



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Case No.: 2013.0882ENV
Project Address: 524 Howard Street
Zoning: C-3-O (SD) (Downtown Office Special Development) District
Transit Center C-3-O (SD) Commercial Special Use District
Transbay C-3 Special Use District
450-S Height and Bulk District
Block/Lot: 3721/13
Lot Size: 12,282
Plan Area: Transit Center District Plan
Project Sponsor: Adam Tartakovsky, Howard First Property, LLC, 415.527.9742
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PROJECT DESCRIPTION

The project entails the development of a 48-story, residential tower (up to 515 feet in height) at 524 Howard Street within the Transit Center District with approximately 392,000 square feet (sf) of residential uses, including common space, and up to approximately 3,800 sf of retail uses on the ground and seventh floors. The proposed residential tower would include up to 334 dwelling units comprising a mix of studio, one-bedroom, and two-bedroom units and would provide on-site bicycle parking (352 total spaces with 334 Class 1 and 19 Class 2 spaces) and automobile parking (176 spaces) via an automated stacker-storage system on the ground floor and four subterranean parking levels. A pedestrian skybridge between the project site and the proposed 5.4-acre rooftop park of the Transbay Transit Center may also be constructed.

As a variant to the proposed development, the tower would be constructed with approximately 163,000 sf of residential uses, including common space, and approximately 253,000 sf of hotel, which could also be designated as extended-stay accommodations. The variant would provide up to 72 dwelling units, 273 hotel rooms, and approximately 700 sf of retail space. On-site bicycle (98 total spaces with 82 Class 1 and 16 Class 2 spaces) and automobile parking (54 spaces) would also be provided as part of the variant.

EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Lisa M. Gibson
Environmental Review Officer

Date

10/14/16

cc: Adam Tartakovsky, Project Sponsor; Supervisor Jane Kim, District 6, Michael Jacinto, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT APPROVAL

The proposed 524 Howard Street project would require the following approvals:

San Francisco Planning Commission

- Downtown Project Authorization, pursuant to *Planning Code* Section 309, including exceptions (under *Planning Code* provisions) with regard to tower separation requirements (Section 132.1); rear yard requirements (Section 134(d)); upper tower height extension in S bulk districts (Section 263.9); and bulk requirement in S bulk district (Section 270).

San Francisco Zoning Administrator

- Variance from dwelling unit exposure requirements (Section 140)

San Francisco Recreation and Park Commission

- Determination that shadow would not adversely affect open spaces under Commission jurisdiction.

San Francisco Municipal Transportation Agency

- Approval of any necessary construction permits for work within roadways, if required.

San Francisco Department of Building Inspection

- Review and approval of building and demolition permits.

San Francisco Public Utilities Commission

- Review and approval of the stormwater management system to meet the Stormwater Design Guidelines.
- Review and approval of an Erosion and Sediment Control Plan in accordance with Article 4.1 of the San Francisco Public Works Code for construction activities.

San Francisco Public Works

- Approval of any necessary construction permits for work within roadways.

Bay Area Air Quality Management District

- Approval of a permit to operate for proposed backup emergency generators.

The Downtown Project Authorization is considered the project approval action for the purpose of establishing the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 524 Howard Street project and variant described above, and incorporates by reference information contained in the Programmatic EIR (PEIR) for the Transit Center District Plan (TCDP).¹ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the TCDP PEIR. The 524 Howard Street project has been determined to be consistent with the development density and building height limits established by the TCDP.²

After years of analysis, community outreach, and public review, the TCDP PEIR was adopted in May 2012.³ The TCDP PEIR was adopted to result in new planning policies and controls for land use; urban form, including building height and design; street network modifications/public realm improvements; historic preservation; and district sustainability, including the enhancement of green building standards in the district, among other features. The TCDP allows for height limit increases in subareas composed of multiple parcels or blocks within the TCDP plan area. It also includes one or more financial programs to support the Transit Center Program and other public infrastructure and amenities in the area, through the implementation of one or more new fees, taxes, or assessments that applied to new development.

The Planning Commission held public hearings to consider the various aspects of the TCDP and related Planning Code and Zoning Map amendments. On May 24, 2012, the Planning Commission certified the TCDP PEIR by Motion 18628.⁴ The Board of Supervisors affirmed the certification on July 5, 2012, by Motion M12-0078. The TCDP was adopted and became effective in September 2012, including a comprehensive program of zoning changes, including elimination of the floor area ratio (FAR) maximums and increased height limits on certain parcels, including the project site.

The TCDP PEIR is a comprehensive program-level EIR that presents an analysis of the environmental effects of implementation of the TCDP, as well as the potential impacts under several proposed alternative scenarios. The TCDP PEIR also included a project-level evaluation of the Salesforce Tower (also referred to as the Transit Tower). The TCDP plan area is centered on the new Transbay Transit Center site. The TCDP is a comprehensive plan for a portion of the southern downtown financial district and contains the overarching premise that to accommodate projected office-related job growth in the City, additional office development capacity must be provided in proximity to the City's greatest concentration of public transit service. The project site is within the C-3-O (SD) Downtown Office Special Development use district, and is also within the Transit Center C-3-O (SD) Commercial Special Use District (SUD), identified in the Plan, in which the limits on non-commercial space apply (*Planning Code* Section 248). The project site is also located within the Transbay Redevelopment Plan C-3 Special Use District, which is coterminous with Zone 2 of the Redevelopment Area and which contains additional land use controls to implement the Transbay Redevelopment Plan and its companion documents (*Planning Code* Section 249.28). The TCDP establishes new development impact fees to be collected from almost all development projects within the C-3-O (SD) District. These include the Transit Center District Open Space Impact Fee and Fund, Transit Center District Transportation and Street Improvement Impact Fee and Fund, and the Transit Center District Mello Roos Community Facilities District Program. The Transbay Transit Center building site is located north of the

¹ Planning Department Case Nos. 2007.0558E and 2008.0789E and State Clearinghouse No. 2008072073

² San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 524 Howard Street, August 2016. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 20013.0882ENV.

³ San Francisco Planning Department. Transit Center District Plan and Transit Tower Final Environmental Impact Report (FEIR), Planning Department Case No. 2008.0877E and 2007.1035E, certified May 24, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed July 14, 2015.

⁴ San Francisco Planning Department. San Francisco Planning Commission Motion 18628, May 24, 2012. Available online at: <http://commissions.sfplanning.org/cpcmotions/2012/18628.pdf>, accessed July 14, 2015.

project site, across Natoma Street, and would extend from Beale Street westward almost to Second Street. Anticipated for completion in 2017, the five-story (three above ground) Transbay Transit Center will provide a one-million-square-foot regional bus and rail station with a 5-acre public park atop the building. The 524 Howard Street project site was analyzed in the TCDP EIR as a site with an office building up to 450 feet in height.

Individual projects that could occur in the future under the TCDP will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project/variant at 524 Howard Street is consistent with and was encompassed within the analysis in the TCDP PEIR. This determination also finds that the TCDP PEIR adequately anticipated and described the impacts of the proposed 524 Howard Street project/variant, and identified the mitigation measures applicable to the 524 Howard Street project. The proposed project/variant is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{5,6} Therefore, no further CEQA evaluation for the 524 Howard Street project/variant is required. In sum, the TCDP PEIR and this Certificate of Exemption comprise the full and complete CEQA evaluation necessary for the proposed project/variant.

PROJECT SETTING

The project site is located on a single parcel (Lot 13) located mid-block between 1st Street and 2nd Street along Howard Street within the Transit Center District Plan (TCDP) subarea of the San Francisco General Plan's Downtown Plan. The site is 2 blocks (0.3 miles) north of Interstate 80, and is 12,282 square feet (sf) or 0.28 acres in size. Both Howard Street and Natoma Street front that site, which is currently developed with a surface parking lot and kiosk.

Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise buildings. The block on which the project site is located contains one mid-rise office building (known as Foundry Square IV) to the east of the project site. To the west, four low-rise buildings (currently containing offices, a nightclub, and retail uses) are located between the project site and the elevated roadway associated with the Transbay Transit Center that is currently under construction. Development to the south is consistent with the block on which the project site is located. The Transbay Transit Center building site is located immediately north of the project site and extends from Beale Street westward almost to Second Street. Anticipated for completion in 2019, the five-story (three above ground) Transbay Transit Center will provide a one-million-square-foot regional bus and rail station with a five-acre public park atop the building. Numerous other high-rise residential and office buildings are planned or under construction in the surrounding area.

The nearest open spaces to the project site include Union Square (bounded by Post, Stockton, Geary, and Powell Streets), St. Mary's Square (bounded by California, Quincy, Kearny, and Pine Streets), and Rincon Park (a Redevelopment Agency property along the Embarcadero). The rooftop of the Transbay Transit Center will be developed as a 5.4-acre public open space. Additional open space will be constructed at the

⁵ San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 524 Howard Street, August 2016. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 20013.0882ENV.

⁶ San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 524 Howard Street, August 2016. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0882E.

southwestern corner of First and Mission Streets. There are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby.

POTENTIAL ENVIRONMENTAL EFFECTS

The TCDP PEIR included analyses of environmental issues including: land use; plans and policies; aesthetics; population, housing, business activity, and employment (growth inducement); cultural resources; transportation; noise; air quality; greenhouse gas emissions; wind and shadow; recreation and public space; utilities and service systems; public services; biological resources; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forestry resources. The 524 Howard Street project or variant is in substantial conformance with the height, use and density for uses within the TCDP as described in the TCDP PEIR and would represent a small part of the growth that was forecast for the TCDP plan area. Thus, the plan analyzed in the TCDP PEIR considered the incremental impacts of development of the 524 Howard Street with either the project or variant. The project/variant would not result in any new or substantially more severe impacts than were identified in the TCDP PEIR.

Significant and unavoidable impacts were identified in the TCDP PEIR for the following topics: aesthetics (public views and visual character), cultural resources (historic architectural resources), transportation and circulation, operational noise, air quality (toxic air contaminants, criteria air pollutants) and shadow. Pursuant to SB 743 and Public Resources Code Section 21099, effective 2014, aesthetic impacts are not considered for the 524 Howard Street project/variant. The project/variant would contribute to the significant and unavoidable impacts to cultural and paleontological resources, transportation and circulation, operational noise, air quality, and shadow.

The TCDP PEIR identified feasible mitigation measures to address significant impacts related to cultural and paleontological resources. **Table 1** below lists the mitigation measures identified in the TCDP PEIR and states whether each measure would apply to the project/variant.

Table 1 – TCDP PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
D. Cultural and Paleontological Resources		
M-CP-1: Subsequent Archeological Testing Program	Applicable: there is a moderate potential for discovering intact prehistoric archaeological deposits in the project site	The project sponsor has agreed to undertake the Subsequent Archeological Testing Program
M-CP-3a: HABS/HAER Documentation	Not Applicable: This measure applies to historic resources/structures, of which there are none on the project site	N/A
M-CP-3b: Public Interpretative Displays	Not Applicable: This measure applies to historic resources/structures, of which there are none on the project site	N/A
M-CP-3c: Relocation of Historic Resources	Not Applicable: This measure applies to historic resources/structures, of which there are none on the project site	N/A

Mitigation Measure	Applicability	Compliance
M-CP-3d: Salvage of Historical Resources	Not Applicable: This measure applies to historic resources/structures, of which there are none on the project site	N/A
M-CP-5a: Construction Best Practices for Historical Resources	Applicable: Construction would be undertaken in proximity to historic buildings	The project sponsor has agreed to incorporate best practices for historical resources into the construction specifications
M-CP-5b: Construction Monitoring Program for Historical Resources	Applicable: Construction would be undertaken in proximity to historic buildings	The project sponsor has agreed to undertake a monitoring program to minimize damage to adjacent buildings
E. Transportation		
M-TR-1a: Signal Timing Optimization (Stockton/Geary Streets, Kearny/Sutter Streets, Battery/California Streets, Embarcadero/Washington Street, Third/Folsom Streets, Beale/Folsom Streets, Embarcadero/Folsom Street)	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1b: Taxi Left-Turn Prohibition (Third/Mission Streets)	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1c: Beale / Mission Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1d: Stewart/Howard Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1e: Beale / Folsom Streets Left-Turn Prohibition and Signal Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1f: Third / Harrison Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1g: Hawthorne / Harrison Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1h: Second / Harrison Streets Turn Prohibition and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1i: Third / Bryant Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1j: Second / Bryant Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A

Mitigation Measure	Applicability	Compliance
M-TR-1k: Second / Tehama Streets Restriping and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-1m: Downtown Traffic Signal Study.	Not applicable; automobile delay removed from CEQA analysis.	N/A
M-TR-3a: Installation and Operation of Transit-Only and Transit Queue-Jump Lanes.	Not applicable: Plan-level mitigation by SFMTA	N/A
M-TR-3b: Exclusive Muni Use of Mission Street Boarding Islands.	Not applicable: Plan-level mitigation by SFMTA	N/A
M-TR-3c: Transit Improvements on Plan Area Streets.	Not applicable: Plan-level mitigation by SFMTA	N/A
M-TR-3d: Increased Funding to Offset Transit Delays.	Not applicable: Plan-level mitigation that would require fee legislation.	N/A
M-TR-3e: Increased Funding of Regional Transit.	Not applicable: Plan-level mitigation that would require fee legislation.	N/A
M-TR-4a: Widen Crosswalks.	Not applicable: Plan-level mitigation by SFMTA	N/A
M-TR-5: Garage/Loading Dock Attendant.	Applicable: Resident vehicles entering and exiting the project site could increase the potential for transit, pedestrian, and bicyclist conflicts.	The project sponsor has agreed to provide a parking garage/loading attendant at the project site.
M-TR-7a: Loading Dock Management.	Applicable: Loading dock activities entering and exiting the project site could increase the potential for transit, pedestrian, and bicyclist conflicts.	The project sponsor has agreed to prepare and implement a parking garage/loading management plan at the project site.
M-TR-7b: Augmentation of On-Street Loading Space Supply.	Not applicable: Plan-level mitigation by SFMTA	N/A
M-TR-9: Construction Coordination.	Applicable: Project construction would contribute to cumulative impacts to transit, pedestrian, and bicycle circulation	The project sponsor has agreed to develop and implement a construction management plan
F. Noise and Vibration		
M-NO-1a: Noise Survey and Measurements for Residential Uses	Applicable: The project/variant would include residential uses	The project sponsor has prepared a noise study to determine the noise insulation requirements to meet noise standards
M-NO-1b: Noise Minimization for Residential Open Space	Applicable: the project/variant would include residential open space	The project sponsor has prepared a noise study to determine noise levels and whether additional noise reduction within common

Mitigation Measure	Applicability	Compliance
		residential open spaces is necessary
M-NO-1c: Noise Minimization for Non-Residential Uses	Not Applicable: This measure applies to new nonresidential sensitive receptors such as child care centers, schools, libraries, and the like, of which there are none in the subject project/variant	N/A
M-NO-1d: Mechanical Equipment Noise Standard	Applicable: The project/variant would include residential uses	The project sponsor has prepared a noise study to identify the location of existing rooftop equipment and take its noise generation into account in determining noise insulation requirements
M-NO-1e: Interior Mechanical Equipment	Applicable: The project/variant would include mechanical equipment	The project sponsor has agreed to determine the effects of that equipment on adjacent uses and incorporate controls to achieve maximum feasible reduce in equipment noise in compliance with San Francisco Noise Ordinance requirements
M-NO-2a: Noise Control Measures During Pile Driving	Not Applicable: Impact pile driving is not anticipated as part of the project/variant. As a component of the project, support piles would be pre-drilled and either pressed in or cast in place and would not require the use of an impact pile driver, consistent with this measure	N/A
M-NO-2b: General Construction Noise Control Measures	Applicable: The project/variant would include construction activities	The project sponsor has agreed to implement general construction noise measures
M-C-NO: Cumulative Construction Noise Control Measures	Not Applicable: There is no existing City-sponsored construction noise control program for the TCDP area or other area-wide program developed to reduce the potential effects of construction noise in the project site vicinity	N/A
G. Air Quality		
M-AQ-2: Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies	Not Applicable: M-AQ-2 has been implemented by the City through establishment of an Air Pollutant Exposure Zone and	N/A

Mitigation Measure	Applicability	Compliance
	enhanced ventilation requirements under Article 38	
M-AQ-3: Siting of Uses that Emit DPM and Other TACs	Applicable: The project/variant would include backup emergency generators	Consistent with current Planning Department practice, the project sponsor has agreed to ensure that the backup diesel generators meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board Level 3 Verified Diesel Emissions Control Strategy
M-AQ-4a: Construction Vehicle Emissions Minimization	Applicable: The project/variant would involve the use of construction equipment that would emit criteria air pollutants	The project sponsor has agreed to include in the construction specifications a requirement that all equipment be maintained in accordance with manufacturer's specifications and checked by a certified mechanic
M-AQ-4b: Dust Control Plan	Applicable: The project/variant would involve more than 5,000 cubic yards of excavation for a period lasting more than four weeks.	The project sponsor will prepare and implement a dust control plan during construction
M-AQ-5: Construction Vehicle Emissions Evaluation and Minimization	Applicable: The project site is located in an identified Air Pollutant Exposure Zone and require heavy duty off-road diesel vehicles and equipment during construction	Consistent with current Planning Department practices, the project sponsor has agreed to comply with the construction exhaust emissions reduction requirements
I. Wind		
M-WI-2: Tower Design to Minimize Pedestrian Wind Speeds	Applicable: Development of the project site would affect ground-level wind speeds	The project sponsor has undertaken a wind study that includes analysis of wind speeds at the pedestrian level and atop the Transbay Transit Center park. The project sponsor would seek an exception under San Francisco Planning Code Section 309 to address incremental increases in wind speeds cause by the project that would result in exceedances of the pedestrian comfort criteria

Mitigation Measure	Applicability	Compliance
N. Biological Resources		
M-BI-1a: Pre-Construction Bird Surveys	Applicable: Development of the project could disturb nesting birds	The project sponsor has agreed to undertake pre-construction bird surveys
M-BI-1b: Pre-Construction Bat Surveys	Applicable: Development of the project could disturb special-status bats	The project sponsor has agreed to undertake pre-construction bat surveys
L. Hazardous Materials		
M-HZ-2a: Site Assessment and Corrective Action for Sites Located Bayward of Historic Tide Line	Not Applicable: The project site is located landward of the historic high tide line	N/A
M-HZ-2b: Site Assessment and Corrective Action for Sites Located Landward of Historic Tide Line	Not Applicable: This measure is superseded by Article 22A of the health code.	The project sponsor has submitted a Maher Application and Phase I Environmental Site Assessment to the San Francisco Department of Public Health
M-HZ-2c: Site Assessment and Corrective Action for All Sites	Not Applicable: This measure is superseded by Article 22A of the health code.	The project sponsor has submitted a Maher Application and Phase I Environmental Site Assessment to the San Francisco Department of Public Health
M-HZ-3: Hazardous Building Materials Abatement	Not Applicable: The project would not involve demolition of an existing building	N/A

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project/variant would not result in significant impacts beyond those analyzed in the TCDP PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on January 6, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. No comments were received in response to the notice. The proposed project/variant would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the TCDP PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁷:

1. The proposed project/variant is consistent with the development density established for the project site in the TCDP;
2. The proposed project/variant would not result in effects on the environment that are peculiar to the project/variant or the project site that were not identified as significant effects in the TCDP PEIR;

⁷ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0882ENV.

3. The proposed project/variant would not result in potentially significant off-site or cumulative impacts that were not identified in the TCDP PEIR;
4. The proposed project/variant would not result in significant effects, which, as a result of substantial new information that was not known at the time the TCDP PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the TCDP PEIR to mitigate project-related significant impacts.

Therefore, the proposed project/variant is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.