



# SAN FRANCISCO PLANNING DEPARTMENT

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

## COMMUNITY PLAN EXEMPTION CHECKLIST

*Case No.:* 2013.1511E  
*Project Title:* 360 Spear Street  
*Zoning:* RH-DTR (Rincon Hill Downtown Residential Mixed Use District)  
105-X Height and Bulk Districts  
*Block/Lot:* 3745/009  
*Lot Size:* 34,375 square feet  
*Plan Area:* Rincon Hill  
*Project Sponsor:* Gregg Miller Coblentz Patch Duffy & Bass, LLP  
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### PROJECT DESCRIPTION:

The project site includes an existing five-story, approximately 76-foot-tall, 159,178-gross-square-foot-building built in 1940, currently used as an Internet Services Exchange facility, located on the southwest corner of Harrison and Spear streets, one block south of the Embarcadero in the South of Market neighborhood. Currently, approximately 150,823-gsf of the project site building is devoted to internet service exchange facilities. The proposed project would entail:

- Conversion of approximately 50,000-gsf of existing internet service exchange use on a portion of the third floor and the entire fourth floor to office use as defined in Section 890.70 of the Planning Code;
- Replacement of two windows on the fourth floor of the Spear Street façade with air-flow louvers;
- Installation of rooftop mechanical equipment (heat pumps, chillers and fans) to service the converted office floors; and
- The installation of bicycle lockers and related shower facilities on the ground floor.

The current internet service exchange uses would continue in those portions of the building that are not proposed for conversion. No new on-site parking would be provided. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion. No ground-disturbing excavation or increase in the building height would occur with implementation of the proposed project. The 360 Spear Street building (the project building) is not considered a historical resource for purposes of CEQA and the project site is not within a historic district.

Figure 1 shows the project location. Figures 2, 3 and 4 show the existing ground, third and fourth floor plans, respectively. Figure 5 provides the rooftop plan, upon which mechanical equipment will be located at the south end of the building (within the dashed rectangle), behind an existing 18-foot-high screen. Figure 6 provides an illustration of the louvers that would replace two windows on the fourth floor.

The project site, which is on the south side of Spear Street at its intersection with Harrison Street, is in the South of Market neighborhood, approximately one block northwest of the Interstate 80 approach to the San Francisco Bay Bridge and one block south of The Embarcadero. 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. To the immediate west of the project site is the Infinity mixed-use development (the Infinity Towers), primarily consisting of two high-rise (approximately 450- and 350-feet-high) and two mid-rise residential towers containing a total of 650 dwelling units. On the north side of Spear Street opposite the project site is the six-story former Hills Brothers Coffee plant, now occupied by offices of various businesses and the San Francisco campus of the Wharton School of Business. Further west on the north side of Spear Street are the offices of Google San Francisco, restaurants, retail and residential uses within a seven-story building (also a part of the former Hills Brothers Coffee plant). On the block of Harrison east of the project site are two substantial residential developments of three floors (at the southeast corner of Harrison and Spear) and eight floors (at the southwest corner of Main and Harrison). At the northeast corner of Spear and Harrison is a large, six-story office building.

The proposed 360 Spear Street project would require the following approvals:

#### **Actions by the Planning Commission**

- Conditional Use Authorization for conversion of an Internet Service Exchange facility to office space.
- Office Development Authorization from the Planning Commission pursuant to Planning Code Section 321 for development of 49,992-sf of office space.

#### **Actions by City Departments**

- Building permits approvals for alterations to the interior third and fourth floors, installation of the rooftop mechanical equipment, and installation of louvers on the south-facing façade of the building.

A Conditional Use Authorization for conversion of the Internet Service Exchange facilities on part of the third and all of the fourth floors is the Approval Action for this project. The Approval Action date 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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FIGURE 1. PROJECT LOCATION

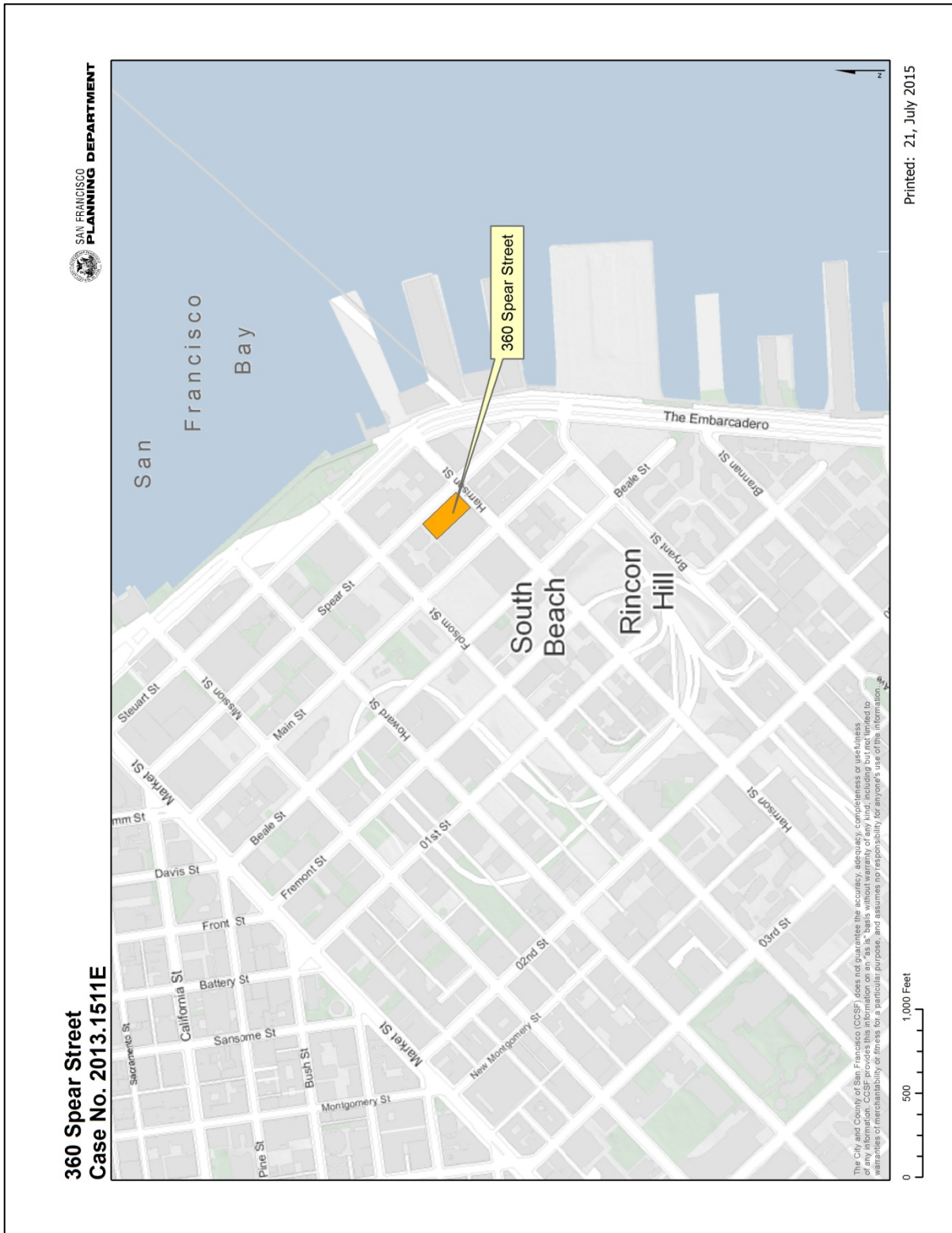


FIGURE 2. GROUND FLOOR PLAN



FIGURE 3. THIRD FLOOR PLAN

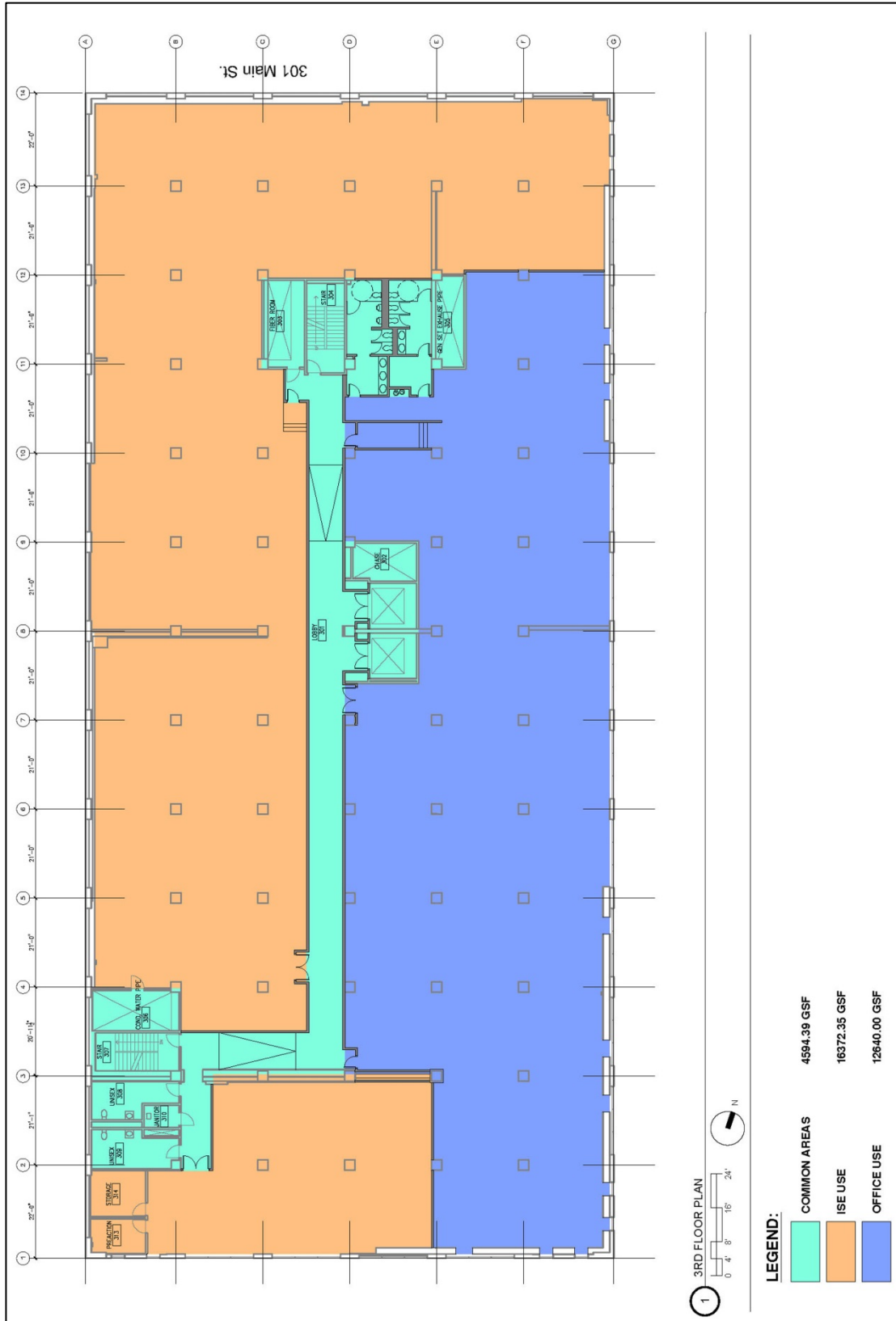


FIGURE 4. FOURTH FLOOR PLAN

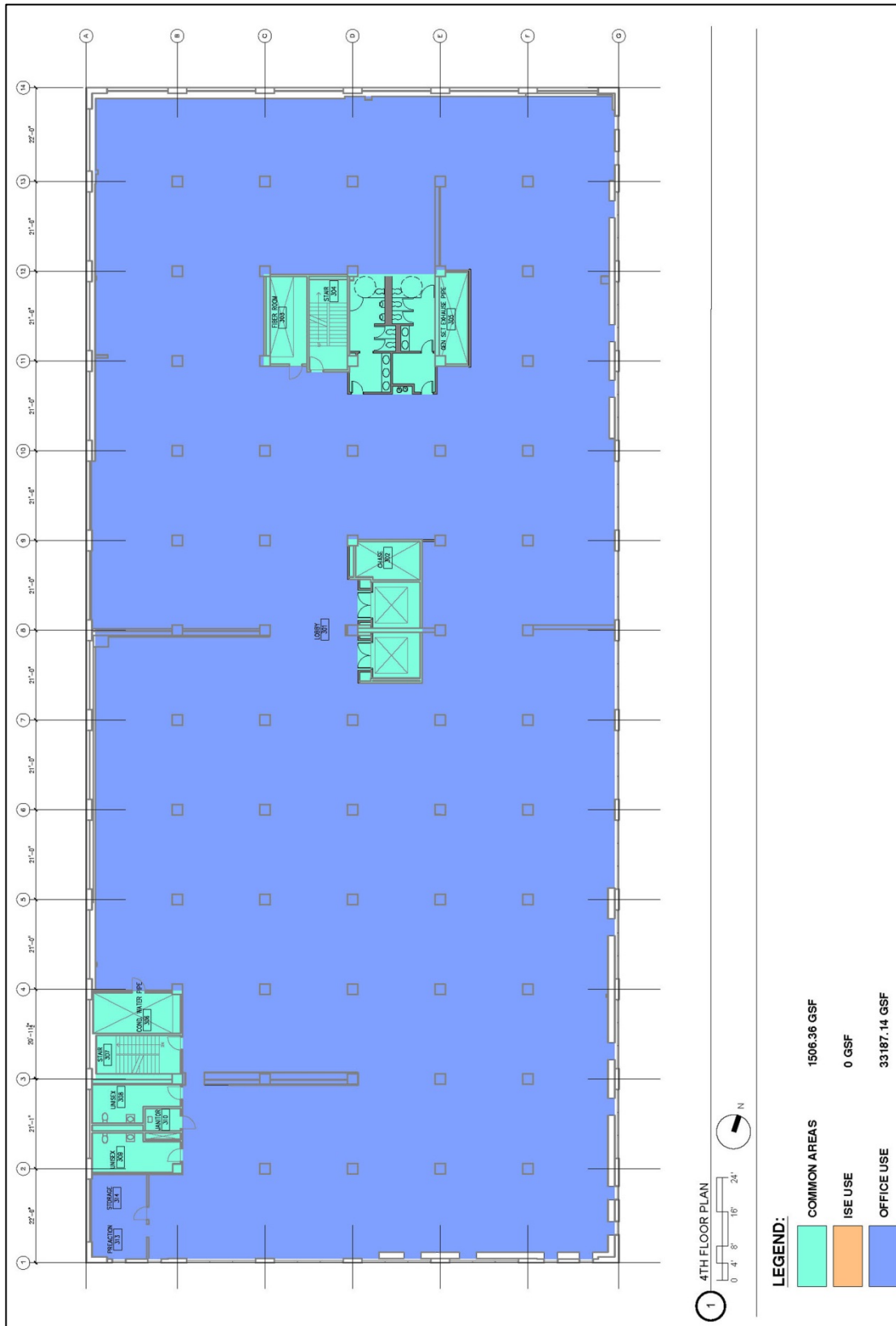


FIGURE 5. ROOFTOP PLAN

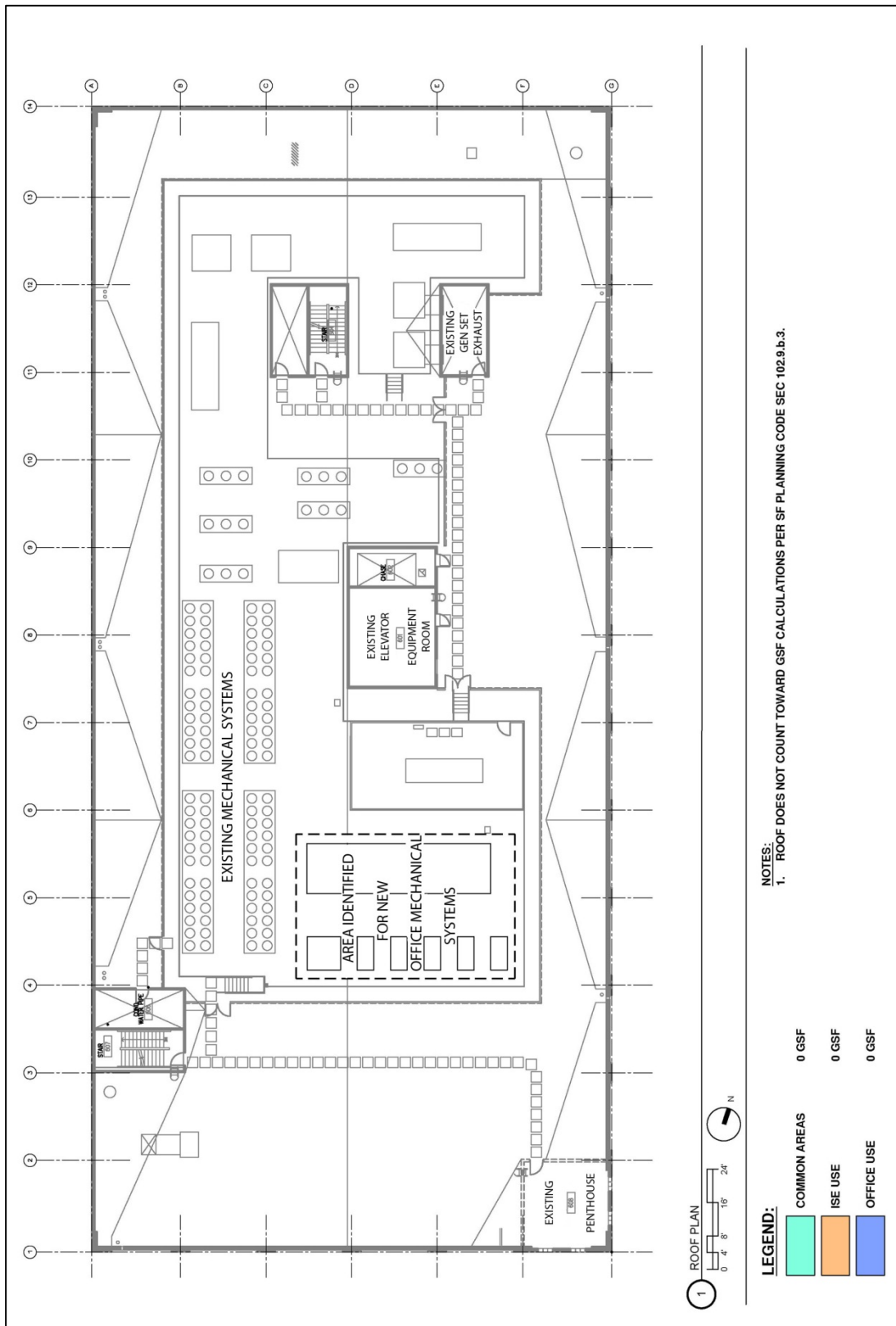


FIGURE 6. PROPOSED LOUVERS





## 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 FEIR or FEIR)*.<sup>1</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 FEIR* are discussed under each topic area. The *Rincon Hill Plan FEIR* identified significant program-level impacts related to transportation, air quality, wind, hazardous materials, and historical (archeological and architectural) resources. Additionally, the *Rincon Hill Plan FEIR* 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 conversion of approximately 50,000 gsf of existing internet service exchange use part of the third and the entire fourth floor to office use as defined in Section 890.70 of the Planning Code. 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 FEIR*.

## 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.” 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:

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<sup>1</sup> San Francisco Planning Department, *Rincon Hill Plan* Final Environmental Impact Report (*FEIR*), 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.

- 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 and street-car lines and BART; (b) located on a lot within an urban area that has been previously developed; and (c) an employment center. Thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup> Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.

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<sup>2</sup> San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 360 Spear Street, June 18, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1511E.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in FEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in FEIR</b>
<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 FEIR* 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>3</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 FEIR* 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 FEIR* 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>4</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>3</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>4</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, 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>5,6</sup>

The proposed office use is compatible with similar office 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 FEIR* 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:	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
<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 FEIR* 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>7</sup>

<sup>5</sup> Susan Exline, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 360 Spear Street, 360 Spear Street, October 14, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

<sup>6</sup> Elizabeth Watty, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 360 Spear Street, August 11, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

<sup>7</sup> San Francisco Planning Department, Rincon Hill Plan FEIR, certified May 5, 2005, pp. 137-144.

The proposed project would convert about 50,000-sf of existing internet service exchange to office space. As such, the proposed project would add to the number of employees in the *Rincon Hill Plan* area. As noted in the Transportation and Circulation section below, and based upon an estimated one employee per every 276-sf of office space, the proposed project could add approximately 181 employees to the project site. An unknown percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. Others may choose to live (or may already live) elsewhere in San Francisco or the San Francisco Bay Area. Based upon the average household size for Census Tract 615 of 1.77 persons per household,<sup>8</sup> 181 employees would be expected to occupy approximately 102 dwelling units. As noted, the *Rincon Hill Plan FEIR* estimated that the population in the Plan area would increase from about 1,500 to between about 6,500 and 8,200 and, with adoption of the preferred option, that an additional 2,200 dwelling units would be added to the Plan area's housing (as of 2005). 181 employees would represent between two to three percent of the anticipated increase in the Plan area population of 6,500 to 8,200 people, and 102 units would be about 4.5 percent of the additional 2,200 dwelling units that would be added. Thus, even in the unlikely event that all the 181 employees chose to live in the *Rincon Hill Plan* area, the direct effects of the proposed project on population and housing would be within the scope of the population growth anticipated under the *Rincon Hill Plan* and evaluated in the *Rincon Hill Plan FEIR*. Therefore, the proposed project would not displace any housing and would not generate substantial housing demand for future employees.

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 FEIR*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in FEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in FEIR</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

<sup>8</sup> American Community Survey 5-Year Estimates, Census Tract 615, Table B25010 Average Household Size of Occupied Housing Units by Tenure.

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 FEIR*, 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>9</sup> As a result, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant and unavoidable impacts to historic architectural resources.<sup>10</sup> Mitigation measures identified in the *Rincon Hill Plan FEIR*, 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.

*Rincon Hill Plan FEIR* 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>11</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 FEIR*, 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>12</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 remodeling of the interior third and fourth floors and the replacement of two windows with louvers on the fourth floor of a structure built in 1940. The 360 Spear Street building was designated 7R in the National Register, indicating it was identified in a reconnaissance-level survey but not evaluated. As such, the building is designated as a Category B historical resource pursuant to San Francisco Historic Preservation Bulletin No. 16.<sup>13</sup> The proposed project was reviewed by a Preservation Technical Specialist and, given the small scale of the exterior alterations (replacing two windows on the fourth floor of the Spear Street facade with louvers), it was determined that the proposed louvers would not impact historic materials or features.<sup>14</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 FEIR*.

## Archaeological Resources

As discussed in the *Rincon Hill Plan FEIR*, 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 FEIR* determined that implementation of the *Plan*

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<sup>9</sup> Since the certification of the *Rincon Hill Plan FEIR* in May 2005, the buildings at 425 First Street, 347 Fremont Street, and 375 Fremont Street have been demolished.

<sup>10</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 203-205.

<sup>11</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 231.

<sup>12</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 232.

<sup>13</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. Available at:

<sup>14</sup> Sucre, Richard, San Francisco Planning Department. *Preservation Team Review form, 360 Spear Street*. July 21, 2015.

could result in potentially significant impacts to archaeological resources. Accordingly, the *Rincon Hill Plan FEIR* 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 FEIR*.<sup>15</sup> The project site is in an area identified as Archeological Mitigation Zone 3, “in which it is believed there are no significant archaeological resources, or that those resources have been significantly disturbed, or that those resources have been investigated and those resources with significant research value removed and curated as the result of an archaeological data recovery program.”<sup>16</sup> Mitigation for projects in Archeological Mitigation Zone 3 requires provision for accidental discovery of archeological resources through the distribution of the Planning Department’s ALERT sheet to any contractor involved with soils-disturbing work. For these reasons, the *Rincon Hill Plan FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant impacts on archaeological resources.

The proposed project involves conversion of a portion of the third floor and the entire fourth floor from their current use as an internet service exchange to office use and does not involve any foundation or subsurface work or soil disturbance that could affect archeological resources. Therefore, the proposed project would not result in significant impacts on archeological resources that were not identified in the *Rincon Hill Plan FEIR*.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in FEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in FEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION—</b>				
<b><u>Would the project:</u></b>				
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"/>

<sup>15</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 227-231.

<sup>16</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. S40-41.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
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 FEIR*, 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 automobile, transit, bicycle, and walking. The *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant traffic impacts on levels of service at nearby intersections but would not result in significant impacts on public transit, loading, or pedestrian and bicycle conditions.<sup>17</sup>

The *Rincon Hill Plan FEIR* identified three mitigation measures for addressing the significant traffic impacts on levels of service at nearby intersections and improving the operating conditions at those intersections. Mitigation Measures C.1a, C.1b, and C.1c are specific to three different intersections at Beale and Folsom, Main and Folsom, and Spear and Folsom, respectively. The mitigation measures call for specific configurations at each of these intersections (the number of westbound and eastbound lanes, the prohibition of left turns, the use of left- and right-turn pockets, etc.).<sup>18</sup>

The proposed project entails conversion of approximately 50,000 gsf of an existing internet service exchange to office use on part of the third and the entire fourth floors. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion. The current internet service exchange use would otherwise continue in those portions of the building that are not proposed for conversion.

Conversion of the interior spaces and installation of the louvers and roof-top mechanical equipment are anticipated to take about four months. Construction of the proposed project would not involve major construction activities or require use of large pieces of equipment (e.g., front loaders, graders and excavators) and substantial quantities of material. Portable construction equipment would be staged on the third and fourth floors; demolished materials would be carted to the ground floor and removed by dump truck. 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 intersections, public transit services, or sidewalks. Implementation of

<sup>17</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 134.

<sup>18</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 223.



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.

**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>19</sup> Based upon 2008-2012 American Community Survey travel data for Census Tract 615, the proposed project would generate an estimated 905 person trips (inbound and outbound) on a weekday daily basis, consisting of 335 person trips by auto, 316 person trips by transit, 209 person trips by walking and 45 person trips by other modes. 30 of the 335 person trips by auto would occur during the p.m. peak hour.

**Traffic**

Traffic in the project vicinity is significantly influenced by commuter travel to the downtown area from Interstate 80 and the Bay Bridge. Table 1 below provides the most recently available LOS for intersections within 800 feet of the project site.

**Table 1. Existing and Cumulative LOS at Intersections Within 800 Feet of the Project Site**

Intersection	Existing		Cumulative		Source (EIR/Study)
	LOS	Year	LOS	Year	
Beale/Folsom	NA		F	2030	San Francisco Transit Center District Plan <sup>1</sup>
Embarcadero/Folsom	D	2011	F	2030	San Francisco Transit Center District Plan
Embarcadero/Folsom	D	2011	F	2030	San Francisco Transit Center District Plan
Harrison Street/Main Street	E	2011	E	2030	105 Harrison Street Transportation Study <sup>2</sup>
Harrison Street/The Embarcadero	D	2008	F	2030	105 Harrison Street Transportation Study
Main/Folsom	NA		F	2030	San Francisco Transit Center District Plan
Spear/Folsom	NA		F	2030	San Francisco Transit Center District Plan
Spear/Harrison	D	2011	E	2030	San Francisco Transit Center District Plan

<sup>1</sup>San Francisco Transit Center District Plan FEIR. San Francisco Planning Department, Planning Case No. 2007.0558E and 2008.0789E, State Clearinghouse No. 20080072073, certified May 24, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>.

<sup>2</sup>105 Harrison Street Transportation Study. This study available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

During the weekday afternoon/evening (p.m.) peak hour, the proposed project would generate about 18 new vehicle trips. These new vehicle trips would not be sufficient in number to degrade the current levels of service (LOS) at nearby intersections such that they would change from LOS D or better to LOS E or LOS F or from LOS E to LOS F. Similarly, the effect of 18 new p.m. peak hour vehicle trips would not be significant in regards to the cumulative LOS for 2030. For these reasons, implementation of the proposed project would not conflict with a congestion management plan, including level of service standards and travel demand measures, and impacts related to traffic would be less than significant.

<sup>19</sup> San Francisco Planning Department, Transportation Calculations for 360 Spear Street, March 27, 2015. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

While the proposed project would not result in any significant traffic impacts that were not previously identified in the Rincon Hill FEIR, Project Improvement Measure 1 (Transportation Demand Measures), discussed on page 42, could be implemented to further reduce the less-than-significant traffic impact of the proposed project. Improvement Measure 1 includes three 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 36 new transit trips during the weekday p.m. peak hour. The project site is within one-half mile of a number of bus and light services, including five San Francisco Municipal Transit Authority bus lines and all of the Municipal Railway's light rail lines on Market Street. It is also within a 2,000-foot-walk of the Transbay Terminal and a half-mile-walk from the BART Embarcadero station. The addition of 36 transit trips would not exceed the capacity of local transit or regional service. This impact would be less than significant.

### **Pedestrian**

The proposed project would generate about nine new pedestrian trips during the weekday p.m. peak hour. The project site is located within an established pedestrian network comprised of continuous sidewalks, curb-ramps and painted crosswalks at stop-controlled or signalized intersections. The sidewalk in front of the project site (on Spear Street) is about 10 feet wide with an additional 20 feet of landscaped space before reaching the street. Other sidewalks within two blocks of the project site are 10 to 15 feet wide. Based on field observations made during the p.m. rush hour on September 29, 2015 and the a.m. rush hour on September 30, 2015, no overcrowding or obvious pedestrian-related deficiencies were observed in front of or in the vicinity of the project site. The nine new pedestrian trips generated by the proposed project could be accommodated by the existing sidewalks and crosswalks near the project site and would not substantially affect pedestrian flows. Impacts relating to pedestrian crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

### **Bicycle**

The project site is within 500 feet of bicycle lanes on Beale and Folsom Streets and The Embarcadero that connect to the citywide bicycle system. Since 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. 10 Class 1 bicycle spaces, two showers, and 12 clothes lockers are proposed to be added on the ground floor of the project site in compliance with the requirements of Planning Code Section 155.2 and 155.4. Due to the limited number of on-site vehicle parking spaces, it is not anticipated that the new vehicle trips generated by the proposed project would result in substantial conflicts between vehicles and bicycles on Spear Street or otherwise affect bicycle travel in the area. Impacts relating to bicycling crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

### **Loading**

The existing 360 Spear building has two loading docks in the ground floor garage with an entry on the Spear Street side. Loading space is also available in the ground floor parking areas. The proposed project would generate demand for less than one peak hour and an average of one truck trip per day. Impacts

resulting from loading that might relate to pedestrian hazards, traffic congestion and truck queues would be less than significant.

### **Emergency Access**

The proposed project would not change the travel lanes along Spear Street or result in significant traffic congestion and emergency vehicle access to the project site would remain unchanged from existing conditions. Implementation of the proposed project would not result in inadequate emergency vehicle access, and this impact would be less than significant.

### **Construction**

The Rincon Hill area as a whole is currently experiencing high levels of construction, due to various office and mixed-use development, which leads to the temporary closure of some nearby travel lanes and on-street parking spaces. 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. In order to minimize traffic congestion related to construction activities, the *Rincon Hill Plan FEIR* identified one improvement measure applicable to all future development projects in the Rincon Hill neighborhood. 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. In order to meet the temporary parking demand from construction workers, Improvement Measure C.2 calls for construction contractors to provide parking either on-site or within other off-site parking facilities.<sup>20</sup>

As noted, construction would take about four months and primarily involve interior alterations. Given the relatively small size of the proposed project and short duration for its construction, impacts related to construction would be less than significant. Staging of equipment, material and construction crew vehicles would occur along Spear Street or within the ground-level garage and no closure of sidewalks, travel lanes or Muni bus stops is anticipated. However, if temporary travel lane, parking lane or sidewalk closures are needed, they would be coordinated with the City in order to minimize the impacts on local traffic. In general, lane and sidewalk closures are subject to review and approval by the interdepartmental Transportation Advisory Staff Committee (TASC) that includes the Police, Public Works, Planning, and Fire Departments and the San Francisco Municipal Transit Agency. The construction management plan reviewed by the TASC would address issues of circulation (traffic, pedestrians, and bicycle), safety, parking, and other project construction in the area. Throughout the construction period, construction-related trucks would be required to use designated freight traffic routes to access the project site. In this manner, the project sponsor would comply with Improvement Measure C.2. 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.

### **Parking**

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

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<sup>20</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 224.

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.

As noted above on page 3, the proposed project meets each of the above three criteria because it would be (a) within one-half mile of a number of bus and street-car lines and BART; (b) located on a lot within an urban area that has been previously and intensively developed; and (c) an employment center.<sup>21</sup> Thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA. However, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

As noted, the proposed project does not include any new off-street parking. Pursuant to Planning Code Sections 151.1 and 827.33, off-street parking spaces for office uses in the RH-DTR zoning district are not required. However, it should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought.

The parking demand for the new office use associated with the proposed project was determined using the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking was estimated to be 54 spaces. As the project would not provide any off-street parking spaces, and the existing 11 spaces are, for this analysis, presumed to be used, there would be an unmet demand of an estimated 54 spaces. At this location, the unmet parking demand could be accommodated by existing on-street and off-street parking spaces within a reasonable distance of the project site. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and

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<sup>21</sup> San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 360 Spear Street, June 18, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1511E.

biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who, aware of constrained parking conditions in a given area, choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects. Given that the unmet demand of 54 spaces could be met by existing facilities and that the proposed project site is well-served by transit and bicycle facilities, the proposed project's parking shortfall would not result in significant delays or hazardous conditions.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in FEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in FEIR</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"/>
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.

As discussed in the *Rincon Hill Plan FEIR*, 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. The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise (Noise Guidelines).<sup>22</sup> The Noise 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. The Noise Guidelines recommend that new construction or development for offices should be undertaken only after a detailed analysis of noise reduction requirements is made in areas where sound levels are between 65 and 75 Ldn. Noise mapping by the Department of Public Health indicates that traffic noise levels on the Spear and Harrison Street frontages of the project site are between 65 and 75 Ldn. However, the proposed project would involve interior modifications and exchange of two windows with louvers and does not involve new construction or development. Therefore, the Noise Guidelines recommendation for a detailed noise analysis would not apply.

For all potential development that could occur under the Rincon Hill Plan, Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR*, 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. As the proposed project would not involve pile driving or any soils disturbance, Mitigation Measure 1 would not apply.

The nearest sensitive receptors to the project site are the residences at the adjacent condominium towers (the Infinity Towers) and the 46 live-work units across Harrison Street (101 Harrison Street). The south Infinity Tower (at 300 Spear Street) is the worst-case receiver, as it is closest to and taller than the project site.

### Construction Noise

Construction activities for the proposed project would primarily occur inside the building, in addition to installation of the two louvers and the mechanical equipment on the roof. Noise from construction activities and from the operation of building equipment is also 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 decibels (dBA) at a distance of 100 feet from the source. Section 2908 of the Noise Ordinance prohibits construction between 8:00 p.m. and 7:00 a.m. and 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 the Department of Building Inspection or, if work is in the public right-of-way, by the Department of Public Works.

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<sup>22</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 7, 2014.

No foundation or excavation work would occur and no heavy equipment would be required. Therefore no impacts related to vibration are expected. The relatively minor and temporary scope of work and compliance with Sections 2907 and 2908 of the Noise Ordinance would minimize noise from construction activities and reduce potential construction noise impacts to a less-than-significant level, including noise impacts on the sensitive receptors living in residential uses in the immediate vicinity.

### Operational Noise

Two sections of the Noise Ordinance would apply to the project site once the proposed project has been built. Section 2909(b) of the Noise Ordinance provides a limit of 8 dBA above ambient at the property plane to noise from commercial and industrial properties. Section 2909(d) of the Noise Ordinance provides fixed interior residential noise limits of 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. and 55 dBA between the hours of 7:00 a.m. and 10:00 p.m.

Noise from the proposed project would occur with the office use itself and from the rooftop mechanical equipment. Interior noise from the proposed office use is not expected to be audible outside the building. However, noise from the rooftop mechanical equipment would be audible to some of the surrounding (sensitive receptor) residences. Notably, the upper residences on the eastern and southern sides of the Infinity Tower adjacent to the project site (and, to a lesser extent, the east and south facing residences in the second tower), have clear lines-of-sight to the rooftop equipment. As discussed, the proposed project would include installation of mechanical equipment on the south end of the building's rooftop, specifically:

- Five (5) Colmac HPA 12-ton heat pumps
- One (1) Trane RTAE 160-ton air-cooled chiller
- One (1) Lau Industries 1100 cfm exhaust fan.

The mechanical equipment would be located along with other rooftop equipment at the project site, including existing HVAC units and water-cooled ventilation systems (referred to as "chillers") used to cool servers working in the internet service exchange facilities in the floors below. The mechanical equipment would be located on the southeast side of the proposed structure's rooftop and is indicated within the dashed rectangle in Figure 5 that is annotated "AREA IDENTIFIED FOR NEW MECHANICAL SYSTEMS."

During the public comment period for the proposed project (from July 13 to August 3, 2015) staff received an email from a local resident of the neighboring Infinity Towers expressing concern regarding additional noise from the proposed mechanical equipment. In the past, Infinity Tower residents have filed complaints with the City concerning noise from the HVAC and chiller equipment atop the existing project building. The Department of Public Health has investigated these complaints and monitored sound at the Infinity Towers on those sides facing the project site. In correspondence with Planning staff, the Department of Public Health noted that the measured noise level at 360 Spear Street property plane was seven to eight decibels (dB) above ambient (over eight dB is a violation of Section 2909(b) of the Noise Ordinance) and the measured noise level in one of the Infinity Towers residences was 43 to 44 dB (over 45 dB is a violation for night noise per Section 2909(d) of the Noise Ordinance).<sup>23</sup> Given the existing noise from rooftop equipment, the addition of the proposed mechanical equipment may result in

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<sup>23</sup> Email from Johnathan Piakis, Department of Public Health, to Chris Thomas, Planning Department. July 27, 2015.

nighttime noise impacts upon neighboring residents (in particular, those of the Infinity Towers that reside at a height above the project site roof). Noise from rooftop equipment is typically abated by use of a sound-absorbing wall. In this instance, however, such a wall would have to be tall enough to block sound to those units on the east side of the 350 to 450-foot-tall Infinity Towers that are above the approximately 76-foot-tall elevation of the project building (that is, those units with direct lines-of-sight to the project building’s rooftop). The height of such a wall would not be feasible to construct.

The proposed equipment is considerably quieter than the existing equipment on the roof. The proposed Trane RTAE 160-ton air-cooled chiller, which is the loudest and largest piece of equipment proposed for the project, emits 63 dBA at a distance of 30 feet. One of the existing York chillers emits 76.5 dBA at a distance of 30 feet and there are currently four chillers on the roof. One of the Colmac heat pumps emits 57 dBA at a distance of 30 feet and the proposed five pumps would generate 64 dBA at a distance of 30 feet. The five Colmac heat pumps combined with the Trane RTAE chiller would emit 66.5 dBA at a distance of 30 feet – 10 dBA below the noise emitted by one of the existing York chillers. A 10 dB change in sound level is perceived to be twice as loud.<sup>24</sup>

Although the proposed mechanical equipment is quieter than the existing rooftop equipment, the noise it would create could combine with the existing rooftop equipment to create a cumulative noise impact for the nearest sensitive receptors in the Infinity Towers (that is, an interior exceedance of 45 dBA). Accordingly, a Rooftop Equipment Noise Study (Noise Study) was prepared for the proposed project to evaluate existing ambient noise levels and those noise levels that would result with installation of the proposed project’s rooftop mechanical equipment.<sup>25</sup> As indicated in Table 2 below, the ambient noise level for the project site rooftop was determined to be 65 dBA during the daytime (7 am to 10 pm) and 61 dBA during the nighttime (10 pm to 7 am). Pursuant to Noise Ordinance Section 2909(b), this results in limits of 73 dBA and 69 dBA at the property plane during the daytime and nighttime, respectively. The existing equipment noise level at the property plane, determined to be 65 dBA, complies with these limits.

**Table 2. Ambient Measurement Results and Project Noise Criteria**

Time of Day	Measured Ambient Noise Level (dBA)	Section 2909(b) Criteria (Ambient + 8 dBA)	Existing Equipment Noise Level	Complies with Section 2909(b)?
Daytime (7 am – 10 pm)	65	73	65	Yes
Nighttime (10 pm – 7 am)	61	69	65	Yes

Source: Table 1, 360 Spear Street Data Center 3<sup>rd</sup> and 4<sup>th</sup> Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015

<sup>24</sup> Email from Randy Waldeck, PE and Principal, Acoustics, CSDA Design Group, to Chris Thomas, Planning Department. November 2, 2015.

<sup>25</sup> 360 Spear Street Data Center 3<sup>rd</sup> and 4<sup>th</sup> Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015.



Noise levels from the existing rooftop equipment, the proposed equipment and cumulative noise levels (noise from the existing plus the proposed equipment) were determined using three-dimensional noise modeling software (CadnaA) and are provided in Table 3 below. As indicated in Table 3, the equipment operating alone would result in a noise level of 53 dBA at the south Infinity Tower while the existing equipment and the proposed equipment operating together would result in a noise level of 65 dBA at the south Infinity Tower. These levels, which are beyond the project site property plane, are below the Section 2909(b) daytime and nighttime thresholds of 73 dBA and 69 dBA, respectively. Potential project and cumulative effects from the proposed project therefore comply with Noise Ordinance Section 2909(b).

**Table 3. Calculated Data Center Noise Levels at the South Infinity Tower (Worst-Case Receiver)**

Time of Day	Existing Rooftop Equipment Noise Level (dBA)	3 <sup>rd</sup> /4 <sup>th</sup> Floor Office Equipment Noise Level (dBA)	Cumulative (Existing + Proposed) Noise Level (dBA)	Criteria (dBA)	Complies with Section 2909(b)?
Daytime (7 am – 10 pm)	65	53	65	73	Yes
Nighttime (10 pm – 7 am)	65	53	65	69	Yes

Source: Table 2, 360 Spear Street Data Center 3<sup>rd</sup> and 4<sup>th</sup> Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015

In regards to the Noise Ordinance Section 2909(d) interior noise limitation of 45 dBA, the Noise Study also determined that the façade of the Infinity Towers provides 30 to 35 dBA of noise reduction for its interior dwelling units when windows are closed. In order to meet the Section 2909(d) interior residential noise limit of 45 dBA at the nearest sensitive receptor in the Infinity Towers, cumulative noise from the proposed project equipment plus the existing rooftop equipment could not exceed 75 dBA at the south Infinity Tower façade nearest to the project site (that is 75 dBA – 30 dBA = 45 dBA). Again, as indicated by Table 3, the potential project and cumulative noise levels resulting from the proposed project would not exceed a noise level of 75 dBA at the south Infinity Tower. The proposed project would therefore comply with Noise Ordinance Section 2909(d).

For these reasons, implementation of the proposed project would not result in significant noise impacts and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*.

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	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in FEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in FEIR</i>
<b>Topics:</b>				
<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>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in FEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in FEIR</b>
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 FEIR* 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 FEIR* identified two mitigation measures that would reduce air quality impacts to less-than-significant levels. *Rincon Hill Plan FEIR 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. *Rincon Hill Plan FEIR 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.

### **Construction Dust Control**

Subsequent to the certification of the *Rincon Hill Plan FEIR*, the San Francisco 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 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive 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. As most of the construction work for the proposed project would occur inside the building and there would be no excavation, significant quantities of construction-related dust would not be expected. However, to the extent required by the Department of Building Inspection (DBI), the project sponsor and contractor would be responsible for controlling construction dust on the site through a combination of covering stockpiled materials, street and sidewalk sweeping and other measures. Given the relatively small size of the proposed project and compliance with the Construction Dust Control Ordinance, impacts related to construction dust are expected to be less than significant.

### **Criteria Air Pollutants**

Also subsequent to the certification of the *Rincon Hill Plan FEIR*, 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>26</sup> with new methods for analyzing air quality impacts, including 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. The conversion of approximately 50,000-gsf of an existing internet service exchange to offices is well below the BAAQMD screening levels of 277,000 sf for construction and 346,000 sf for operation of office space. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### **Health Risk**

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-term duration) and acute (i.e., severe but short-term duration) adverse effects to human health, including carcinogenic effects. For determining potential health risk impacts resulting from TACs, San Francisco has partnered with the BAAQMD to inventory and assess air pollution exposure from mobile, stationary, and area sources within San Francisco and identify portions of the City where there are 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>27</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.

Subsequent to certification of the *Rincon Hill Plan FEIR*, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration, cumulative excess cancer risk, and incorporates health

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<sup>26</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

<sup>27</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.

vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

#### *Construction*

The project site is located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors in the project vicinity from air pollutants is considered substantial. However, most of the construction work for the proposed project would occur inside the building and not involve the use of heavy equipment that could emit diesel particulate matter and other TACs. Installation of the louvers on the fourth floor façade and installation of the mechanical equipment on the roof would require the use of a crane. However, a crane would be necessary for this exterior work for two to three days only. The use of one piece of heavy equipment for two to three days would not result in a significant health impact to surrounding sensitive receptors. Therefore, the ambient health risk to sensitive receptors in the vicinity of the project site is not considered substantial.

#### *Siting Sensitive Land Uses*

The proposed project involves the conversion of approximately 50,000-gsf of existing interior space devoted to internet service facilities to office use; office use is not considered a sensitive land use by Article 38 or BAAQMD. Therefore, there would be no impact with regard to a health risk due to the siting of a sensitive land use.

#### *Siting New Sources*

The proposed project does not involve the siting of a new source of TACs such as a diesel generator. The proposed project would not generate truck trips beyond the average of one truck trip per day noted under Loading in Section 4 above. Therefore, the proposed project would not contribute to a health risk for nearby sensitive receptors as a result of siting new TAC-emitting sources.

The proposed project does not involve sensitive receptors, or activities or equipment that would produce significant quantities of TACs that would pose a health risk to neighboring sensitive receptors. Therefore the proposed project would not result in a significant impact with regards to health risks.

#### **Conclusion**

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 FEIR*. No mitigation measures are necessary. Mitigation Measure E.1, identified in the *Rincon Hill Plan FEIR* and discussed above, has been superseded by the Construction Dust Control Ordinance and is not applicable to the proposed project.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
<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 FEIR* was certified in 2005 and did not analyze the effects of GHG emissions associated with buildout in the Plan area. Regulations outlined in San Francisco’s Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco’s GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy,<sup>28</sup> which is comprised of regulations that have proven effective in reducing San Francisco’s overall GHG emissions. GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020.<sup>29</sup> Other existing regulations, such as those implemented through Assembly Bill (AB) 32, will continue to reduce a proposed project’s contribution to climate change. 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.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
<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"/>

### Wind

As discussed in the *Rincon Hill Plan FEIR*, 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 FEIR* analyzed the wind impacts from potential development

<sup>28</sup> San Francisco Planning Department. *Compliance Checklist for Greenhouse Gas Analysis*, 360 Spear Street, July 8, 2015. This document is available for review as part of Case File No. 2013.1305E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

<sup>29</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.

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 FEIR*, 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>30</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 FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant wind impacts.<sup>31</sup>

The proposed project does not involve an increase in the height or a change in the bulk of the existing building and would therefore have no impact upon wind in the project vicinity.

### **Shadow**

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to cast net new shadow in a manner that substantially affects outdoor recreation facilities and other public areas. The *Rincon Hill Plan FEIR* analyzed the shadow 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* would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission, but it would cast net new shadow on other public open spaces,<sup>32</sup> privately owned publicly accessible open spaces (POPOs), and public sidewalks. 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 FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant shadow impacts, and no mitigation measures were identified.<sup>33</sup>

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified in 1985 as Planning Code Section 295. Section 295 prohibits the approval of “any structure that would cast any shade or shadow upon any property under the jurisdiction of, or

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<sup>30</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

<sup>31</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 177-179.

<sup>32</sup> Other public open spaces are those that are under the jurisdiction of public agencies other than the Recreation and Park Commission, such as the Port of San Francisco.

<sup>33</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 160-174.

designated for acquisition by, the Recreation and Park Commission” unless the Planning Commission, with review and comment by the Recreation and Park Commission, has found that the shadows cast by a proposed project would not have an adverse impact on the use of the property.

Again, the proposed project does not involve an increase in the height of the existing building and would therefore have no effect in regards to shadowing of open spaces in the project vicinity.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in FEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in FEIR</b>
<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 FEIR*, 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 FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on recreation facilities, and no mitigation measures were identified.<sup>34</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 500 feet north of the project site. Several privately owned but publically accessible parks are within one-half mile of the project site. More distant recreation facilities include South Park (approximately 0.4 mile south) and Yerba Buena Gardens (approximately 0.5 mile southwest). 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.

<sup>34</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

As discussed under Topic 2, Population and Housing, of this CPE Checklist, the proposed project would provide office space that could bring an anticipated 181 employees to the project site. In the unlikely event that all 181 employees did choose to live in the *Rincon Hill Plan* area (which would represent between two to three percent of the anticipated increase in the Plan area population of 6,500 to 8,200 people). 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 FEIR*. 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, and no mitigation measures are necessary.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<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"/>
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 FEIR*, 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 FEIR* 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>35</sup>

As discussed under Topic 3, Population and Housing, of this CPE Checklist, the proposed project would provide office space that would be expected to provide for approximately 181 employees. An unknown percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. In the unlikely event that all 181 employees added by the proposed project did choose to live in the *Rincon Hill Plan* area, they would represent about two to three percent of the population growth that was anticipated under the *Plan*. This population growth from 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 FEIR*. 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, 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>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 FEIR*, 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 FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on public services, and no mitigation measures were identified.<sup>36</sup>

As discussed under Topic 2, Population and Housing, of this CPE Checklist, the proposed project provides office space that would be expected to provide for approximately 181 employees. An unknown

<sup>35</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

<sup>36</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. In the unlikely event that all 181 employees added by the proposed project did choose to live in the *Rincon Hill Plan* area, they would represent about two to three percent of the population growth that was anticipated under the *Rincon Hill Plan*. 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 FEIR*. 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, and no mitigation measures are necessary.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<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 FEIR*, 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 FEIR* concluded that

implementation of the *Rincon Hill Plan* would not result in significant impacts on biological resources, and no mitigation measures were identified.<sup>37</sup>

The project site is currently occupied by an existing five-story building and 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.

There are no existing 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, 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>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"/>

<sup>37</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 25.

<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>
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 FEIR*, the Rincon Hill neighborhood is 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 Building Code 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 Building Code. 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 FEIR* 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.

There are no known active earthquake faults that run underneath the project site or in the vicinity. The closest active faults to the project site are the San Andreas Fault (approximately 8 miles to the west) and the Hayward Fault (approximately 10 miles to the east). Like the entire San Francisco Bay Area, the project site is subject to ground shaking during an earthquake. As shown on Map 4, Seismic Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not in a liquefaction zone or a landslide zone.<sup>38</sup> The proposed project would be required to comply with the seismic safety standards of the Building Code. As part of its review of the building permit application for the proposed project, DBI will consider the information in the geotechnical report and determine the necessary engineering and design features for reducing potential damage from geologic hazards and events. Based on required compliance with the seismic safety standards of the Building Code, 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.

The project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the proposed project. The project site is not in a liquefaction zone or a landslide zone. As the potential for liquefaction is low, the potential for other geologic hazards associated with liquefaction, such as lateral spreading, subsidence, or collapse, is low.<sup>39</sup> The proposed project would not create substantial risks to life or property by being located on expansive soils.

<sup>38</sup> San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 13. 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, 2014.

<sup>39</sup> Updated Geotechnical Investigation, p. 10.

The project site is within an existing building, so implementation of the proposed project would not result in soil erosion or the loss of topsoil. The proposed project would not include the use of septic tanks or alternative wastewater disposal systems, and there is no topography or unique geologic or physical features on the project site that could be altered by implementation of the proposed project.

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

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<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 FEIR*, 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 FEIR* 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>40</sup>

As outlined in the GHG Checklist that is discussed under Topic 8, Greenhouse Gas Emissions, of this CPE Checklist, the proposed project would comply with Leadership in Energy and Environmental Design (LEED) standards and, in addition, local ordinance requirements related to water conservation. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. 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 proposed project does not involve housing and the project site is not in a designated flood zone. 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>41</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.

Some CEQA documents for development projects in downtown San Francisco evaluate impacts related to sea level rise. The San Francisco Bay Conservation and Development Commission, which regulates development within 100 feet of the San Francisco Bay shoreline, has developed maps identifying shoreline areas that are vulnerable to sea level rise. These maps assume a forecast of 16 inches of sea level rise by 2050 and 55 inches by 2100. The project site is approximately 525 feet inland from the shoreline, and it would not be in the inundation zone for sea level rise of 16 inches by 2050 or 55 inches by 2100.<sup>42, 43</sup> Therefore, the proposed project would not expose people or structures to impacts related to sea level rise.

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<sup>40</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 214-220, and Appendix A, pp. 27-28.

<sup>41</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, 2014.

<sup>42</sup> San Francisco Bay Conservation and Development Commission, 16-Inch Sea Level Rise by Mid-Century, Central Bay. Available online at [http://www.bcdc.ca.gov/planning/climate\\_change/maps/16/cbay.pdf](http://www.bcdc.ca.gov/planning/climate_change/maps/16/cbay.pdf). Accessed January 7, 2014.

<sup>43</sup> San Francisco Bay Conservation and Development Commission, 55-Inch Sea Level Rise by End of Century, Central Bay. Available online at [http://www.bcdc.ca.gov/planning/climate\\_change/maps/55/cbay.pdf](http://www.bcdc.ca.gov/planning/climate_change/maps/55/cbay.pdf). Accessed January 7, 2014.

For these reasons, implementation of the proposed project would not result in significant impacts on hydrology and water quality, 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>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"/>
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"/>

As discussed in the *Rincon Hill Plan FEIR*, environmental impacts related to hazards and hazardous materials are primarily associated with construction activities. Construction workers could be exposed to contaminated soil or groundwater during the excavation phase of a project. If contaminated groundwater is not properly treated, it could result in adverse downstream impacts on the City's combined stormwater/sewer system. In addition, construction workers and members of the public could be exposed to airborne contaminants such as asbestos, lead paint, or PCBs during the demolition phase of a project. Potentially significant impacts related to hazards and hazardous materials are precluded by required compliance with local, state, and federal regulations. These regulations include abatement procedures for asbestos, lead paint, and PCBs.

The *Rincon Hill Plan FEIR* 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>44</sup> to reduce these impacts to less-than-significant levels. Mitigation Measure H.1 requires that a Phase I environmental site assessment 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 study, a Phase II environmental assessment 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 Bureau of Environmental Regulation (BERM) of 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 FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to hazards and hazardous materials.<sup>45</sup>

After the *Rincon Hill Plan FEIR* was published, the Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the San Francisco Department of Public Health 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 Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The project site is located within an area that is known or suspected to contain contaminated soil and/or groundwater. The Planning Department has determined that the project site is known or suspected to contain contaminated soil and/or groundwater.<sup>46</sup> However, the proposed project is not subject to the provisions of the Maher Ordinance because it does not involve any excavation or soil disturbance.

Removal and disposal of lead-based paints (should they be present) associated with materials that would be removed from the third and fourth floors during remodeling 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

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<sup>44</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

<sup>45</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 182-185, and Appendix A, pp. 29-31.

<sup>46</sup> San Francisco Planning Department, Expanded Maher Area Map, September 2013. Available online at [http://www.sf-planning.org/ftp/files/publications\\_reports/library\\_of\\_cartography/Maher%20Map.pdf](http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf). Accessed January 7, 2014.



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.

For these reasons, implementation of the proposed project, with mitigation, would not result in significant impacts related to hazards and hazardous materials and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*.

<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>16. MINERAL AND ENERGY RESOURCES—</b>				
<b>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 FEIR* 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>47</sup>

The proposed project would comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance and would be built to LEED Gold standards. 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, 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>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 FEIR* 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

<sup>47</sup> San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 28.

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, and no mitigation measures are necessary.

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As discussed in this CPE Checklist, the proposed project would not result in new environmental effects that are peculiar to the proposed project, or effects of greater severity than were already analyzed and disclosed in the *Rincon Hill Plan FEIR*. The proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory, or have environmental effects that would cause substantial adverse effects on human beings. In addition, the proposed project would not contribute to the significant unavoidable impacts on traffic or historic architectural resources identified in Sections III.C and III.H of the *Rincon Hill Plan FEIR*, respectively.

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## IMPROVEMENT MEASURE

### *Project Improvement Measure 1 – Transportation Demand Management (TDM) Measures*

While the proposed project would not result in any significant traffic impacts, to reduce traffic generated by the proposed project, the project sponsor should encourage the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

The San Francisco Planning Department and the San Francisco Municipal Transportation Agency (SFMTA) have partnered with the Mayor’s Office of Economic and Workforce Development and the San Francisco County Transportation Authority to study the effects of implementing TDM measures on the choice of transportation mode. The San Francisco Planning Department has identified a list of TDM measures that should be considered for adoption as part of proposed land use development projects. The project sponsor (or transportation broker) should consider the following actions:

- *TDM Coordinator:* 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, TMASF), 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.
- *New-Hire Packet:* 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.
- *City Access.* 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.