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Final Mitigated Negative Declaration

Date:	May 20, 2015; Amended on July 22, 2015 (amendments to the Initial Study are shown in deletions as ~~strikethrough~~ and additions in <u>double underline</u>)
Case No.:	**2013.0792E**
Project Title:	**400 Bay Street Hotel Project**
Zoning/Plan Area:	C-2 (Community Business) Use District Waterfront Special Use District No. 2 40-X Height and Bulk District
Block/Lot:	0030/003
Lot Size:	3,294 square feet
Project Sponsor:	Carol To; NC2 Studio (415) 749-6500 x255
Staff Contact:	Chris Thomas – (415) 575-9036 Christopher.Thomas@sfgov.org

PROJECT DESCRIPTION:

The project site at 400 Bay Street is located in the North Beach and Fisherman's Wharf neighborhoods. The 3,294-square-foot site (Assessors Block 0030, Lot 003) is on the block bounded by Bay Street to the south, Taylor Street to the west, North Point Street to the north, and Mason Street to the east. The site is on the corner of Bay and Mason Streets. The project site is currently occupied by a vacant, 25-foot-tall wood and masonry building—constructed in 1906—encompassing 3,294 square feet and covering the entire lot.

The proposed project would demolish the existing structure and construct a four-story, 13-room, approximately 15,000-square-foot hotel covering the entirety of the project site and reaching a height of approximately 40 feet. Support spaces, event areas, and other guest amenities would be located in the basement level, with a flexible 2,000-square-foot retail/event space on both the ground and basement levels. The upper levels of the hotel would consist of a combination of rooms and event spaces. On the second floor, the setback area would contain an approximately 900 square-foot deck at the north portion of the parcel, adjacent to the neighboring hotel. <u>The second-floor deck would have an open trellis on the north and west side to provide a visual and sound buffer between the deck and the adjacent hotel. An approximately 1,000-square-foot interior event space would be provided on the north side of the fourth floor. The event space would have non-operable glass windows on the north side facing the adjacent hotel.</u> An approximately 2,000 square-foot deck would also be provided on the roof. The roof decks would play host to hotel patrons primarily, though private events may be held as well. The roof would contain separate structures above 40 feet that may be visible from the public right-of-way. A 10-foot-tall elevator penthouse would be set back approximately 19 feet from both the Bay and Mason Street façade rooflines (refer to Figure 8 Bay Street Elevation and Figure 9 Mason Street Elevation). The proposed project would require excavation of approximately 1,098 cubic yards to a depth of 14 feet below ground surface to accommodate the basement and foundations. On the street frontages of the project site, the proposed project would install six new street trees. No off-street parking spaces would be provided.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures.

SARAH B. JONES
Environmental Review Officer

October 14, 2015
Date of Issuance of Final Mitigated Negative Declaration

cc: Carol To, Project Sponsor
Lily Yegazu, Preservation Planner
Nicholas Foster, Current Planner
Randall Dean, Archeologist
Julie Christensen, District 3
Master Decision File
Northeast Quadrant Bulletin Board
Historic Preservation Distribution List
Distribution List

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Amended Preliminary Mitigated Negative Declaration

Date:	July 22, 2015
Case No.:	**2013.0792E**
Project Title:	**400 Bay Street Hotel Project**
Zoning/Plan Area:	C-2 (Community Business) Use District Waterfront Special Use District No. 2 40-X Height and Bulk District
Block/Lot:	0030/003
Lot Size:	3,294 square feet
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The proposed project would demolish the existing structure and construct a four-story, 13-room, approximately 15,000-square-foot hotel covering the entirety of the project site and reaching a height of approximately 40 feet. Support spaces, event areas, and other guest amenities would be located in the basement level, with a flexible 2,000-square-foot retail/event space on both the ground and basement levels. The upper levels of the hotel would consist of a combination of rooms and event spaces. On the second floor, the setback area would contain an approximately 900 square-foot deck at the north portion of the parcel, adjacent to the neighboring hotel. The second-floor deck would have an open trellis on the north and west side to provide a visual and sound buffer between the deck and the adjacent hotel. An approximately 1,000-square-foot interior event space would be provided on the north side of the fourth floor. The event space would have non-operable glass windows on the north side facing the adjacent hotel. An approximately 2,000 square-foot deck would also be provided on the roof. The roof decks would play host to hotel patrons primarily, though private events may be held as well. The roof would contain separate structures above 40 feet that may be visible from the public right-of-way. A 10-foot-tall elevator penthouse would be set back approximately 19 feet from both the Bay and Mason Street façade rooflines (refer to Figure 8 Bay Street Elevation and Figure 9 Mason Street Elevation). The proposed project would require excavation of approximately 1,098 cubic yards to a depth of 14 feet below ground surface to accommodate the basement and foundations. On the street frontages of the project site, the proposed project would install six new street trees. No off-street parking spaces would be provided.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures.

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TABLE OF CONTENTS

2013.0792E – 400 Bay Street Hotel Project

Section

A. PROJECT DESCRIPTION 1
B. PROJECT SETTING 12
C. COMPATIBILITY WITH EXISTING ZONING AND PLANS 13
D. SUMMARY OF ENVIRONMENTAL EFFECTS 16
E. EVALUATION OF ENVIRONMENTAL EFFECTS 18
1. LAND USE AND LAND USE PLANNING 18
2. POPULATION AND HOUSING 19
3. CULTURAL AND PALEONTOLOGICAL RESOURCES 21
4. TRANSPORTATION AND CIRCULATION 25
5. NOISE 31
6. AIR QUALITY 37
7. GREENHOUSE GAS EMISSIONS 51
8. WIND AND SHADOW 53
9. RECREATION 55
10. UTILITIES AND SERVICE SYSTEMS 56
11. PUBLIC SERVICES 59
12. BIOLOGICAL RESOURCES 60
13. GEOLOGY AND SOILS 63
14. HYDROLOGY AND WATER QUALITY 66
15. HAZARDS AND HAZARDOUS MATERIALS 69
16. MINERAL AND ENERGY RESOURCES 73
17. AGRICULTURE AND FOREST RESOURCES 75
18. MANDATORY FINDINGS OF SIGNIFICANCE 76
F. MITIGATION MEASURES 77
G. PUBLIC NOTICE AND COMMENT 79
H. DETERMINATION 80
I. INITIAL STUDY PREPARERS 81

List of Figures **Page**

Figure 1 Project Vicinity 3
Figure 2 Surrounding Land Uses 4
Figure 3 Existing Project Site 5
Figure 4 Proposed Ground-Floor Plan 6
Figure 5 Proposed Basement Plan 7
Figure 6 Proposed Second Floor Plan 8
Figure 7 Proposed Roof Plan 9

Figure 8 Bay Street Elevation 10
Figure 9 Mason Street Elevation 11

List of Tables **Page**

Table 1 - Operational Noise Components 33
Table 2 - Criteria Air Pollutant Significance Thresholds 38
Table 3 - Off-Road Equipment Compliance Step-down Schedule 47,78

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INITIAL STUDY
400 BAY STREET HOTEL PROJECT
PLANNING DEPARTMENT CASE NO. 2013.0792E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The project site at 400 Bay Street is located in the North Beach and Fisherman's Wharf neighborhoods. The 3,294-square-foot site (Assessors Block 0030, Lot 003) is on the block bounded by Bay Street to the south, Taylor Street to the west, North Point Street to the north, and Mason Street to the east (see **Figure 1-Project Vicinity**). The project site is currently occupied by a vacant, 25-foot-tall wood and masonry building—constructed in 1906—encompassing 3,294 square feet and covering the entire lot. The structure was previously in use as a bar and restaurant called Ginsberg's Pub, and is built in a utilitarian commercial style with a rectangular floor plan and flat wooden facades. Approximately 10 feet of the ground-floor Bay Street elevation is clad in brick, while the triangular portion of the gabled roof consists of sheet metal. The gabled roof extends along the length of the building.

Land uses in the surrounding area include a mixture of residential, hotel, and retail including shopping, grocery stores, and restaurants. Land uses adjacent to the project site include a four-story multi-family residential building with ground-floor professional services along the western property line (416 Bay Street), and a four-story hotel (Best Western Plus – The Tuscan) with ground-floor restaurant (400 North Point Street) along the northern property line. The North Point Shopping Center is across Mason Street from the project site.

The project site is zoned C-2 (Community Business Use District), and is within the Waterfront Special Use District (SUD) No. 2, as well as the 40-X Height and Bulk District. This district also encompasses most of the properties north of Bay Street, while properties south of Bay Street are located in the Medium Density Mixed Residential (RM-3) and North Beach Neighborhood Commercial (NCD) Use Districts.

Project Characteristics

The proposed project would result in demolition of the existing structure and construction of a four-story, 13-room, approximately 15,000-square-foot hotel covering the entirety of the project site and reaching a height of approximately 40 feet. Support spaces, event areas, and other guest amenities would be located in the basement level, with a flexible 2,000-square-foot retail/event space on both the ground and basement levels. The upper levels of the hotel would consist of a combination of rooms and event spaces. On the second floor, the setback area would contain an approximately 900 square-foot deck at the north portion of the parcel, adjacent to the neighboring hotel. The second-floor deck would have an open trellis on the north and west side to provide a visual and sound buffer between the deck and the adjacent hotel. An approximately 1,000-square-foot interior event space would be provided on the north side of the fourth floor. The event space would have non-operable glass windows on the north side facing the adjacent hotel. An approximately 2,000 square-foot deck would also be provided on the roof. The roof deck would play host to hotel patrons primarily, though private events may be held as well. The roof would contain separate structures above 40 feet that may be visible from the public right-of-way. A 10-foot-tall elevator penthouse would be set back approximately 19 feet from both the Bay and Mason Street façade rooflines (refer to **Figure 8-Bay Street Elevation** and **Figure 9-Mason Street Elevation**). A six-foot-

high screen would be placed on the western and northern perimeter of the rooftop to reduce potential noise levels when events are held on the roof deck. Events on the second-floor deck would not be allowed after 10:00 pm. Amplified music for events on the rooftop deck would not be allowed after ~~midnight~~ 11:00 p.m. The proposed project would require excavation of approximately 1,098 cubic yards to a depth of 14 feet below ground surface to accommodate the basement and foundations. On the street frontages of the project site, the proposed project would install six new street trees. No off-street parking spaces would be provided.

Project Approvals

The proposed project would require the following approvals:

Planning Commission

- Conditional Use Authorization for hotel use (Section 303 of the *Planning Code*).

Zoning Administrator

- Variance for active ground-floor uses (Section 145.1 of the *Planning Code*).

San Francisco Department of Building Inspection

- Approval of a Building Permit.

Approval Action: The project would require granting of a variance by the Zoning Administrator (*Planning Code* Section 145.1) and Conditional Use Authorization (*Planning Code* Section 303) from the Planning Commission. Approval of the Conditional Use would constitute the Approval Action for the proposed project.

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Figure 1-Project Vicinity

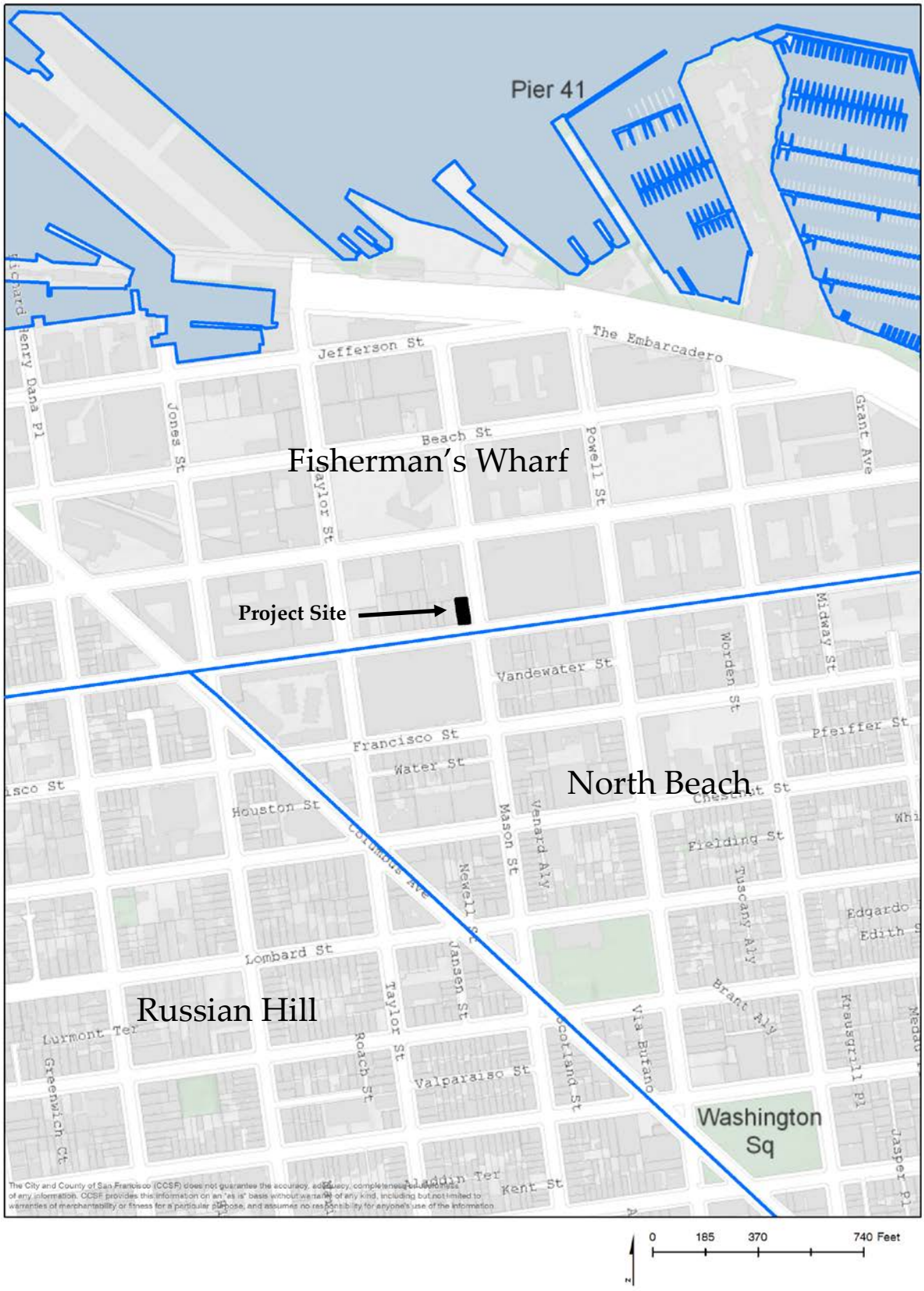
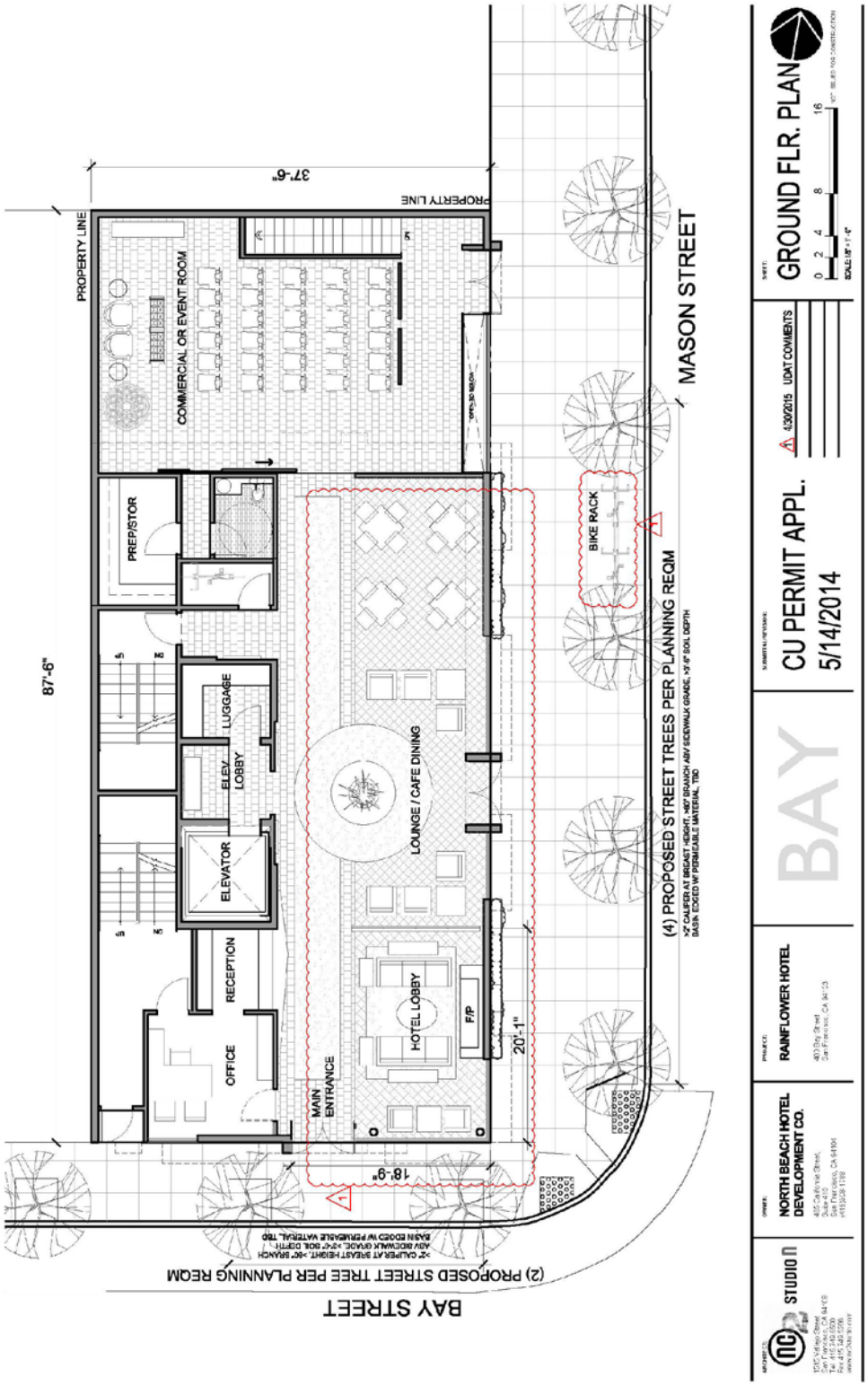


Figure 2-Surrounding Land Uses

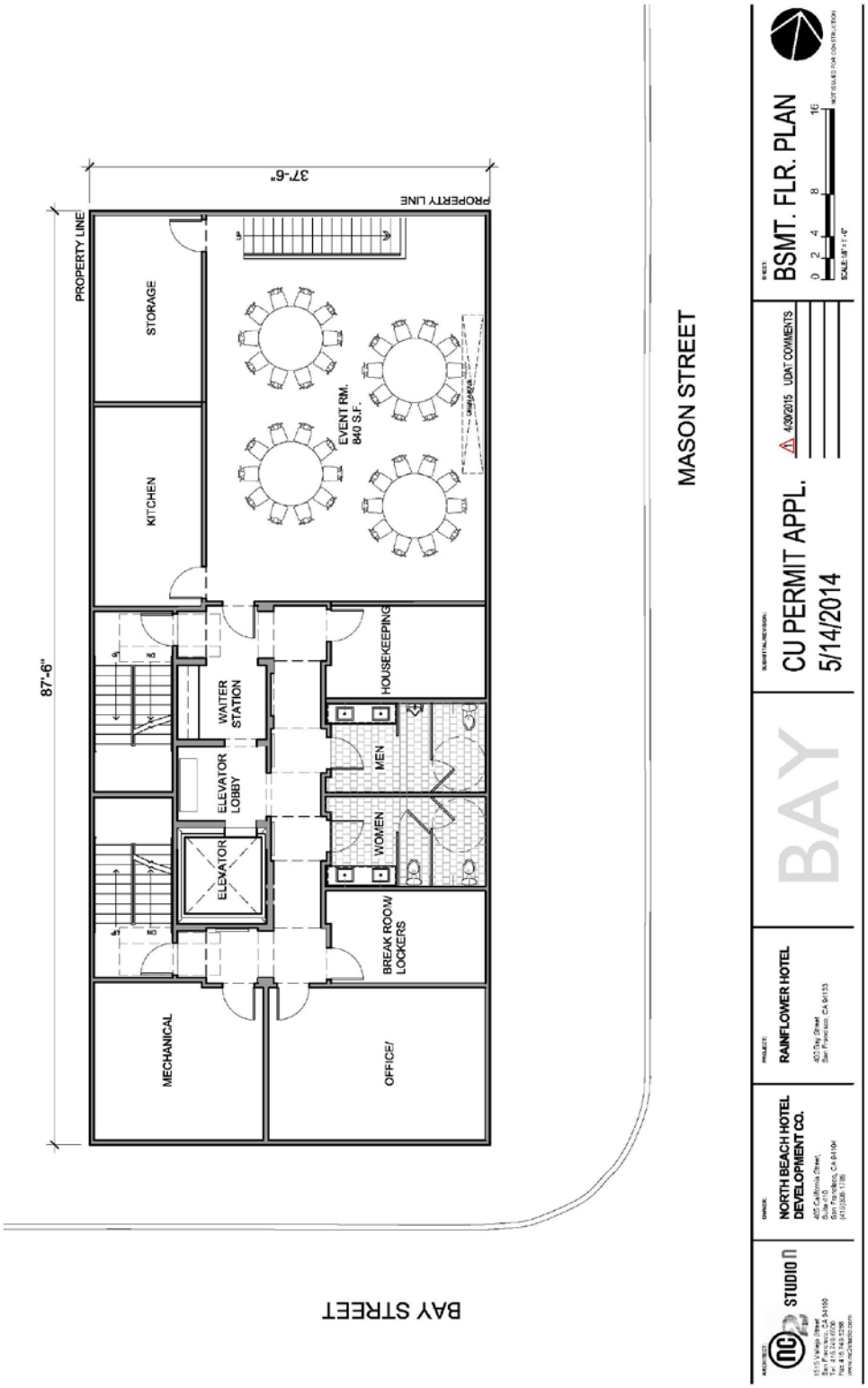
Figure 3-Existing Project Site

Figure 4-Proposed Ground-Floor Plan



Comments: Not to Scale

Figure 5-Proposed Basement Plan



Comments: Not to Scale

Figure 6-Proposed Second Floor Plan

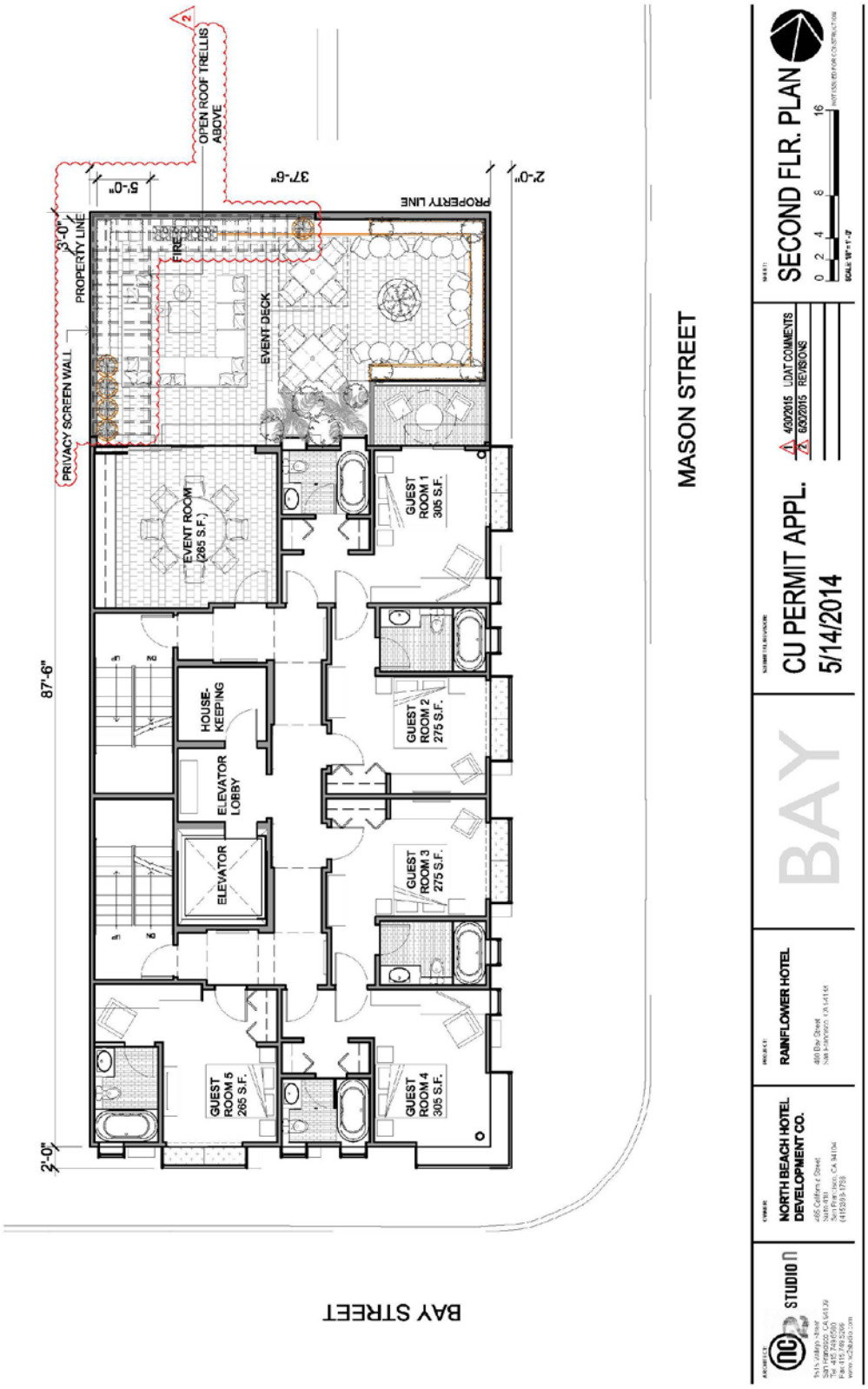
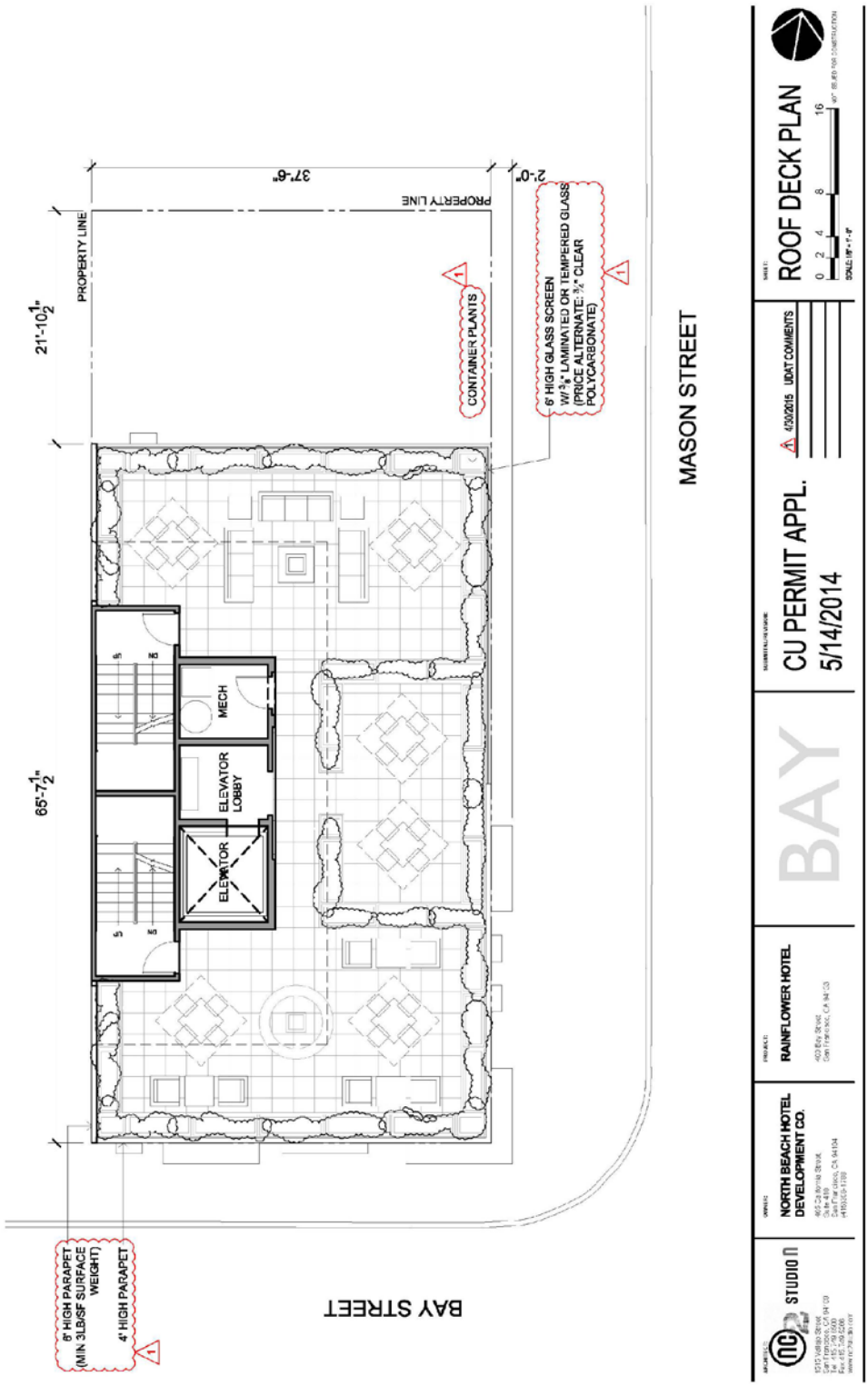
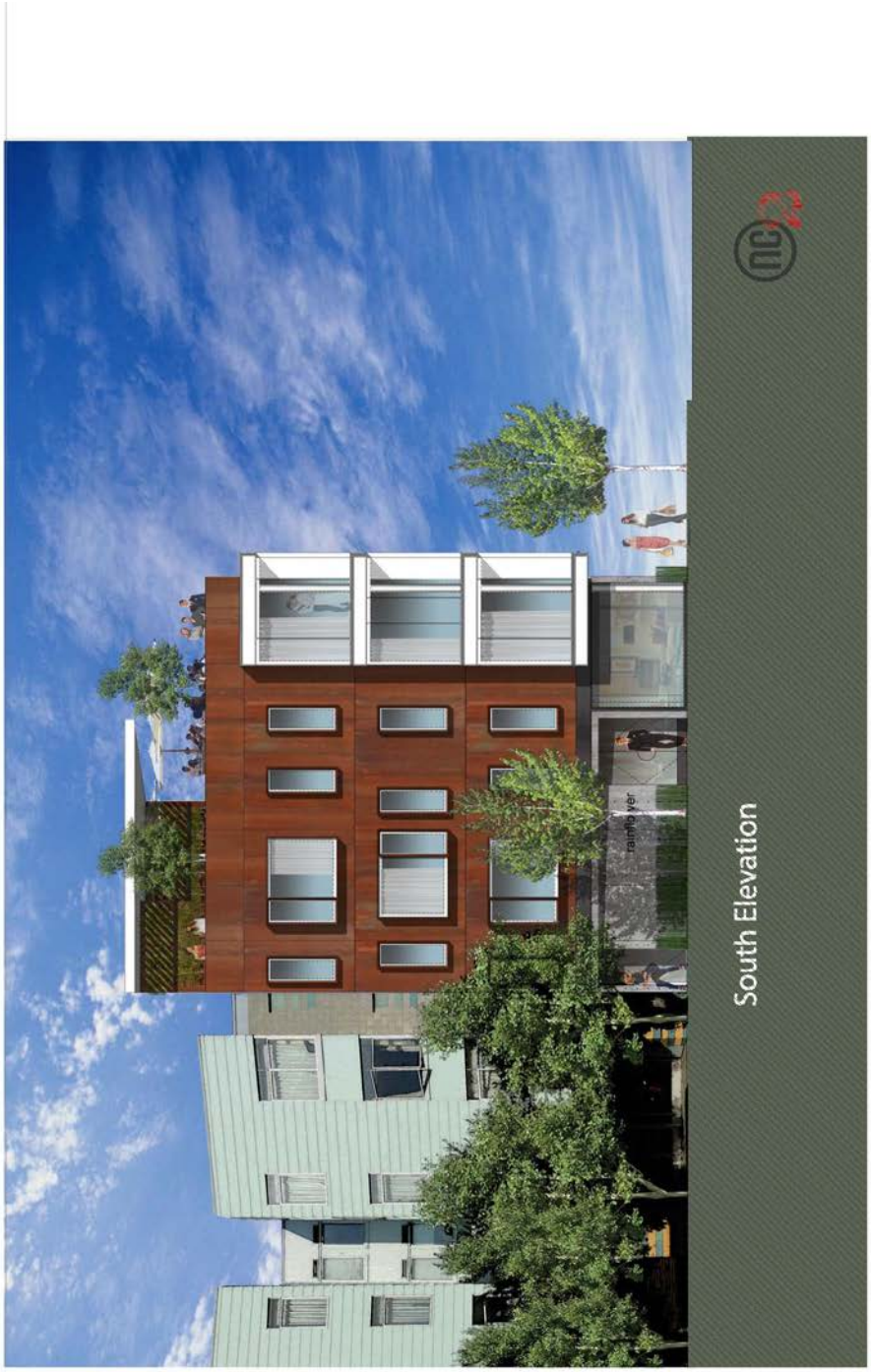


Figure 7-Proposed Roof Plan



Comments: Not to Scale

Figure 8-Bay Street Elevation



Comments: Not to Scale

Figure 9-Mason Street Elevation

Comments: Not to Scale

B. PROJECT SETTING

The project site is within the North Beach and Fisherman's Wharf neighborhoods at the corner of Bay and Mason Streets. The topography of the project site and surrounding area is relatively flat. The site is within the block bounded by two-way North Point Street to the north, two-way Mason Street to the east, two-way Bay Street to the south, and two-way Taylor Street to the west. Each of these streets consist of two travel lanes and curbside parking, with the exception of Bay Street which consists of four travel lanes and curbside parking. A Class II bicycle lane[1] traverses the entirety of North Point Street connecting Polk Street and Fort Mason with The Embarcadero. Additionally, Muni Route 47 runs along North Point Street, connecting Fisherman's Wharf with the 4th & King Street Caltrain commuter rail station via Van Ness Avenue. Additionally, the F-Market & Wharves streetcar stops two blocks away at Mason and Beach Streets, running between Fisherman's Wharf and the Castro neighborhood via Market Street.

Land uses in the surrounding area include a diverse mixture of residential, hotel, and retail including shopping, grocery stores, and restaurants. A 107,330-square-foot shopping center (Northpoint Centre) is located on the side of Mason Street opposite the project site. Structures adjacent to the project site include a four-story multi-family residential building with ground-floor professional services along the western property line (416 Bay Street), and a four-story hotel (Best Western Plus – The Tuscan) with ground-floor restaurant along the northern property line (400 North Point Street). The surrounding area has an eclectic architectural character with buildings constructed in a variety of time periods and styles. Buildings nearby vary between one story and four stories in height.

Properties adjacent to the project site generally fall within the Community Business (C-2) Use District, the Waterfront SUD No. 2, and the 40-X Height and Bulk District. However, properties south of Bay Street are located in the Medium Density Mixed Residential (RM-3) and North Beach Neighborhood Commercial (NCD) Use Districts.

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[1] Bikeways are typically classified as Class I, II, or III bikeways. "Class I bikeways are bicycle paths with exclusive right-of-way for use by bicyclists or pedestrians. Class II bikeways are bicycle lanes striped with the paved areas of roadways, and established for the preferential use of bicycles, while Class III bikeways are signed bicycle routes that allow bicycles to share streets or sidewalks with vehicles or pedestrians." San Francisco Bicycle Plan FEIR, Volume 1, p. V.A.1-14. This document is one file and available for public review at the San Francisco Planning Department, as part of Case File 2007.0347E.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

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

San Francisco Planning Code

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

Uses

The project site is within the Community Business (C-2) Use District. This district also encompasses most of the properties north of Bay Street, while properties south of Bay Street are located in the Medium Density Mixed Residential (RM-3) and North Beach Neighborhood Commercial (NCD) Use Districts. The project site and adjacent properties, including much of the Fisherman's Wharf neighborhood, are within the Waterfront Special Use District (SUD) No. 2, which is intended to preserve the commercial and industrial character of the neighborhood. The Waterfront SUD No. 2 allows hotel or motel uses only upon Conditional Use Authorization from the Planning Commission, pursuant to *Planning Code* Section 303. Therefore, the proposed project would be consistent with the uses allowed in the Waterfront SUD No. 2 and C-2 Use District.

Height and Bulk

The project site is located in a 40-X Height and Bulk District. The proposed new building would be 40 feet in height with an elevator penthouse extending above the roof slab an additional 10 feet (50 feet in height). Although these additional features would extend above 40 feet, these features are exempt per *Planning Code* Section 260(b). The "X" Bulk District does not have bulk limitations for sites at this Height District. Thus, the proposed project would comply with the 40-X Height and Bulk District limits.

Floor Area Ratio

The basic floor area ratio (FAR) allowed for the project site is 5 to 1, as set forth in *Planning Code* Section 124(e). The FAR for the proposed project would be approximately 3.6 to 1. Therefore, the proposed project would comply with the basic FAR allowed within the Waterfront 2 SUD.

Conditional Use

The proposed project is requesting a Conditional Use Authorization (*Planning Code* Section 303*)* from the Planning Commission to allow hotel uses on the project site. The Waterfront SUD No. 1 allows for hotel or motel uses with conditional use approval, which would otherwise not be permitted in the C-2 Use District.

Variance

Planning Code Section 145.1 promotes "attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses" in the proposed project's Commercial-2 zoning district. Pursuant to *Planning Code* Section 145.1(b)(2)(C), building lobbies are considered active uses provided they do not exceed 40 feet or 25 percent of building frontage, whichever is larger. The proposed hotel lobby would exceed this threshold, with approximately 125 feet in frontage (37.5 feet along Bay Street and 87.5 feet along Mason Street). Therefore, a variance from Section 145.1 is being sought as part of this proposed project to allow the lobby's currently proposed frontage.

Plans and Policies

San Francisco General Plan

The *San Francisco General Plan* (*General Plan*), which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The *General Plan* contains 10 elements (Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies and objectives for the physical development of the City. Any conflict between the proposed project and polices that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project.

Proposition M – The Accountable Planning Initiative

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the topics of the Evaluation of Environmental Effects addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 4a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation).

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

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

Regional Plans and Policies

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

Required Approvals by Other Agencies

See page 2 for a list of required approvals.

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D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

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

This Initial Study examines the proposed project to identify potential effects on the environment. For each item on the Initial Study checklist, the evaluation has considered the impacts of the proposed project both individually and cumulatively. All items on the Initial Study Checklist that have been checked "Less than Significant Impact with Mitigation Incorporated," "Less than Significant Impact," "No Impact" or "Not Applicable," indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked "Less than Significant Impact with Mitigation Incorporated" and "Less than Significant Impact" and for most items checked with "No Impact" or "Not Applicable." For all of the items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the proposed project both individually and cumulatively. The items checked above have been determined to be "Less than Significant with Mitigation Incorporated."

SENATE BILL 743 AND PUBLIC RESOURCES CODE SECTION 21099

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014.[2] Among other provisions, SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.[3]

Aesthetics and Parking Analysis

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment."

[2] SB can be found on-line at: *http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743*.

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

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:

1) The project is in a transit priority area; and
2) The project is on an infill site; and
3) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria (the proposed hotel is considered an employment center), thus this Initial Study does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.[4]

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

The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this Initial Study presents parking demand analysis for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way) as applicable in the transportation analysis in Section E.4, Transportation and Circulation.

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[4] San Francisco Planning Department, "Transit-Oriented Infill Project Eligibility Checklist," 400 Bay Street Hotel Project, Case No. 2013.0792E, October 14, 2014. This document is on file and available for public review at the San Francisco Planning Department, as part of Case File 2013.0792E.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

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

The proposed project would demolish an existing building and construct a new building on a private lot. All construction would occur within the existing lot boundaries of the project site and would not interfere with or change the existing street plan nor impede the passage of persons. Therefore, the proposed project would not physically divide an established community and impacts are considered less than significant.

Impact LU-2: The proposed project would be consistent with 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. (Less than Significant)

The proposed project would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result (see Section C. Compatibility with Existing Zoning and Plans). Environmental plans and policies are those, like the *2010 Clean Air Plan*, which directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not substantially conflict with any such adopted environmental plan or policy and this impact would be less than significant.

Impact LU-3: The proposed project would not have a substantial impact upon the existing character of the project's vicinity. (Less than Significant)

The project site is currently developed with a 25-foot-tall wood and masonry that currently sits vacant. Land uses in the vicinity include a mixture of residential, hotel, and retail including shopping, grocery stores, and restaurants. The proposed project would demolish the existing vacant building and construct a new hotel. While the proposed project would result in an intensification of use compared to the vacant building, the land use would not be out of character with the residential, hotel, retail and other mixed-use buildings that are typically found in the project vicinity. The proposed project would include land uses permitted and already existing within the project vicinity. Therefore, the proposed project would not have a substantial impact regarding the existing character of the project's vicinity.

Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future project in the vicinity of the project site, would result in less-than-significant cumulative impacts to land use. (Less than Significant)

Cumulative land use projects in the vicinity of the project site consist of conversion of existing buildings to other uses (Proposed Academy of Art campuses at 701 Chestnut Street and 2300-2340 Stockton Street,[5] conversion of buildings to educational use), alteration of an existing building (Proposed 424 Francisco Street,[6] raising the existing building to add below-grade parking), and construction of a new building (Proposed 2293 Powell Street/309-311 Bay Street,[7] construction of a new mixed-use residential building). The proposed projects would result in noticeable physical change to the surrounding area in terms of increasing the number of persons in the surrounding area and within the vicinity of the project site. Although these changes would result in a more dense urban fabric, they would not alter the overall mix of retail, residential, and hotel, uses in the area and they would not result in physical division of the established community. Some projects would require modifications, variances, or exceptions to *Planning Code* requirements or *General Plan* land use designations.

Given that the proposed project and uses would occur within the boundaries of the existing lot lines, no physical barriers to movement through the community would occur, and the proposed project would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result. Thus, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable land use impact.

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

[5] This proposed project is on file and available for public review at the San Francisco Planning Department, as part of Case File 2008.0586.

[6] This proposed project is on file and available for public review at the San Francisco Planning Department, as part of Case File 2009.0814.

[7] This proposed project is on file and available for public review at the San Francisco Planning Department, as part of Case File 2013.0341.

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

In general, a project would be considered growth inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project would not be implemented. Implementation of the proposed project would remove an existing commercial building and construct a new four-story, 13-room hotel with approximately 2,000 sf of retail/event space, resulting in employment of approximately 18 employees.[8] As of 2012, San Francisco's employment is approximately 570,000 persons. Therefore, project-related employment would amount to a citywide employment increase of approximately .00004 percent. This assumes that all employees would be new to San Francisco; in actuality, some new workers at the project would likely have relocated from other jobs already in San Francisco. This potential increase in employment would be minimal compared to the total employment expected in San Francisco and the greater San Francisco Bay Area. Furthermore, this minor increase in employment would not generate a substantial demand for additional housing in the context of citywide employment growth.

Overall, the increase in employment would be less than significant in the context of the expected increases in the employment and population of San Francisco. The proposed project would not directly or indirectly induce substantial population growth in San Francisco and would result in a less-than-significant population impact.

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

The project site consists of a vacant commercial building and includes no residents. Therefore, no residential, employee, or housing unit displacement would result from the proposed project. Assuming that some of these employees would be new to the region, the increase of 18 employees could result in a small increase in demand for additional housing. However, the number of such employees would be very small compared to the total population and the available housing stock in San Francisco and the Bay Area and would not necessitate the construction of new housing. The proposed project would result in less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to population and housing. (Less than Significant)

As described above, the proposed project would not induce substantial population growth or have significant physical environmental effects on housing demand or population. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable population and housing impact.

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[8] Calculated using the *San Francisco Transportation Impact Analysis Guidelines*, October 2002.

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

Setting

Historic Resources

The project site is currently occupied by a vacant, 25-foot-tall wood and masonry building—constructed in 1906—encompassing 3,294 square feet and covering the entire lot. The structure was previously in use as a bar and restaurant called Ginsberg's Pub, and is built in a light-industrial/utilitarian style with a rectangular floor plan and flat wooden facades. Approximately 10 feet of the ground-floor Bay Street elevation is clad in brick, while the triangular portion of the gabled roof consists of sheet metal. The gabled roof extends along most of the building.

Impact CP-1: The proposed project would cause a substantial adverse change in the significance of an historical resource. (Less Than Significant Impact)

Historical resources are those properties that meet the terms of the definitions in Section 21084.1 of the CEQA Statute and Section 15064.5 of the CEQA Guidelines. "Historical resources" include properties listed in, or formally determined eligible for listing in, the California Register of Historical Resources, or listed in an adopted local historic register. Historical resources also include resources identified as significant in an historical resource survey meeting certain criteria. Additionally, properties that are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered historic resources.

The proposed project involves demolition of the aforementioned building, which is considered a Category B – Potential Historic Resource by the Planning Department. In evaluating whether the proposed project would cause a substantial adverse change in the significance of an historic resource, the Planning Department must first determine whether the building at 400 Bay Street is an historic resource as defined by CEQA. A property may be considered an historic resource if it meets any of the California Register of Historical Resources criteria related to (1) Events, (2) Persons, (3) Architecture, or (4) Information Potential that make it eligible for listing in the California Register of Historical Resources, or if it is considered a contributor to a potential historic district.

As the proposed project would involve demolition of a property over 45 years old, an Historic Resource Evaluation (HRE) report was prepared[9] and reviewed by the Department in a subsequent Preservation Team Review (PTR) form.[10] Based on the information provided in the HRE report cited above, the Department finds that the subject property does not appear to be eligible for inclusion on the California Register as an individual resource or as a contributor to a historic district. The Planning Department concurs with the historic significance analysis presented in the HRE report and has briefly summarized the historical significance arguments below.

400 Bay Street is not associated with any significant events. Although the property is associated with San Francisco's post-1906 Earthquake reconstruction trend, it does not stand out within that context. Therefore, the property is not eligible for listing in the California Register under Criterion 1 (Events).

The subject building was not associated with the lives of residents or owners important in our local, regional, or national history. None of the owners and occupants were influential or claim any noteworthy accomplishments that would make the property significant by association. Therefore, the property is not eligible for listing in the California Register under Criterion 2 (Persons).

The building at 400 Bay Street is not a distinctive work of architecture and is not associated with a noteworthy architect. Therefore, the property is not eligible for listing in the California Register under Criterion 3 (Architecture).

Finally, based upon a review of information in the Department's records, the subject property is not significant under Criterion 4 (Information Potential), which is typically associated with archeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the build environment. The subject property is not an example of a rare construction type and would therefore not be eligible for listing in the California Register under Criterion 4.

The site is not located in an identified historic district. The surrounding neighborhood is predominately commercial and of contemporary construction. As such, there is no potential for a historic district in the vicinity. Therefore, the site is not a contributor to either an identified historic district or a potential historic district.

In light of the above, the property is not eligible for listing in the California Register either individually or as a contributor to a potential historic district. Planning Department staff has thus determined the property 400 Bay Street is not an historical resource as defined by CEQA. Therefore, the demolition of the existing structure at 400 Bay Street would have a less-than-significant impact related to historic resources.

Paleontological Resources

Impact CP-2: The proposed project would result in damage to, or destruction of, as-yet unknown archeological remains, should such remains exist beneath the project site. (Less than Significant)

[9] Page & Turnbull, *400 Bay Street San Francisco, California Historic Resource Evaluation, Part I*, August 27, 2014. This document is on file and available for public review at the San Francisco Planning Department, as part of Case File 2013.0792E.

[10] San Francisco Planning Department. *Preservation Team Review Form*. Lily Yegazu, Preservation Planner. February 5, 2015. A copy of this document is attached.

When determining the potential for encountering archeological resources, relevant factors include the location, depth, and the areal extent of excavation proposed, as well as any recorded information on known resources in the area. The project site is located on an area that was previously tidal marsh and has since been filled. The project geotechnical report[11] notes that there is 17.5 feet of fill on the site. Below this, the report identified loose sand, silt and clay followed by dense clay at further depth. It is at this level that the prehistoric deposits, if present, would be located. Although Bay Mud deposits have a modest potential to contain prehistoric remains, prehistoric deposits are more likely to be found more near the historic shoreline (or paleo-shorelines), which is located approximately one block south along Francisco Street.

Development of the proposed project would require excavation to a depth of approximately 14 feet below ground surface (bgs) and removal of about 1,098 cubic yards of soil, for the basement and building foundation. Due to the proposed excavation work, the Planning Department conducted a study to determine if any archeological resources would be impacted. The Department's archeologist determined that the proposed project would not result in any archeological effects.[12] While the excavation work would disturb soils, no CEQA-significant archeological resources are expected within project-affected soils.

In light of the above, the proposed project's impacts to undocumented and unforeseeable archeological resources would be less than significant.

Impact CP-3: The proposed project would not indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

Paleontological resources include fossilized remains or traces of animals, plants and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geologic formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable resource and once destroyed they could not be replaced.

Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithological unit in which they occur. If the rock types representing a deposition environment conducive to deposition and preservation of fossils are not favorable, fossils will not be present. Lithological units which may be fossiliferous, include sedimentary and volcanic formations. Fill materials (clayey sand and sandy clay) underlie the project site, which would be disturbed during grading and excavation. These materials are unlikely to support paleontological resources. The site is underlain by approximately 17.5 feet of artificial fill, and the proposed project would involve excavation and grading in this material to a depth of approximately 14 feet. Due to the low likelihood of encountering fossil containing beds during construction, any impacts on paleontological resources would be less than significant.

[11] Email communication from Randall Dean, San Franciso Planning Department to Erik Jaszewski, San Francisco Planning Department, May 23, 2014.

[12] Email communication from Randall Dean, San Franciso Planning Department to Erik Jaszewski, San Francisco Planning Department, May 23, 2014.

Impact CP-4: The proposed project would not disturb human remains. (Less than Significant)

Impacts on Native American burials are considered under Public Resources Code (PRC) Section 15064.5(d)(1). When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the project, the lead agency is required to work with the appropriate tribal entity, as identified by the California Native American Heritage Commission (NAHC). The CEQA lead agency may develop an agreement with the appropriate tribal entity for testing or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. By implementing such an agreement, the project becomes exempt from the general prohibition on disinterring, disturbing, or removing human remains from any location other than the dedicated cemetery (Health and Safety Code Section 7050.5) and the requirements of CEQA pertaining ot Native American human remains. The project's treatment of human remains and of associated or unassociated funerary objects discovered during soils-disturbing activity would comply with applicable state laws, including immediate notification of the City and County of San Francisco Coroner. If the Coroner were to determine that the remains are Native American, the NAHC would be notified and would appoint a Most Likely Descendant (PRC Section 5097.98).

In the event human remains are found during excavation, the project sponsor and construction contractor will follow local, state, and federal procedures; thus, impact to human remains would be less than significant.

Impact C-CP: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in cumulative impacts to cultural resources. (Less than Significant)

As discussed above, the proposed project would result in a less-than-significant historic architectural resource impact. Cumulative impacts occur when impacts that are significant or less than significant from a proposed project combined with similar impacts from other past, present, or reasonably foreseeable future projects in a similar geographic area.

Archeological resources are non-renewable members of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or requiring that the scientific data present within an archeological resource be archeologically recovered. Project construction would occur only in terrain which is underlain by fill materials. Due to the low likelihood of encountering archeological or paleontological resources, or of encountering human remains resources during construction, the proposed project would not, individually or in combination with existing and future projects, result in a significant impact on cultural and paleontological resources within the project site and in the site's vicinity.

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

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. The proposed project would not interfere with air traffic patterns. Therefore, topic 4c is not applicable.

Setting

The project site is within the North Beach and Fisherman's Wharf neighborhoods near the intersection of Bay and Mason Streets. The project site is within the block bounded by two-way North Point Street to the north, two-way Mason Street to the east, two-way Bay Street to the south, and two-way Taylor Street to the west. Each of these streets consist of two travel lanes and curbside parking, with the exception of Bay Street which consists of four travel lanes and curbside parking. Adjacent to the project site, the width of the existing sidewalk on Bay Street is approximately eight feet and the sidewalk width on Mason Street is approximately 14 feet. Pedestrian curb ramps are provided to cross intersections near the project site. Two metered weekday passenger loading zones and one metered parking space are adjacent to the site's Bay Street frontage; four metered parking spaces span the site's Mason Street frontage.

A Class II bicycle lane[13] traverses the entirety of North Point Street connecting The Embarcadero with Fort Mason (San Francisco Bicycle Route 2). Additionally, the project site is well-served by public transit, with both local and regional service provided nearby. Muni Route 47-Van Ness runs along North Point Street, connecting Fisherman's Wharf with the 4th & King Street Caltrain commuter rail station via Van Ness Avenue. Additionally, the F-Market & Wharves streetcar stops two blocks away at Mason and Beach Streets, running between Fisherman's Wharf and the Castro neighborhood via Market Street.

Approach to Analysis

Policy 10.4 of the Transportation Element of the *General Plan* states that the City will "Consider the transportation system performance measurements in all decisions for projects that affect the transportation system." To determine whether the proposed project would conflict with a transportation- or circulation-related plan, ordinance or policy, this section describes the potential impacts that these rehabilitations and improvements could have on traffic, transit, pedestrian, bicycle, loading, parking, and emergency vehicle circulation, as well as any potential transportation impacts related to construction of the proposed project. Parking is also discussed for informational purposes.

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

Trip Generation

Based on the *Transportation Impact Analysis Guidelines for Environmental Review,* October 2002 (*Transportation Guidelines*),[14] the proposed project would generate 391 daily person-trips and 62 daily vehicle-trips. During the PM peak hour, the proposed project would generate an estimated 36 PM peak hour trips, consisting of 13 auto trips (or 6 vehicle trips, which uses vehicle occupancy data to account for carpooling), 9 transit trips, 10 walking trips, and 4 other trips (other includes bicycle, motorcycle, taxi and additional modes).

Traffic

The proposed project's vehicle trips would travel through the intersections surrounding the project block. The proposed project would generate an estimated 6 new PM peak hour vehicle trips that could travel through surrounding intersections. This amount of new PM peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The estimated 6 new PM peak-hour vehicle trips would not be a substantial traffic increase relative to the existing capacity of the surrounding area's street system, and any traffic increase at nearby intersections would not be substantial or noticeable. Therefore, there would not be a significant impact on traffic in the

[13] Bikeways are typically classified as Class I, II, or III bikeways. "Class I bikeways are bicycle paths with exclusive right-of-way for use by bicyclists or pedestrians. Class II bikeways are bicycle lanes striped with the paved areas of roadways, and established for the preferential use of bicycles, while Class III bikeways are signed bicycle routes that allow bicycles to share streets or sidewalks with vehicles or pedestrians." San Francisco Bicycle Plan FEIR, Volume 1, p. V.A.1-14. This document is one file and available for public review at the San Francisco Planning Department, as part of Case File 2007.0347E.

[14] This document can be found here: *http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=6753*.

project area as a result of the proposed project. In light of the above, the proposed project's impact on existing vehicular traffic would be considered less than significant.

Loading

Based on the *Transportation Guidelines*, the proposed project would be expected to generate infrequent deliveries amounting to approximately two per day which can be accommodated outside of peak hours. The two existing commercial loading zones adjacent to the project's Bay Street frontage could be utilized for the loading and unloading activities expected for the project.

Therefore, given the limited amount of daily loading demand and the availability of convenient on-street loading zones, the proposed project would not create potentially hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians and the impact would be less-than-significant.

Construction Traffic

The proposed project's construction activities would last approximately 12 months. During this period, temporary and intermittent transportation impacts would result in additional vehicle trips to the project site from workers and equipment deliveries, but these activities would be limited in duration. Construction material staging and storage, and parking for construction workers would be anticipated to occur on or directly in front of the project site. Construction vehicle trips during peak traffic flow (typically between 4:00 PM and 6:00 PM) would have a greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour. However, given the temporary and intermittent nature of the construction activities, the proposed project's construction-related activities would result in a less-than-significant construction traffic impact.

In light of the above, the proposed project would result in a less-than-significant impact related to transportation.

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 potential to result in significant environmental effects for projects that meet all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA. 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.

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 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 are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

The parking demand for the new uses associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be approximately 32 spaces. The proposed project would not provide off-street spaces. Thus, as proposed, the project would have an unmet parking demand of an estimated 32 spaces. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. 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.

Impact TR-2: The proposed project would not substantially increase hazards due to a design feature or incompatible uses. (Less than Significant)

The project site exists within a developed block of San Francisco that is currently a commercial building and the proposed project would construct a new building consisting of hotel and ground-floor retail/event uses in its place. No project design features are proposed that would substantially increase traffic-related hazards. In addition, as discussed in Section E.1, Land Use and Land Use Planning, the

project does not include incompatible uses. Therefore, transportation hazard impacts due to a design feature or resulting from incompatible uses would be less than significant.

Impact TR-3: The proposed project would not result in inadequate emergency access. (Less than Significant)

Emergency access would remain unchanged from existing conditions. Emergency vehicles would continue to access the project site from either Bay Street or Mason Street. The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would have a less than significant impact on emergency access to the project site or any surrounding sites.

Impact TR-4: The proposed project would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such features. (Less than Significant)

Transit

As discussed previously, the project site is well served by local and regional public transit. Muni Route 47 runs along North Point Street, connecting Fisherman's Wharf with the 4th & King Street Caltrain commuter rail station via Van Ness Avenue. Additionally, the F-Market & Wharves streetcar stops two blocks away at Mason and Beach Streets, running between Fisherman's Wharf and the Castro neighborhood via Market Street. The proposed project would be expected to generate 83 daily transit trips, including 9 during the PM peak hour. Given the wide availability of nearby transit, the addition of 9 PM peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Bicycle Facilities

A Class II bicycle lane[15] traverses the entirety of North Point Street connecting Polk Street and Fort Mason with The Embarcadero. The proposed project would not substantially interfere with bicycle accessibility to the project site or adjoining areas because no bikeways exist adjacent to the project. Implementation of the proposed project could encourage visitors and employees to utilize bicycles as the proposed project would provide secure bicycle parking for employees and sidewalk bicycle parking for guests. More persons bringing their bicycles to the project site would not create potentially hazardous conditions for bicyclists because Muni bus stops, sidewalks, and bikeways exist within close proximity of the project site and the roadways near the project site have low to moderate volumes, therefore visitors could walk their bicycles safely along sidewalks from nearby Muni bus stops or bikeways or ride along the roadways to the project site. Therefore, the proposed project would result in less-than-significant impacts related to bicyclists.

[15] Bikeways are typically classified as Class I, II, or III bikeways. "Class I bikeways are bicycle paths with exclusive right-of-way for use by bicyclists or pedestrians. Class II bikeways are bicycle lanes striped with the paved areas of roadways, and established for the preferential use of bicycles, while Class III bikeways are signed bicycle routes that allow bicycles to share streets or sidewalks with vehicles or pedestrians." San Francisco Bicycle Plan FEIR, Volume 1, p. V.A.1-14. This document is one file and available for public review at the San Francisco Planning Department, as part of Case File 2007.0347E.

Pedestrian Facilities

As discussed above, the width of the existing sidewalk on Bay Street is approximately eight feet and the sidewalk width on Mason Street is approximately 14 feet. Pedestrian curb ramps are provided to cross intersections near the project site. Pedestrian trips generated by the proposed project would include 126 walking trips to and from the project site (10 during the PM peak hour) as well as walking trips to and from local transit providers (9 during the PM peak hour). These additional walking trips would not result in substantial overcrowding on nearby public sidewalks.

Pedestrian access to the hotel lobby would occur on Bay and Mason Streets, with access to the retail/event portion from Mason Street. The proposed project's Mason Street retail/event space would have pedestrian access from the north side of the new hotel lobby. Given the low volume of pedestrian trips (up to 10 each hour) and the nearby pedestrian amenities, the proposed project would not create potentially hazardous conditions to pedestrians.

The proposed project would replace the existing commercial building with a new building and would not include any components (e.g., sidewalk narrowing, roadway widening, and removal of center medians) that would obstruct pedestrian accessibility to the site and adjoining areas. Therefore, the proposed project would have less-than-significant impacts to pedestrians. In addition, the proposed project would also provide six new street trees on Bay and Mason Streets, enhancing the existing pedestrian environment.

Impact C-TR-1: The proposed project, in combination of past, present, and reasonably foreseeable future project, would result in less-than-significant cumulative impacts to transportation. (Less than Significant)

Project impacts related to traffic, transit, bicycle and pedestrian circulation, loading supply and demand, emergency vehicle access, and construction traffic would be localized and site specific, and would not contribute to impacts from other development and infrastructure projects in San Francisco.

In light of the above, the proposed project would not have a significant project-specific or cumulative impact to transportation and circulation. The number of trips associated with the proposed project would be dispersed throughout the local roadway network and throughout the duration of a day. The proposed project would not cause a substantial increase in transit demand that could not be accommodated by existing and proposed transit capacity, and alternative travel modes.

Project construction activities, in combination with other development in the project area, would incrementally increase the demands on the City's transportation network, but not beyond levels anticipated and planned for by local transportation and transit agencies. Thus, for the reasons discussed above, project-related impacts to transportation and circulation would not be cumulatively considerable.

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

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

For a discussion of vibration impacts to nearby historic buildings, refer to topic 3a, above.

Impact NO-1: The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, but could expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or result in a substantial temporary or periodic increase in ambient noise levels. The proposed project would not be substantially affected by existing noise levels. (Less than Significant with Mitigation)

Substantial Permanent Increase in Ambient Noise Levels

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible

to most people (3 decibel (dB) increase).[16] The proposed project consists of demolition of an existing commercial building and construction of a four-story, 13-room hotel. The proposed project would generate 62 daily vehicle trips on roadways with volumes that would not be doubled by the proposed project's vehicle trips.

Noises generated by hotel uses are common and generally accepted in urban areas, including the tourist-oriented vicinity of the proposed project. The proposed project would include new fixed noise sources on the rooftop that would produce operational noise on the project site, such as heating, ventilation, and air conditioning equipment. Operation of this equipment would be subject to the City's Noise Ordinance (Article 29 of the San Francisco Police Code). Section 2909 (a)(1) regulates noise from mechanical equipment and other similar sources on residential property. Mechanical equipment operating on commercial property must not produce a noise level more than 8 dBA above the ambient noise level at the property boundary. Section 2909 (d) states that no fixed noise source may cause the noise level measured inside any sleeping or living room in a dwelling unit on residential property to exceed 45 dBA between 10 PM and 7 AM or 55 dBA between 7 AM and 10 PM with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed. The proposed project would be subject to and required to comply with the Noise Ordinance.

For the above reasons, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity.

Expose Persons to Noise Levels in Excess of Standards or Result in a Temporary Increase in Ambient Noise Levels

Background noise levels along Bay Street are above 75 dBA L_{dn} [17,18,19]. Because the noise levels at the project site exceed 75 dBA (Ldn), the *General Plan's* Land Use Compatibility chart[20] recommends that a detailed evaluation of noise reduction requirements be made for new hotel (transient lodging) development and recommended noise reduction measures be incorporated as part of the project design. Furthermore, California's Building Standards Code (Title 24 of the California Code of Regulations, which at the local level is enforced by the Department of Building Inspection), contains noise insulation standards that are required for new hotel buildings. Hotel room occupants are considered noise-sensitive receptors.

As discussed above, ambient noise levels in San Francisco are largely influenced by traffic-related noise. The project site is located along a street with modeled noise levels above 75 dBA L_{dn} (Bay Street) and

[16] A decibel is a unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

[17] Existing noise levels along these streets were estimated based on the consultation of the San Francisco Department of Public Health's (DPH) noise map, "Noise 6 Category".

[18] The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

[19] The L_{dn} is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10:00 p.m. to 7:00 a.m. The Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

[20] The Environmental Protection element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise. These guidelines, which are similar to, but differ somewhat from, state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses.

potential existing noise-generating land uses are nearby. Therefore, a noise analysis was prepared for the proposed project and the results are summarized below.[21]

Noise level measurements were taken at the project site as part of the noise analysis. Long-term measurements (continuous measurements with 15-minute intervals) were made at an elevation 12 feet above the sidewalk adjacent to the project site at Mason Street and Bay Street between October 23 and October 25, 2013. These noise level measurement locations are near the proposed new building's façade-facing hotel rooms. To account for potential increase in traffic volumes in the future, a three percent increase in traffic volume per year was added consistent with the methodology used by the California Department of Transportation, corresponding to approximately a one-decibel increase over ten years. The calculated noise levels for the long-term measurements were 75 dBA L_{dn} at Bay Street and 69 dBA L_{dn} at Mason Street.

Typical building construction will generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. In this case, exterior noise exposure would need to exceed 70 dBA L_{dn} on the upper floors and 75 dBA L_{dn} on the ground floor to produce interior noise levels in excess of Title 24's interior noise criterion (45 dBA L_{dn} for living spaces and 50 dBA L_{dn} for commercial spaces). Given the calculated exterior noise level of 75 dBA L_{dn} along both project site frontages, the noise analysis provided recommendations to achieve the interior noise criterion of 45-50 dBA L_{dn} for the respective uses.

The noise analysis recommendations include, but are not limited to, applying the Sound Transmission Class (STC) requirements listed in Table 1 below for full windows and exterior doors. The proposed project would be subject to and would comply with these recommendations to ensure that Title 24 requirements would be met. Furthermore, through the building permit review process, the Department of Building Inspection (DBI) would ensure that Title 24 requirements would be met.

TABLE 1 - OPERATIONAL NOISE RECOMMENDATIONS

Floor	STC Rating for Full Window and Exterior Doors by Proposed Building Elevation[a]		
	Mason Street	Bay Street	Rear/Side Yard
1	22 – 32	32 – 33	N/A
2 – 4	36 – 45	38 – 45	31 – 40

STC = Sound Transmission Class

a. STC rating recommended are for full window and exterior door assemblies (glass and frame), rather than just the glass.

Article 29 of the Police Code provides limitations to noise emanating from various sources and land uses. The proposed project would be subject to Section 2909(b) of the Police Code, which states that "[n]o person shall produce or allow to be produced by any machine or device, music or entertainment or any combination of same" a noise level exceeding eight dBA above the local ambient at any point outside of the property plane. In addition, Article 1, Section 49(b) of the Police Code provides that any amplified sound device operated in such a manner as to be plainly audible at a distance of 50 feet from the property

[21] Charles M. Salter Associates Inc., *400 Bay Street San Francisco, CA Environmental Noise Assessment*, November 5, 2013. This document is available for public review at the Planning Department, as part of Case No. 2013.0792E.

line of the property from whence the sound is emitted is a violation subject to both criminal and civil penalties.

The proposed project would have two outdoor decks—a 900-square-foot second story deck at the northern section of the property abutting the Best Western Hotel and the mixed-use residential building at 416 Bay Street (**Figure 6-Proposed Second Floor Plan**), along with a 2,000-square-foot rooftop deck above the fourth floor abutting the 416 Bay Street building (**Figure 7-Proposed Roof Plan**). The roof decks would play host to hotel patrons primarily, though private events may be held as well.

Without mitigation, the various private events using the outdoor decks could result in crowd and/or amplified noise that would be in excess of the noise level standards in the Police Code or would temporarily increase ambient noise levels, thereby resulting in a significant impact to surrounding receptors. Using the methodology described above, the noise analysis quantified the noise environment at the project site, comparing it with State and City standards, and also assessed the potential fixed mechanical equipment and event noise (on the decks) generated by the project.

For amplified sound on the rooftop deck, the noise analysis determined that the noise level requirements of the Police Code could be met by limiting amplified sound to 78 dB and installing a noise barrier along the west and north perimeter of the rooftop. The 78 dB limit was calculated to meet Police Code Section 2909(b) limit of 8 dBA above ambient at the property plane. The adjacent hotel appealed use of this standard and asserted that, given the close proximity of its guests, a 5 dBA limit as specified by Police Code Section 2909(a) was more appropriate.[22] Subsequent communication from the consultant who prepared the Environmental Noise Assessment[23] affirms that reducing amplified sound to 72 dBA (as measured three feet from a loudspeaker) would meet the Police Code Section 2909(a) standard of no noise greater than 5 dBA above ambient the noise level at the property line. The 400 Bay Street Hotel Project sponsor has agreed to limit amplified noise on the rooftop deck to 72 dBA. In addition, the appellant and the project sponsor agreed to end amplified sound at 11:00 p.m. Therefore, Mitigation Measure M-NO-1a has been revised accordingly. For amplified sound on the second floor deck, the noise analysis determined that (due to its location and elevation) there would be no feasible way to meet Police Code noise level requirements with a barrier and recommended that noise effects be controlled by limiting its hours of operation.

In order to mitigate potential noise impacts to surrounding receptors from events on the rooftop deck, and consistent with the recommendations of the noise analysis, Mitigation Measure M-NO-1a on page 36 requires installation of a continuous six-foot-tall sound barrier along the western and northern perimeter of the rooftop, a noise level limit of ~~78~~72 dBA three feet from any loudspeaker, and no amplified sound after ~~midnight~~ 11:00 p.m.

In order to mitigate potential noise impacts to surrounding receptors from events on the second-floor deck, Mitigation Measure M-NO-1b on page 36 precludes events from having amplified sound and requires that they end at 10:00 p.m.

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[22] June 8, 2015 letter from Albert C. Hwang, representing The Tuscan Best Western Hotel, to Chris Thomas, San Francisco Planning Department, appealing the Preliminary Mitigated Negative Declaration for the 400 Bay Street Hotel Project. This document is available for public review at the Planning Department, as part of Case No. 2013.0792E.

[23] Email from Cristina Miyar, Charles M. Salter Associates, to Carol To, NC2, June 30, 2015. This document is available for public review at the Planning Department, as part of Case No. 2013.0792E.

Mitigation Measures M-NO-1a and -1b would become conditions of project approval. Violations of these operational conditions would be subject to enforcement by the Police Department and the Planning Department.

With implementation of Mitigation Measures M-NO-1a and -1b, the proposed project would not result in noise levels in excess of the Article 1, Section 49 and Article 29 requirements of the Police Code or result in a significant temporary increase in ambient noise during project operations. The Project Sponsor has agreed to implement M-NO-1a and 1b. With incorporation of the identified mitigation measures, the proposed project would not expose persons to noise levels in excess of applicable noise standards or result in a substantial temporary increase in noise levels.

Be Substantially Affected by Existing Noise Levels

As noted in the discussion above, with implementation of the noise analysis recommendations to ensure acceptable interior noise standards in compliance with Title 24, the proposed project would not be substantially affected by existing noise levels.

For the above reasons, and with incorporation of Mitigation Measures M-NO-1a and 1b, the proposed project would not be substantially affected by ambient noise levels in the project vicinity, expose hotel patrons or employees to noise levels in excess of Title 24 standards or standards established in the local general plan or noise ordinance, or result in a substantial temporary or periodic increase in ambient noise levels.

Impact NO-2: During construction, the proposed project would not result in a significant temporary or periodic increase in ambient noise levels and vibration in the project vicinity above levels existing without the project. (Less than Significant)

The proposed project's construction activities would last approximately 12 months. Construction noise and vibration would be intermittent and limited to the period of construction. The closest sensitive receptors to construction activities on the project site would be residents in an adjacent multi-family building on the western property line (416 Bay Street). Construction activities would generate noise and vibration that could be considered an annoyance by occupants of nearby properties. Construction noise and vibration would fluctuate depending on the construction phase, equipment type and duration of use, and distance between noise source and listener. The greatest construction-generating noise and vibration phases would generally be limited to the initial construction phase excavation and new foundation construction. Once the foundation is in place, large, noise-generating equipment would no longer be used.

Sections 2907 and 2908 of the Police Code regulate construction equipment noise and nighttime construction, respectively. Section 2907 requires noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at 100 feet from the source. Impact tools must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 prohibits construction work between 8:00 PM and 7:00 AM if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. Although daytime construction noise could be annoying at times, it would be temporary and limited in duration and extent and would not be considered significant with compliance with Sections 2907 and 2908 of the Police Code.

The most frequently used method to describe the effect of vibration on the human body is the root mean square (RMS) amplitude. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (Vdb) is commonly used to measure RMS. The decibel notation acts to compress the range of numbers required to describe vibration.[24] Although it is possible that construction vibration would exceed levels that are considered an annoyance by adjacent residents, these annoyance levels would be temporary (i.e., initial phase of construction and between the hours as directed by the Noise Ordinance) and thus not considered excessive. Because the proposed project would be subject to and would comply with regulations set forth in the Noise Ordinance and would be limited to the duration of the proposed project construction, the proposed project would result in a less-than-significant impact related to temporary increases in noise and vibration levels.

Impact C-NO-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts to noise (Less than Significant)

Construction activities in the vicinity of the project site, such as excavation, grading, or construction of other buildings in the area, would occur on a temporary and intermittent basis, similar to the proposed project, would be subject to the Noise Ordinance and thus would not be considered significant. Therefore, cumulative construction-related noise impacts would be less than significant.

The proposed project in combination with other cumulative projects would not result in substantial population growth in the project vicinity. Because neither the proposed project nor the other cumulative projects in the vicinity are anticipated to result in a doubling of traffic volumes along nearby streets, the project would not contribute considerably to any cumulative traffic-related increases in ambient noise. Moreover, the proposed project's mechanical equipment and occupants would be required to comply with the Noise Ordinance, and therefore would not be expected to contribute to any significant cumulative increases in the ambient noise as a result of the building's mechanical equipment or operation. Similar to the proposed project, any rooftop mechanical equipment would be required to meet the City's Noise Ordinance standards. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable noise impact.

Mitigation Measure M-NO-1a: Rooftop Deck Noise Minimization

In order to reduce potential noise impacts from events held on the rooftop deck to a less than significant level, the following measures shall be implemented:

A. Limit all amplified sound to no louder than ~~78~~ 72 dBA.

B. No amplified sound is allowed after ~~midnight~~ 11:00 p.m.

C. Install a six-foot-high barrier capable of limiting noise levels to ~~eight~~ five dBA above ambient at western and northern rooftop building perimeter.

Mitigation Measure M-NO1b: Second-Floor Deck Noise Minimization

In order to reduce potential noise impacts from events held on the second-floor deck, amplified sound shall not be allowed at any time and no event shall be held after 10:00 p.m.

[24] FTA, May 2006, Table 8-1.

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

Setting

Overview

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

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

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

Criteria Air Pollutants

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment[25] or unclassified for most criteria pollutants with the exception of ozone, $PM_{2.5}$, and PM_{10}, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.[26]

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 2 identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

Table 2 - Criteria Air Pollutant Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

Ozone Precursors

As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of

[25] "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

[26] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines,* May 2011, page 2-1.

photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_x). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO_x, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).[27] These levels represent emissions by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Particulate Matter (PM_{10} and $PM_{2.5}$)[28]

The federal New Source Review (NSR) program was created by the federal CAA to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of federal health based ambient air quality standards. For PM_{10} and $PM_{2.5}$, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels at which a source is not expected to have an impact on air quality.[29] Although the regulations specified above apply to new or modified stationary sources, land use development projects result in ROG, NO_x, PM_{10} and $PM_{2.5}$ emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ozone precursors or particulate matter. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Fugitive Dust

Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust.[30] Individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.[31] The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.[32] The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of fugitive dust control measures to ensure that construction projects do not result in visible dust. The BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

Other Criteria Pollutants

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[27] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 17.

[28] PM_{10} is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. $PM_{2.5}$, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

[29] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 16.

[30] Western Regional Air Partnership. *2006. WRAP Fugitive Dust Handbook.* September 7, 2006. This document is available online at *http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf*, accessed February 16, 2012.

[31] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 27.

[32] BAAQMD, *CEQA Air Quality Guidelines,* May 2011.

Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and SO2 concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO2 emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than five percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO2. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and SO2 emissions that could result from a development projects, development projects would not result in a cumulatively considerable net increase in CO or SO2, and quantitative analysis is not required.

Local Health Risks and Hazards

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.[33]

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than for other land uses. Therefore, these groups are referred to as sensitive receptors.[34] Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 70 years. Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter ($PM_{2.5}$) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary

[33] In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

[34] 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, page 12.

disease.[35] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.[36] The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative $PM_{2.5}$ concentrations greater than 10 micrograms per cubic meter ($\mu g/m^3$).

Excess Cancer Risk

The above 100 per one million persons (100 excess cancer risk) criteria is based on United State Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.[37] As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the "acceptable" range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,[38] the USEPA states that it "…strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years." The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.[39]

Fine Particulate Matter

In April 2011, the USEPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, "Particulate Matter Policy Assessment." In this document, USEPA staff concludes that the current federal annual $PM_{2.5}$ standard of 15 $\mu g/m^3$ should be revised to a level within the range of 13 to 11 $\mu g/m^3$, with evidence strongly supporting a standard within the range of 12 to 11 $\mu g/m^3$. The Air Pollutant Exposure Zone for San Francisco is based on the health protective $PM_{2.5}$ standard of 11 $\mu g/m^3$, as supported by the USEPA's Particulate Matter Policy Assessment, although lowered to 10 $\mu g/m^3$ to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs. The project site is in the Air Pollutant Exposure Zone for San Francisco.

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[35] SFDPH, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008.

[36] California Air Resources Board (ARB), Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines," October 1998.

[37] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

[38] 54 Federal Register 38044, September 14, 1989.

[39] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

Land use 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.

Proximity to Freeways

According to the California Air Resources Board, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,[40] lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

Health Vulnerable Locations

Based on the BAAQMD's evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area Health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying lots in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) $PM_{2.5}$ concentrations in excess of 9 $\mu g/m^3$.[41]

The above citywide health risk modeling was also used as the basis in approving a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality. The project site is located within the Air Pollutant Exposure Zone.

Construction Air Quality Impacts

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following addresses construction-related air quality impacts resulting from the proposed project.

Impact AQ-1: The proposed project's construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Construction activities (short-term) typically result in emissions of ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and

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

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

PM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project includes removal of the existing surface commercial building and construction of a new four-story, 13-room hotel with ground-floor retail/event space. During the project's approximately 12 month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed below.

Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than those provided in national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the ARB, reducing particulate matter $PM_{2.5}$ concentrations to state and federal standards of 12 $\mu g/m^3$ in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.[42]

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the DBI.

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site will be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in

[42] ARB, *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c, October 24, 2008.

progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 sf of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. CCSF Ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

The proposed project site is less than one-half acre in size, so submittal of a Dust Control Plan will not be required; however, implementation of dust control measures pursuant to the Dust Control Plan would nevertheless be required. Compliance with the regulations and procedures set forth in the San Francisco Dust Control Ordinance would ensure that potential dust-related air quality impacts would be less than significant.

Criteria Air Pollutants

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 3 on page 38, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), developed screening criteria. If a proposed project meets the screening criteria, then construction of the proposed project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield[43] sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project includes demolition of an existing commercial building and new construction of a four-story, 13-room hotel over a 2,000-square-foot retail/event space, which would require the removal and disposal of approximately 1,098 cubic yards of soil during excavation. The size of proposed construction activities would be below the criteria air pollutant screening sizes for hotel uses (554 rooms) and strip mall (277,000 sf) and amount of material transport identified in the BAAQMD's *CEQA Air Quality Guidelines.* Thus, quantification of construction-related criteria air pollutant emissions is not required and the proposed project's construction activities would result in a less-than-significant criteria air pollutant impact.

Impact AQ-2: The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)

[43] A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

As discussed above, San Francisco, in partnership with BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of the Air Pollutant Exposure Zone, based on significance thresholds discussed above for $PM_{2.5}$ and excess cancer risk. The project site is located within an Air Pollutant Exposure Zone, meaning that existing excess cancer risk exceeds 100 per one million and/or ambient $PM_{2.5}$ concentrations exceed 10 $\mu g/m^3$. Sensitive land uses exist near the project site including an adjacent residential multi-family building on the western property line (416 Bay Street), and residential buildings across Bay Street and at the intersection of Bay and Mason Streets. The project involves construction of a four-story, 13-room hotel, which is not considered a sensitive land use.[44]

Off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.[45] Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.[46] For example, revised PM emission estimates for the year 2010, which DPM is a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the SFBAAB.[47] Approximately half of the reduction in emissions can be attributed to the economic recession and half to updated methodologies used to better assess construction emissions.[48]

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines would be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, NO_x and PM emissions will be reduced by more than 90 percent.[49]

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

> "Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to

[44] 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, page 12.

[45] ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, p.1 and p. 13 (Figure 4), October 2010.

[46] ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

[47] ARB, "In-Use Off-Road Equipment, 2011 Inventory Model," Query accessed online, April 2, 2012, http://www.arb.ca.gov/msei/categories.htm#inuse_or_category.

[48] ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

[49] USEPA, "Clean Air Nonroad Diesel Rule: Fact Sheet," May 2004.

substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk."[50]

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

As previously discussed, the proposed project is located within the Air Pollutant Exposure Zone and would require construction activities for the approximate 12-month construction period. Project construction activities would result in short-term emissions of DPM and other TACs. The project site is located in an area that already experiences poor air quality and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of Mitigation Measure M-AQ-2, Construction Emissions Minimization, would reduce the magnitude of this impact to a less-than-significant level. While emission reductions from limiting idling, educating workers and the public and properly maintaining equipment are difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emission Control Strategy (VDECS) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS. Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet available for engine sizes subject to the mitigation. Therefore, compliance with Mitigation Measure M-AQ-2 would reduce construction emissions impacts to nearby sensitive receptors to a less-than-significant level.

Mitigation Measure M-AQ-2: Construction Emissions Minimization

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
    a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
    b) All off-road equipment shall have:
        i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and

[50] BAAQMD, *CEQA Air Quality Guidelines,* May 2011, page 8-6.

ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).[51]

c) Exceptions:

i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.

ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 3.

Table 3 – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.

[51] Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. *Reporting.* Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses air quality impacts resulting from operation of the proposed project.

Impact AQ-3: During project operations, the proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

As discussed above in Impact AQ-1, the BAAQMD, in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of operational-related criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment.

The proposed project includes demolition of an existing commercial building and new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. The size of proposed construction activities would be below the criteria air pollutant screening sizes for hotel (489 rooms) and strip mall (99,000 sf) identified in the BAAQMD's *CEQA Air Quality Guidelines.* Thus, quantification of operational-related criteria air pollutant emissions is not required and the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less than significant impact with respect to criteria air pollutants.

Impact AQ-4: The proposed project would not generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. (Less than Significant)

As previously discussed, San Francisco, in partnership with BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of the Air Pollutant Exposure Zone, or areas within the City that deserve special attention when siting uses that either emit toxic air contaminants or uses that are considered sensitive to air pollution. Sensitive land uses exist near the project site including an adjacent residential multi-family building on the western property line (416 Bay Street), and residential buildings across Bay Street and at the intersection of Bay and Mason Streets. The project involves construction of a four-story, 13-room hotel, which is not considered a sensitive land use.

Sources of Toxic Air Contaminants

Individual projects result in emissions of toxic air contaminants (TACs) primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's 62 daily vehicle trips would be well below this level, therefore an assessment of project-generated TACs resulting from vehicle trips is not required, and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors. Thus, impacts associated with project's TAC emissions would be less than significant.

Siting Sensitive Land Uses

The proposed project includes the construction of hotel rooms and retail/event spaces, which are not considered sensitive land uses for the purpose of air quality evaluation. The nearest sensitive land uses to the project site are an adjacent residential multi-family building on the western property line (416 Bay Street), and residential buildings across Bay Street and at the intersection of Bay and Mason Streets. The project would neither include installation of polluting equipment, nor generate substantial TAC emissions from transportation. In light of the above, the proposed project would result in a less than significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Impact AQ-5: The proposed project would not create objectionable odors affecting a substantial number of people. (Less than Significant)

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However,

construction-related odors would be temporary and would not persist upon project completion. The project site is not substantially affected by sources of odors**.** Additionally, the proposed project includes construction of a new hotel building with 2,000 square feet of retail/event space and would thus not create a significant source of new odors. Therefore, odor impacts would be less than significant.

Impact AQ-6: The proposed project would not conflict with or obstruct implementation of the Bay Area 2010 Clean Air Plan. (Less than Significant)

The most recently adopted air quality plan for the SFBAAB is the *2010 Clean Air Plan*. The *2010 Clean Air Plan* is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the *2010 Clean Air Plan*, this analysis considers whether the project would: (1) support the primary goals of the *2010 Clean Air Plan*, (2) include applicable control measures from the Clean Air Plan (CAP), and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

The primary goals of the *2010 Clean Air Plan* are to: (1) reduce emissions and decrease concentrations of harmful pollutants, (2) safeguard the public health by reducing exposure to air pollutants that pose the greatest health risk, and (3) reduce greenhouse gas emissions. To meet the primary goals, the *2010 Clean Air Plan* recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The *2010 Clean Air Plan* recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the *2010 Clean Air Plan* includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to Greenhouse Gases (GHGs) is discussed in Section E.7, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 118 net new vehicle trips would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the *San Francisco General Plan*, as discussed in Section C, Compatibility with Existing Zoning and Plans. Transportation control measures that are identified in the *2010 Clean Air Plan* are implemented by the *San Francisco General Plan* and the *Planning Code*, for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees. Compliance with these requirements would ensure the project includes relevant transportation control measures specified in the *2010 Clean Air Plan*. Therefore, the proposed project would include applicable control measures identified in the CAP to the meet the CAP's primary goals.

Examples of a project that could cause the disruption or delay of *2010 Clean Air Plan* control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive

parking beyond parking requirements. The proposed project would construct a new hotel building in a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transit improvement, and thus would not disrupt or hinder implementation of control measures identified in the CAP.

For the reasons described above, the proposed project would not interfere with implementation of the *2010 Clean Air Plan*, and because the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be less than significant.

Impact C-AQ-1: The proposed project, in combination with past present, present, and reasonably foreseeable future development in the project area would result in less-than-significant cumulative impacts to air quality. (Less than Significant with Mitigation)

As discussed above, the project site is located in an area that already experiences poor air quality. The project would involve new construction, adding temporary sources of TACs within an area already adversely affected by air quality, resulting in a considerable contribution to cumulative health risk impacts on sensitive receptors. This would be a significant cumulative impact. The proposed project would be required to implement Mitigation Measure M-AQ-2 Construction Emissions Minimization (detailed on pages 46 to 48) which could reduce construction period emissions by as much as 94 percent. Implementation of this mitigation measure would reduce the project's contribution to cumulative air quality impacts to a less-than-significant level.

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

Greenhouse Gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will contribute to global climate change and its associated environmental impacts.

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public

agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. Accordingly, San Francisco has prepared *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy)[52] which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with CEQA guidelines. The actions outlined in the strategy have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's *2010 Clean Air Plan*, Executive Order S-3- 05,[53] and Assembly Bill 32 (also known as the Global Warming Solutions Act.)[54,55]

Given that the City's local greenhouse gas reduction targets are more aggressive than the State and Region's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance.

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

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

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the activity onsite through demolition of an existing vacant commercial building and new construction new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

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[52] San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. The final document is available online at: *http://www.sf-planning.org/index.aspx?page=2627*.

[53] Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million $MTCO_2E$); by 2020, reduce emissions to 1990 levels (estimated at 427 million $MTCO_2E$); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million $MTCO_2E$).

[54] San Francisco Department of Environment (DOE), *San Francisco Climate Action Strategy, 2013 Update*.

[55] The *Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 goals, among others, are to reduce GHGs in the year 2020 to 1990 levels.

The proposed project would be subject to and required to comply with several regulations adopted to reduce GHG emissions as identified in the GHG Reduction Strategy. The regulations that are applicable to the proposed project include the Commuter Benefits Ordinance, Emergency Ride Home Program, Bicycle Parking requirements, Street Tree Planting Requirements for New Construction, Mandatory Recycling and Composting Ordinance, and SF Green Building Requirements for Energy Efficiency.

These regulations, as outlined in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the *2010 Clean Air Plan* GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy.[56] Other existing regulations, such as those implemented through 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 thus the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions.

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

The proposed project would have significant impacts on wind and shadow under CEQA if it were to alter wind in a manner that substantially affects public areas, or create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. This section discusses the impacts of the proposed project on ground-level wind currents at various locations on the project site and in the vicinity.

Impact WS-1: The proposed project would not alter wind in a manner that substantially affects public areas. (Less than Significant)

Wind Impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The proposed building height would be approximately 40 feet tall with an additional 10-foot-tall mechanical penthouse. The new building would reach approximately the same height as adjacent buildings and those in the vicinity. Furthermore, the proposed building's design elements would provide façade articulation, reducing any wind tunnel effects.

[56] San Francisco Planning Department, "Compliance Checklist Table for Greenhouse Gas Analysis," May 14, 2014. This document is on file and available for public review at the San Francisco Planning Department, as part of Case File 2013.0792E.

Therefore, the project would not result in adverse effects on ground-level winds. Accordingly, the proposed project would result in a less-than-significant wind impact.

Impact WS-2: The proposed project would not create new shadow in a manner that could substantially affect outdoor recreation facilities or other public areas. (Less than Significant)

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) in order to protect public open spaces under the jurisdiction of the Recreation and Park Commission from shadowing by new and altered structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shade and shadow upon public open spaces under the jurisdiction of the Recreation and Parks Department by any structure exceeding 40 feet in height unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The nearest public open space to the project site is The Embarcadero promenade, about 900 feet north of the site, followed by Joe DiMaggio Playground and North Beach Pool approximately 1,100 feet south of the site. As the proposed 40-foot-tall building does not trigger Section 295 and is generally consistent with the heights of buildings immediately adjacent and in the surrounding neighborhood, the proposed project would not result in substantial net new shading on any open spaces or property under the jurisdiction of the Recreation and Park Department.[57]

The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not exceed levels commonly expected in urban areas. In light of the above, the proposed project's shadow impact would be considered less than significant.

Impact C-WS-1: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would result in less-than-significant cumulative impacts to wind. (Less than Significant)

Based on the information provided above, the proposed project, along with other potential and future development in the vicinity, would not result in a significant wind impact in the project vicinity. It is anticipated that design of 400 Bay Street and other future developments in the neighborhood would be required to comply with the applicable height and bulk requirements, as defined in the Planning Code. As such, the proposed project, in combination with current and future projects proposed in the vicinity, would not substantially alter the wind patterns that could affect public areas, and cumulative wind impacts would be considered less than significant.

Impact C-WS-2: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would result in less-than-significant cumulative impacts to shadow. (Less than Significant)

Based on the fact that the proposed project would not cast new shadows on a public open space, it would not contribute to a cumulative shadow impact on the public open spaces in the project vicinity. Future projects would be subject to *Planning Code* Section 295 and other controls to avoid substantial net new shading of public open space. Thus the proposed project, in combination with other past, present, and

[57] San Francisco Planning Department. *Shadow Determination Memo, Case No. 2009.0665K* prepared by Diego Sanchez. March 5, 2009. Available for review at the Planning Department, 1650 Mission Street, under Case No. 2009.0065E.

reasonably foreseeable future projects proposed in the vicinity, would not result in a cumulatively considerable shadow impact.

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

Impact RE-1: The proposed project would increase the use of existing parks and recreational facilities, but not to an extent that substantial physical deterioration of the facilities would occur or be accelerated. The project does not include recreational facilities nor would it require the expansion of recreational facilities. (Less than Significant)

The project would bring approximately 18 new employees to the site and up to 52 hotel guests. Many of the employees would eat their lunches on site, at local dining establishments, or at local parks and public open spaces. Many of the hotel guests would likely visit nearby tourist attractions such as Fisherman's Wharf, The Embarcadero, and Coit Tower. The nearest parks and public open spaces are Aquatic Park, Joe DiMaggio Playground and The Embarcadero promenade. These parks would likely experience increased midday use by the guests and hotel and retail/event workers. As previously discussed in Section E.3, Population and Housing, the proposed project is not likely to attract new employees to San Francisco or substantially increase the population in the vicinity. Therefore, the proposed project is unlikely to result in a substantial increased use of existing regional and neighborhood parks or other recreational facilities within the project vicinity. The proposed project would also not require the construction or expansion of recreational facilities, nor would it physically degrade existing recreational resources. The increase in recreational facilities as a result of the proposed project would be negligible; therefore, proposed project's impacts on recreational facilities would be less than significant.

Impact C-RE-1: The proposed project, in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant impacts to recreational resources. (Less than Significant)

The use of recreational facilities in the vicinity of the project site is not expected to noticeably increase as a result of the proposed project. It is estimated that the proposed four-story, 13-room hotel and 2,000-square-foot retail/event space would create a demand for approximately 18 net new employees. The proposed project is not likely to attract new employees to San Francisco or substantially increase the

population in the vicinity; therefore, the proposed project would not result in cumulatively considerable impacts to recreational resources and this impact would be considered less than significant.

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

The project site is within an urban area that is served by utility service systems, including water, wastewater and stormwater collection and treatment, and solid waste collection and disposal. The proposed mixed use building would increase demand for and use of utilities services, but not in excess of amounts expected in the area and provided by the existing utility and service systems.

Impact UT-1: Implementation of the proposed project would not exceed wastewater treatment requirements, exceed the capacity of the wastewater treatment provider serving the project site, or result in the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. (Less than Significant)

Proposed project-related wastewater and stormwater would flow to the City's combined stormwater and sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge into the Bay. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water

Quality Control (RWQCB), therefore, the proposed project would not conflict with RWQCB requirements.

Implementation of the proposed project would incrementally increase wastewater flows from the project site due to the introduction of approximately 18 employees and up to 52 guests.[58] The proposed project would incorporate water-efficient fixtures, as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance. Compliance with these regulations would reduce wastewater flows and the amount of potable water used for building functions. The San Francisco Public Utilities Commission's (SFPUC) infrastructure capacity plans account for projected population and employment growth. The incorporation of water-efficient fixtures into new development is also accounted for by the SFPUC because widespread adoption can lead to more efficient use of existing capacity. Therefore, this increase in population would not require expansion of wastewater treatment facilities. The SFPUC may require the proposed project to provide estimated wastewater flows resulting from the project, identification of the proposed sewer connection, and a capacity analysis of the existing sewers.

The existing project site is completely covered by a commercial building. The proposed building footprint would also completely cover the project site; thus, project implementation would not result in an increase in impervious surfaces. In light of the above, the proposed project would not substantially increase the demand for wastewater or stormwater treatment and would result in a less-than-significant impact.

Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the proposed project and implementation of the proposed project would not require expansion or construction of new water treatment facilities. (Less than Significant)

The proposed project would increase the amount of water required to serve the project site. All large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand under Senate Bill 610 and Senate Bill 221.45. Under Senate Bill 610, a Water Supply Assessment (WSA) is required if a proposed project is subject to CEQA in an Environmental Impact Report or Negative Declaration and is any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center of business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 square feet or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have water demand at least equal to a 500 dwelling unit project. The proposed project would not exceed any of these thresholds and therefore would not be required to prepare a WSA.

In June 2011, the SFPUC adopted a resolution finding that the SFPUC's 2010 Urban Water Management Plan (UWMP) adequately fulfills the requirements of the water assessment for urban water suppliers. The UWMP uses year 2035 growth projections prepared by the Planning Department and ABAG to estimate future water demand. The proposed project is within the demand projections of the UWMP and would not exceed the water supply projections.

[58] This number was calculated based on the maximum room occupancy of four guests as set by the San Francisco Fire Code.

The proposed project would include demolition of an existing commercial building and new construction of a four-story, 13-room hotel over a 2,000-square-foot retail/event space. Although the total amount of water demand would increase at the project site, the proposed building would be designed to incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance. Because the proposed water demand could be accommodated by existing and planned water supply anticipated under the SFPUC's 2010 UWMP, the proposed project would not result in a substantial increase in water use and would be served from existing water supply entitlements and resources. In addition, the proposed project would include water conservation devices. In addition, as part of the building permit review process, a hydraulic analysis would be required from the SFPUC to determine if the water distribution facilities leading to the project site would require upgrading. The proposed project would be subject to and required to comply with upgrades, as determined by SFPUC through the building permit review process, into the final project's design. Therefore, the proposed project would result in a less-than-significant impact.

Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs. (Less than Significant)

The majority of San Francisco's solid waste that is not recycled is disposed of in the Altamont Landfill. The Altamont Landfill is permitted to receive a maximum of 1.6 million tons of solid waste per year and a maximum daily disposal rate of 11,150 tons. In 2008, the most recent data year available, the Altamont Landfill received an average of 4,727 tons per day on a five-day-a-week basis. As of January 2009, the estimated remaining refuse capacity for the Altamont Landfill was 43 million tons. At the 2008 rate of fill, the facility has approximately 31 years of remaining capacity. As of the year 2005 (latest year of record), the landfill has a closure date in 2025 and a remaining capacity of 74 percent.[59] San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. San Francisco had a goal of 75 percent solid waste diversion by 2010 and has a goal of 100 percent solid waste diversion by 2020. San Francisco diverted 80 percent of their solid waste in the year 2010.[60]

With implementation of the proposed project, new trash receptacles would be in place at the project site and guests would comply with the City's recycling and composting programs and other efforts to reduce the solid waste disposal stream. Due to the existing and anticipated increase of solid waste recycling in the City and the Altamont Landfill's remaining capacity, any increase in solid waste from the project site would have less-than-significant impacts at solid waste facilities.

Impact UT-4: The construction and operation of the proposed project would follow all applicable statutes and regulations related to solid waste. (Less than Significant)

The California Integrated Waste Management Act of 1989 (Assembly Bill 939) requires municipalities to adopt an Integrated Waste management Plan (IWMP) to establish objectives, policies, and programs relative to waste disposal, management, source reduction, and recycling. San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. San Francisco Ordinance No. 100-09 requires everyone in San Francisco to separate their

[59] CalRecycle, "Active Landfills Profile for Altamont Landfill and Resource Recv'ry (01-AA-0009)." Available online at: http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/. Accessed August 1, 2013.

[60] DOE, "Mayor Lee Announces San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America." Available online at: http://www.sfenvironment.org/zero-waste/overview/goals. Accessed August 1, 2013.

solid waste into recyclables, compostables, and trash. The proposed project would be subject to and would comply with San Francisco Ordinance No. 27-06, San Francisco Ordinance No. 100-09 and all other applicable statutes and regulations related to solid waste. Therefore, the proposed project's impact to solid waste would be less than significant.

Impact C-UT-1: The proposed project in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to utilities and service systems. (Less than Significant)

The proposed project would not substantially impact utility provision or service. No other development in the project vicinity would contribute substantially to utilities and service systems cumulative effects. In addition, existing service management plans address anticipated growth in the region. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable utilities and service systems impact.

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

For a discussion of impacts to parks, refer to topics 9a, b, and c above.

Impact PS-1: The proposed project would increase demand for police protection and fire protection, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)

The project site currently receives emergency services from the San Francisco Fire Department, which includes fire station 28 at 1814 Stockton Street, approximately 0.4 miles southeast of the project site, and the San Francisco Police Department, Central Station at 766 Vallejo Street, which is 0.8 miles south of the project site. The proposed project would include demolition of an existing commercial building and new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. Implementation of the proposed project could incrementally increase demand for police and fire protection from the project site due to the introduction of approximately 18 employees and up to 52 guests. This increase would not be substantial in light of the existing demand for police and fire protection in the City and relative to the number of area-wide residents and employees in the project vicinity, as described in Section E.2 Population and Housing. Because the proposed project is located in proximity to existing police and fire protection services and the proposed project would not substantially increase population in the area, the impacts would be less than significant.

Impact PS-2: The proposed project could indirectly increase the population of school-aged children, but these new students would be accommodated within existing school facilities and would not require new or physically altered school facilities. (Less than Significant)

The closest public school to the project site is Francisco Middle School at 2190 Powell Street, located approximately .2 miles from the project site. The project does not propose residential uses. It is estimated that the proposed 13 hotel rooms and 2,000 square feet of retail/event space would create a demand for approximately 18 net new employees, and is not likely to attract new employees to San Francisco or substantially increase the population in the vicinity. Since the proposed project would not likely generate new students, the project would not increase the need for new or expanded school facilities and the proposed project would have a less-than-significant impact on public schools.

Impact PS-3: The proposed project would increase demand for other government services, but not to the extent that would require new or physically altered other government services. (Less than Significant)

Similar to Impacts PS-1 and 2 above, the proposed project would likely utilize other government services, such as libraries, but not to the extent that new or physically altered government services would be required. Therefore, the proposed project would have a less-than-significant impact to other government services.

Impact C-PS-1: The proposed project in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to public services. (Less than Significant)

The proposed project would not be expected to increase demand for public services beyond levels anticipated and planned for by public service providers. Additionally future developments would be subject to *Planning Code* impact fee requirements. No other proposed development in the project vicinity would contribute substantially to public services cumulative effects. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable public services impact.

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

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

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, topic 12f is not applicable.

Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (No Impact)

The project site consists of an existing commercial building. No trees exist on or around the perimeter of the project site. A limited number of planters exist on the project site. No special-status species are known to occur at the project site.

The proposed project would include demolition of an existing commercial building and new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. The proposed project would not remove any trees or any other features that may contain habitat for any special-status species. Therefore, the proposed project would have no impact on special-status species.

Impact BI-2: The proposed project would not impact any sensitive natural communities or adversely affect any federally-protected wetlands. (No Impact)

The project site does not contain riparian habitat or other sensitive natural communities or a federally-protected wetland. No impact would occur.

Impact BI-3: The proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (No Impact)

Structures in an urban setting may present risks for birds' migratory paths from their location and/or their features. The City has adopted guidelines to describe the issue and provide regulations for bird-safe design within the City.[61] The regulations establish bird-safe standards for new building construction, additions to existing buildings, and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated are: 1) location-related hazards, where the siting of a structure creates increased risk to birds (defined as inside or within 300 feet of open spaces two acres and larger dominated by vegetation or open water) and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. For new building construction located in a location-related standard, the standards include façade requirements consisting of no more than 10 percent untreated glazing and the use of minimal lighting. Lighting that is used shall be shielded without any uplighting. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Any structure that contains these elements shall treat 100 percent of the glazing.

The project site consists of an existing commercial building and is not within 300 feet of open spaces two acres or larger. Therefore, the project site is not within a location-related hazard. The proposed project would include demolition of an existing commercial building and new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. Because the proposed project would be subject to and would comply with City adopted regulations for bird-safe buildings, the proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. No impact would occur.

Impact BI-4: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (No Impact)

The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Section 801 et. Seq., to require a permit from the Department of Public Works (DPW) to remove any protected trees.[62] If any activity is to occur within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arborists-certified arborist is to be submitted to the Planning Department for review and approval. All permit applications that could potentially impact a protected tree must include a Planning Department "Tree Disclosure Statement." Protected trees include landmark trees, significant trees, or streets trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. Article 16 of the San Francisco Public Works Code, the Urban Forestry Ordinance, provides for the protection of landmark, significant, and street trees. Landmark trees are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designations by using establish criteria (Section 810). Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10

[61] San Francisco Planning Department, "Standards for Bird-Safe Buildings." Website provides the adopted *Standards for Bird-Safe Buildings* adopted by the Planning Commission, July 14, 2011 and Ordinance No. 199-11, adopted by the Board of Supervisors, October 7, 2011. Available online at: *http://www.sf-planning.org/index.aspx?page=2506*. Accessed August 5, 2013.

[62] San Francisco Planning Department, "Required Checklist for Tree Planting and Protection." Available online at: *http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321*. Accessed February 5, 2015.

feet of the public right-of-way that meet any of three size criteria. The size criteria for significant trees are a tree must have a diameter at breast height in excess of 12 inches, or a height in excess of 20 feet, or a canopy in excess of 15 feet (Section 810(A)(a)). Street trees are any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the DPW (Section 802(w)). If a project would result in tree removal subject to the Urban Forestry Ordinance and the DPW would grant a permit, the DPW shall require that replacement trees be planted (at a one-to-one ratio) by the project sponsor or that an in-lieu fee be paid by the project sponsor (Section 806(b)).

No trees would be removed as part of the proposed project and six new street trees would be planted along the street frontages of the project site. Therefore, the proposed project would not conflict with any local policy ordinance protecting biological resources and no impact would occur.

Impact C-BI-1: The proposed project would result in no impact to biological resources; therefore, a discussion of cumulative impacts is not necessary. (No Impact)

As stated above, the proposed project would have no impact to biological resources; therefore, the proposed project would not contribute to any cumulative impacts related to biological resources. No impact would occur.

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

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

The project proposed project would not use septic tanks or alternative wastewater disposal systems. Therefore, topic 13e is not applicable.

Impact GE-1: The proposed project would not result in exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground-shaking, liquefaction, lateral spreading, landslides, or locating on an unstable soil. (Less than Significant)

A geotechnical investigation was prepared for the proposed project.[63] The following discussion relies on the information provided in the geotechnical investigation.

One boring was drilled to a depth of approximately 50 feet bgs and one cone penetration test to a depth of 62 feet bgs at the project site. The results of the borings, cone penetration test, and investigation indicate that the project site, which fronts Bay and Mason Streets, is underlain by fill to a depth of approximately 17.5 feet consisting of loose, silty sand with variable amounts of gravel and debris such as brick, wood and glass. Beneath the fill, the initial native surficial soil deposits consist of loose, poorly-graded sand and silt followed by very stiff, sandy lean clay. Groundwater was encountered at approximately 9.5 feet bgs, which is similar to depths encountered elsewhere in the project vicinity.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone as defined by the California Division of Mines and Geology. No known active faults cross the project site. The closest mapped active fault in the vicinity of the project site is the San Andreas Fault, located approximately 7.5 miles west of the project site. This proximity would likely result in strong to very strong seismic ground shaking at the project site.

The project site lies within a liquefaction potential zone as mapped by the California Division of Mines and Geology for the City and County of San Francisco (seismic hazard zone).[64] The geotechnical borings and cone penetration test indicate that the soil beneath project site is susceptible to liquefaction due to its loose, sandy soil, and could result in settlement of at least two inches. As the project's basement foundations would lay directly over potentially liquefiable soils, ground rupture or sand boils may result in settlement significantly higher than two inches.

[63] Cornerstone Earth Group. *Geotechnical Investigation: 400 Bay Street Hotel Development*. Geotechnical Report. December 20, 2013. This report is available for review as part of Case No. 2013.0792E.

[64] *San Francisco General Plan*, Community Safety Element, June 2012, Map 4.

Lateral spreading is horizontal/laterial ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water. Lateral spreading is typically associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. There are no open faces within a reasonable distance of the site where lateral spreading could occur. Therefore, the potential for lateral spreading affecting the site is low.

Cyclic densification of non-saturated sand (sand above groundwater table) can occur during an earthquake, resulting in settlement of the ground surface and overlying improvements. The proposed new building would have one level of basement that would require the removal of a majority of the loose sand above the groundwater table. Therefore, the potential for significant seismic settlements resulting from cyclic densification of the loose sand affecting the proposed improvements is low.

Most hillside sites throughout the San Francisco Bay Area are at some risk of ground displacements (i.e., landslides) during an earthquake. The project site is not located on a hillside and the project site has not been mapped by California Division of Mines and Geology for the City and County of San Francisco as being within an area of potential earthquake-induced landsliding.[65] Therefore, the potential for landslides to occur at the project site is low.

The geotechnical investigation provided recommendations for the proposed project's construction. These recommendations include, but are not limited to: (1) remove existing fill soil that does not meet fill requirements; (2) utilize temporary shoring to support the planned cuts of about 14 feet; (3) de-water areas planned for excavation; (4) construct a reinforced concrete mat foundation.

The geotechnical investigation concluded that with implementation of these recommendations, no significant impacts would occur from earthquake shaking or other seismic and geologic hazard impacts. The proposed project would be subject to and required to comply with these or other recommendations, as determined by DBI through its building permit review process, into the final project's design. Therefore, the proposed project would not result in exposure of people and structures to potential substantial adverse effects from geology and impacts are considered less than significant.

Impact GE-2: The proposed project would not result in substantial soil erosion or loss of topsoil. (Less than Significant)

The project site is located in a highly developed urban area and is occupied by an existing building. Therefore, the proposed project would not result in loss of topsoil. Construction of the proposed project would require excavation to a depth of up to 14 feet bgs. Site preparation and excavation activities would disturb soils, creating the potential for wind- and water-borne soil erosion; however, these activities would not result in substantial erosion because the project area is relatively flat. Furthermore, as discussed in Section E.14, Hydrology and Water Quality, the construction contractor would be required to implement construction BMPs to prevent erosion and discharge of sediment into construction site stormwater runoff. Therefore, impacts related to soil erosion and loss of topsoil would be less than significant.

Impact GE-3: The proposed project could be located on expansive soil, but would not create substantial risks to life or property. (Less than Significant)

[65] *Ibid*.

Expansive soils expand and contract in response to changes in soil moisture, most notably when near surface soils change from saturated to a low-moisture content condition, and back again. It is unknown if expansive soils are beneath the project site. However, the proposed project would be subject to and required to comply with requirements from DBI, through its building permit review process, that would include an analysis of the potential for soil expansion impacts. Therefore, the proposed project would not create substantial risk to life or property from expansive soils and impacts would be less than significant.

Impact GE-4: The proposed project would not change substantially the topography or unique geologic or physical features of the site. (No Impact)

No unique geologic or physical features exist at the project site. No impact would occur.

Impact C-GE-1: The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would result in a less-than-significant cumulative impacts to geology and soils. (Less than Significant)

Geological impacts are generally site-specific and the proposed project would not have the potential to have cumulative effects with other projects. Cumulative development would be subject to the same design review and safety measures as the proposed project. These measures would render the geologic effects of cumulative projects to less-than-significant levels. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable geology and soils impacts.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
14. HYDROLOGY AND WATER QUALITY—Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

The project site is not located within a 100-year Flood Hazard Boundary,[66] a dam failure area,[67]or a tsunami hazard area.[68] A seiche is an oscillation of a water body, such as a bay, which may cause local flooding.

A seiche is an oscillation of a body of water. Seiches occur most frequently in enclosed or semi-enclosed basins such as lakes, bays, or harbors, and may be triggered by strong winds, changes in atmospheric pressure, earthquakes, tsunamis, or tides. Triggering forces that set off a seiche are most effective if they operate at specific frequencies relative to the size of the enclosed basin. Coastal measurements of sea level often show seiches with amplitudes of a few centimeters and periods of a few minutes, caused by oscillations of the local harbor, estuary, or bay, superimposed on the normal tidal changes. Tidal records for San Francisco Bay have been maintained for over 100 years, and during this period, a damaging seiche has not occurred. A seiche of approximately four inches occurred during the 1906 earthquake, an event of magnitude 8.3 on the Richter scale. It is probable an earthquake similar to the 1906 event would be the largest experienced in the Bay Area; consequently, a seiche larger than four inches is considered unlikely to occur. The project site is located less than ¼ mile inland from the shoreline, and is approximately 3.5 feet above mean sea level. Therefore, the project site would not be subject to a seiche.

No mudslide hazards exist at the project site because the project site is not located near any landslide prone areas.[69] Therefore, topics 14g, h, i, and j are not applicable.

[66] Federal Emergency Management Agency, "Draft Special Flood Hazard Areas (San Francisco)," September 21, 2007.

[67] *San Francisco General Plan*, Community Safety Element, June 2012, Map 6.

[68] *Ibid*, Map 5.

[69] *Ibid*, Map 4.

Impact HY-1: The proposed project would not violate water quality standards or waste discharge requirements, substantially degrade water quality, or provide substantial additional sources of polluted runoff. (Less than Significant)

Proposed project-related wastewater would flow to the City's combined stormwater and sewer system and would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Because the NPDES standards are set and regulated by the San Francisco Bay Area RWQCB, the proposed project would not conflict with RWQCB requirements.

During the proposed project's construction, the potential for erosion and transportation of soil particles would exist. Once in surface water runoff, sediment and other pollutants could leave the construction site and drain into the combined sewer and stormwater system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the Bay. To minimize sediments and other pollutants from entering the combined sewer and stormwater system, an Erosion and Sediment Control Plan, including BMPs, would be required to be prepared by the project sponsor for the project to minimize stormwater runoff. In addition, as discussed in Section E.15 below, the proposed project would be subject to and required to comply with the Maher Ordinance, which has further site management and reporting requirements for potential hazardous soils and groundwater.

The existing project site is completely covered with a commercial building. The proposed building footprint would also completely cover the project site; thus, project implementation would not result in an increase in impervious surface. Therefore, due to the requirements of existing regulations, the proposed project would not violate water quality standards, substantially degrade water quality, or provide substantial additional sources of polluted runoff and impacts would be less-than-significant.

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

The project site is currently entirely covered with impervious surfaces, and the proposed project would not increase the amount of impervious surfaces, greatly limiting the amount of surface that water could infiltrate to the groundwater. The proposed project would not result in the use of groundwater. Groundwater at the project site is located approximately nine feet bgs, and has historically been encountered as shallow as seven feet bgs. The proposed project would excavate to a depth of approximately 14 feet bgs. As such, the geotechnical report recommended the foundations and basement walls be designed to resist hydrostatic forces. The proposed project would be subject to and required to comply with these or other recommendations, as determined by DBI through its building permit review process, into the final project's design. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and impacts would be less-than-significant.

Impact HY-3: The proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. (Less than Significant)

No streams or rivers exist at the project site. Therefore, the proposed project would not alter the course of a stream or river or substantially alter the existing drainage pattern of the project site or area.

During the proposed project's construction, a potential for erosion and transportation of soil particles would exist, but as stated above in Impact HY-1, the proposed project would be subject to and be required to comply with regulations that limit the amount of runoff from the project site. The existing project site is completely covered with developed surfaces and structures. The proposed building footprint would also completely cover the project site; thus, project implementation would not result in an increase in impervious surface. Therefore, due to the requirements of the existing regulations and because the proposed project would not increase impervious surfaces at the project site, the proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems and impacts would be less-than-significant.

Impact C-HY-1: The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would result in a less-than-significant cumulative impacts to hydrology and water quality. (Less than Significant)

Cumulative development in the project area could result in intensified uses and a cumulative increase in wastewater generation. The SFPUC has accounted for such growth in its service projections. The cumulative development projects would be required to comply with construction-phase stormwater pollution control and dewatering water quality regulations, if necessary, similar to the proposed project. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hydrology and water quality impact.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☒	☐	☐

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topics 15e and f are not applicable. The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, topic 15d is not applicable.

Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, or disposal of hazardous materials. (Less than Significant)

The proposed project would result in the use of relatively small quantities of hazardous materials for routine purposes such as cleaners, detergents, disinfectants, and fertilizers. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. For these reasons, hazardous materials used would not pose any substantial public health or safety hazards related to hazardous materials. Thus, the proposed project would result in less-than-significant impacts related through routine transport, use, or disposal of hazardous materials.

Impact HZ-2: The proposed project would not create a potentially significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, including within one-quarter mile of a school. (Less than Significant)

Setting

The project site is located within a quarter mile of Francisco Middle School (0.1 mile east). A Phase I Environmental Site Assessment (ESA) was conducted for the project site.[70] The ESA was performed to provide a record of conditions at the subject property and to evaluate what, if any, environmental issues exist at the site. The ESA assessed the potential for adverse environmental impacts from the current and

[70] Cornerstone Earth Group, *Phase I Environmental Site Assessment: 400 Bay Street Hotel*. May 9, 2014. This document is on file and available for public review at the San Francisco Planning Department, as part of Case File 2013.0792E.

historical practices on the site and the surrounding area. The Phase 1 ESA identified the site as being located in the Maher zone which identifies areas have potentially have contaminated soil and/or groundwater; however, the ESA did not find any other recognized environmental conditions for the project site.[71]

Hazardous Soil

The proposed project would include excavation to a depth of approximately 14 feet bgs and would involve approximately 1,098 cubic yards of soil disturbance. The project site has been developed with mainly commercial structures since the late 1800's. The project site originally contained the North Beach Hotel which consisted of hotel, office, kitchen, dining, and saloon uses. In 1906, the existing building was constructed and may have consisted of stores, restaurants and bars/night clubs. These businesses could have utilized cleaning solvents; however, there is no indication that hazardous materials were used at the site and no underground storage tanks were present.

The San Francisco Board of Supervisors approved and the Mayor signed a series of amendments to the San Francisco Building and Health Codes, referred to as the Soil and/or Groundwater Testing Requirements Ordinance (Ordinance No. 155-13, July 16, 2013), which is an update to the existing Maher Ordinance. The intent of the updated Maher Ordinance is to identify, investigate, analyze, and when deemed necessary, remediate hazardous substances in soils by expanding the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances in order to protect the environment and public health and safety. The project site is within the boundaries of the updated Maher Ordinance and the project sponsor has thus submitted a Maher Application to the Department of Public Health.

The proposed project would be required to remediate potential soil contamination described above in accordance with updated Maher Ordinance. Thus, the proposed project would not result in a significant hazard to the public or environment from contaminated soil and the proposed project would result in a less than significant impact.

Lead-Based Paint

It is also anticipated that due to the age of the buildings that paint within the structures may contain lead. Any construction activities, including renovation and demolition, would be required to be completed in accordance with federal, state, and local regulations governing the proper handling and disposal of hazardous building materials. Demolition of the existing structure would need to comply with SF Building Code Section 3425, which applies to buildings and steel structures on which original construction was completed prior to 1979, and regulates any disturbance of lead-based paint. The Code requirements include provisions to eliminate the off-site migration of lead contamination and potential on-site soil contamination. Also, notification is required to be given to SF DBI of the removal, as well as signs must be posted advising adjacent properties of the lead-based paint removal. Any penetrations through or removal of various fixtures from substrates painted with lead-based or lead-containing paint is required to be performed by workers trained in accordance with the California Division of Occupational Safety and Health (Cal/OSHA) Lead in Construction Standard, Title 8, Section 1532.1

[71] The Phase 1 ESA did identify several facilities in the vicinity of the project site as hazardous materials users, which may impact the site if spills or leaks occur.

training requirements. These existing regulations and abatement procedures would reduce potential impacts of lead paint to a less-than-significant level.

Polychlorinated Biphenyls (PCB's) Light Ballasts

All light ballasts manufactured through 1978 are magnetic ballasts which contain PCBs. Installation of ballasts manufactured prior to 1978 continued for several more years. As a result it can be expected that any building constructed before 1980 which has not had a complete lighting retrofit is likely to have PCB containing ballasts. Therefore, unless the ballast is electronic (this type is PCB free), determined by testing not to contain PCBs, or the manufacturers label on the ballast states "No PCBs", it is assumed all light ballasts on this site contain PCB's, and must therefore be handled as a hazardous waste. Any ballast containing PCBs is considered a hazardous waste and is required to be removed by personnel trained in PCB-related work (inspection, removal, clean-up). All workers must also follow OSHA regulations governing the removal and handling of PCB products including Code of Federal Regulations (CFR) Title 29 Section 1910.120 – Hazardous Waste Operations and Emergency Response and 8 CCR Title 8 Section 5192 - Hazardous Waste Operations and Emergency Response as well as other applicable federal, state and local laws and regulations. These existing regulations and abatement procedures would reduce potential impacts of light ballasts with PCBs to a less-than-significant level.

Mercury Lamps and Switches

Fluorescent tubes and several other types of lamps (not incandescent light bulbs) contain a small amount of mercury that is necessary for their operation. Currently, most fluorescent lamps contain enough mercury to be a hazardous waste. Spent lamps typically contain concentrations of mercury exceeding the established Total Threshold Limit Concentration and/or the Soluble Threshold Limit Concentration values. Therefore, these lamps must be sent to an authorized recycle facility or to a universal waste consolidator for shipment to an authorized recycling facility. Any lamp which is not designated for recycling or continued use in a different fixture for which the lamp is manufactured for use in must be handled, managed, and disposed of as a hazardous waste in accordance with Cal/EPA Title 22. Thermostat switches that contain mercury are considered a hazardous waste if removed and must also be disposed of in accordance with Cal/EPA Title 22. These existing regulations and abatement procedures would reduce potential impacts of mercury to a less-than-significant level.

Radioactive Smoke Detectors

Smoke detectors may contain a radioactive element that may be present in older buildings. These types of detectors are easily identified by reviewing the label found on the back of the detector. Older units may display the international radiation symbol (three bladed propeller) and the radioactive content. Newer units state the radioactive content and their Nuclear Regulatory Agency (NRC) license number. The California Department of Toxic Substance Control (DTSC) has stated that it is a condition of the smoke detector manufacturer's NRC license that they must accept returned units for disposal. Any qualifying units would be removed and shipped back to the manufacturer in compliance with the manufacturer's policies and procedures. These existing regulations and abatement procedures would reduce potential impacts of radioactive smoke detectors to a less-than-significant level.

In light of the above, the proposed project would result in less-than-significant impacts related to

hazardous materials.

Impact HZ-3: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires, nor interfere with the implementation of an emergency response plan. (Less than Significant)

San Francisco ensures fire safety primarily through provisions of the *Building* and the *Fire Codes*. In addition, the San Francisco Fire Department, as well as DBI, reviews the final building plans to ensure conformance with these provisions. In addition, the proposed project is not located within a fire hazard severity zone.[72] The proposed project would conform to these standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. Therefore, potential emergency response and fire hazard impacts of the proposed project would be less-than-significant.

Impact C-HZ-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant impacts related to hazards and hazardous materials. (Less than Significant)

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. The proposed project would not have a significant impact on hazardous material conditions on the project site or vicinity. No other project developments in the project vicinity that would contribute considerably to cumulative effects. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hazards and hazardous materials impact.

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

[72] California Department of Forestry and Fire Protection (CalFire), "Draft Fire Hazard Severity Areas in LRA, San Francisco (Map)," September 17, 2007.

Impact ME-1: The proposed project would not result in the loss of availability of a known mineral resource or a locally-important mineral resource recovery site. (Not Applicable)

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975.[73] This designation indicates that there is inadequate information available for assignment to any other MRZ and thus the project site is not designated area of significant mineral deposits. No operational mineral resource recovery sites exist in the project area whose operations or accessibility would be affected by the proposed project. Therefore, significance criteria 16(a) and (b) are not applicable to the proposed project.

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

The proposed project would include demolition of an existing commercial building and new construction of a four-story, 13-room hotel over 2,000-square-foot retail/event space. Demolition and construction activities would require electricity to operate air compressors, hand tools, mobile project offices, and lighting. Construction vehicles and equipment would primarily use diesel fuel, and construction workers would use gasoline and diesel to commute. The construction activities would not result in demand for electricity or fuels greater than that for any other similar project in the region. Given this, the construction-related energy use associated with the proposed project would not be large or wasteful. Therefore, the construction-related impacts on fuel, water, or energy would be less than significant.

The operation of the proposed building would not result in the use of large amounts of fuel, water, or energy. The proposed project would use energy produced in regional power plants using hydropower and natural gas, coal, and nuclear fuels and would not use substantial quantities of other nonrenewable natural resources. The proposed project would meet, or exceed, current state and local energy conservation standards, including the City's Green Building Ordinance and Title 24 of the California Code of Regulations, enforced by DBI. While the proposed project would increase demand for energy, the project-generated demand would be typical for a project of this size and would be negligible in the context of the overall consumer demand in San Francisco and the state. Therefore, the operation of the proposed building would not result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner and impacts are considered less-than-significant.

Impact C-ME-1: The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant cumulative impacts to energy and minerals. (Less than Significant)

No known minerals exist at the project site and thus, the proposed project would not contribute to any cumulative impact on mineral resources. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco, the greater Bay Area, and the State, and would not in and of itself require any expansion of power facilities. The City plans to reduce GHG emissions to 25 percent below 1990 levels by the year 2017 and ultimately reduce GHG emission to 80 percent below 1990 levels by 2050 which would be achieved through a number of different strategies, including energy efficiency. Therefore, the energy demand associated with the proposed project would not substantially contribute to a cumulative impact on existing or proposed energy supplies or resources. For these reasons, the proposed project, in combination with other past, present, and reasonably

[73] California Division of Mines and Geology, Open File Report 96-03 and Special Report 146 Parts 1 and II).

foreseeable future projects, would not result in a cumulatively considerable mineral and energy resources impact.

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

Impact AF-1: The proposed project would not result in the conversion of farmland or forest land to non-farm or non-forest use, nor would it conflict with existing agricultural or forest use or zoning. (Not applicable)

The project site is an existing commercial building surrounded by an urbanized area of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identify the site as "Urban and Built-up Land".[74] Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment

[74] California Department of Conservation, "Bay Area Region Important Farmland 2004 and Urbanization 1984 – 2004 (Map)," March 2007.

that could result in the conversion of farmland. Additionally, the proposed project would not convert any forest land or timberland to non-forest use. Forest land is defined as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits" (Public Resources Code § 12220(g)). Timberland is defined as "land, other than land owned by the federal government and land designated by the board (State Board of Forestry and Fire Protection) as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species uses to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others" (Government Code § 51104(g)). Therefore, significance criteria 18(a), (b), (c), (d), and (e) are not applicable to the proposed project.

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

As described in Section 6, Air Quality, the proposed project would expose sensitive receptors to substantial pollutant concentrations. Implementation of Mitigation Measure M-AQ-2 would reduce this impact to less-than-significant levels. Therefore, the proposed project would not result in a significant air quality impact, thus the project's potential to degrade the environment would be less than significant.

Both long-term and short-term environmental effects associated with the proposed project would be less than significant, as discussed under each environmental topic. Each topic area includes an analysis of cumulative impacts based on land use projects, compliance with adopted plans, statues, and ordinances, and currently proposed projects.

F. MITIGATION MEASURES

The following mitigation measures have been adopted by the project sponsor and are necessary ~~has been identified~~ to reduce potentially significant environmental impacts resulting from the proposed project to less-than-significant levels.[75]

Mitigation Measure M-NO-1a: Rooftop Deck Noise Minimization

In order to reduce potential noise impacts from events held on the rooftop deck to a less than significant level, the following measures shall be implemented:

A. Limit all amplified sound to no louder than ~~78~~ 72 dBA.

B. No amplified sound is allowed after ~~midnight~~ 11:00 p.m.

C. Install a six-foot-high barrier capable of limiting noise levels to ~~eight~~ five dBA above ambient at western and northern rooftop building perimeter.

Mitigation Measure M-NO1b: Second-Floor Deck Noise Minimization

In order to reduce potential noise impacts from events held on the second-floor deck, amplified sound shall not be allowed at any time and no event shall be held after 10:00 p.m.

Mitigation Measure M-AQ-2: Construction Emissions Minimization

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
   a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
   b) All off-road equipment shall have:
      i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and
      ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).[76]
   c) Exceptions:
      i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
      ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a

[75] *Agreement to Implement Mitigation Measures – 400 Bay Street Hotel Project*, July 23, 2015. This document is available for review at 1650 Mission Street, 4th Floor, as part of Case No. 2013.0792E.

[76] Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 3.

Table 3 – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The

project sponsor shall provide copies of Plan to members of the public as requested.

B. *Reporting.* Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

G. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on July 3, 2014 to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis.

The public comments received expressed a desire to fully study the existing conditions and project's effects related to (1) soil; (2) hazardous materials (including asbestos and lead); (3) groundwater quality; (4) air quality effects on proposed open spaces; (5) construction effects on air quality; (6) noise; and (7) traffic. These comments have been fully addressed in Section E, Evaluation of Environmental Effects, respectively under Topic 13 (page 63), Topic 15 (page 69), Topic 14 (page 66), Topic 6 (page 37), Topic 6 (page 37), Topic 5 (page 31), and Topic 4 (page 25).

Additionally, comments expressed concerns regarding effect of the proposed building's height on public sight lines to the Bay as well as the project's parking supply. Consistent with exceptions specified in CEQA and further discussed on page 16 in Section D, Summary of Environmental Effects, such aesthetic and parking effects are no longer to be considered in determining if a project has the potential to result in significant environmental effects.

H. DETERMINATION

On the basis of this Initial Study:

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

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

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

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

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

Sarah B. Jones
Environmental Review Officer
for John Rahaim
Director of Planning

October 14, 2015
DATE

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