant communities, and interpretation undertaken in consultation with the Planning Department archeologist by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist.

**Mitigation Measure M-CR-2b: Procedures for Accidental Discovery of Archeological Resources**

This archeological mitigation measure shall apply to any project involving any soil-disturbing or soil-improving activities, including excavation, utilities installation, grading, and soil remediation. This mitigation measure is required to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources, as defined in CEQA Guidelines Section 15064.5(a)(c).

The Project Sponsor shall distribute the San Francisco Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); and to utilities firms involved in soil-disturbing activities within the project site. Prior to any soil-disturbing activities being undertaken, each contractor is responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The Project Sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firms) confirming that all field personnel have received copies of the ALERT sheet.

Should any indication of an archeological resource be encountered during any soil-disturbing activity of the project, the head foreman and/or Project Sponsor shall immediately notify the ERO and shall immediately suspend any soil-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

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

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

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

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

**Mitigation Measure M-CR-3: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In

addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Consultation with Descendant Communities*. On discovery of an archeological site[141] associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative[142] of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

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

[141] The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

[142] An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or

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

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

The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because

of the risk that these activities pose to potential archeological resources and to their depositional context.

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.

If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

*Archeological Data Recovery Program*. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall

identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures*. Descriptions of proposed field strategies, procedures, and operations.

- *Cataloguing and Laboratory Analysis*. Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy*. Description of and rationale for field and post-field discard and deaccession policies.

- *Interpretive Program*. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

- *Security Measures*. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.

- *Final Report*. Description of proposed report format and distribution of results.

- *Curation*. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects*. The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of

the Coroner of the City and County of San Francisco and ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

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

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program**

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.

If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

**Mitigation Measure M-NO-1: Siting of Non-Residential Noise-Sensitive Uses**

To reduce potential conflicts between existing noise-generating uses and new non-residential sensitive receptors (e.g., schools and childcare, religious, and convalescent facilities, etc.), the San Francisco Planning Department shall require an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and that includes at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) taken prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering, and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels in the vicinity. The analysis shall be conducted prior to completion of the environmental review process. Should the Planning Department conclude that such concerns are present, it may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

**Mitigation Measure M-NO-3: Noise-Control Measures During Pile Driving**

For individual projects that require pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.

- The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.

The Project Sponsor of a development project within the SUD and Special Height and Bulk District shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

**Mitigation Measure M-NO-4: Siting of Noise-Generating Uses**

To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development—including commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average—the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses (primarily residences, and also including schools and childcare, religious, and convalescent facilities, etc.) within 900 feet of, and that have a direct line-of-sight to, the project site, and that includes at least

one 24-hour noise measurement (with average and maximum noise-level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) prior to the first project approval action. The analysis shall be conducted prior to completion of the environmental review process. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering, and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the San Francisco General Plan and Police Code Section 2909, that the proposed use would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should the Planning Department conclude that such concerns are present, it may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, and may require implementation of site-specific noise-reduction features or strategies

**Mitigation Measure M-AQ-2: Construction Air Quality**

The Project Sponsor or the Project Sponsor's contractor shall comply with the following:

A. Engine Requirements

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).

2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

**Off-Road Equipment Compliance Step-down Schedule**

| Compliance Alternative | Engine Emission Standard | Emissions Control |
|---|---|---|
| 1 | Tier 2 | ARB Level 2 VDECS |
| 2 | Tier 2 | ARB Level 1 VDECS |
| 3 | Tier 2 | Alternative Fuel* |

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.

* Alternative fuels are not a VDECS.

C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.

3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

**Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

For individual projects within the SUD and Special Height and Bulk District, the Project Sponsor shall ensure that the backup diesel generators meet or exceed one of the following emission

standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

**Mitigation Measure M-WS-1: Screening-Level Wind Analysis and Wind Testing**

For projects within the proposed SUD and Special Height and Bulk District, the Planning Department shall conduct the following review:

*Screening-Level Wind Analysis.* Any structure proposed within the SUD and Special Height and Bulk District over 80 feet in height shall be required to undergo screening-level wind impact analysis that would take into account the surrounding topography and building heights. As part of this analysis, a qualified wind expert shall review the proposed building plans as well as results of other wind tests conducted nearby, if available. Based on this review, a determination shall be made as to whether wind hazards are expected as a result of project development. If not enough information is available to make a determination with relative certainty that no wind hazard criteria are expected, a project-level wind test shall be conducted.

*Project-Level Wind Test.* If the screening level wind analysis determines that the project may result in wind hazards, a project-level wind test shall be prepared by a qualified wind expert to determine impacts on pedestrian-level wind speeds. The methodology of a wind test shall be consistent with accepted San Francisco Planning Department practice. The project-level wind test shall be conducted and interpreted in a technical memorandum, with test results related to the Planning Code Section 148 hazard criterion. To satisfy the criteria of San Francisco Planning Code Section 148, two sets of wind tunnel test results shall be produced: one that indicates, for each test location, the wind speed that is exceeded 10 percent of the time, year-round; and another that indicates whether a wind speed of 26 miles per hour is exceeded for 1 full hour of the year. The former results would determine whether the project would meet the Planning Code's "comfort

criterion," while the latter results would determine whether the project would cause an exceedance of the Planning Code's "hazard criterion."

*Design Modifications.* If a proposed structure is determined to result in significant wind impacts, modifications shall be incorporated into the project design to reduce these impacts so as not to cause ground-level wind currents to exceed the hazard level of 26 mph for a single full hour of the year. Modifications to reduce wind speeds could include one or more of the following: shifting the building's orientation; adding articulation, texturing, or setbacks along one or more of the façades; increasing the height and density of exterior landscaping and related structures; and adding more landscaping and screening structures.

**Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For individual projects within the SUD and Special Height and Bulk District that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential future project-related adverse effect on paleontological resources.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.[143] The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

[143] Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft*). Society of Vertebrate Paleontology News Bulletin 166:31-32.

**Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that any portion of the SUD and Special Height and Bulk District area planned for demolition or renovation is surveyed for hazardous building materials including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (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. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be 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.

## F.2. IMPROVEMENT MEASURES

Additionally, the Project Sponsor has agreed to implement the following improvement measures:

**Improvement Measure I-CR-1a: Interpretive Display**

As part of the project, the Project Sponsor should install a permanent on-site interpretive display in a publicly accessible location, such as a lobby or Market Street frontage, which will help to memorialize the importance of the building after it is demolished. The content of the display should outline the significance of the subject building, namely its association with the Rainbow Tavern and Old Crow Bar within LGBTQ history in San Francisco. Interpretation of the site's history shall be supervised by a qualified preservation consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull HRE for the subject project may be used for content. A proposal prepared by the qualified consultant describing the general parameters of the interpretive program shall be approved by the San Francisco Planning Department preservation staff prior to issuance of a demolition permit or site permit. The detailed content, media, and other characteristics of such interpretive display shall be approved by preservation staff prior to issuance of a Temporary Certificate of Occupancy.

**Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

**Improvement Measure I-TR-1a: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.

- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an "extended period of time" shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may

include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days, including observations during events at the proposed theaters on no less than 3 separate days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

**Improvement Measure I-TR-1b: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock

(e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

**Improvement Measure I-TR-1c: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

**Improvement Measure I-TR-1d: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

**Improvement Measure I-TR-1e: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.

- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.

- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.

- Identifying routes for construction-related trucks to utilize during construction.

- Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.

- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g. concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

**Improvement Measure I-TR-1f: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants, in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco), or the TDM Coordinator may be an existing staff member (e.g., property manager); the TDM Coordinator would not be required to work full-time at the project site. However, they would be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The

TDM Coordinator would provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

- Transportation and Trip Planning Information

  - Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.

- Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

**Improvement Measure I-TR-5a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

**Improvement Measure I-TR-5b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

**Improvement Measure I-TR-5c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

**Improvement Measure I-TR-5d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

**Improvement Measure I-TR-5e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

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

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.

- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.

- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.

- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern

side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.

- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.

If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited

during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

# G. PUBLIC NOTICE AND COMMENT

## COMMENTS RECEIVED IN RESPONSE TO NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW

A "Notification of Project Receiving Environmental Review" was mailed on August 26, 2014, to community organizations, tenants of the affected property and adjacent properties, and owners of property within 300 feet of the project site. The following comments regarding physical environmental effects related to the proposed project were received:

- Examination of project design and impacts from employee/delivery entrances and passenger loading/unloading on pedestrian traffic flow.
- Impacts on public transit, housing, childcare, etc., regarding Section 303(g) (Hotels and Motels).
- Project alternatives considering a structure that has no special exceptions from City codes, and an alternative that includes no hotel at the site.
- Request for specific information on how the Central SOMA Rezoning Special Use District may affect the 950-974 Market SUD.
- Request for specific information on how shadows will be cast and their effect on residences, parks, and open spaces in the area.
- Request for analysis of what affect the 950–975 Market SUD would have on strong winds in the project area.
- Request for analysis of alternatives that do not require height increases.
- Request for map showing the height increase for the 950–974 Market Street in relation to other height districts in the area.
- Request for analysis of conflicts with passenger loading/unloading area and Market Street restrictions.
- Request for discussion of any height bonuses anticipated for projects on both sides of Market Street.
- Request for a supplemented cumulative projects list from the 1125 Market Street Project.

To the extent that these comments relate to the physical effects of the environment, they are addressed under Sections E.1, Land Use and Land Use Planning, E.3, Population and Housing, E.5, Transportation and Circulation, and E.9, Wind and Shadow.

## H. DETERMINATION

☐ 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.

Date January 20, 2016

Sarah B. Jones
Environmental Review Officer
for
John Rahaim
Director of Planning

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