



# SAN FRANCISCO PLANNING DEPARTMENT

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## COMMUNITY PLAN EXEMPTION CHECKLIST

*Case No.:* 2014.1041E  
*Project Title:* 390 First Street  
*Zoning:* RH-DTR (Rincon Hill Downtown Residential) Use District  
45/65-R & 65/400-R Height and Bulk District  
*Block/Lot:* 3749/058  
*Lot Size:* 18,748 square feet (0.43 acres)  
*Plan Area:* Rincon Hill  
*Project Sponsor:* John Kevlin, Reuben, Junius & Rose, LLP  
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*Staff Contact:* Rachel Schuett, (415) 575-9030, Rachel.Schuett@sfgov.org

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### PROJECT DESCRIPTION:

The project site is located at 390 First Street (Assessor's Block 3749, Lot 058), on the west side of 1<sup>st</sup> Street between Harrison and Lansing streets, in the South of Market neighborhood (See Figure 1).<sup>1</sup> The 18,748-square-foot (0.43 acre) corner lot is currently occupied by a one-story automobile service station. The block on which the project site is located is bounded by Essex Street to the west, Lansing Street to the north, 1st Street to the east, and Harrison Street to the south. The site slopes gently upward from north to south from approximately 72 feet above mean sea level (MSL) to 89 feet above MSL, based on San Francisco City Datum. The site is located within the Rincon Hill Area Plan area (*Rincon Hill Plan area*), which was analyzed in the Rincon Hill Area Plan Final Programmatic Environmental Impact Report (*Rincon Hill Plan PEIR*) Case No. 2000.1081E; State Clearinghouse No. 1984061912). The project vicinity includes a mix of residential, retail/commercial, office, and institutional uses. The area is well served by transit, with several local and regional transit providers offering service with stops in close proximity to the project site.

The project site is on the northwest corner of the intersection of First and Harrison streets, adjacent to an Interstate 80 (I-80) approach to the San Francisco Bay Bridge. For the past several years the *Rincon Hill Plan* area and its environs have been undergoing a transformation from an area of predominantly low- and mid-rise industrial buildings to a mixed-use area that includes high-density, high-rise residential buildings and mid-rise office buildings.

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<sup>1</sup> Market Street is oriented in a northeast-southwest direction, but is referred to as an east-west street for the purposes of this document, as are streets running parallel to Market Street including Harrison and Lansing streets. Essex, First, and Fremont streets are oriented in a northwest-southeast direction (perpendicular to Market Street), but are referred to as north-south streets in this document. This convention is used to describe the locations of other buildings and uses in relation to the project site.

To the immediate west of the project site is 45 Lansing Street a 400-foot-tall residential tower which includes 320 residential units. Further west is 81 Lansing Street, a four-story, 50-foot-tall residential building with 33 residential units and a small ground-floor commercial space. On the north side of Lansing Street at 50 Lansing Street is an eight-story residential building with 82 units, and at 18 Lansing is a four-story industrial/commercial building (constructed in 1928) that was converted to 28 live/work units in the 1990s.

The Sailors' Union of the Pacific (450 Harrison Street) is located on the northeast corner of Harrison and First streets; this building is comprised of a five-story central monumental pavilion and two smaller (three-story) flanking wings. The Sailors' Union was designed by architect William G. Merchant in the streamline moderne style and was constructed in 1950, this building is a Category A known historic resource. On the southeast corner of the intersection of First and Harrison streets is 425 First Street (One Rincon Hill), primarily consisting of two high-rise (approximately 450- and 400-foot-high) residential towers containing a total of more than 700 dwelling units. A 250-foot residential tower was recently approved at 525 Harrison Street, located on the southeast corner of Harrison and Essex streets (See Figure 2).

The proposed project includes the demolition of the existing 1,590-square-foot automobile service station and construction of a 211,986-square-foot, 14-story, 134-foot-tall residential building that would include up to 180 dwelling units, 136,387 square feet of habitable space, 75,271 square feet of residential amenities, parking, storage, service, circulation, and utilities space, and approximately 328 square feet of retail space at the corner of Harrison and First streets (preliminarily considered to be a new café). The existing automobile service station was constructed in 1969 and is not considered a historical resource for purposes of CEQA, and the project site is not located within a historic district.

The proposed building would have frontages on First, Harrison, and Lansing streets. The proposed building would be a tower-over-podium design, with a six- to seven-story podium level, and a tower that would front onto First Street. The proposed building would include rooftop mechanical equipment, solar panels, condensers, a recreation area, and an elevator penthouse. The proposed building would measure up to 151.5 feet tall at its highest point, which is at the top of the elevator penthouse. (See Figures 8 through 14)

**Dwelling Units.** The proposed project would include up to 180 residential dwelling units, of which up to 5 units (3 percent) would be three-bedroom units, 68 units (38 percent) would be two-bedroom units, 50 (28 percent) would be one-bedroom units, and 57 (31 percent) would be studios (See Figures 5 through 7). Up to 3,574 square feet of residential amenity space would also be provided, including a fitness center located on Level B1 (see Figure 3).

**Open Space.** Approximately 10,467 square feet (sf) of common open space and 3,751 sf of private open space would be provided on levels B1, 1, and 7 through 13, for a total of 14,218 square feet of open space (See Figures 15 and 16). Planning Code Section 135 requires 75 sf of usable open space per residential unit so a minimum of 13,500 sf of open space is required for 180 residential units<sup>2</sup>

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<sup>2</sup>Per Planning Code Section 135(d)(4), 75 sf of usable open space is required per residential unit in DTR districts.

**Site Circulation/Access.** Primary pedestrian access to the building would be through a residential lobby/lounge located on First Street, near the southeast corner of the project site. Additional pedestrian access to common building areas would be available on Lansing Street via a set of steps that connect the street to the first basement level. West of this secondary access point on Lansing Street, two residential stoops would provide additional pedestrian access to individual units. The corner café would be accessed from Harrison Street and offer outdoor seating with a screening wall for noise and wind protection. (See Figures 3 and 4)

**Vehicle Parking.** The proposed project would include up to 92 vehicle parking spaces in a three-level underground parking garage that would be accessed from First Street. Of these, 90 spaces would be allocated to building residents, and two spaces would be allocated to car share. Five of these spaces would be independently-accessible, of which two would be car share spaces and two would be Americans with Disabilities Act (ADA) accessible spaces (one ADA car space and one ADA van space), all of which would be located on Level B2 (See Figure 4). The 87 spaces that are not independently-accessible would be configured in a puzzle lift system. (See Figures 3 and 4)

**Bicycle Parking.** The proposed project would include 120 Class 1 bicycle parking spaces within a secured room, on level B1 (See Figure 3). Access to this bike room would be from the First Street residential lobby, with a second entrance for residents from Lansing Street. In addition, at least 11 Class 2 bicycle parking spaces would be provided in publicly-accessible bicycle racks within the First Street and Lansing Street rights-of-way. (See Figure 17)

**Curb Cuts.** There are five existing driveways (curb cuts) currently providing (primarily vehicular) access to the project site which is an active gasoline and automobile service station; two are on First Street, one is on Lansing Street, and two are on Harrison Street. All five existing curb cuts on Lansing, First and Harrison streets are proposed to be removed. Two-way access for the proposed underground parking garage would be provided from one new (20-foot-wide) curb cut on First Street. The ramp and entrance gate on First Street would be equipped with a visible and audible warning signal at the driveway (refer to Improvement Measure TR-3: Warning Signals at Driveway for Pedestrians), to alert pedestrians to the possibility of conflicting vehicles entering and exiting the driveway. (See Figure 3)

**Streetscape Improvements.** Given that the proposed project involves new construction and the project site encompasses the entire First Street block face between Harrison and Lansing streets, the proposed project is subject to the Rincon Hill Streetscape Plan and the San Francisco Better Streets Plan ("Better Streets Plan"), as codified in Planning Code Section 138.1.<sup>3</sup>

The Better Streets Plan identifies:

- First Street as a Downtown Residential Street;
- Harrison Street as a Downtown Residential Street; and
- Lansing Street as an Alley.

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<sup>3</sup> The Better Streets Plan was adopted by the City in December 2010. The plan provides a comprehensive set of guidelines for the design of San Francisco's pedestrian realm. The plan seeks to balance the needs of all street users with a particular focus on the pedestrian environment and how streets can be used as a public space. The Better Streets Plan policies can be found at: [www.sfbetterstreets.org](http://www.sfbetterstreets.org).

Along the frontages of the project site, sidewalks widths are currently:

- 9 feet wide on First Street,
- 7 feet wide on Harrison Street, and
- 7 ½ feet wide on Lansing Street.

The proposed project would widen the First Street sidewalk by one foot to a total of 10 feet. At 10 feet, the sidewalk would become compliant with the Rincon Hill Streetscape Master Plan, although it would not meet the minimum width per the Better Streets Plan for a street of its typology.

The Harrison Street sidewalk would be widened from 7 feet to 12 feet and include a 6-foot bulbout along the north side of Harrison Street (southeast corner of the project site) extending 75 feet west from First Street. The bulbout would contain café seating and four bike racks. A Lansing Street streetscape plan was developed as part of the adjacent 45 Lansing Street residential project. No additional streetscape changes are proposed to Lansing Street as part of the proposed project. (See Figures 17 and 18)

**Loading.** Per Planning Code Section 152, no off-street loading spaces are required for the residential or retail portions of the proposed project; and a maximum of two off-street loading spaces are allowed (one for the residential uses and one for the retail uses). As proposed, the project does not include any off-street loading spaces.

There are currently no passenger or freight loading zones on any of the block faces that include the project site's frontages including; First Street between Lansing and Harrison streets, Harrison Street between First and Essex streets, or along Lansing Street (except along the 75 Lansing Street frontage). A 40-foot-long white passenger loading zone has been approved and will be constructed as part of the 45 Lansing Street project along that project's Lansing Street frontage (adjacent to the project site to the west). The proposed project would share this passenger loading zone with 45 Lansing Street.

The project sponsor intends to apply for one on-street yellow commercial loading space through San Francisco Municipal Transportation Agency's (MTA's) Color Curb Program. If approved, a 53-foot-long loading zone would be constructed to the west of the proposed bulbout along the project site frontage on the north side of Harrison Street. This loading space would primarily be used for move-in/move-out activities, along with residential and retail deliveries. Garbage pick-up would occur alongside the project frontage on Lansing Street.

### **Project Construction**

The project sponsor anticipates that construction would last about 20 months. Construction of the proposed project would require demolition of the existing 1,590-square-foot automobile service station building, excavation to a depth of at least 40 feet below the ground surface (bgs) would be required for the mat foundation, and underground parking levels. If the final foundation design includes piles or piers to support the mat foundation deeper excavation would be required in limited areas to facilitate pile or pier placement. Excavation activities would result in the removal of about 26,000 cubic yards of soil.

The proposed 390 First Street project would require the following approvals:

**Actions by the Planning Commission**

- Conditional Use Authorization for conversion of an automobile service station to a mixed-use residential development.
- A Downtown Project Authorization from the Planning Commission pursuant to Planning Code Section 309.1 for a project that is greater than 50,000 gross square feet in area and above 85 feet in height, and with exceptions to the exposure and residential open space requirements of Planning Code Sections 140 and 827.49, respectively.

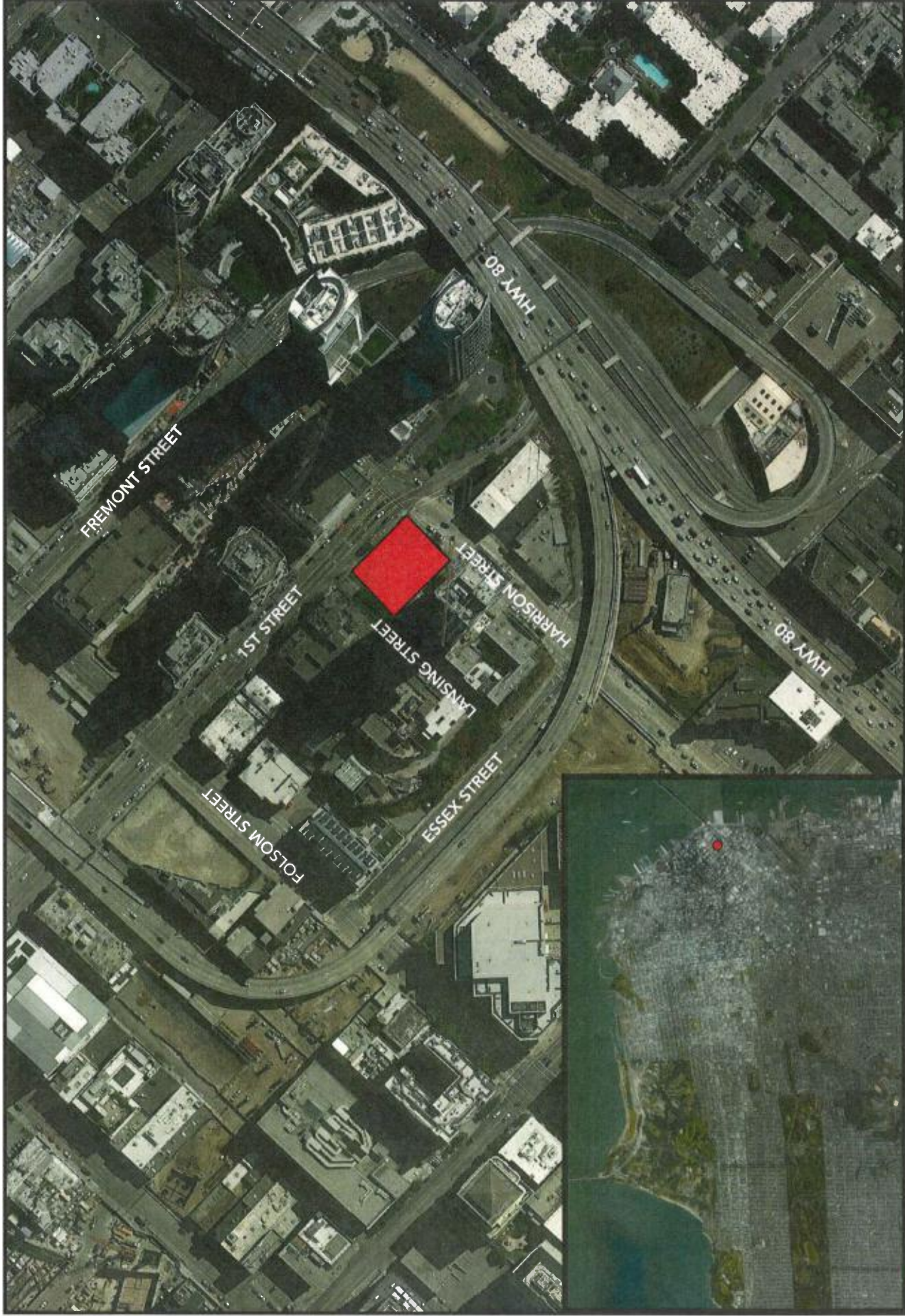
**Actions by City Departments**

- Approval of a site permit (Planning Department and Department of Building Inspection).
- Approval of demolition, grading, and building permits (Planning Department and Department of Building Inspection).
- Approval of project compliance with the Stormwater Control Guidelines (Department of Public Works).
- Approval of a stormwater control plan (San Francisco Public Utilities Commission).
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) (San Francisco Department of Public Works and San Francisco Municipal Transportation Agency).
- Approval of a proposed 53-foot commercial loading space through San Francisco Municipal Transportation Agency's Color Curb program.

The Downtown Project Authorization from the Planning Commission pursuant to Planning Code Section 309.1 is considered the primary Approval Action for this project. Hence, the date of this Approval Action establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

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● PROJECT SITE  
SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041



FIGURE 1: PROJECT LOCATION

**SUBJECT PROPERTY  
BLOCK 3749/ LOT**

**PROPERTY ADDRESS:** 390 1ST ST.  
SAN FRANCISCO, CA

**BLOCK & LOT NUMBER:** BLOCK 3749 / LOT 058

**SITE AREA:** 18,776 sf

**ZONING DISTRICT:** RINCON HILL DOWNTOWN  
RESIDENTIAL  
(RH-DTR)

**HEIGHT/BULK DISTRICT:** 65/400-R  
45/65-R

**CURRENT USE:** GAS STATION

**PROPOSED USE:** RESIDENTIAL, CAFE &  
BELOW-GRADE PARKING

**BUILDING HEIGHT:** 134' MEASURED FROM  
HARRISON STREET

**BUILDING HEIGHT:** 14-STORY, 180-UNIT RESID.  
BUILDING WITH 328 SF OF  
CAFE SPACE & BELOW-  
GRADE PARKING

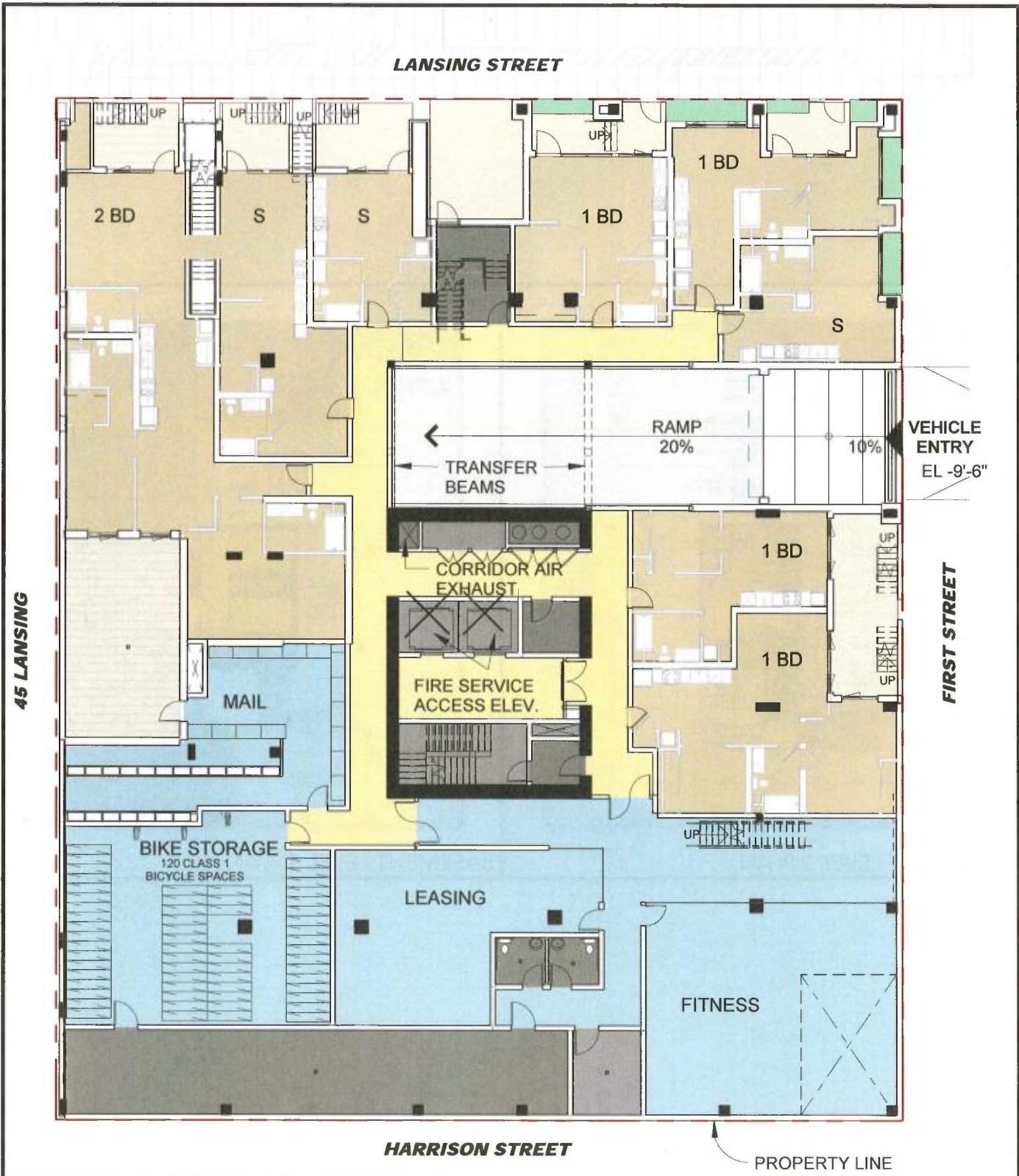


SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041



FIGURE 2: PROJECT SITE

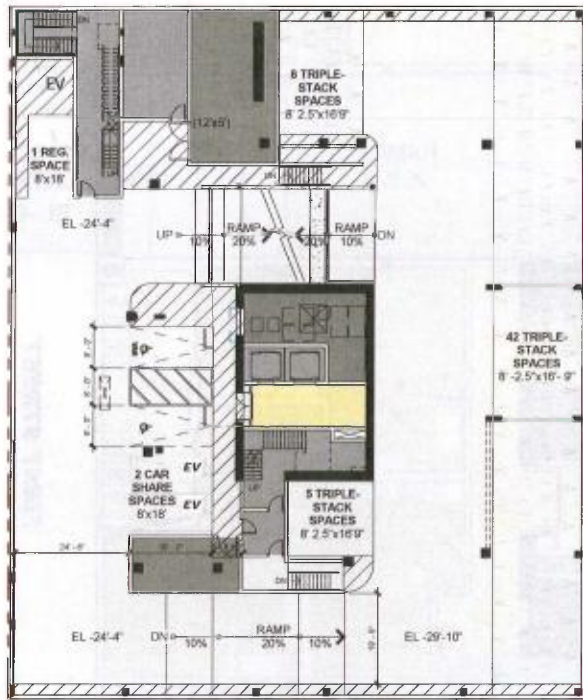




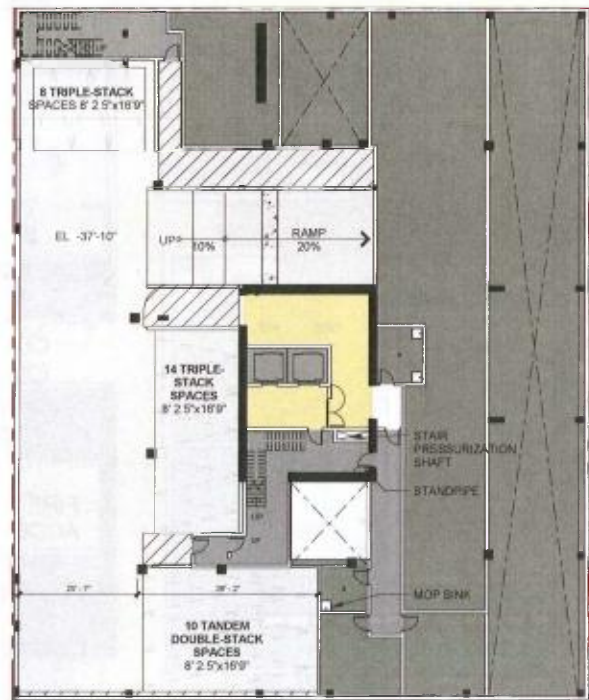
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 390 1ST STREET MODERA PROJECT  
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FIGURE 3  
 BASEMENT LEVEL 1 PLAN



BASEMENT LEVEL 2 PLAN



BASEMENT LEVEL 3 PLAN

SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
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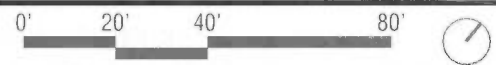
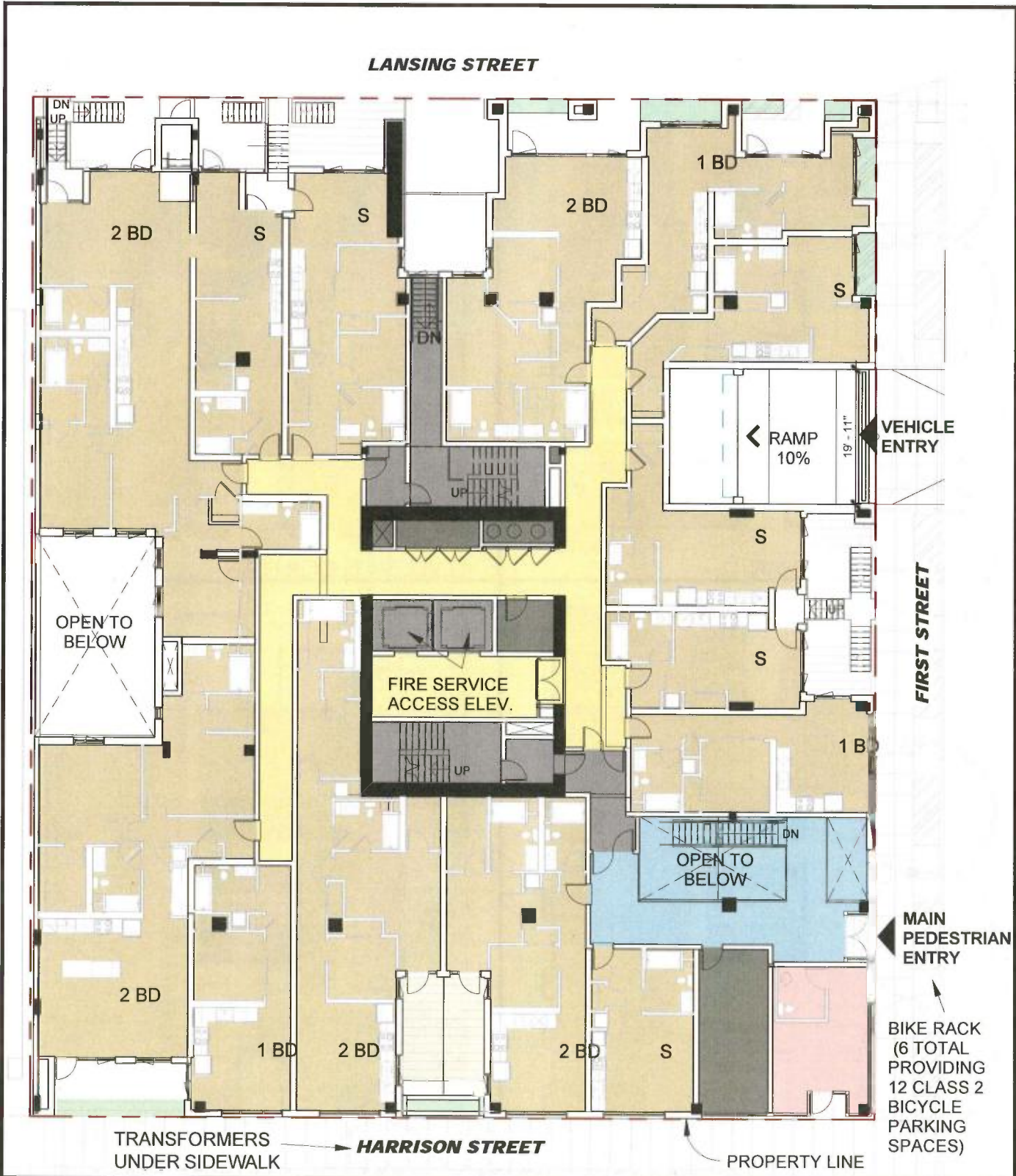


FIGURE 4  
 BASEMENT LEVEL 2 & 3 PLANS



SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
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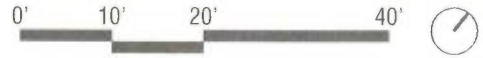
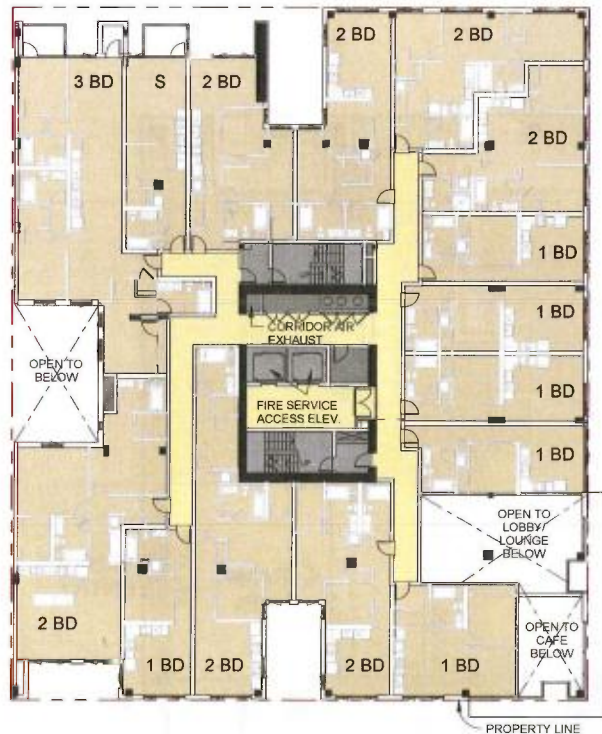
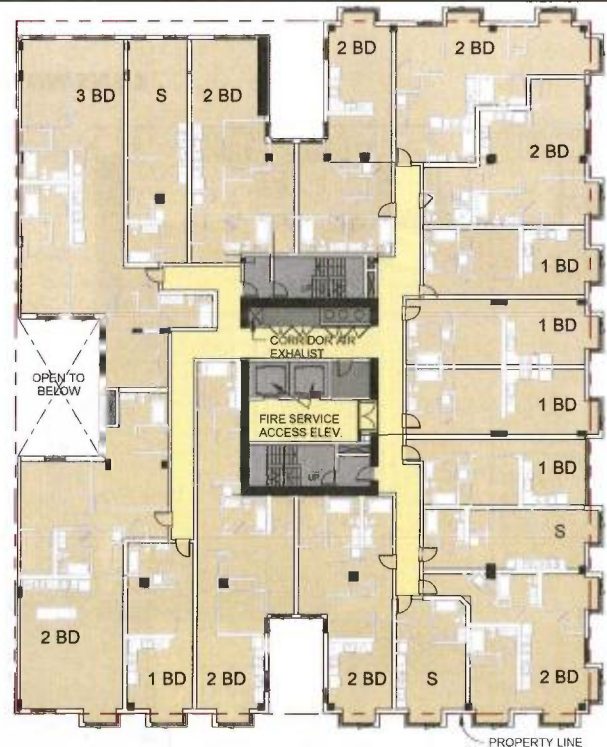


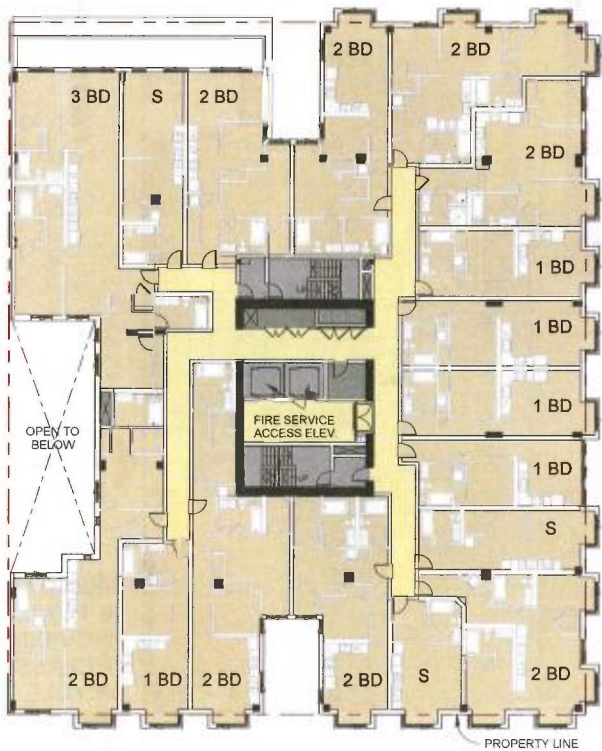
FIGURE 5  
 PROPOSED GROUND FLOOR PLAN



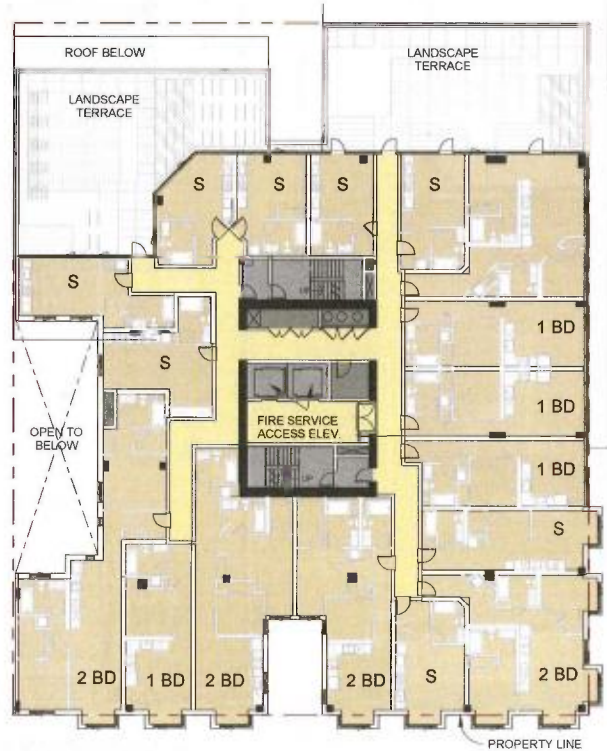
LEVEL 2 FLOOR PLAN



LEVEL 3-4 FLOOR PLAN



LEVEL 5-6 FLOOR PLAN



LEVEL 7 FLOOR PLAN

SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041

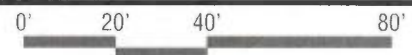
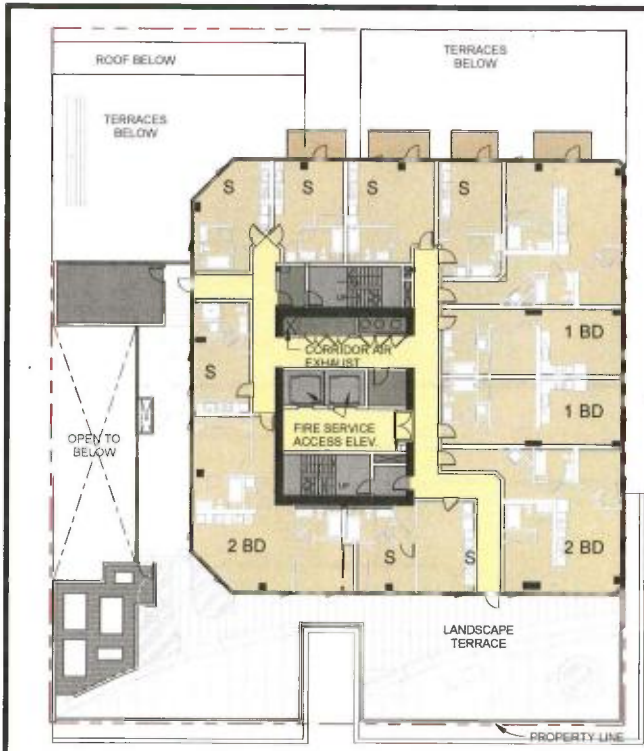
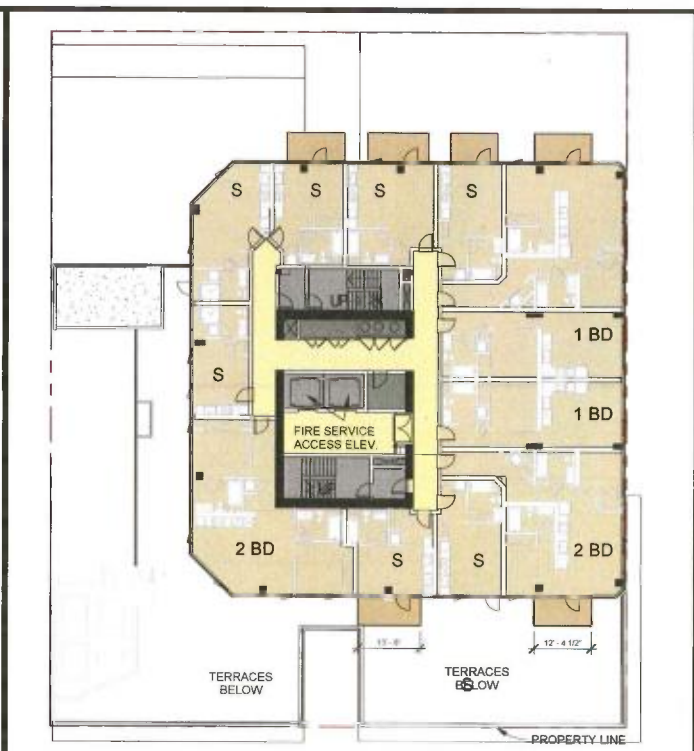


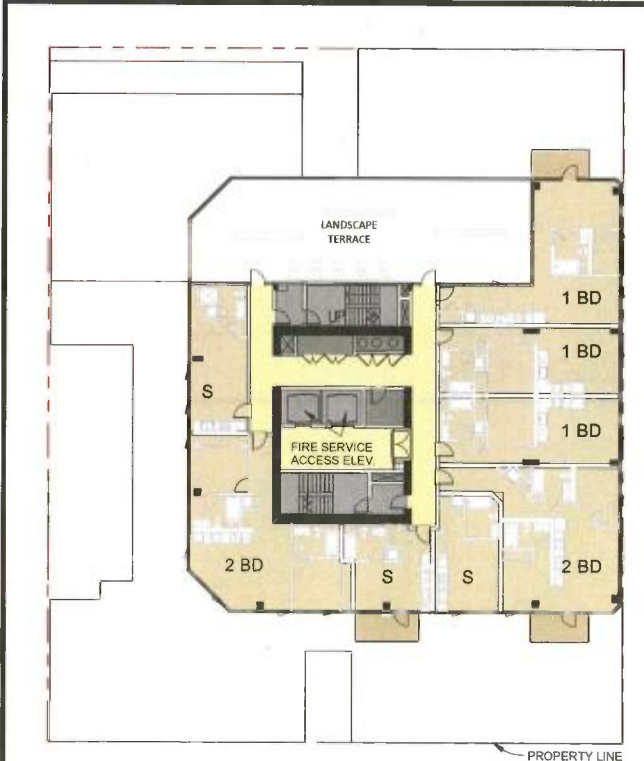
FIGURE 6  
 TYPICAL FLOOR PLANS (LEVELS 2-7)



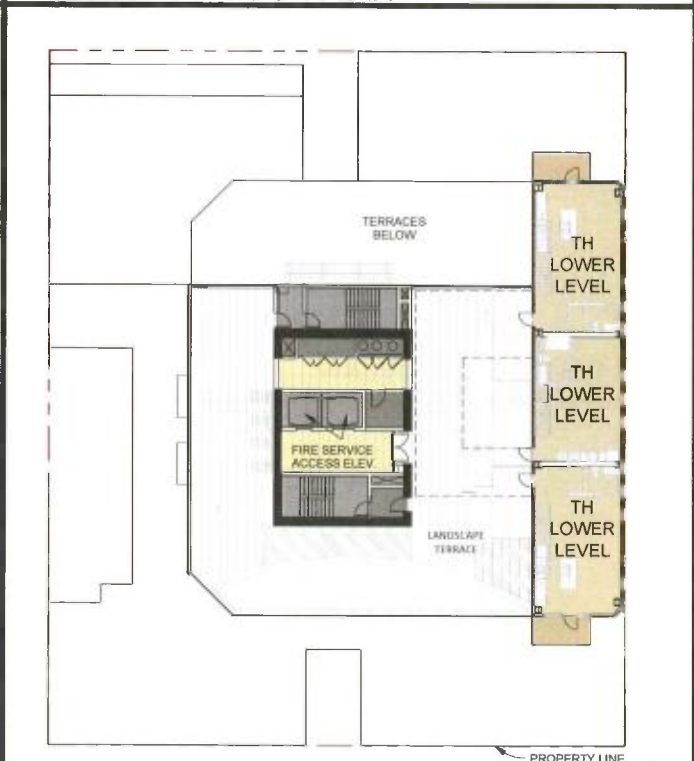
LEVEL 8 FLOOR PLAN



LEVEL 9-11 FLOOR PLAN



LEVEL 12 FLOOR PLAN

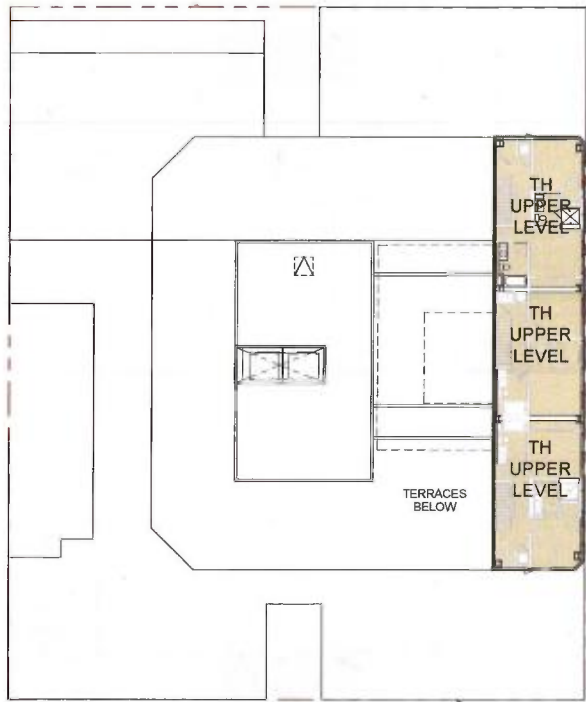


LEVEL 13 FLOOR PLAN

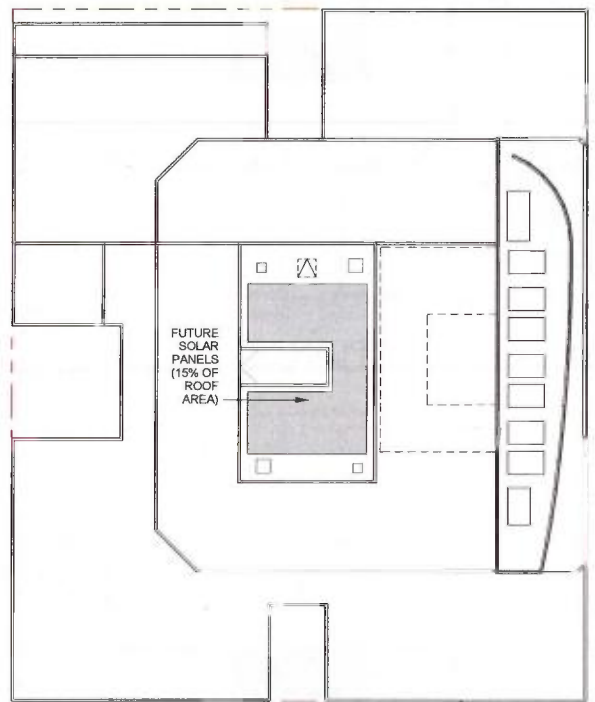
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FIGURE 7  
 TYPICAL FLOOR PLANS (LEVELS 8-13)



LEVEL 14 FLOOR PLAN



ROOF PLAN

SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041

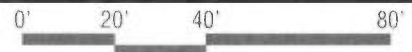
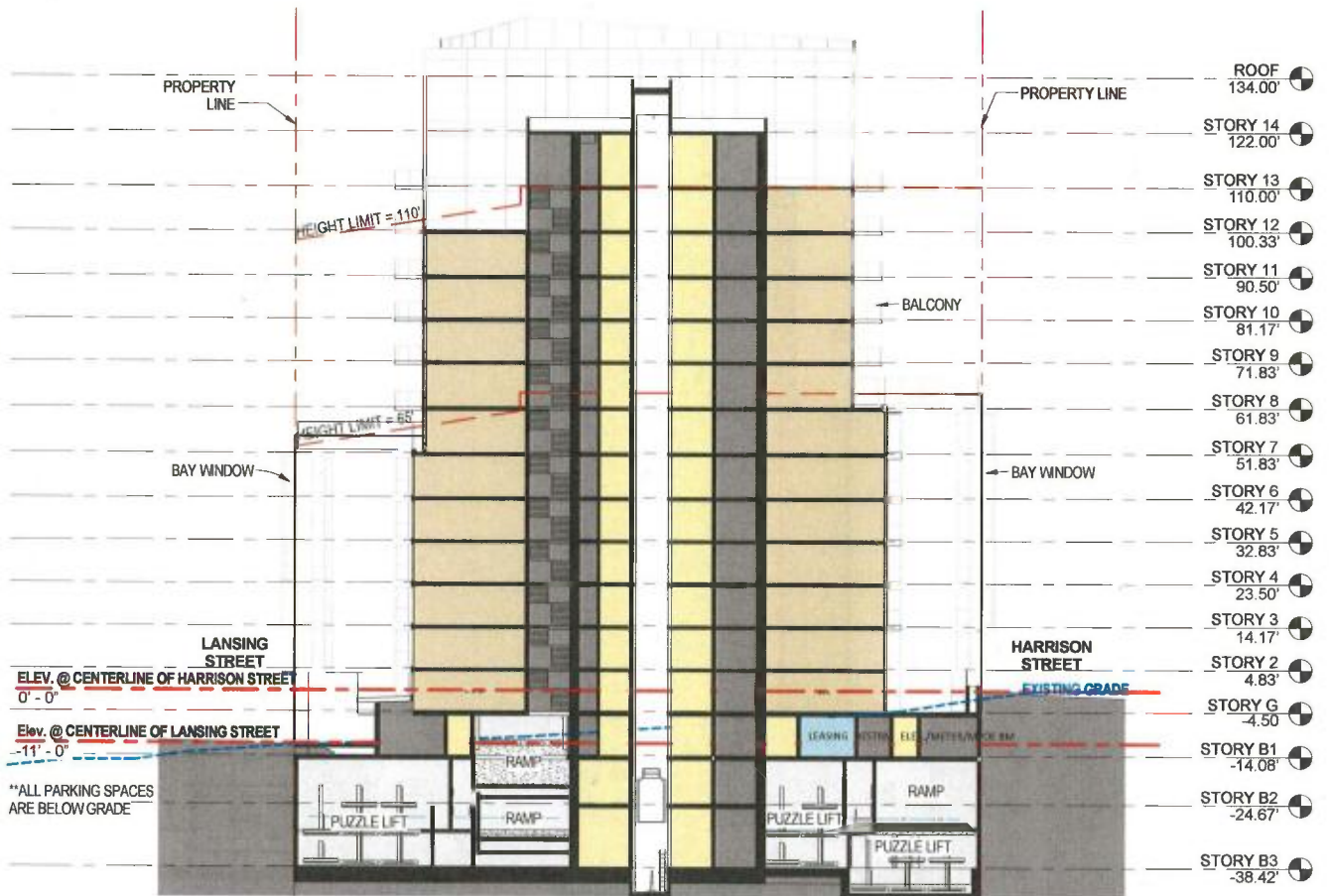


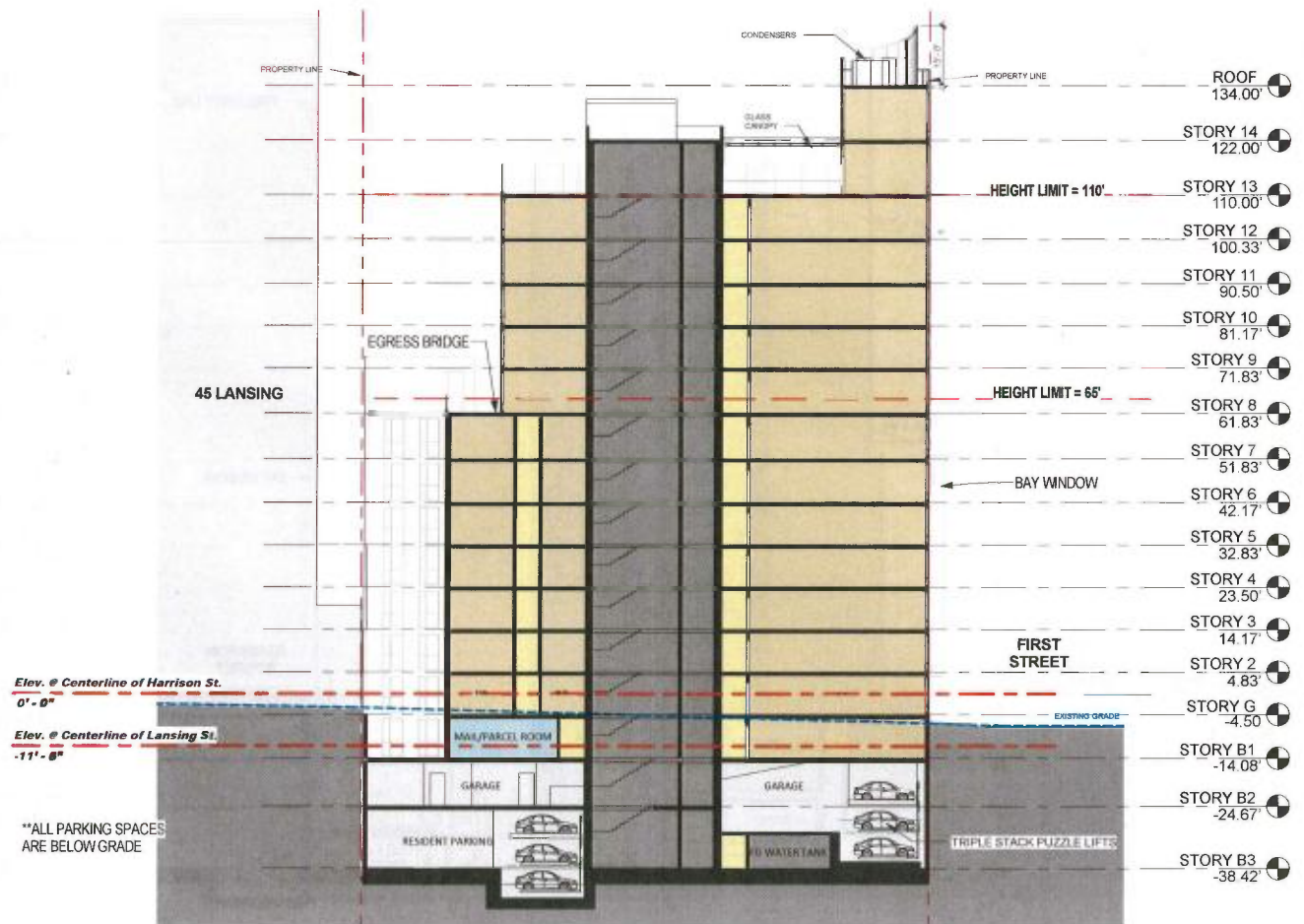
FIGURE 8



SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041



FIGURE 9  
 PROPOSED SECTION (LOOKING EAST)



SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041



FIGURE 10  
 PROPOSED SECTION (LOOKING NORTH)





Elev. @ Center line of Harrison St  
82.00'

Elev. @ Center line of Lansing St  
71.00'

Roof	134.00'
Level 14 Townhouse	122.00'
Level 13	110.00'
Level 12	100.33'
Level 11	90.50'
Level 10	81.17'
Level 9	71.83'
Level 8	61.83'
Level 7	51.83'
Level 6	42.17'
Level 5	32.83'
Level 4	23.50'
Level 3	14.17'
Level 2	4.83'
G	-4.50'
B1	-14.08'

SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041

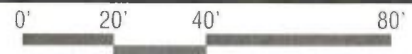


FIGURE 11  
BUILDING ELEVATION - HARRISON STREET



Elev. @ Center line of Harrison St.  
82.00'  
Elev. @ Center line of Lansing St.  
71.00'

Roof	134.00'
Level 14 Townhouse	122.00'
Level 13	110.00'
Level 12	100.33'
Level 11	90.50'
Level 10	81.17'
Level 9	71.83'
Level 8	61.83'
Level 7	51.83'
Level 6	42.17'
Level 5	32.83'
Level 4	23.50'
Level 3	14.17'
Level 2	4.83'
G	-4.50'
B1	-14.08'

Cafe      Main Entry      Garage Entry

SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041



FIGURE 12  
BUILDING ELEVATION - 1ST STREET



Elev. @ Center line of Harrison St.  
82.00'  
Elev. @ Center line of Lansing St.  
71.00'

Roof	134.00'
<b>Level 14 Townhouse</b>	122.00'
<b>Level 13</b>	110.00'
<b>Level 12</b>	100.33'
<b>Level 11</b>	90.50'
<b>Level 10</b>	81.17'
<b>Level 9</b>	71.83'
<b>Level 8</b>	61.83'
<b>Level 7</b>	51.83'
<b>Level 6</b>	42.17'
<b>Level 5</b>	32.83'
<b>Level 4</b>	23.50'
<b>Level 3</b>	14.17'
<b>Level 2</b>	4.83'
<b>G</b>	-4.50'
<b>B1</b>	-14.08'

SOURCE: MILL CREEK RESIDENTIAL  
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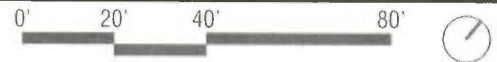
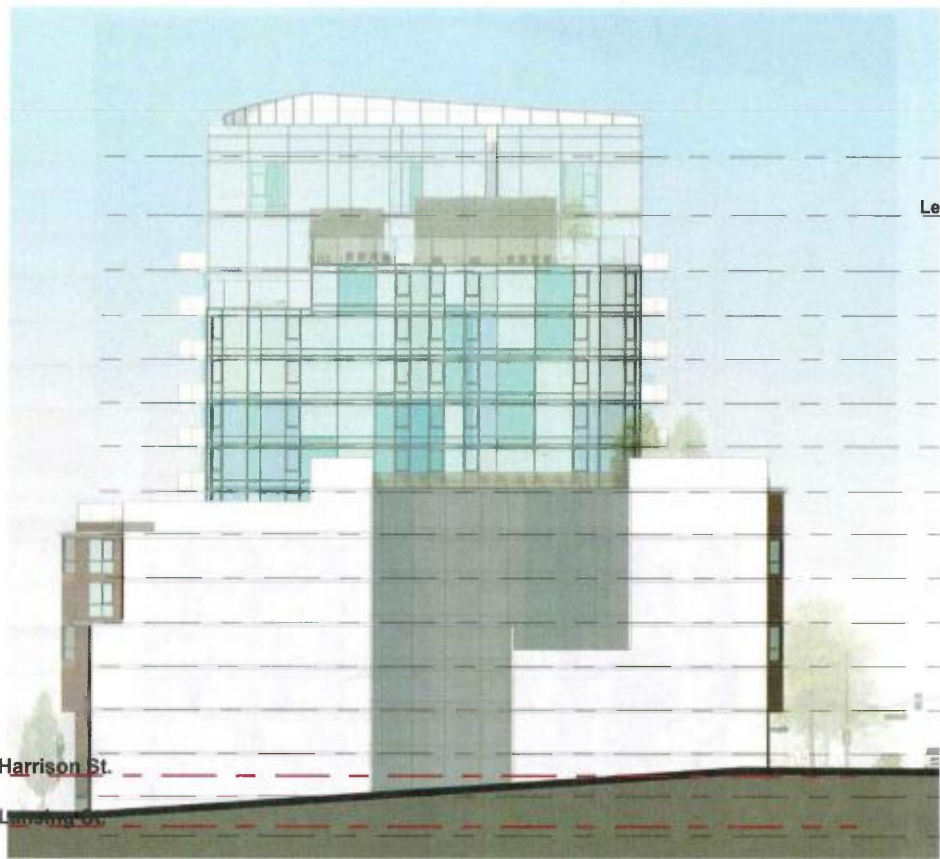


FIGURE 13  
BUILDING ELEVATION - LANSING STREET



Elev. @ Center line of Harrison St.  
82.00'

Elev. @ Center line of Lincoln St.  
71.00'

Roof	134.00'
Level 14 Townhouse	122.00'
Level 13	110.00'
Level 12	100.33'
Level 11	90.50'
Level 10	81.17'
Level 9	71.83'
Level 8	61.83'
Level 7	51.83'
Level 6	42.17'
Level 5	32.83'
Level 4	23.50'
Level 3	14.17'
Level 2	4.83'
G	-4.50'
B1	-14.08'

SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
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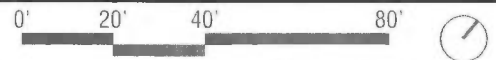


FIGURE 14  
BUILDING ELEVATION (WEST)



B1 FLOOR



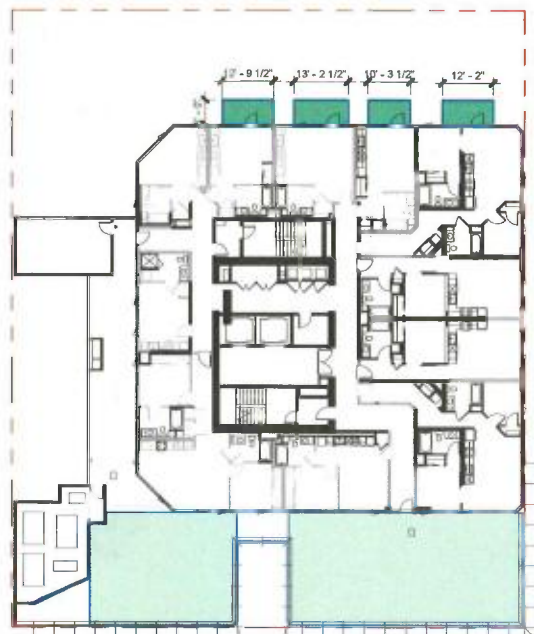
GROUND LEVEL FLOOR



2ND FLOOR



7TH FLOOR



8TH FLOOR

SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041

**Key**

- = Common Open Space
- = Private Open Space

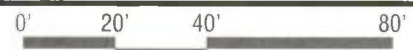
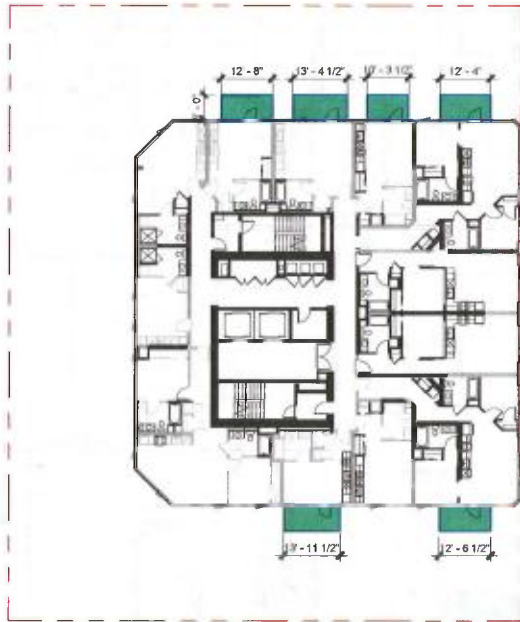


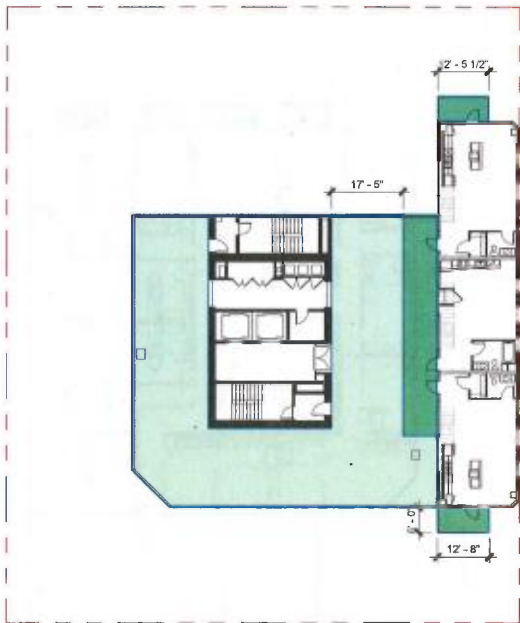
FIGURE 15  
OPEN SPACE LEVELS B1 - 8



9TH - 11 FLOOR



12TH FLOOR



13TH FLOOR

**OPEN SPACE**

	Common Usable Open Space Area (SF)	Private Usable Open Space Area (SF)	75 SF Max Private
			Usable Open Space Per Unit Area (SF)
Level B1	0	561	513
Level 1	0	343	225
Level 2	0	124	124
Level 7	3,000	300	300
Level 8	2,526	285	285
Level 9	0	435	435
Level 10	0	435	435
Level 11	0	435	435
Level 12	1,664	225	225
Level 13	3,277	608	225
<b>Total</b>	<b>10,467</b>	<b>3,751</b>	<b>3,202</b>

Grand Total 14,218

Grand Total (75 SF Max Private Usable Open Space Per Unit) 13,669

Required (75sf per Unit) 13,500

Required Common (40%) 5,400

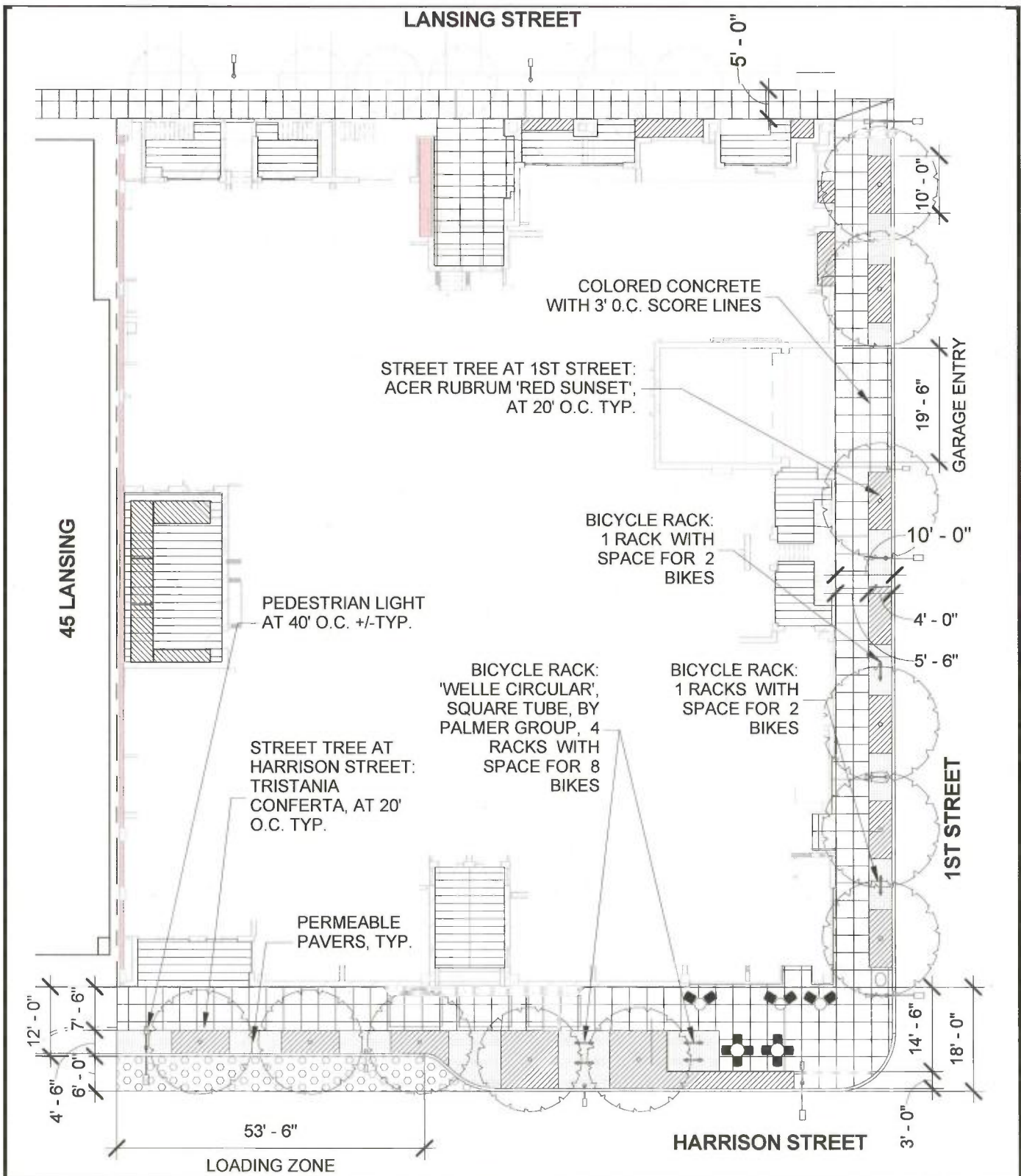
SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041

**Key**

- = Common Open Space
- = Private Open Space



FIGURE 16  
OPEN SPACE LEVELS 9 - 13



SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041

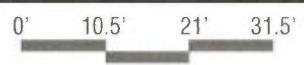
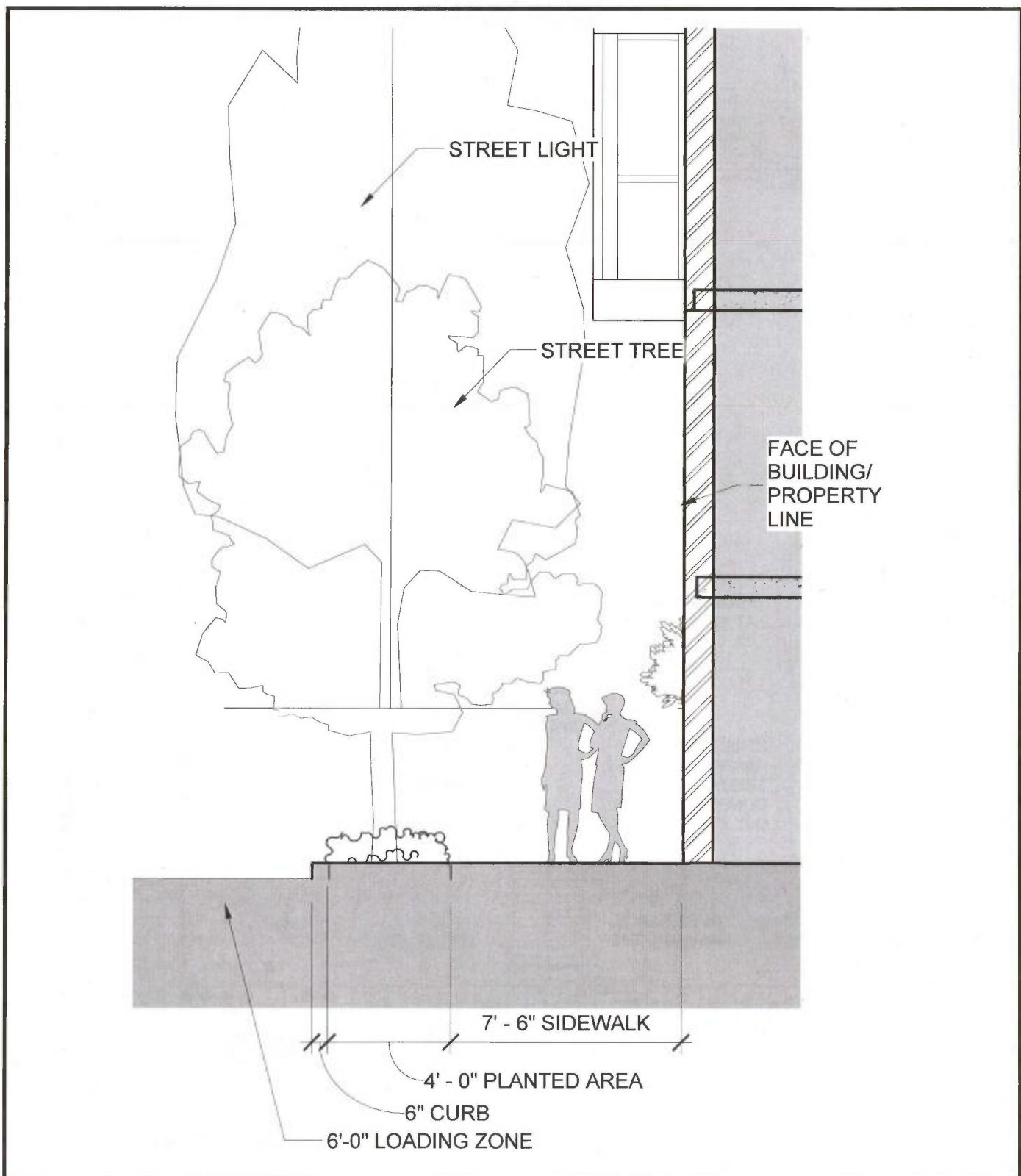


FIGURE 17  
 STREETScape IMPROVEMENTS

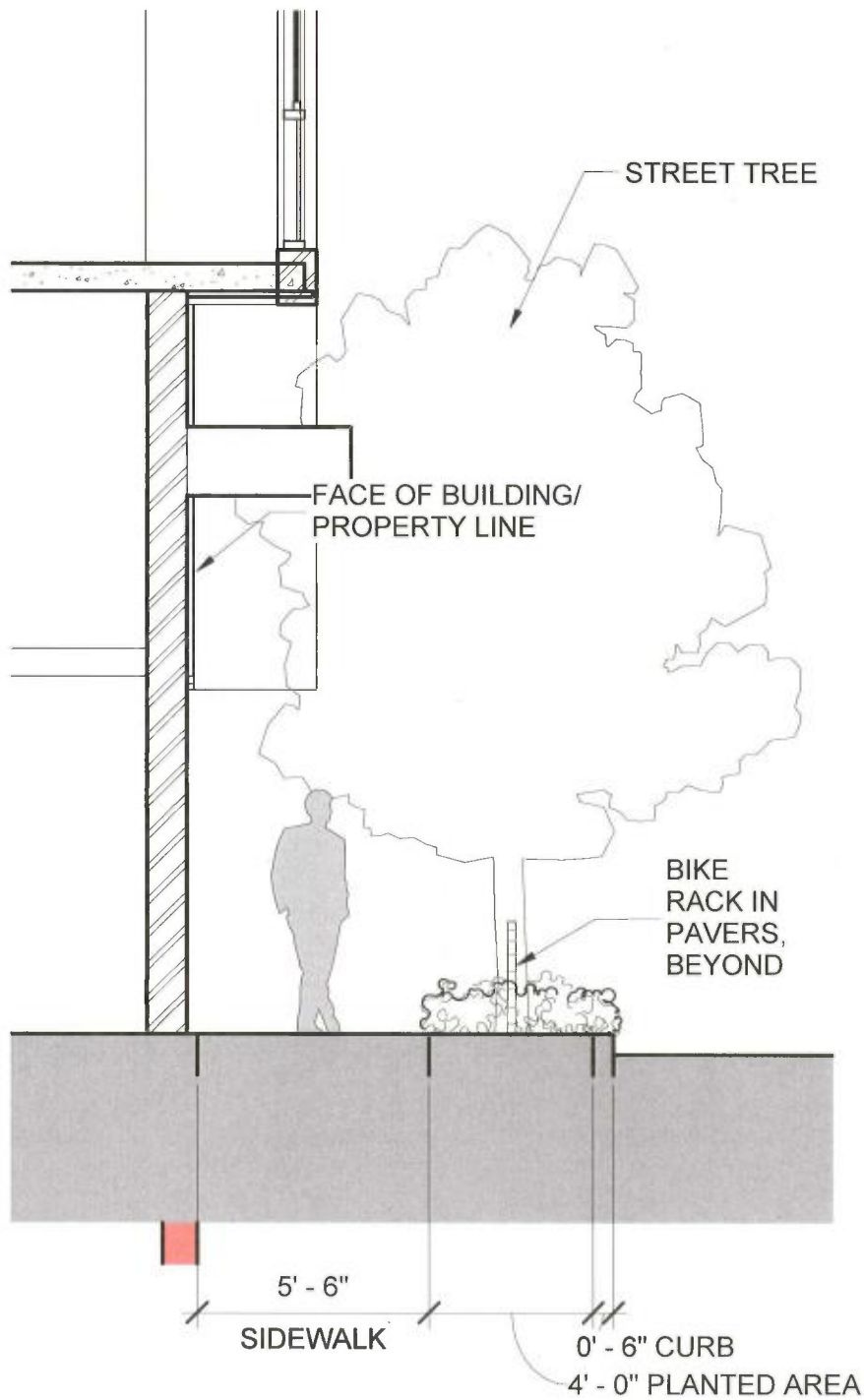


SOURCE: MILL CREEK RESIDENTIAL  
 390 1ST STREET MODERA PROJECT  
 CASE NO: 2014.1041



FIGURE 18  
 STREETScape IMPROVEMENTS - HARRISON STREET





SOURCE: MILL CREEK RESIDENTIAL  
390 1ST STREET MODERA PROJECT  
CASE NO: 2014.1041



FIGURE 19  
STREETScape IMPROVEMENTS - FIRST STREET



## EVALUATION OF ENVIRONMENTAL EFFECTS:

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report prepared for the *Rincon Hill Plan (Rincon Hill Plan PEIR or PEIR)*.<sup>4</sup> Pursuant to CEQA Guidelines Section 15183, this CPE Checklist indicates whether the proposed project would result in significant impacts that: 1) are peculiar to the project or parcel on which the project would be located; 2) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; 3) are potentially significant off-site and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or 4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the *Rincon Hill Plan PEIR* are discussed under each topic area. The *Rincon Hill Plan PEIR* identified significant program-level impacts related to transportation, air quality, wind, hazardous materials, and historical (archeological and architectural) resources. Additionally, the *Rincon Hill Plan PEIR* identified significant cumulative impacts related to transportation and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to transportation (program-level traffic impacts at three intersections and cumulative impacts at two intersections) and historical resources (program-level and cumulative impacts from demolition of three buildings identified as historic architectural resources).

The proposed project would include the demolition of the existing 1,590-square-foot automobile service station and construction of a 211,986-square-foot, 14-story, 134-foot-tall residential building with approximately 328 square feet of ground floor retail space. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the *Rincon Hill Plan PEIR*.

## SENATE BILL 743

### AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

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."

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<sup>4</sup> San Francisco Planning Department, *Rincon Hill Plan Final Environmental Impact Report (PEIR)*, Planning Department Case No. 2000.1081E, State Clearinghouse No. 1984061912, certified May 5, 2005. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 11, 2015.

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; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria because it would be (a) within one-half mile of a several bus lines; (b) located on a lot within an urban area that has been previously developed; and (c) a mixed-use residential project. Thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>5</sup> Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.

### **AUTOMOBILE DELAY AND VEHICLE MILES TRAVELED**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA<sup>6</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the *Rincon Hill Plan PEIR* associated with automobile delay are not discussed in this checklist. Instead, a VMT and induced automobile travel impact analysis is provided in the Transportation section.

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<sup>5</sup> San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 390 1st Street*, November 16, 2015. This document, and other documents cited in the CPE Checklist unless otherwise noted, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.1041E.

<sup>6</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php).

<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b><u>1. LAND USE AND LAND USE PLANNING--</u></b>				
<b><u>Would the project:</u></b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The *Rincon Hill Plan* included a number of legislative amendments that increased height limits and eliminated residential density limits for the purpose of encouraging the continued development of Rincon Hill as a primarily residential neighborhood. The *Rincon Hill Plan PEIR* analyzed the land use impacts of these legislative amendments and the development that would result from these legislative amendments. The high-density, high-rise residential development under the *Rincon Hill Plan* would be compatible with existing residential development in the local South of Market neighborhood and with development projects that have been proposed, approved, or are under construction in the project vicinity, including the Transit Center District Plan.<sup>7</sup> Development under the *Rincon Hill Plan* would not physically divide an established community or have a substantial adverse impact on the character of the vicinity. Furthermore, the *Rincon Hill Plan PEIR* determined that the proposed rezoning would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to land use and land use planning, and no mitigation measures were identified.<sup>8</sup>

The division of an established community typically involves 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 proposed project would not construct a physical barrier to neighborhood access or remove an existing means of access, nor would it alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalk adjacent to the project site could be closed for brief periods of time during project construction, these closures would be temporary in nature. As a result, the proposed project would not physically divide an established community.

<sup>7</sup> San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, Cases No. 2007.0558E and 2008.0789E, certified May 24, 2012, and San Francisco Board of Supervisors, Ordinances No. 182-12, 183-12, 184-12, and 185-12, adopted July 31, 2012. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

<sup>8</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 59-63.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the RH-DTR District and is consistent with the bulk, density and land uses as envisioned in the Rincon Hill Plan.<sup>9,10</sup>

The proposed mixed-use residential project is compatible with similar residential and retail uses in the local South of Market neighborhood. Because the proposed project is consistent with the development density established in the *Rincon Hill Plan*, implementation of the proposed project would not result in significant impacts that were not identified in the *Rincon Hill Plan PEIR* related to land use and land use planning, and no mitigation measures are necessary.

For these reasons, implementation of the proposed project would not result in significant impacts related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING—</b>				
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the Rincon Hill Plan was expected to increase the supply of housing within the Rincon Hill neighborhood by 3,650 to 4,900 dwelling units and the residential population by 5,000 to 6,700 people. These increases in the housing supply and population were consistent with the growth projections for San Francisco developed by the Association of Bay Area Governments, which is the regional planning agency responsible for developing growth estimates for Bay Area cities and counties. The Rincon Hill Plan would not displace existing housing units or residents, because the potential development sites were not occupied by residential uses. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the Rincon Hill Plan would not result in significant impacts related to population and housing, and no mitigation measures were identified.<sup>11</sup>

<sup>9</sup> Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2014.1041E, 390 1st Street, February 9, 2016.*

<sup>10</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2014.1041E, 390 1st Street, February 11, 2016.*

<sup>11</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 137-144.

The proposed project consists of the construction of up to 180 dwelling units and 328 gsf of retail space. Implementation of the proposed project would result in a net increase of about 407 residents, and a net reduction of about four employees (based on the existing and proposed retail uses) on the project site.<sup>12</sup> The population growth associated with the proposed project is within the scope of the population growth that was anticipated under the *Rincon Hill Plan* and analyzed in the *Rincon Hill Plan PEIR*

For the above reasons, the proposed project would not result in significant impacts on population and housing that were not identified in the *Rincon Hill Plan PEIR*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historic resources are buildings or structures that are listed, or eligible for listing, in the California Register of Historical Resources, or identified in a local register of historic resources, such as Articles 10 and 11 of the San Francisco Planning Code. As discussed in the *Rincon Hill Plan PEIR*, development anticipated under the *Rincon Hill Plan* would result in the demolition of historic resources identified as the buildings at 425 First Street, 347 Fremont Street and 375 Fremont Street.<sup>13</sup> As a result, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant and unavoidable impacts to historic architectural resources.<sup>14</sup> Mitigation measures identified in the *Rincon Hill Plan PEIR*, discussed below, would not reduce these impacts to less-than-significant levels. These impacts were addressed in a Statement of Overriding Considerations with Findings and adopted as part of the *Rincon Hill Plan* approval on May 5, 2005.

<sup>12</sup> According to the 2010 Census, the average household size San Francisco is 2.26 persons. Retail employment was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*.

<sup>13</sup> Since the certification of the *Rincon Hill Plan PEIR* in May 2005, the buildings at 425 First Street, 347 Fremont Street, and 375 Fremont Street have been demolished.

<sup>14</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 203-205.

*Rincon Hill Plan PEIR* Mitigation Measures I.2a, I.2b, and I.2c are site-specific mitigation measures that apply to the development sites at 425 First Street, 347 Fremont Street, and 375 Fremont Street, respectively.<sup>15</sup> Therefore, these mitigation measures are not applicable to the proposed project. For other development sites not covered by Mitigation Measures I.2a, I.2b, and I.2c, Mitigation Measure I.2d, identified in the *Rincon Hill Plan PEIR*, requires a project sponsor to conduct a Historic American Building Survey of any historic resource proposed for demolition prior to demolishing said historic resource.<sup>16</sup> As discussed below, the project site does not include a historic resource that would be demolished as part of the proposed project and Mitigation Measure I.2d is not applicable to the proposed project.

The proposed project would involve the demolition of an existing automobile service station which was built in 1969 and is designated as a Category B historical resource pursuant to San Francisco Historic Preservation Bulletin No. 16.<sup>17</sup> The proposed project was reviewed by a preservation technical specialist and it was determined that the existing building would not meet any of the criteria required to establishing eligibility for listing on the California or National Register of Historic Places.<sup>18</sup> The project site is not in an existing historic or conservation district and there are no proposed preservation districts that include the project site. The proposed project would not result in substantial adverse changes in the significance of a historic resource and would not contribute to the significant and unavoidable impacts identified in the *Rincon Hill Plan PEIR*.

#### Archaeological Resources

As discussed in the *Rincon Hill Plan PEIR*, the soils underlying the Rincon Hill neighborhood potentially contain archaeological resources that date back to the 1850s. Development anticipated under the *Rincon Hill Plan* would include substantial excavation for underground parking garages, building foundations, and potential remediation of subsurface hazardous materials. The *Rincon Hill Plan* identified three Archeological Mitigation Zones and the *Rincon Hill Plan PEIR* determined that implementation of the *Plan* could result in potentially significant impacts to archaeological resources. Accordingly, the *Rincon Hill Plan PEIR* identifies Mitigation Measure I.1 to reduce this potentially significant impact to a less-than-significant level. Under this mitigation measure, any development project that involves soils-disturbing activities is required to mitigate potential impacts on archaeological resources based on its location in one of three archaeological mitigation zones identified in the *Rincon Hill Plan PEIR*.<sup>19</sup>

The project site is in an area identified as Archeological Mitigation Zone 1 which “includes those properties within the plan area for which a final archaeological research design and treatment plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department.”<sup>20</sup> Mitigation for projects in Archeological Mitigation Zone 1 (AMZ-1) (*Rincon Hill Plan PEIR* Mitigation Measure I.1)<sup>21</sup>

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<sup>15</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 231.

<sup>16</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 232.

<sup>17</sup> San Francisco Planning Department, *San Francisco Preservation Bulletin No. 16, City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources*, March 31, 2008. Available at: <http://sf-planning.org/sites/default/files/FileCenter/Documents/5340-PresBulletin16CEQA.pdf>

<sup>18</sup> Cisneros, Stephanie, San Francisco Planning Department. *Preservation Team Review form for the 390 1st Street*. August 27, 2015.

<sup>19</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 227-231.

<sup>20</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. S39-40.

<sup>21</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 228.



requires that any soils-disturbing project proposed within the AMZ-1 shall be required to submit to the Environmental Review Officer (ERO) for review and approval an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology. The addendum to the ARD/TP shall evaluate the potential effects of the project on significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. For these reasons, the *Rincon Hill Plan PEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant impacts on archaeological resources.

The proposed project would involve demolition of the existing 1,590-square-foot automobile service station building, excavation to at least 40 feet bgs for the mat foundation<sup>22</sup> and underground parking levels, and the removal of about 26,000 cubic yards of soil in order to facilitate the construction of a 14-story, 134-foot-tall residential building that would include up to 180 dwelling units, and approximately 328 square feet of retail space. Based on a review of San Francisco Planning Department records, no previous archaeological investigations have occurred at the project site.

A Preliminary Archeological Review (PAR) was conducted by Planning Department staff for the proposed project. The project site may be almost if not entirely underlain by bedrock, which means that little to no native soils would be disturbed during grading and excavation activities. Therefore, based on the PAR, it has been determined that the Planning Department's second standard archaeological mitigation measure (archaeological monitoring) would apply to the proposed project.<sup>23</sup>

Project Mitigation Measure 1 – Archaeological Monitoring (Implementing PEIR Mitigation Measure I.1), listed in the Mitigation Measures section below, is required to reduce potential significant impacts of the proposed project to archaeological resources to a less-than-significant level. With implementation of this mitigation measure, the proposed project would not result in significant project-specific or cumulative impacts on archaeological resources that were not identified in the *Rincon Hill Plan PEIR*.

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<sup>22</sup> Excavation to a depth of at least 40 feet below the ground surface (bgs) would be required for the mat foundation, and underground parking levels. If the final foundation design includes piles or piers to support the mat foundation deeper excavation would be required in limited areas to facilitate pile or pier placement. Excavation activities would result in the removal of about 26,000 cubic yards of soil.

<sup>23</sup> Email from Randall Dean, San Francisco Planning Department, to Rachel Schuett, November 20, 2015, "390 First Street (2014.1041E) project-PAR."

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION –</b>				
<u>Would the project:</u>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, the Community Plan Exemption Checklist topic 4c is not applicable.

As discussed in the *Rincon Hill Plan PEIR*, implementation of the *Rincon Hill Plan* would increase the residential population of the Rincon Hill neighborhood, thus increasing the number of daily person trips to and from the area. These net new person trips would be distributed among different modes of transportation, including vehicular, transit, bicycle, and pedestrian trips. The *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant unavoidable traffic impacts based on the levels of service (LOS) at intersections within the plan area, but would not result in significant impacts to transit, loading, or pedestrian or bicycle conditions.<sup>24</sup>

As discussed above under “SB 743”, in response to state legislation that called for removing automobile delay from CEQA analysis, the Planning Commission adopted resolution 19579 replacing automobile delay with a VMT metric for analyzing transportation impacts of a project. Therefore, impacts and mitigation measures from the *Rincon Hill Plan PEIR* associated with automobile delay are not discussed in this checklist.

<sup>24</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 134.

The *Rincon Hill Plan PEIR* did not evaluate vehicle miles traveled or the potential for induced automobile travel. The VMT Analysis presented below evaluates the project's transportation effects using the VMT metric.

The proposed project would involve demolition of the existing 1,590-square-foot automobile service station building, excavation for the mat foundation and underground parking levels, and the removal of about 26,000 cubic yards of soil in order to facilitate the construction of a 14-story, 134-foot-tall residential building that would include up to 180 dwelling units, and approximately 328 square feet of retail space.

Construction of the proposed project would last about 20 months with hours of construction being Monday through Friday 7:00 a.m. to 3:30 p.m., consistent with both the construction hours stipulated by the Department of Building Inspection (DBI) and with the San Francisco Noise Ordinance.<sup>25</sup> Construction activities would require the use of large pieces of equipment (e.g., front loaders, graders and excavators) and substantial quantities of material. Construction activities would be staged on both First and Harrison streets along the frontages of the project site. Temporary closure of the sidewalks and parking lanes, along the project site frontages, on both First and Harrison streets would be required, and a covered barricade would be installed to accommodate pedestrians, which would block the existing right-turn lane on First Street. During construction the southern sidewalk and the southern half of Lansing Street would also be closed. All construction would occur in compliance with applicable traffic regulations and permits for construction activities.

Once built, the proposed project would generate new vehicle, transit, bicycle, and pedestrian trips compared to existing conditions. As discussed below, these new trips would not result in significant impacts on or exceed the capacity of public transit services or sidewalks. Implementation of the proposed project would not conflict with any applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system and would not conflict with adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Although the proposed project would not result in any new significant VMT, construction, bicycle, or pedestrian impacts, the project sponsor has agreed to implement the improvement measures, listed in the Improvement Measures section below, which would further reduce these less-than-significant impacts.

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones.

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<sup>25</sup> The San Francisco Noise Ordinance permits construction activities seven days a week between 7:00 a.m. and 8:00 p.m.

Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area’s actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT. <sup>26,27</sup>

For residential development, the regional average daily VMT per capita is 17.2.<sup>28</sup> For office and retail development, regional average daily work-related VMT per employee are 19.1 and 14.9, respectively. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the traffic analysis zone (TAZ) in which the project site is located, 732.

**Table 1 Daily Vehicle Miles Traveled**

Land Use	Bay Area		TAZ
	Regional Average	Regional Average minus 15%	732
Households (Residential)	17.2	14.6	3.1
Employment (Retail)	14.9	12.6	9.1

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research’s (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (“proposed transportation impact guidelines”) recommends screening criteria to identify types, characteristics, or locations of projects that would not

<sup>26</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>27</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>28</sup> Includes the VMT generated by the households in the development.

result in significant impacts to VMT. If a project meets screening criteria, then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required.

As shown in Table 1 above, existing average daily VMT per capita for residential uses in TAZ 732 is 3.1 miles. This is 81.9 percent below the existing regional average daily VMT per capita of 17.2. Also, as shown in Table 1 above, existing average daily VMT per employee for retail uses in TAZ 732 is 9.1 miles. This is 38.9 percent below the existing regional average daily VMT per capita of 14.9. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's residential uses would not result in substantial additional VMT and impacts would be less-than-significant. San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. Projected 2040 average daily VMT per capita for residential uses in TAZ 732 is 2.3 miles. This is 84.2 percent below the projected 2040 regional average daily VMT per capita of 14.6.<sup>29</sup> Projected 2040 average daily VMT per employee for retail uses in TAZ 732 is 8.4 miles. This is 33.3 percent below the projected 2040 regional average daily VMT per employee of 12.6.<sup>30</sup> Given the project site is located in an area where VMT is greater than 15 percent below the projected 2040 regional average, the proposed project's residential uses would not result in substantial additional VMT. Therefore, the proposed project's residential uses would not contribute considerably to any substantial cumulative increase in VMT.<sup>31</sup> Furthermore, the project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's residential uses would not cause substantial additional VMT.<sup>32</sup> Therefore, the proposed project would not cause substantial additional VMT and impacts would be less-than-significant impact.

### **Trip Generation**

Trip generation (vehicular, public transit, bicycling, walking) and parking and loading demand resulting from the proposed project were calculated using information in the *2002 Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>33</sup> Based upon 2009-2013 American Community Survey travel data for Census Tract 615, the proposed project would generate an estimated 1,622 (inbound and outbound) person trips on a weekday daily basis, consisting of 584 person trips by auto, 389 person trips by transit, 584 person trips by walking and 65 person trips by other modes. 273 person trips would occur during the p.m. peak hour. Accounting for vehicle occupancy data for the project site's census tract, the proposed project would generate 517 daily vehicle trips, of which 88 would occur during the p.m. peak hour.

While the proposed project would not result in any significant VMT impacts *PEIR*, Project Improvement Measure 1: Implement Project-Specific Travel Demand Strategies to Reduce Vehicle Trips discussed in the Improvement Measures section below, could be implemented to further reduce the less-than-significant

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<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 390 First Street, Case No. 2014.1041, March 15, 2016.

<sup>32</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 390 First Street, Case No. 2014.1041, March 15, 2016.

<sup>33</sup> Fehr and Peers Associates, December 2015. *Transportation Impact Study for 390 First Street*.

intersection level of service impacts associated with the proposed project. Project Improvement Measure 1 includes several transportation demand measures intended to reduce vehicle trips generated by the proposed project by encouraging the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

### **Transit**

The proposed project would generate about 67 new transit trips during the weekday p.m. peak hour, of which 30 trips would be on regional transit lines. The project site is within one-half mile of a number of San Francisco Municipal Transit Authority bus lines; including the 5 Fulton, 5R Fulton Rapid, 10 Townsend, 12 Folsom/Pacific, 25 Treasure Island, 38 Geary, 38R Geary Rapid, and 41 Union. Local and regional transit providers identify an adequate level of transit service based on capacity utilizations of 85 and 100%, respectively. Under the Existing plus Project scenario, all of the transit screenlines continue to operate under the local 85% capacity utilization threshold.

However, there are two local transit corridors that would operate above the 85% capacity utilization threshold in the Existing plus Project scenario; the Fulton/Hayes corridor, and the Third Street corridor. Regardless, the addition of 67 p.m. peak hour transit trips distributed over several lines would not contribute considerably to any exceedance of the capacity of local transit or regional service. Therefore, the proposed project's impacts on transit would be less than significant.

### **Pedestrian**

The proposed project would generate about 98 new pedestrian trips during the weekday p.m. peak hour. The existing pedestrian environment in the area is varied, particularly given the amount of ongoing construction near the project site, long distances between intersections (which result in limited crossing opportunities), and the presence of freeway on-and off-ramps. Also, based on a field visit conducted on March 26, 2015, there are missing ADA ramps at the north-south crosswalk at the intersection of First/Folsom streets. Existing sidewalks along the project site frontages are 9 feet wide on First Street, 7 feet wide on Harrison Street, and 7 ½ feet wide on Lansing Street. The effective width of sidewalks is also reduced in some places by landscaping or advertising elements.

During the field visit, pedestrian volumes were observed to be generally low along Harrison and First streets and somewhat higher along Folsom Street. Thus, the 98 new p.m. peak hour pedestrian trips associated with the proposed project could be accommodated by the existing sidewalks and crosswalks near the project site and would not substantially affect pedestrian flows. In addition, the proposed project is subject to the Better Streets Plan, and includes proposed improvements along the project site's First and Harrison Street frontages, which would result in wider sidewalks, increasing pedestrian capacity. Further, the removal of four of the existing five curb cuts would reduce the number of potential conflict points between pedestrians and vehicles. Therefore, impacts related to pedestrian crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

While the proposed project would not result in any significant impacts to pedestrians that were not previously identified in the *Rincon Hill PEIR*, Project Improvement Measure 2: Queue Abatement Condition of Approval discussed in the Improvement Measures section below, could be implemented to further reduce the less-than-significant impacts to pedestrians associated with the proposed project. Project Improvement Measure 2 includes measures to abate vehicle queuing on the project driveway that occurs on the public right-of-way that could result in potential vehicle/pedestrian conflicts.

In addition, Project Improvement Measure 3: Warning Signals at Driveway for Pedestrians would entail the installation of visible and audible warning devices at the driveway entry to alert pedestrians to vehicles entering and exiting the driveway.

### **Bicycle**

The project site is within convenient bicycling distance from downtown San Francisco and major transit hubs, it is anticipated that a portion of the new person trips during the weekday p.m. peak hour would be made by bicycle; likely some portion of the 11 new p.m. peak hour trips identified as being by “other” modes.

There are several existing bicycle routes near the project site that facilitate local travel by bicycle and connect to the citywide bicycle network:

- **Route #30** runs west along Howard Street between The Embarcadero and 11th Street and east on Folsom Street between 14<sup>th</sup> Street and The Embarcadero, as a one-way couplet of Class II bicycle lanes (which are buffered in places). This route continues west of the study area through the Lower Haight and the Panhandle to Golden Gate Park.
- A bicycle lane (Class II) runs southbound on Beale Street between Bryant Street and Folsom Street. There is no corresponding couplet in the northbound direction.
- The **San Francisco Bay Trail** runs north-south along The Embarcadero as a Class I bicycle route (multi-use trail). Class II bicycle lanes are also provided in each direction along The Embarcadero. This route continues north and south of the study area along the shoreline.

In addition, several near-term improvements to the bicycle network have been identified in the San Francisco Bicycle Plan in the vicinity of the Project site, including:

- **Route #11** would run north-south along Second Street as a Class I bicycle route. This route would entail six to seven-foot wide one-way cycle-tracks, one per direction, separated by a two- to eight-foot buffer from vehicle travel and parking lanes. This route would continue north of the study area to reach market Street and South to reach Townsend Street.<sup>34</sup>
- The **Fremont Street** bicycle lane would run between Howard Street and Harrison Street.

Also, Bay Area Bike Share is a regional public bicycle sharing system that went into operation as a pilot project in August 2013. The bicycles are securely docked at stations throughout the City and region. After a user obtains a membership, they may take unlimited trips of up to 30 minutes between stations. The nearest Bay Area Bicycle Share station to the project site, with space for 19 bicycles, is located about a quarter of a mile away, on the east side of 2<sup>nd</sup> Street near the intersection with Folsom Street.<sup>35</sup>

The proposed project would include 120 Class 1 and 11 Class 2 bicycle parking spaces, consistent with the Planning Code Sections 155.2 and 155.4. The proposed project would increase the number of bicycle and vehicle trips in the vicinity of the project site; however, the new bicycle trips could be accommodated within the existing bicycle facilities. Further, the removal of four of the existing five curb cuts would

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<sup>34</sup> San Francisco Department of Public Works, *Second Street Improvement Project*, City and County of San Francisco. [www.sfdpw.org/index.aspx?page=1489](http://www.sfdpw.org/index.aspx?page=1489). Accessed April 24, 2015.

<sup>35</sup> More information on Bay Area Bike Share can be accessed at their website: <https://bayareabikeshare.com/>.

reduce the number of potential conflict points between bicyclists and vehicles. Therefore, impacts related to bicycling crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

### **Loading**

There are currently no passenger or freight loading zones on any of the block faces that include the project site's frontages, except along the 75 Lansing Street frontage. A 40-foot-long white passenger loading zone is expected to be constructed as part of the 45 Lansing Street project, which would be shared by the proposed project.

The proposed project would generate 6.28 daily delivery/service vehicle trips, consisting primarily of small trucks and vans.<sup>36</sup> This corresponds with a peak demand for less than one loading space during the peak and average hour of loading activities. Consistent with Planning Code Section 152, no off-street loading spaces are proposed. The project sponsor intends to apply for one 53-foot-long on-street yellow commercial loading space through San Francisco Municipal Transportation Agency's (SFMTA's) Color Curb Program. If approved, this loading space would primarily be used for move-in/move-out activities, along with residential and retail deliveries. Regardless of whether or not the yellow curb is approved, the loading activities associated with the proposed project are limited, and would typically occur outside the peak hours. Loading activities would not create pedestrian hazards, traffic congestion or truck queues, and, thus, would not result in a significant impact.

### **Emergency Access**

Under the proposed project, emergency access would remain unchanged from the existing conditions. Emergency vehicles would continue to access the site from First, Harrison, and/or Lansing streets. Aside from an increase in vehicle trips near the project site, the proposed project would not change emergency access to the project site; therefore, impacts to emergency access would be less than significant.

### **Construction**

The Rincon Hill area is currently experiencing high levels of construction activities, due to the development of various office, residential, and mixed-use projects, which may typically lead to the temporary closure of nearby travel lanes and/or on-street parking spaces. Construction activities for the proposed project would be staged along the project site frontages on First, Harrison, and Lansing streets, resulting in the temporary closure of the adjacent sidewalks and parking lanes, the existing right-turn lane on First Street and the southern sidewalk and the southern half of Lansing Street.

All temporary travel lane, parking lane, and/or sidewalk closures would be subject to review and approval by the interdepartmental Transportation Advisory Staff Committee (TASC) which includes the Police, Public Works, Planning, and Fire Departments and the San Francisco Municipal Transportation Agency. Throughout the construction period, construction-related trucks would be required to use designated truck routes to access the project site. All construction would occur in compliance with applicable traffic regulations and permits for construction activities.

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<sup>36</sup> The delivery/service vehicle demand was forecast based on the methodology and truck trip generation rates presented in the *SF Guidelines*.



Construction impacts on traffic and circulation are specific to individual development projects and are generally not considered significant due to their short-term temporary nature. Construction truck traffic could result in minor congestion and conflicts with vehicles, transit, pedestrians and bicyclists using the surrounding streets. However, such minor congestion and conflicts would be temporary and periodic and would not result in a significant safety hazard or other impact upon transportation and circulation.

In order to further reduce less-than-significant construction-period transportation and circulation impacts, the *Rincon Hill Plan PEIR* identified one improvement measure that would be applicable to all future development projects in the Rincon Hill neighborhood. PEIR Improvement Measure C.2 calls for construction contractors to meet with appropriate City agencies to determine feasible measures for reducing traffic congestion during construction periods. Further, in order to meet the temporary parking demand from construction workers, PEIR Improvement Measure C.2 also calls for construction contractors to provide parking either on-site or within other off-site parking facilities.<sup>37</sup>

While the proposed project would not result in any significant construction impacts that were not previously identified in the *Rincon Hill PEIR*, Project Improvement Measures 4 and 5, discussed in the Improvement Measures section below, could be implemented to further reduce the less-than-significant construction impacts associated with the proposed project. Project Improvement Measure 4: Non-Peak Construction Traffic Hours requires the contractor to restrict truck movement and deliveries to off-peak hours. Project Improvement Measure 5: Construction Management requires the project sponsor to develop and implement a Construction Management Plan (CMP) that addresses the temporary site access and circulation concerns related to construction staging and deliveries.<sup>38</sup> Project Improvement Measure 5 would also reduce the number of commuter vehicle trips to the site during the construction period and the associated demand for vehicular parking spaces.

Project Improvement Measures 4 and 5 both implement PEIR Improvement Measure C.2. In addition, to further implement PEIR Improvement Measure C.2, construction workers would be encouraged to take public transportation when possible and to carpool when not. They would park off-site at nearby parking structures such as the Ampco garage at 600 Harrison Street or Delta Parking at 452 2nd Street.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>37</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 224.

<sup>38</sup> The construction management plan would be reviewed by the TASC and would address issues of circulation (traffic, pedestrians, and bicycle), safety, parking, and other project construction in the area.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport, or in the vicinity of a private airstrip so the proposed project would not expose people residing or working at the project site to excessive noise levels. Noise Topics (f) and (g) are therefore not analyzed for the proposed project.

Noise was discussed in the *Rincon Hill Plan EIR Initial Study* (Appendix A of the program EIR) and was determined to result in less-than-significant impacts, with the inclusion of one mitigation measure related to pile driving. For all potential development that could occur under the *Rincon Hill Plan*, Mitigation Measure 1 Construction Noise, identified in the *Rincon Hill Plan PEIR*, requires piles to be pre-drilled whenever feasible and sonic or vibratory pile drivers to be used instead of impact pile drivers, unless impact pile drivers are absolutely necessary.<sup>39</sup> If piles or piers are, ultimately, part of the final foundation design for the proposed project, PEIR Mitigation Measure 1 Construction Noise would be applicable, thus it is included as Project Mitigation Measure 2: Construction Noise in the Mitigation Measures discussion, below.

As discussed in the *Rincon Hill Plan PEIR*, background noise levels in the Rincon Hill neighborhood are typical of most urban areas and dominated by vehicular traffic noise as well as activities associated with the high density of uses. Noises generated by residential and commercial uses are common and generally accepted in urban areas. Traffic noise generated on the Bay Bridge is the most pervasive noise source in the vicinity of the project site, however, temporary construction activities are also likely to affect local ambient noise levels.

<sup>39</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 222, and Appendix A, p. 32.

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise.<sup>40</sup> These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable ambient noise levels for various newly developed land uses. For residential uses, the maximum satisfactory noise level without incorporating noise insulation into a project is 60 dBA L<sub>dn</sub>,<sup>41,42</sup> while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA L<sub>dn</sub>.<sup>43</sup>

Where ambient noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements is typically necessary before final review and approval, and new residences must include noise insulation features. In addition, Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development comply with San Francisco Building Code (Building Code) requirements and Title 24 standards regarding sound transmission for residences.

Site-specific background noise levels were measured and analyzed in detail for the proposed project, and an Environmental Noise Assessment documents the existing noise sources that contribute to the measured background ambient noise levels.<sup>44</sup> The noise monitoring survey at the project site occurred over several days from May 12, 2015 to May 15, 2015, which included continuous 24-hour noise measurements. It should be noted that the effects of the background noise levels on the proposed project are not considered an impact under CEQA, and the following discussion is provided for informational purposes only.

Based on the results, the noise measurements recorded a day-night noise average of up to 76 dB (DNL) along the First Street façade (approximately halfway between Harrison and Lansing streets), 76 dB (DNL) along the Harrison Street façade, near the corner of First Street. A 77 dB (DNL) measurement was also collected along the First Street façade approximately halfway between the corner of First and Harrison streets and the intersection of Harrison Street and the easternmost corner of the 45 Lansing Street (adjacent to the project site to the west) frontage. A third ambient noise measurement(s) was taken at the southeastern corner of the project site, or, at the intersection of First and Harrison streets which

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<sup>40</sup> *San Francisco General Plan*. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise,

[http://www.sf-planning.org/ftp/general\\_plan/I6\\_Environmental\\_Protection.htm](http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm). Accessed January 6, 2016.

<sup>41</sup> Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale allows reporting the sound intensity numbers within a convenient range. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting, and is expressed in units of A-weighted decibels (dBA).

<sup>42</sup> L<sub>dn</sub> is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.).

<sup>43</sup> The guidelines are based on maintaining an interior noise level of 45 dBA, L<sub>dn</sub>, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

<sup>44</sup> Charles M. Salter Associates, Inc. *390 First Street, San Francisco, California Environmental Noise Study*. November 18, 2015.

yielded a 71 dB (DNL) for background noise levels. The on-site noise measurement results are summarized in Table 2. **On-Site Noise Measurement Results.**

**Table 2. On-Site Noise Measurement Results**

Monitoring Location Identification #	Monitoring Location Details	Measured DNL
L1	45' northwest from Harrison Street 95' southwest from First Street 12 feet above grade	77 dB
L2	35' northwest from Harrison Street 40' southwest from First Street 12 feet above grade	77 dB
L3	135' northwest from Harrison Street 35' southwest from First Street 12 feet above grade	71 dB
<p><b>Source:</b> Table 1: On-Site Measured Data, Charles M. Salter Associates, Inc. <i>390 First Street, San Francisco, California Environmental Noise Study</i>. November 18, 2015.</p>		

In order to meet Title 24 noise insulation standards, the project sponsor would incorporate the following recommendations from the Noise Study into the project’s design. The Noise Study recommends that the project sponsor use materials of construction, window assemblies and glazing, and architectural details having a minimum laboratory-tested Sound Transmission Class (STC) ratings to ensure an interior noise environment of 45 dBA in habitable rooms as required by Title 24 and the Building Code. During the review of the building permit application, DBI will review the project plans for compliance with Title 24 standards and Building Code requirements.

The proposed project would increase traffic on the local roadway network. Typically, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project, traffic volumes would not double on area streets as a result of the proposed project<sup>45</sup>. Therefore, operation of the proposed project would not cause a noticeable increase in traffic-related ambient noise levels in the project vicinity.

Section 2909 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 source must not cause a noise level more than 5 dBA in excess of ambient noise levels; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient noise levels; for noise on public property, including streets, the limit is 10 dBA in excess of ambient noise levels. 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 (until 10:00 p.m.).

<sup>45</sup> Fehr and Peers Associates, December 2015. *Transportation Impact Study for 390 First Street.*

Noise from construction activities and from the operation of building equipment is regulated by the San Francisco Noise Ordinance (Noise Ordinance). Section 2907 of the Noise Ordinance requires that noise levels from any individual piece 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, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the San Francisco Department of Public Works (DPW) or DBI. Section 2908 of the Noise Ordinance prohibits construction between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project site's property line, unless a special permit is authorized by DPW or DBI.

Construction of the proposed project and related street and sidewalk improvements would temporarily increase noise in the vicinity. Construction equipment would generate noise and possibly some groundborne vibration that could be considered an annoyance by occupants of nearby properties. Construction noise and vibration would fluctuate depending on the construction phase, equipment type, duration of use, and distance between the source and the listener.

However, compliance with Sections 2907 and 2908 of the Noise Ordinance would minimize noise and vibration from construction activities and reduce noise impacts to nearby residential uses to a less-than-significant level.

The proposed project would include mechanical equipment, such as heating and ventilation systems, that could produce operational noise. The operation of this mechanical equipment is subject to the requirements of Section 2909 of the Noise Ordinance, which are discussed above. The proposed project would comply with the requirements of Section 2909 by including acoustical construction improvements to limit operational sources of noise and achieve an interior day-night equivalent sound level of 45 dBA. Compliance with Section 2909 would minimize noise from building operations. Therefore, noise effects related to building operations would be less than significant.

As discussed above, the proposed project would not result in exposure of persons to or generation of noise levels in excess of standards established in the *General Plan*, Noise Ordinance, or applicable standards of other agencies, would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and would not result in a substantial permanent, temporary, or periodic increase in the ambient noise levels in the project vicinity. In addition, the residents of the proposed project would not be substantially affected by existing noise levels due to the implementation of Title 24 noise insulation standards.

For these reasons, implementation of the proposed project would not result in significant noise impacts consistent with the findings in the *Rincon Hill Plan PEIR*. Further, if piles or piers are part of the final foundation design the construction noise mitigation measure identified in the *Rincon Hill Plan PEIR* would be included, Project Mitigation Measure 2: **Construction Noise (Implementing PEIR Mitigation Measure 1: Construction Noise)**. Therefore, no new impacts would occur and no further mitigation is necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY—Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The *Rincon Hill Plan PEIR* identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The *Rincon Hill Plan PEIR* identified two mitigation measures that would reduce air quality impacts to less-than-significant levels.

*Rincon Hill Plan PEIR* Mitigation Measure E.1 requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. Subsequent to the certification of the *Rincon Hill Plan PEIR*, the Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce 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 DBI.

*Rincon Hill Plan PEIR* Mitigation Measure E.2 addresses criteria air pollutant impacts resulting from a project's operation by requiring any of a variety of transportation demand measures to reduce the amount of pollutants associated with commuting by single-occupancy vehicles.

Also subsequent to the certification of the *Rincon Hill Plan PEIR*, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD CEQA *Air Quality Guidelines (Air Quality Guidelines)*,<sup>46</sup> which provided new methodologies for analyzing air quality impacts, including

<sup>46</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

construction activities. The *Air Quality Guidelines* provide screening criteria for determining whether a project's criteria air pollutant emissions may 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. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact.

For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("Air Pollutant Exposure Zones"). Air Pollutant Exposure Zones were identified based on two health-based criteria:

- (1) Excess cancer risk from all sources > 100; and
- (2) PM<sub>2.5</sub> concentrations from all sources including ambient >10µg/m<sup>3</sup>.

Sensitive receptors<sup>47</sup> within these Air Pollutant Exposure Zones are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these Air Pollutant Exposure Zones. These locations (i.e., within Air Pollutant Exposure Zones) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

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 proposed project would include new sensitive receptors in the form of residential uses, and the project site is within an identified Air Pollutant Exposure Zone. Each of the Air Pollutant Exposure Zone criteria is discussed below.

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.<sup>48</sup> As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the "acceptable" range of cancer risk.

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<sup>47</sup> The BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: (1) residential dwellings, including apartments, houses, condominiums, (2) schools, colleges, and universities, (3) daycares, (4) hospitals, and (5) senior care facilities. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, p. 12.

<sup>48</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,<sup>49</sup> 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.<sup>50</sup>

**Fine Particulate Matter.** In April 2011, the 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<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> should be revised to a level within the range of 13 to 11 µg/m<sup>3</sup>, with evidence strongly supporting a standard within the range of 12 to 11 µg/m<sup>3</sup>. The Air Pollutant Exposure Zone for San Francisco is based on the health protective PM<sub>2.5</sub> standard of 11 µg/m<sup>3</sup>, as supported by the USEPA's Particulate Matter Policy Assessment, although lowered to 10 µg/m<sup>3</sup> to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

**Proximity to Freeways.** According to the California Air Resources Board, 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,<sup>51</sup> lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

**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<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>52</sup>

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

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<sup>49</sup> 54 Federal Register 38044, September 14, 1989.

<sup>50</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

<sup>51</sup> California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005. Available online at: <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>52</sup> San Francisco Planning Department and San Francisco Department of Public Health, *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9, 2014. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14Amendment to Health Code Article 38



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.

The proposed project is located within an Air Pollutant Exposure Zone. Therefore, the proposed project would: (1) require an enhanced ventilation system to comply with the Article 38 of the San Francisco Health Code, (2) require that all stationary sources (i.e. backup diesel generators) meet Tier 4 requirements, and (3) that construction emissions be quantified and minimized, as described below.

The proposed project is a residential development and 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, Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM<sub>2.5</sub> (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration.

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 Article 38, the project sponsor has submitted an initial application to DPH.<sup>53</sup> 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. As discussed in the project description, construction of the proposed project would be completed in six partially overlapping phases, including: demolition (1.5 months), excavation, grading, and shoring (1 month), foundation construction (1 month), building construction (7.5 months), exterior finishing (4 months), and interior finishing/architectural coating (11 + months). Overall, construction would take approximately 20 months.

Construction activities from the proposed project may result in dust, primarily from ground-disturbing activities, such as excavation. The proposed project would be subject to and would comply with the Construction Dust Control Ordinance. Therefore, the first part of the *Rincon Hill Plan EIR* Mitigation Measure E.1 is not applicable to the proposed project. Construction activities from the proposed project would also result in the emission of criteria air pollutants and DPM from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips; therefore, the second part of Mitigation Measure E.1 is applicable. Project Mitigation Measure 2, Construction Air Quality is consistent with the second part of Mitigation Measure E.1. With implementation of project Mitigation Measure 2, the proposed project would not result in any new or more severe significant impacts than were identified in the *Rincon Hill PEIR* related to construction air quality. Diesel-fueled construction equipment would be used on site and for delivering building supplies throughout the construction duration.

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<sup>53</sup> San Francisco Department of Public Health. *Application for Article 38 Compliance Assessment, 390 First Street (2014.1041E)*, August 13, 2015.

The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors' exposure to temporary and variable DPM emissions.<sup>54</sup> The excavation and removal of approximately 26,000 cubic yards of soil would exceed the BAAQMD's Air Quality Guidelines construction screening criterion of 10,000 cubic yards. Thus, quantification of construction-related criteria air pollutant emissions is required for the proposed project. As shown in Table 3: Estimated Average Daily Construction Emissions of the Proposed Project, the average daily emissions from the proposed project's construction activities would be below the BAAQMD thresholds of significance for criteria air pollutants.<sup>55</sup>

**Table 3: Estimated Average Daily Construction Emissions of the Proposed Project**

	Projected Emissions (Pounds per Day) <sup>1</sup>			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Average Daily Emissions	15.21	14.7	0.78	0.72
BAAQMD Threshold	54	54	82 <sup>2</sup>	54 <sup>2</sup>

Note:

<sup>1</sup> Emission factors were generated by the CalEEMod model for San Francisco County.

<sup>2</sup> The construction thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> listed here are based on PM<sub>10</sub> and PM<sub>2.5</sub> emissions associated solely with exhaust from construction equipment and machinery.

Source: San Francisco Planning Department, January 2016

The proposed project would not be a major source of TACs that pose a significant health impact, because it would not be served by at least 100 trucks per day or 40 refrigerated trucks per day, and it would not generate more than 10,000 vehicle trips per day or 1,000 truck trips per day.

The proposed project would include a new stationary source (one backup diesel generator) that would emit TACs during its infrequent and intermittent periods of operation. The backup generator would likely be diesel fueled, with a 500 kilowatt (KW) standby (350 KW prime) rating. The backup generator generator will be placed in the below grade generator room adjacent to Lansing Street within the on garage level B2 (see Figure 8).

New stationary diesel engines are required to comply with BAAQMD Regulation 2, Rule 5: New Source Review for Toxic Air Contaminants. Regulation 2, Rule 5 requires new sources that result in an excess cancer risk greater than one in one million and/or a chronic hazard index greater than 0.20 to implement the best available control technology to reduce emissions. Here, the backup generator would be equipped with either a Tier 4 certified engine, or a Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). For these reasons, the ambient health risk to sensitive receptors from air pollutants, including DPM and TACs, is not considered substantial.

The proposed project would result in an increase in operational-related criteria air pollutants including from the generation of daily vehicle trips and energy demand. However, the proposed project meets the

<sup>54</sup> California Code of Regulations, Title 13, Division 3, Chapter 10, Section 2485.

<sup>55</sup> San Francisco Planning Department, *Air Quality Technical Memo to File, 390 1<sup>st</sup> Street Project*, January 6, 2016.

screening criteria provided in the BAAQMD's Air Quality Guidelines for operational-related criteria air pollutants.

For the above reasons, the proposed project would not result in significant impacts related to air quality and would not contribute to the significant impacts identified in the *Rincon Hill Plan PEIR*. Therefore, no additional mitigation measures are necessary. The first part of Mitigation Measure E.1, identified in the *Rincon Hill Plan PEIR* and discussed above, has been superseded by the Construction Dust Control Ordinance and is not applicable to the proposed project. Project Mitigation Measure 3, Construction Air Quality, is consistent with the second part of Mitigation Measure E.1. With implementation of Project Mitigation Measure 3, the proposed project would not result in any new or more severe significant impacts than were identified in the *Rincon Hill PEIR* related to construction air quality.

<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>7. GREENHOUSE GAS EMISSIONS—Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The *Rincon Hill Plan PEIR* was certified in 2005 and therefore did not analyze the effects of GHG emissions. In addition, the BAAQMD has prepared guidelines that provide methodologies for analyzing air quality impacts under CEQA, including the impact of GHG emissions. 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 and allow for projects that are consistent with a GHG reduction strategy to conclude that the project's GHG emissions are less than significant. The following analysis is based on BAAQMD and CEQA guidelines for analyzing GHG emissions. As discussed below, the proposed project would not result in any new significant impacts related to GHG emissions.

***Proposed Project***

San Francisco's *Strategies to Address Greenhouse Gas Emissions*<sup>56</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>57</sup> exceeding the year 2020

<sup>56</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>57</sup> ICF International, *Technical Review of the 2012 Community-wide GHG Inventory for the City and County of San Francisco*, January 21, 2015. Available at

reduction goals outlined in the BAAQMD's *Bay Area 2010 Clean Air Plan*,<sup>58</sup> Executive Order S-3-05,<sup>59</sup> and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>60,61</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05 and B-30-15.<sup>62,63</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site by replacing the existing one1,590-square-foot automobile service station with a 14-story mixed-use residential building with 180 residential units, 328 square feet of ground-floor retail and 92 parking spaces. 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, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, and waste disposal wood burning, and use of refrigerants.

Compliance with the City's Commuter Benefits Program, Emergency Ride Home Program, Transportation Sustainability Fee, bicycle parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation

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[http://sfenvironment.org/sites/default/files/fliers/files/icf\\_verificationmemo\\_2012sfecommunityinventory\\_2015-01-21.pdf](http://sfenvironment.org/sites/default/files/fliers/files/icf_verificationmemo_2012sfecommunityinventory_2015-01-21.pdf), accessed March 16, 2015.

<sup>58</sup> Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

<sup>59</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <http://www.pcl.org/projects/2008symposium/proceedings/Coatsworth12.pdf>, accessed March 16, 2016.

<sup>60</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_0001-0050_ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>61</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>62</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>63</sup> San Francisco's GHG Reduction Goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>64</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>65</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>66</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>67</sup>

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and 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. For the above reasons, the proposed project would not result in significant impacts that were not identified in the *Rincon Hill Plan PEIR* and no mitigation measures are necessary.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW—Would the project:</b>				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>64</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>65</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>66</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>67</sup> San Francisco Planning Department, *Greenhouse Gas Compliance Checklist*, 1699 Market Street, January 13, 2016.

## Wind

As discussed in the *Rincon Hill Plan PEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to alter wind in a manner that substantially affects public areas. The *Rincon Hill Plan PEIR* analyzed the wind impacts from potential development that could occur under the *Rincon Hill Plan*. The analysis of the *Rincon Hill Plan* was based on specific project designs where such information was available and on massing models where no specific project had been proposed. Development anticipated under the *Rincon Hill Plan* was found to have the potential to create new exceedances of the wind hazard criterion established in the Planning Code. Since development projects that create new exceedances of the wind hazard criterion cannot be approved, new exceedances must be eliminated through design modifications or the implementation of wind reduction measures (i.e., the installation of landscaping, trellises, windscreens, etc.).

In order to ensure that implementation of the *Rincon Hill Plan* would not result in significant wind impacts, Mitigation Measure G.1, identified in the *Rincon Hill Plan PEIR*, requires the City to adopt Planning Code controls on wind speeds for the RH-DTR District that are, at a minimum, functionally equivalent to the controls contained in Planning Code Sections 148 and 249.1(a)(3).<sup>68</sup> A legislative amendment was adopted to add Section 825(d) to the Planning Code, which establishes regulations related to ground-level wind currents in the RH-DTR District. Each development project proposed under the *Rincon Hill Plan* is required to comply with the provisions of Planning Code Section 825(d).

The potential wind impacts of each individual project would have to be assessed, and if it is determined that any individual project would result in exceedances of the wind hazard criterion, design modifications or wind reduction measures would have to be implemented to eliminate those exceedances. For these reasons, the *Rincon Hill Plan PEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant wind impacts.<sup>69</sup>

The *Rincon Hill Plan PEIR* found, based on a series of three tests<sup>70</sup> in connection with the 425 First Street project, that cumulative plan area development could result in between one and three hazard exceedances in the area between Essex and Beale Streets, absent project-specific mitigation, with no scenario resulting in more than a total of five hours per year that would exceed the 36-miles per hour (mph) wind hazard criterion (the wind comfort criterion is 11 mph). Since compliance with Planning Code Section 825(d) would preclude these hazard exceedances on a project-specific basis, the program EIR concluded that the Plan would have no significant effects. In terms of average wind speeds, there was also little difference between test scenarios for the *Rincon Hill Plan PEIR*. Average wind speeds ranged from about 11.9 to 12.3 mph, about 1 mph greater than existing conditions; a difference that is unlikely to be perceptible.

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<sup>68</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 227.

<sup>69</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 177-179.

<sup>70</sup> The structure, massing and location of the proposed project were included in each of three cumulative scenarios studied in the *Rincon Hill Plan* analysis.

A project-specific wind-tunnel study was conducted to evaluate the proposed 390 First Street project.<sup>71</sup> The project-specific test was based on a 14-story, 130-foot-tall residential tower, constructed over a 30-to 50-foot-tall podium, that would be built to the lot line.

The project-specific wind-tunnel study tested three scenarios: the existing scenario, the project scenario, and the cumulative development scenario. The existing scenario included all of the existing buildings in the vicinity as well as several 300- to 400-foot-tall high-rise buildings that were under construction at the time of the wind tunnel test at: 45 Lansing Street, 340-350 Fremont Street, 399 Fremont Street, and Transbay Blocks 6/7.

The project scenario simply adds the proposed project at 390 First Street to the existing scenario. The cumulative development scenario includes the proposed project as well as the following high-rise developments that were approved or proposed as of November 21, 2014: Transbay Block 9, 525 Harrison Street, 325 Fremont Street, and Transbay Block 8.

The wind-tunnel testing resulted in the following findings:

**Existing Scenario.** The hazard criterion is exceeded at one test point location at the southwest corner of the project site adjacent to the 45 Lansing Street building, for a total of 1 hour per year. The comfort criterion is exceeded 18% of the time, with the average wind speed being 13 mph.

**Project Scenario.** There are no hazard criterion exceedances under the Project Scenario. The comfort criterion is exceeded 15% of the time, a reduction of 3% compared to the Existing Scenario, with the average wind speed being 12.3 mph, 0.7 mph less than under the Existing Scenario.

**Cumulative Development Scenario.** There are no hazard criterion exceedances under the Cumulative Development Scenario. The comfort criterion is exceeded 18% of the time (the same as under the Existing Scenario), with the average wind speed being 13.1 mph.

Under the existing condition the wind hazard criterion is currently exceeded in one location for one hour per year. The hazard exceedance site is located on the north sidewalk on Harrison Street near the 45 Lansing Street site. The 45 Lansing Street project will have its primary pedestrian entrance on Lansing Street as does the existing building to the west at 81 Lansing Street. Finally, the Bay Bridge approach is located south of Harrison Street, generally precluding pedestrian travel to the south. Accordingly, there is minimal pedestrian use of this north sidewalk along Harrison Street. The project and cumulative development scenarios would result in the elimination of all of the locations where the wind hazard criterion is exceeded. As such, the number of hours during which the wind hazard criterion is exceeded go from one (under the existing condition) to zero with the proposed project. The cumulative development scenario would also result in the elimination of all of the locations where the wind hazard criterion is exceeded.

In summary, no new hazard exceedance locations would result from the construction of the proposed project. Thus, the project wind test demonstrates that the PEIR adequately addressed the wind impacts

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<sup>71</sup> Environmental Science Associates. *Potential Section 825(d) Wind Impacts, Proposed 390 1<sup>st</sup> Street Project, San Francisco California, Case No. 2014.1041E*. August 25, 2015.

of the proposed project; that the proposed project would not have any additional effects that were not examined in the *Rincon Hill Plan PEIR*.

### Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The *Rincon Hill Plan PEIR* found that, while development within the plan area would not shade any open spaces subject to Section 295, there are other publicly accessible open spaces that would be subject to additional shading at certain times of the day and year. This net new shadow would not be in excess of what is common and generally expected in densely developed urban environments. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant shadow impacts, and no mitigation measures were identified.<sup>72</sup>

In addition, plan area towers would also add new shadow to a proposed new public open space in the plan area, at Fremont and Harrison Streets. However, because of the limited shading of existing open spaces and because the planned open space did not exist, at that time, and would receive substantial morning sun even with plan area development, and based on the assertion that individual projects would receive a project-level shadow analysis, the PEIR found shadow effects to be less than significant.

A project-level shadow analysis was conducted for the proposed 390 First Street project<sup>73</sup>. The shadow analysis evaluated a 134-foot-tall tower. Two open spaces were identified as being potentially affected by the proposed project; Guy Place Mini-Park and Emerald Park.

Guy Place Mini-Park is a proposed 0.08-acre pocket park that would developed on Assessor's Block 3749, Lot 005, a site which is currently a surface parking lot. Guy Place Mini-Park would be under the jurisdiction of the Recreation and Parks Department.

Emerald Park is a recently opened privately owned public open space (POPO) that is under the jurisdiction of the San Francisco Park Alliance (SFPA). Emerald Park is approximately 0.50 acres, and is located at the northeast corner of Harrison and Fremont Streets.

A full set of shadow graphics was prepared for the shadow analysis. These shadow graphics were prepared for the summer solstice (June 21<sup>st</sup>), the winter solstice (December 20<sup>th</sup>), and for the fall equinox (September 20) which is also a proxy for the spring equinox every two hours, starting from one hour after sunrise, and ending at one hour before sunset. The shadow graphics are created based on a three-dimensional model that not only takes into consideration the intervening buildings, but also the natural topography of the site and surrounding area.

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<sup>72</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 160-174.

<sup>73</sup> Adam Phillips, PreVision Design. *Shadow Analysis Report for the Proposed Project at 390 First Street, San Francisco, California, Per Section 295 and CEQA Standards*. January 22, 2016.



A refined shadow fan diagram was also prepared to illustrate the full extent of net new shadow from the proposed project that would occur throughout the year. The revised shadow fan diagram illustrates that the net new shadow from the proposed project would reach Emerald Park, however, no net new shadow would occur on the Guy Place Mini-Park.

The proposed project would cast new shadows on portions of Emerald Park during the late afternoons from late September through late October, and again in mid-February through mid-March, with the dates of maximum shading on or around October 11 and March 1. During these times net new shadow could cover as much as 75 percent of the park. However, Emerald Park is currently shaded over 60 percent of the time, and the net new shadow from the proposed project would only contribute approximately 0.1 percent.

Thus, the project-specific shadow analysis concludes that the *Rincon Hill Plan PEIR* adequately addressed the shadow impacts of the proposed 390 First Street project; and that the 390 First Street project would not have any additional effects that were not identified in the *Rincon Hill Plan PEIR*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION—Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the *Rincon Hill Plan PEIR*, implementation of the *Rincon Hill Plan* would increase the demand for recreation facilities. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing recreation facilities). The added growth and increased demand for recreation facilities would be consistent with planned service levels and capacity. In addition, the *Rincon Hill Plan* requires developers to provide one square foot of public open space for every 50 square feet of nonresidential use. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on recreation facilities, and no mitigation measures were identified.<sup>74</sup>

The Embarcadero Promenade, a three-mile-long waterfront pedestrian promenade that extends from Fisherman’s Wharf to China Basin that is used for both active and passive recreation, is approximately 1,500 feet southeast of the project site. Several privately owned but publically accessible parks are within

<sup>74</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

one-half mile of the project site. South Park is located approximately 1,500 feet southwest of the project site and Yerba Buena Gardens is located approximately 1,500 feet northwest.

South Park is a two-block-long park that is landscaped with grass and small shrubs. Amenities include benches, tables and two children’s play areas with swings and play structures. Yerba Buena Gardens is a 5.5-acre public open space that includes benches, berms/terraces, the Martin Luther King, Jr. Memorial Fountain and Waterfall, pedestrian walkways, and public art. Yerba Buena Gardens is used for passive recreation and for hosting civic and cultural events. There is also a 130,000-square-foot open space on the roof of the Moscone Convention Center, which is on the block south of Yerba Buena Gardens.

As discussed under Topic 2, Population and Housing, of this CPE Checklist, the proposed project would include up to 180 dwelling units and 328 gsf of retail space. Implementation of the proposed project would result in a net increase of about 407 residents, and a net reduction of about four employees (based on the existing and proposed retail uses) on the project site.<sup>75</sup> The population growth associated with the proposed project is within the scope of the population growth that was anticipated under the *Rincon Hill Plan* and analyzed in the *Rincon Hill Plan PEIR*. The increase in demand for recreation facilities created by the proposed project would not exceed the existing and planned capacity discussed in the *Rincon Hill Plan PEIR*. The use of recreation facilities and resources as a result of the proposed project would not increase such that substantial physical deterioration or degradation would occur or be accelerated. The proposed project would not include recreation facilities or require the construction or expansion of recreation facilities that might have adverse physical effects on the environment. For these reasons, implementation of the proposed project would not result in significant impacts on recreation facilities that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>75</sup> According to the 2010 Census, the average household size San Francisco is 2.26 persons. Retail employment was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the *Rincon Hill Plan PEIR*, implementation of the *Rincon Hill Plan* would increase the demand for utilities, including electricity, garbage/recycling, wastewater treatment, and water supply. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and served by existing utilities). The added growth and increased demand for utilities would be consistent with planned service levels and capacity, and new utility infrastructure or facilities would not need to be constructed to accommodate the increased demand. Each development project proposed under the *Rincon Hill Plan* would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on utilities and service systems, and no mitigation measures were identified.<sup>76</sup>

As discussed under Topic 2, Population and Housing, of this CPE Checklist, implementation of the proposed project would result in a net increase of about 407 residents, and a net reduction of about four employees (based on the existing and proposed retail uses) on the project site.<sup>77</sup> The population growth associated with the proposed project would generate an increase in demand for utilities, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan PEIR*. In addition, no new utility infrastructure or facilities would need to be constructed. The proposed project would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, implementation of the proposed project would not result in significant impacts on utilities and service systems that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

<sup>76</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

<sup>77</sup> According to the 2010 Census, the average household size San Francisco is 2.26 persons. Retail employment was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES—Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the *Rincon Hill Plan PEIR*, implementation of the *Rincon Hill Plan* would increase the demand for public services, including libraries, schools, police protection, and fire protection. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing public services). The added growth and increased demand for public services would be consistent with planned service levels and capacity, and new facilities would not need to be constructed to accommodate the increased demand. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on public services, and no mitigation measures were identified.<sup>78</sup>

As discussed under Topic 2, Population and Housing, of this CPE Checklist, implementation of the proposed project would result in a net increase of about 407 residents, and a net reduction of about four employees (based on the existing and proposed retail uses) on the project site.<sup>79</sup> This population growth would generate an increase in demand for public services, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan PEIR*. In addition, no new facilities would need to be constructed in order to maintain acceptable service ratios, response times, or other performance objectives for any public services. For these reasons, implementation of the proposed project would not result in significant impacts on public services that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

<sup>78</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

<sup>79</sup> According to the 2010 Census, the average household size San Francisco is 2.26 persons. Retail employment was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>12. BIOLOGICAL RESOURCES—Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the *Rincon Hill Plan PEIR*, the Rincon Hill neighborhood is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Rincon Hill neighborhood that could be affected by the development anticipated under the *Rincon Hill Plan*. In addition, development envisioned under the *Rincon Hill Plan* would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on biological resources, and no mitigation measures were identified.<sup>80</sup>

The project site is currently occupied by an automobile gasoline and service station and is surrounded by intensively developed land. There are no candidate, sensitive, or special-status species, riparian habitat, or wetlands on the project site, so implementation of the proposed project would not adversely affect a candidate, sensitive, or special-status species, a riparian habitat, or wetlands.

<sup>80</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, Appendix A, p. 25.

There are no significant trees or other vegetation on the project site that would need to be removed as part of the proposed project. As a result, the proposed project would not conflict with any local policies or ordinances that protect biological resources associated with trees or other vegetation.

The project site is not within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, state, or regional habitat conservation plan. As a result, the proposed project would not conflict with the provisions of any such plan.

For these reasons, implementation of the proposed project would not result in significant impacts on biological resources that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

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

As discussed in the *Rincon Hill Plan PEIR*, the Rincon Hill neighborhood is largely underlain by bedrock. Like the entire San Francisco Bay Area, the Rincon Hill neighborhood is subject to ground shaking during an earthquake, and portions of the Rincon Hill neighborhood are in or adjacent to an area of liquefaction

potential and an area susceptible to landslides. DBI is the agency responsible for ensuring project compliance with the seismic safety standards of the California Building Code (CBC) and for assessing potential risks from geologic hazards.

Each development project proposed under the *Rincon Hill Plan* is required to comply with the seismic safety standards of the CBC. In addition, a geotechnical report is required for each development project that is in an area of liquefaction potential or an area susceptible to landslides. The purpose of the geotechnical report is to assess the geologic hazards of a particular site and provide recommendations for reducing potential damage from those hazards. DBI will review each building permit application and geotechnical report. Based on these requirements, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to geology and soils, and no mitigation measures were identified.

A preliminary geotechnical investigation was conducted for the proposed project to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project's design and construction. The findings and recommendations of the geotechnical investigation are presented in a geotechnical report and summarized below.<sup>81</sup> Construction of the proposed project would require excavation for the foundation and three underground parking levels, and the removal of about 26,000 cubic yards of soil.

The geotechnical report recommends that proposed building rest on a mat foundation in areas where bedrock is exposed. If there are areas where bedrock is not encountered during excavation activities, the mat foundation may be supplemented by drilled-cast-in-place piers with grade beams and a structural slab, if needed. The geotechnical report also includes recommendations related to shoring and underpinning, dewatering, foundations. The project sponsor has agreed to implement these and other recommendations specified in the geotechnical report.

The proposed project would be required to comply with the seismic safety standards of the CBC. As part of the building permit application review process for the proposed project, DBI would consider the information in the geotechnical report and determine the necessary engineering and design features for minimizing potential damage from geologic hazards and events. Based on required compliance with the seismic safety standards of the CBC, implementation of the proposed project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death, due to fault rupture, strong seismic ground shaking, liquefaction, or landslides.

For these reasons, implementation of the proposed project would not result in significant impacts related to geology and soils that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

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<sup>81</sup> Langan Treadwell Rollo. *Geotechnical Consultation Report, First and Harrison Streets, San Francisco, California*. June 9, 2014.

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

As discussed in the *Rincon Hill Plan PEIR*, the Rincon Hill neighborhood has been developed for more than 100 years, and almost the entire plan area is covered by impervious surfaces (paved roads, sidewalks, buildings, and/or vacant lots that were previously developed). Surface runoff in the Rincon Hill neighborhood flows into the City's combined stormwater/sewer system instead of draining directly into San Francisco Bay. As a result, new urban infill development in the Rincon Hill neighborhood would not alter drainage and runoff patterns, deplete groundwater supplies, or result in erosion, siltation, or flooding. Based on required compliance with various regulations related to water conservation, wastewater discharge and treatment, and the use of recycled water, the *Rincon Hill Plan PEIR* concluded



that implementation of the *Rincon Hill Plan* would not result in significant impacts on hydrology and water quality, and no mitigation measures were identified.<sup>82</sup>

Since the project site and the vicinity are covered by impervious surfaces, the proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into San Francisco Bay. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

The project site is not within an area in the City prone to flooding during storms. Therefore, the proposed project would not place housing within a 100-year flood hazard area, would not impede or redirect flood flows in a 100-year flood hazard area, and would not 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. As shown on Map 5, *Tsunami Hazard Zones, San Francisco, 2012*, in the Community Safety Element of the *General Plan*, the project site is not within a tsunami hazard zone.<sup>83</sup> As a result, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.

For these reasons, implementation of the proposed project would not result in significant impacts on hydrology and water quality that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>82</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 214-220, and Appendix A, pp. 27-28.

<sup>83</sup> San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 15. Available online at [http://www.sf-planning.org/ftp/General\\_Plan/Community\\_Safety\\_Element\\_2012.pdf](http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf). Accessed January 7, 2016.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The *Rincon Hill Plan PEIR* identified a significant impact from the release of contaminated soil during the construction of subsequent projects within the *Rincon Hill Plan* area and identified two mitigation measures<sup>84</sup> to reduce these impacts to less-than-significant levels. Mitigation Measure H.1 requires that a Phase I environmental site assessment (ESA) be prepared and submitted for any development project in a site not covered by the Maher Ordinance (Article 20 of the Public Works Code and Article 22 of the Health Code). If warranted by the Phase I ESA, a Phase II ESA should be prepared in consultation with the Department of Public Health (DPH) that, if determined necessary, includes sampling of soil and groundwater. Should soil and/or groundwater contamination be discovered, the project sponsor shall be required to enter into a voluntary cleanup agreement with DPH.

Mitigation Measure H.2 requires that for any development project, if dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system.

Based on required compliance with federal, state, and local regulations, along with implementation of Mitigation Measures H.1 and H.2, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to hazards and hazardous materials.<sup>85</sup>

<sup>84</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, p. 227.

<sup>85</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, pp. 182-185, and Appendix A, pp. 29-31.

After the *Rincon Hill Plan PEIR* was published, the Board of Supervisors amended Health Code Article 22A, which is administered and overseen by DPH and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater to retain the services of a qualified professional to prepare a Phase I ESA that meets the requirements of Health Code Section 22.A.6.

The project sponsor submitted a Maher Application to DPH along with the Phase I ESA on February 18, 2015, initiating the process of compliance with the Maher Ordinance. If soil and/or groundwater contamination conditions are discovered, the project sponsor could be required to remediate in accordance with Article 22A of the Health Code.

Further, removal and disposal of lead-based paints (should they be present) must comply with Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Chapter 34 applies to buildings for which the original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint.

Removal and disposal of asbestos and/or asbestos-containing materials from the existing buildings (should it be present) prior to their demolition must comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD has authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area.

In San Francisco, fire safety is ensured through the provisions of the Building Code and the San Francisco Fire Code. During the review of the building permit application, DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety, which may include the development of an emergency procedure manual or an exit drill plan for the occupants of the proposed project. Compliance with fire safety regulations would ensure that the 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.

Based on the above project-specific analysis, the 390 First Street project would not have any significant impacts related to hazards or hazardous materials that were not identified in the program EIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>16. MINERAL AND ENERGY RESOURCES— Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In California, energy consumption in buildings is regulated by Title 24 of the California Code of Regulations. Title 24 includes standards that regulate energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings. In San Francisco, compliance with Title 24 standards is enforced by the DBI and documentation demonstrating compliance with Title 24 standards is required to be submitted with a building permit application. Each development project proposed under the *Rincon Hill Plan* is required to comply with current state and local regulations related to energy consumption, including Title 24. Based on required compliance with state and local regulations, the *Rincon Hill Plan PEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on mineral and energy resources, and no mitigation measures were identified.<sup>86</sup>

The proposed project would comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance. In addition, the project site is not designated as an area of significant mineral deposits or as a locally important mineral resource recovery site. The proposed project would not result in the loss of mineral resources that are of value to the region or the residents of the state, would not result in the loss of availability of a locally important mineral resource recovery site, and would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner. For these reasons, implementation of the proposed project would not result in significant impacts on mineral and energy resources that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

<sup>86</sup> San Francisco Planning Department, *Rincon Hill Plan PEIR*, certified May 5, 2005, Appendix A, p. 28.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The *Rincon Hill Plan PEIR* did not discuss impacts on agriculture and forest resources that could result from implementation of the *Rincon Hill Plan* because there are no agriculture or forest resources in the area covered by the *Rincon Hill Plan*.

The project site does not contain agricultural uses, forest land, or timberland, and it is not zoned for such uses. The proposed project would not convert farmland to non-agricultural use and would not convert forest land or timberland to non-forest use. For these reasons, implementation of the proposed project would have no impacts on agriculture or forest resources that were not identified in the *Rincon Hill Plan PEIR*, and no mitigation measures are necessary.

***Project Mitigation Measure 1: Archaeological Monitoring (Implementing PEIR Mitigation Measure I1. Projects Located in Archaeological Mitigation Zone 1 (AMZ-1))***

Based on the reasonable potential 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 archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. 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 monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of

four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>87</sup> associated with descendant Native Americans or the Overseas Chinese an appropriate representative<sup>88</sup> 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 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 Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological monitoring program (AMP).* 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 project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological 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 archaeological 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 the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy 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

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<sup>87</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>88</sup> 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.

been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City

and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

*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 draft 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 Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 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 than that presented above.



**Project Mitigation Measure 2: Construction Noise (Implementing PEIR Mitigation Measure 1: Construction Noise)**

For projects requiring pile driving, individual project sponsors would ensure that piles be predrilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers should be used unless absolutely necessary. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Construction noise is regulated by the San Francisco Noise Ordinance, Article 29 of the City 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 (jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

**Project Mitigation Measure 3 – Construction Air Quality (Implementing PEIR Mitigation Measure E.2)**

The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

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 two 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 two 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 onsite 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 Table 3, below.

**Table 3 – 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, then 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, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then 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, and

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 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.

## IMPROVEMENT MEASURES

### ***Project Improvement Measure TR-1: Implement Project-Specific Travel Demand Strategies to Reduce Vehicle Trips***

The project sponsor (MCR Trust) or property owner, should implement the following Transportation Demand Management (TDM) Program that seeks to annually reduce the number of single occupancy vehicle (SOV) trips to and from the project site. The TDM Program would try to achieve reduction in project-related SOV trips by encouraging people to arrive via alternative modes of transportation (e.g., walking, bicycling, transit, other). The TDM Program should be monitored to ascertain its effectiveness.

The *Rincon Hill Plan PEIR* Mitigation Measure E.2 requires the project sponsor to implement various transportation demand management measures in order to help reduce significant plan-generated traffic through reduction of vehicle trips.<sup>89</sup>

#### TDM Program

- Provide TDM training to property managers/coordinators.
- 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 could 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. Provide Muni maps, San Francisco bicycle and pedestrian maps upon request.
- Provide information on transportation options, including updates and a “ride board” through which residents can offer/request rides, on the homeowners association website and/or lobby bulletin board.
- Ensure that the points of access to bicycle parking through elevators on the ground floor and the garage ramp include signage indicating the location of these facilities and encourage retail tenants to allow bicycles in the workplace.
- Ensure that bicycle access to the site is safe, avoiding conflicts with automobiles, transit vehicles and loading vehicles, such as those described in Improvement Measure TR-2, Queue Abatement Condition of Approval.
- As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. Project sponsor assures future access to the site by City staff. Providing access to existing developments for data collection purposes is also encouraged.

In addition, the project sponsor should consider the following TDM measures and any others that would reduce SOV trips to and from the project site:

- Offer one annual car share membership for each new resident (one per household) or employee. Recipient would be responsible for the remainder of the costs associated with the membership.
- Increase the number of on-site car-share spaces beyond Planning Code requirements.
- Load money onto a Clipper card (e.g., equivalent to a Muni monthly pass) included as part of the monthly rent or homeowner association fee.
- Provide and maintain a fleet of bicycles (and related amenities such as locks, baskets, lights, etc.) for use by the building occupants. Increase the number of on-site secured bicycle parking beyond Planning Code requirements and/or provide additional bicycle facilities in the public right-of-way in on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).
- Coordinate with the San Francisco Municipal Transportation Agency and/or San Francisco Department of Public Works to potentially provide bicycle racks on adjacent sidewalks or other locations (e.g., on- or off-street parking spaces).
- The project sponsor should 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.
- Design residential units to facilitate the transport and storage of bicycles.
- Provide free or subsidized bikeshare membership to tenants.
- Facilitate direct access to bicycle facilities in the study area (e.g., Route 30 on Folsom eastbound and Howard westbound) through on-site signage.
- Ensure that bicycle safety strategies are developed along the First Street side of the property, preventing conflicts with pedestrians and vehicles.
- The project sponsor should identify a TDM Coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMA SF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.
- 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 could 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. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

- TDM Program Monitoring. The project sponsor should collect data and make monitoring reports available for review by the Planning Department. Ideally monitoring reports would be submitted biannually for eight years starting at 85 percent building occupancy. The monitoring report would include:
  - Trip counts and/or intercept surveys
  - Travel diary or stated preference survey
  - Property manager/coordinator survey
  - Travel demand information

*or comparable alternative methodology and components as approved or provided by City staff.*
- Offer a 100 percent subsidy for one annual bike share membership for new employees or residents.
- Offer a 50 percent subsidy for one Muni monthly pass for new residents (one per household), and employees for up to one year. Recipient would be responsible for the remainder of the costs associated with the Muni monthly pass.

### Monitoring

The project sponsor should make available biannually (every two years) monitoring reports, starting one year after 85 percent occupancy of the units for the new building, for review by the Planning Department. The biannual monitoring reports should be conducted for eight years (four reporting periods). The biannual monitoring reports should gather travel demand analysis information requested in the SF Guidelines,<sup>90</sup> including trip counts and intercept survey of persons arriving and leaving the building.<sup>91</sup> The trip count and intercept survey should be conducted for no less than two days of the reporting period between 6:00 a.m. and 8:00 p.m.. One day should be a Tuesday, Wednesday, or Thursday, and another day should be Saturday. In addition, a one-week stated preference survey or travel diary should be distributed to residents and employees of the building to supplement the trip count and intercept

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<sup>90</sup> City and County of San Francisco, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002, or subsequent updates, if applicable.

<sup>91</sup> An example of an appropriate trip count and intercept survey can be found in the University of California, Davis, *California Smart-Growth Trip Generation Rates Study*, March 2013, available online at: <http://ultrans.its.ucdavis.edu/projects/smart-growth-trip-generation>.

survey data.<sup>92</sup> To encourage stated preference survey or travel diary participation, the property manager/coordinator should provide an incentive (e.g., gift card, reduced rent or homeowner association fee, etc.). Lastly, a survey should be provided to the property manager/coordinator to document which TDM Program measures were implemented during the reporting period and obtain basic building information (e.g., percent unit occupancy, off-site parking utilization by occupants of building, loading frequency, etc.). Each trip count and survey should be completed within 90 days following the end of the applicable two-year period. Each biannual monitoring report should be completed within 180 days following the applicable two-year period and include a summary of statistically significant results. Each trip count, survey, and biannual monitoring report should be prepared by a qualified transportation or survey consultant and the methodology should be approved by the Planning Department prior to conducting trip count and survey.

### ***Project Improvement Measure TR-2: Queue Abatement Condition of Approval***

Vehicle queues at the proposed driveway into the public right-of-way would be subject to the Planning Department's vehicle queue abatement conditions of approval. The owner/operator of the off-street parking facility shall ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; or travel demand management strategies such as additional bicycle parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

### ***Project Improvement Measure 3: Warning Signals at Driveway for Pedestrians***

To minimize potential vehicle/pedestrian conflicts at the project driveway on First Street, of the project sponsor should provide a visible and audible warning signal at the driveway entry to alert pedestrians to the possibility of conflicting vehicles entering and exiting the driveway.

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<sup>92</sup> An example of an appropriate travel diary and stated preference distributed are those found in the California Department of Transportation, *2010-2012 California Household Travel Survey Final Report*, June 14, 2013.

#### ***Project Improvement Measure 4: Non-Peak Construction Traffic Hours***

To minimize the construction-related disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods, the contractor should restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

#### ***Project Improvement Measure 5: Construction Management (Implementing PEIR Improvement Measure C.2)***

The project sponsor should develop and implement a Construction Management Plan (CMP), addressing transportation-related circulation, access, staging, and hours for deliveries. The CMP would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The CMP would supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by the San Francisco Municipal Transportation Agency (SFMTA), the Department of Public Works (DPW), or other City departments and agencies, and the California Department of Transportation. The CMP should include, but not necessarily limited to, the following:

- Identify construction traffic best management practices in San Francisco, as well as others that, although not being implemented in the City, could provide valuable information for the project. Management practices include, but are not limited to the following:
  - The construction company shall encourage construction workers to use alternative modes of transportation (e.g. transit, rideshare, cycling, walking) when traveling to and from the Project site to reduce vehicle trips.
  - Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
  - Identifying best practices for accommodating bicyclists and bicycle facilities such as bicycle wayfinding signage or temporary detours.
  - Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
  - Identify a route for construction-related trucks to utilize during construction.
  - Restricting deliveries and trucks trips to the project site during off-peak hours (generally 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., but may include other times (e.g., during Giants game days), where feasible.
- Require consultation with 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.



- Develop 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.

