



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2015-009288ENV  
 Project Address: 50 Fremont Street  
 Zoning: C-3-O SD (Downtown-Office, Special Development) District  
 Transit Center C-3-O (SD) Commercial Special Use District  
 550-S/500-S Height and Bulk District  
 Block/Lot: 3709/006A, 019  
 Lot Size: 59,135 square feet  
 Plan Area: Transit Center District Plan Area  
 Project Sponsor: Chris Dorman, Dorman Associates, Inc., (415) 380-7914  
 Staff Contact: Jenny Delumo – (415) 575-9146, Jenny.Delumo@sfgov.org

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

Reception:  
 415.558.6378

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

### PROJECT DESCRIPTION

#### Project Overview

The project site is developed with an approximately 837,443-gross-square-foot (gsf), 43-story office and retail building (i.e., 50 Fremont Center building), which was constructed in 1985. An approximately 7,500-square-foot (sf) pedestrian plaza and approximately 15,445-sf pedestrian mall are located on the project site, adjacent to the 50 Fremont Center building.

The proposed project would convert approximately 4,529 gsf of restaurant and office space on the first floor and 8,152 gsf of office space on the second floor of the existing building into an indoor day care center. The approximately 7,500-sf pedestrian plaza and roughly 6,545 sf of the pedestrian mall would be converted into two separate outdoor play areas for the day care center. The proposed 12,681-gsf indoor day care space and 8,900 sf of outdoor play area space would result in an approximately 21,908-gsf day care center.

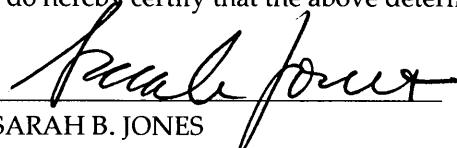
(Continued on next page.)

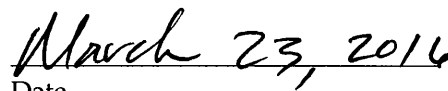
### EXEMPT STATUS

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.

  
 SARAH B. JONES  
 Environmental Review Officer

  
 Date

cc: Chris Dorman, Project Sponsor; Supervisor Jane Kim (via Clerk of the Board), District 9; Mark Luellen, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

### Project Site

The project site is an approximately 59,135-sf lot located in the Financial District and within the Transit Center District Plan area. The lot is on Block 3709, which is bounded by Fremont Street to the east, First Street to the west, Mission Street to the south, and Market Street to the north. The 50 Fremont Garage (the Garage) is an approximately 20-foot-tall, one-story-over-basement building just north of the 50 Fremont Center building. The Garage provides 50 Fremont Center with 108 vehicular parking spaces, 60 bicycle parking spaces, and two loading spaces, and is accessed off of Fremont Street. The 50 Fremont Center project site includes approximately 15,445 sf of privately-owned public open space. The construction of the 50 Fremont Center was approved by the San Francisco Planning Commission prior to the implementation of the 1985 Downtown Plan. The 1985 Downtown Plan created the first systematic requirements for developers to provide Privately-Owned Public Open Space (POPOS). Thus, the open space on the project site is not a part of the 1985 Downtown Plan POPOS program and is not subject to the minimum requirements for the provision of POPOS as prescribed in Planning Code Section 138. Existing open space on the project site consists of a pedestrian mall and a mid-block pedestrian plaza:

- *Pedestrian Mall*

The approximately 6,545-sf east-west portion of the mall runs the width of the block, connecting First Street to Fremont Street, and is approximately 250 feet long. The approximately 1,400-sf north-south portion of the mall is located between the 50 Fremont Center and 83 First Street buildings, and is approximately 22 feet long. Tables and chairs are provided for public use in both sections of the mall. The south end of the north-south mall area is adjoined by the Mission and First Alley, which ends at Mission Street. The alley is currently used by an adjacent Walgreens for loading. A row of planters create separation between the north-south mall and loading activities.

- *Pedestrian Plaza*

The approximately 7,500-sf plaza is located in the northwest corner of the project site and fronts First Street. An approximately 20-foot-tall, 105-foot-long façade structure with seven open archways borders the west side of the plaza along First Street. The archways are approximately 12-foot-tall and 10-foot wide. The south side of the plaza is adjoined by the east-west pedestrian mall area, the east side is bordered by the western façade of the 50 Fremont Garage, and the east side is bordered by the windowless southern façade of a commercial building. The plaza can be accessed via the open archways located along First Street and the pedestrian mall connecting First and Fremont Streets. The plaza includes four raised garden beds containing trees and plants. The concrete benches that enclose the garden beds and tables and chairs on the west side of the plaza provide public seating.

The 50 Fremont Center building, pedestrian plaza, and approximately 595 gsf of the north-south portion of the pedestrian mall sits atop a podium structure. The podium also supports a one-story retail building that is adjacent to the project site and is bordered by the southern perimeter of the east-west mall and western perimeter of the north-south mall. The Garage is located beneath the podium structure.

### Project Characteristics

The proposed project would convert approximately 12,681 gsf of space on the first and second floors of the existing building to a day care center for infant through pre-school age children. In addition, approximately 8,900 sf of existing ground-floor open space on the project site would be converted into private, outdoor play areas to be used exclusively for the day care center.

The approximately 6,545-sf east-west portion of the pedestrian mall would continue to be publicly accessible. The remainder of the existing open space (approximately 8,900 square feet) would be converted into two fenced, outdoor play areas as follows:

- **Play Area 1:** The north-south pedestrian mall would be converted into an approximately 1,400 sq. ft. play area. Approximately twelve-foot-tall wood fencing with trellises would enclose Play Area 1.
- **Play Area 2:** The plaza would be converted into an approximately 7,500 sq. ft. play area. Four of the seven existing archways would be filled in with wood trellises, closing off the western perimeter of Play Area 2 from First Street. Approximately twelve-foot-tall wood fencing with trellises would be constructed along the southern perimeter of Play Area 2 and the portion of the eastern perimeter not separated by the filled-in archways. Storage units and tall plantings would border the eastern perimeter of Play Area 2. The space would include a restroom solely accessible to students and staff.

In order to create the play areas, the project sponsor proposes to remove existing trees and other landscaping on the project site. The project sponsor proposes to provide public seating in this corridor, including along the perimeter of Play Area 1 that is adjacent to the east-west portion of the pedestrian mall.

Excavation, to a maximum depth of two feet, would be included in order to convert the pedestrian plaza and north-south portion of the pedestrian mall to outdoor play areas, resulting in approximately 37 cubic yards of soil disturbance. It is estimated that the approximately 21,908-gsf day care center proposed for the project site would be able to accommodate a maximum of 116 children and 30 staff members. The proposed project would be constructed in one phase lasting approximately five months.

## PROJECT APPROVAL

The proposed project is subject to notification under Section 309 of the City and County of San Francisco (the City) *Planning Code* and would require the following approvals:

- **C-3 District Permit Review:** The proposed project would be subject to site permit review and authorization by the Zoning Administrator pursuant to Section 309 of the *Planning Code*.
- **Site Permit:** The proposed project would require the issuance of a site permit from the Department of Building Inspection (DBI).

Other approvals that would be required in order to implement the proposed project include coordination with the SFMTA Interdepartmental Staff Committee on Traffic and Transportation to coordinate temporary construction-related changes to the transportation network (*San Francisco Municipal Transportation Agency*).

**Approval Action:** If the project sponsor requests an exception under Section 309(a) of the *Planning Code*, and if the Planning Director determines that modifications through the imposition of conditions are warranted or open space and streetscape requirements of the *Planning Code* have not been complied with and the project sponsor does not agree to the modifications, the project is subject to mandatory discretionary review before the Planning Commission. If discretionary review is required or Planning Commission review is requested pursuant to Section 309(g) of the *Planning Code*, the Planning

Commission decision would be the Approval Action for the proposed project. If no hearing before the Planning Commission is required or requested the issuance of a site permit by DBI would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## 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 50 Fremont Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Transit Center District Plan and Transit Tower (Transit Center District Plan PEIR).<sup>1</sup> 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 Transit Center District Plan PEIR.

In 2007, the Planning Department initiated a public planning effort called the Transit Center District Plan (the Plan), focused on the 145-acre area roughly bounded by Market Street, the Embarcadero, Folsom Street, and Hawthorne Street. The Planning Department held numerous public workshops and worked with consultants throughout 2008 and 2009, resulting in the publication of a draft Plan in November 2009. In April 2012, the Planning Department published a Plan addendum revising and clarifying aspects of the draft Plan.

On May 24, 2012, the San Francisco Planning Commission certified the Transit Center District Plan PEIR and adopted the Transit Center District Plan. The Transit Center District Plan PEIR analyzed amendments to the Planning Code, zoning maps, and amendment of the San Francisco General Plan (General Plan). The analysis in the Transit Center District Plan PEIR was based on an assumed development pattern and activity that were anticipated to occur under the Plan. Subsequent to certification of the Transit Center District Plan PEIR, the Board of Supervisors approved, and on August 8, 2012 the Mayor signed into law, revisions to the Planning Code, zoning maps, and General Plan that

---

<sup>1</sup> San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final EIR*, Case Nos. 2007.0558E and 2008.0789E, State Clearinghouse No. 2008072073, May 24, 2012. Available at <http://www.sf-planning.org/index.aspx?page=1893>, accessed on October 15, 2015. This document is available for review at 1650 Mission Street, Suite 400, as part of Case Nos. 2007.0558E and 2008.0789E.

constituted the “project” analyzed in the Transit Center District Plan PEIR. The legislation created new zoning controls that allow for increased office space, limit non-commercial development, and encourage a diversity of businesses on building ground floors.

The Plan and its associated rezoning changed the zoning within the Plan Area (except most public (P) districts, with the exception of the Transit Tower site, and Redevelopment Plan Zone 1) to C-3-O (SD) (Downtown-Office Special Development). The Plan establishes 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 enhancement of green building standards in the district, among other features. The Plan also allows for height limit increases in subareas composed of multiple parcels or blocks within the Plan area. As a result of the Transit Center District Plan, the project site has been rezoned to C-S-O (SD) District. The C-S-O SD District is intended to promote a greater density in the vicinity of the Transbay Transit Center.

The Transit Center District Plan PEIR is a comprehensive programmatic document that presents a programmatic analysis of the environmental effects of implementation of the Transit Center District Plan, as well as the potential impacts under several proposed alternative scenarios. The Transit Center District Plan Draft EIR evaluated four rezoning alternatives: Reduced Project alternative, Reduced Shadow alternative, a Developer Scenario, and a “No Project” alternative.

Individual projects that could occur in the future that are consistent with the Transit Center District Plan 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 at 50 Fremont Street is consistent with and was encompassed within the analysis in the Transit Center District Plan PEIR, including the Transit Center District Plan PEIR development projections. This determination also finds that the Transit Center District Plan PEIR adequately anticipated and described the impacts of the proposed 50 Fremont Street project, and identified the mitigation measures applicable to the 50 Fremont Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>2,3</sup> Therefore, no further CEQA evaluation for the 50 Fremont Street project is required. In sum, the Transit Center District Plan PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project vicinity is characterized by a mix of office, retail, parking, and open space uses. The subject block, along with adjacent blocks to the east and west of the project site, is zoned C-3-O (SD) (Downtown-Office, Special Development). The block directly north of the project site is zoned C-3-O (Downtown-Office). The project site, as previously noted, is within the Transit Center District Plan area. The Plan area is roughly bounded by Market Street to the North, Steuart Street to the west, Folsom Street to the south, and Third Street to the east, and is primarily oriented around the new Transbay Transit Center. The

---

<sup>2</sup> Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 50 Fremont Street*, January 22, 2016. This document (and all other documents cited in this report, unless otherwise noted), is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2015-009288ENV.

<sup>3</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, 50 Fremont Street*, February 10, 2016.

Transit Tower (now called Salesforce Tower), which is currently under construction, is located on the block directly south of the project site on the south side of Mission Street.

The high-density scale of development in the project vicinity is primarily comprised of mid- and high-rise office buildings with ground-floor retail and parking garages. On the subject block, office buildings with ground-floor retail front Mission and Market Streets and the portions of Fremont and First Streets not occupied by the project site. The Market Street frontage features a Privately-Owned, Publically-Accessible (POPOS) plaza, with the 425 Market Street and 475 Market Street buildings located to the east and west of the plaza, respectively.

The subject block is bounded by Fremont, Mission, First, and Market Streets. Market Street is a two-lane, two-way street with bike lanes on both sides. Limited loading space is provided on the south side of the portion of the street adjacent to the subject block. First Street is a three-lane, one-way southbound street with parking on both sides of the street. One of the three driving lanes is dedicated to high-occupancy vehicles. Mission Street is a four-lane, two-way street with parking on both sides of the street. Two of the four lanes (one in each direction of travel) are dedicated bus lanes. Fremont Street is a three-lane, one-way northbound street. One of the three lanes is dedicated to high-occupancy vehicles. The parking area on the east side of the street becomes a driving lane and the parking on the west side of the street merges into the high-occupancy vehicle lane near the Fremont Street/Market Street intersection.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Transit Center District Plan PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Transit Center District Plan. The proposed 50 Fremont Street project is in conformance with the height, use and density for the site described in the Transit Center District Plan PEIR and would represent a small part of the growth that was forecast for the Plan area. Thus, the Plan analyzed in the Transit Center District Plan PEIR considered the incremental impacts of the proposed 50 Fremont Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Transit Center District Plan PEIR.

Significant and unavoidable impacts were identified in the Transit Center District Plan PEIR for the following topics: aesthetics, cultural and paleontological resources, transportation, noise and vibration, air quality, shadow, wind, biological resources, hazards and hazardous materials. Pursuant to Public Resources Code Section 21099, effective January 1 2014, aesthetic impacts are not considered for the 50 Fremont Street project. The proposed project would not contribute to significant and unavoidable impacts related to cultural and paleontological resources, transportation, noise and vibration, air quality, shadow, wind, biological resources, hazards and hazardous materials.

The proposed day care center would be comprised of indoor and outdoor facilities. The project would convert existing restaurant and office space on the first and second floor of the 50 Fremont Center building, which was constructed in 1985, to indoor day care facilities. Existing open space would be converted to outdoor day care facilities. Thus, the proposed project would not include construction of a new building. Therefore, the project would not contribute considerably to impacts on shadow, or wind. The project sponsor would be required to conduct the renovation of the first and second floors of the building in accordance with local, state and federal regulations. In addition, the majority of the proposed

excavation would occur over a podium structure that supports the subterranean garage. The proposed excavation would result in an estimated 37 cubic yards of soil disturbance. Any potential impacts related to hazardous materials in soil or groundwater would be addressed through compliance with Article 22A of the San Francisco Health Code (Maher Ordinance). Therefore, the project would not contribute considerably to impacts related to hazards and hazardous substances. Trees and landscaping on the project site would be removed in order to accommodate the outdoor day care facilities. However, the potential impact on nesting birds would be avoided through implementation of Transit Center District Plan Mitigation Measure M-BI-1a Pre-Construction Bird Surveys. As such, the proposed project would not contribute considerably to impacts on biological resources. In regards to significant and unavoidable impacts related to traffic and circulation, the proposed project would not considerably contribute to traffic and transit impacts identified in the Transit Center District Plan PEIR. The proposed project would serve existing Salesforce employees at 50 Fremont Center and at other Salesforce offices in the site vicinity.<sup>4</sup> Thus, the project is not expected to generate new trips other than those for employees of the day care center (less than 50 employees). The proposed project may redistribute or eliminate existing trips if parents and guardians were traveling with their children to and from off-site locations. The proposed project would not contribute to significant and unavoidable noise and vibration impacts. Existing ambient noise on the project site is within the thresholds established in the City's General Plan, and construction of the project would not require equipment that typically generates substantial vibration. The Transit Center District PEIR also determined that individual development projects in the Plan area would result in significant and unavoidable impacts on air quality. The proposed day care center would not generate substantial criteria air pollutant emissions, and the project sponsor would be subject to local and state dust control regulations. However, the proposed project would expose sensitive receptors to substantial amounts of fine particulate matter (PM<sub>2.5</sub>). The project sponsor has enrolled in the Article 38 program with the Department of Health (DPH), and will submit an Enhanced Ventilation Proposal for DPH's approval. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal. In addition, the project sponsor has agreed to Improvement Measure 2, which provides for a higher level of filtration than required under Article 38.

The Transit Center District Plan PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, cultural and paleontological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Transit Center District Plan PEIR and states whether each measure would apply to the proposed project.

---

<sup>4</sup> Salesforce also occupies office space at One Market Street, One California Street, and 123 Mission Street.

**Table 1 – Transit Center District Plan PEIR Mitigation Measures**

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
<b>D. Cultural and Paleontological Resources</b>		
M-CP-1: Subsequent Archeological Testing Program	Applicable: the project site is within the Transit Center District Plan Area.	The project sponsor has agreed to implement the Planning Department's Standard Mitigation Measure #1 (Accidental Discovery) in compliance with this mitigation measure.
M-CP-3a: HABS/HAER Documentation	Not Applicable: the project would not include the demolition or substantial adverse alteration of a historical resource.	N/A
M-CP-3b: Public Interpretative Displays	Not Applicable: the project would not include the demolition or substantial adverse alteration of a historical resource.	N/A
M-CP-3c: Relocation of Historic Resources	Not Applicable: the project would not include the demolition or substantial adverse alteration of a historical resource.	N/A
M-CP-3d: Salvage of Historical Resources	Not Applicable: the project would not include demolition of historical resources .	N/A
M-CP-5a: Construction Best Practices for Historical Resources	Not Applicable: use of vibration-generating construction equipment is not proposed.	N/A
M-CP-5b: Construction Monitoring Program for Historical Resources	Not Applicable: use of vibration-generating construction equipment is not proposed.	N/A
M-C-CP: Mitigation of Cumulative Historical Resources Impacts	Not Applicable: the project would not contribute to cumulative impacts on Historical Resources.	N/A



Mitigation Measure	Applicability	Compliance
<b>E. Transportation</b>		
M-TR-1a: Signal Timing Optimization	Not Applicable: automobile delay removed from CEQA analysis.	N/A
M-TR-1b: Taxi Left-Turn Prohibition	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: Steuart/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
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 Que-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

Mitigation Measure	Applicability	Compliance
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 by Planning Department, Planning Commission, and Board of Supervisors.	N/A
M-TR-3e: Increased Funding of Regional Transit	Not Applicable: plan level mitigation by Planning Department, Planning Commission, and Board of Supervisors.	N/A
M-TR-4: Widen Crosswalks	Not Applicable: plan level mitigation by SFMTA.	N/A
M-TR-5: Garage/Loading Dock Attendant	Not Applicable: the project would not include new garage or loading dock facilities.	N/A
M-TR-7a: Loading Dock Management	Not Applicable: the project would not include new loading dock facilities.	N/A
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: the project would include construction activities.	The project sponsor has agreed to develop a Construction Management Plan and coordinate construction activities with applicable City and regional agencies
<b>F. Noise and Vibration</b>		
M-NO-1a: Noise Survey and Measurements for Residential Uses	Not Applicable: the project would not include new residential uses.	N/A
M-NO-1b: Noise Minimization for Residential Open Space	Not Applicable: the project would not include new residential uses.	N/A
M-NO-1c: Noise Minimization for Non-Residential Uses	Not Applicable: The project would be subject to the interior noise standards set forth in the California Building Code.	N/A

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
M-NO-1d: Mechanical Equipment Noise Standard	Not Applicable: the project would not include new residential uses.	N/A
M-NO-1e: Interior Mechanical Equipment	Not Applicable: the project would not include new mechanical equipment.	N/A
M-NO-2a: Noise Control Measures During Pile Driving	Not Applicable: the project would not include pile driving.	N/A
M-NO-2b: General Construction Noise Control Measures	Applicable: the project would generate temporary construction noise.	The project sponsor has agreed to develop and implement a set of construction noise attenuation measures during construction.
M-C-NO: Cumulative Construction Noise Control Measures	Applicable: the project would generate temporary construction noise.	The project sponsor has agreed to participate in any applicable City-sponsored construction noise program.
<b>G. Air Quality</b>		
M-AQ-2: Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies	Not Applicable: The project would be subject to the enhanced ventilation regulations set forth in Article 38 of the San Francisco Health Code.	N/A
M-AQ-3: Siting of Uses that Emit DPM and Other TACs	Not Applicable: the project would not include uses that emit substantial levels of DPM or other TACs.	N/A
M-AQ-4a: Construction Vehicle Emissions Minimization	Not Applicable: the project does not exceed BAAQMD's screening thresholds for construction-related criteria air pollutant emissions.	N/A
M-AQ-4b: Dust Control Plan	Not Applicable: the regulations set forth in the City's Construction Dust Ordinance supersede the dust control provisions of this mitigation measure.	N/A
M-AQ-5: Construction Vehicle	Not Applicable: the project	N/A

Mitigation Measure	Applicability	Compliance
Emissions Evaluation and Minimization	would include minimal use of diesel-powered equipment.	
<b>I. Wind</b>		
M-WI-2: Tower Design to Minimize Pedestrian Wind Speeds	Not Applicable: the project would not include construction of a new building.	N/A
<b>N. Biological Resources</b>		
M-BI-1a: Pre-Construction Bird Surveys	Applicable: the project site includes potential nesting areas for special-status birds.	The project sponsor has agreed to retain a qualified biologist to conduct a pre-construction bird survey.
M-BI-1b: Pre-Construction Bat Surveys	Not applicable: the project site does not include potential roosting habitat for special-status bats.	N/A
<b>Q. Hazards and Hazardous Materials</b>		
M-HZ-2a: Site Assessment and Corrective Action for Sites Located Bayward of Historic Tide Line	Not Applicable: the project is located landward of the historic tide line.	N/A
M-HZ-2b: Site Assessment and Corrective Action for Sites Located Landward of Historic Tide Line	Not Applicable: the regulations set forth in Article 22A of the San Francisco Health Code supersede the provisions of this mitigation measure.	N/A
M-HZ-2c: Site Assessment and Corrective Action for All Sites	Not Applicable: the regulations set forth in Article 22A of the San Francisco Health Code supersede the provisions of this mitigation measure.	N/A
M-HZ-3: Hazardous Building Materials Abatement	Applicable: the project would include renovation of an existing building that may include hazardous building materials.	The project sponsor has agreed to remove and properly dispose of any hazardous building materials in accordance with applicable federal, state, and local laws prior to commencing with building renovations.

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 would not result in significant impacts beyond those analyzed in the Transit Center District Plan PEIR.

## PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on November 13, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. 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. Respondents requested to receive a copy of the project plans and shared their concerns about the loss of publically-accessible open space on the project site, and their opposition to open space being converted to private space for day care uses. A comment was also received regarding whether the day care facility would be available to non-Salesforce employees. While the proposed project would result in the loss of publically-accessible open space on the project site, demand for public open space would be met by the planned five-acre City Park and new development projects in the Plan area, which would be required to provide open space pursuant to *Planning Code* provisions. These concerns are further addressed in the Recreation and Public Services sections of the CPE Checklist. The day care center would be primarily for Salesforce employees working at the 50 Fremont Center Building or other Salesforce offices within the project site vicinity. Comments that do not pertain to physical environmental impacts and comments on the merits of the proposed project may be considered in the context of project approval or disapproval, independent of the environmental review process. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Transit Center District Plan PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>5</sup>:

1. The proposed project is consistent with the development density established for the project site in the Transit Center District Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Transit Center District Plan PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Transit Center District Plan PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Transit Center District Plan PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and

---

<sup>5</sup> San Francisco Planning Department, *Community Plan Exemption Checklist, 50 Fremont Street*, March 23, 2016.

5. The project sponsor will undertake feasible mitigation measures specified in the Transit Center District Plan PEIR to mitigate project-related significant impacts.

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

**Attachment A:  
 MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<b>MITIGATION MEASURES FROM THE TRANSIT CENTER DISTRICT PLAN EIR</b>				
<p><b>PMM 1: Archeological Resources (Mitigation Measure M-CP-1 of the TCDP PEIR).</b> The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the</p>	<p>Project sponsor, contractor, Planning Department's archeologist or qualified archaeological consultant, and Planning Department's Environmental Review Officer (ERO).</p>	<p>Prior to issuance of any permit for soil-disturbing activities and during construction.</p>	<p>Sponsor, contractor(s), sponsor's archeologist (if applicable), ERO.</p>	<p>Considered complete upon ERO's approval of FARR, if required. Otherwise considered complete upon submittal of signed affidavit and completion of construction activities.</p>

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the</p>				



<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy, and one unlocked, searchable PDF copy on CD; three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.				
<p><b>PMM 2: Construction Coordination (Mitigation Measure M-TR-9 of the TCDP PEIR).</b> To minimize potential disruptions to transit, traffic, and pedestrian and bicyclists, the project sponsor and/or construction contractor for any individual development project in the Plan area shall develop a Construction Management Plan that could include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Limit construction truck movements to the hours between 9:00 a.m. and 4:00 p.m. (or other times, if approved by the Municipal Transportation Agency) to minimize disruption of traffic, transit, and pedestrian flow on adjacent streets and sidewalks during the weekday a.m. and p.m. peak periods.</li> <li>▪ Identify optimal truck routes to and from the project site to minimize impacts to traffic, transit, pedestrians, and bicyclists; and,</li> <li>▪ Encourage construction workers to use transit when commuting to and from the project site, reducing the need for parking.</li> </ul> <p>The sponsor shall also coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers</p>	Project sponsor, contractor(s).	Prior to and during construction activities.	Planning Department, Municipal Transportation Agency (MTA).	Considered complete upon submission and approval of Construction Management Plan by MTA.

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
Authority, and construction manager(s)/contractor(s) for the Transit Center project, and with Muni, AC Transit, Golden Gate Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.				
<p><b>PMM 3: General Construction Noise Control Measures (Mitigation Measure M-NO-2b of the TCDP PEIR).</b> To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor of a development project in the Plan area shall undertake the following:</p> <ul style="list-style-type: none"> <li>▪ The project sponsor of a development project in the Plan area shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>▪ The project sponsor of a development project in the Plan area shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</li> <li>▪ The project sponsor of a development project in the Plan area shall require the general contractor to use impact tools (e.g.,</li> </ul>	Project sponsor, contractor(s).	Prior to and during construction activities.	Project sponsor, contractor(s), Department of Building Inspection (DBI).	Considered complete upon receipt of final monitoring report at completion of construction.

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</p> <ul style="list-style-type: none"> <li>▪ The project sponsor of a development project in the Plan area shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.</li> <li>▪ Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor of a development project in the Plan area shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4)</li> </ul>				

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.				
<b>PMM 4: Cumulative Construction Noise Control Measures (Mitigation Measure M-C-NO of the TCDP PEIR).</b> In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project is completed, the project sponsor of a development project in the Plan area shall cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored area wide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities, staggering of construction schedules so that particularly noisy phases of work do not overlap at nearby project sites, and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.	Project sponsor, contractor(s), Planning Department.	Prior to and during construction activities.	Planning Department, City agencies involved in development and enforcement of City-sponsor noise-control programs, if applicable.	Considered complete upon conclusion of construction.
<b>PMM 5: Pre-Construction Bird Surveys (Mitigation Measure M-BI-1a of the TCDP PEIR).</b> Conditions of approval for building permits issued for construction within the Plan area shall include a requirement for pre-construction breeding bird surveys when trees or vegetation would be removed or buildings demolished as part of an individual project. The project sponsor shall ensure that a pre-construction nesting bird surveys be conducted by a qualified biologist between February	Project sponsor, contractor(s), sponsor's biologist.	Prior to and during construction activities.	Planning Department, DBI.	Considered complete upon ERO approval of bird survey.

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>1st and August 15th if vegetation (trees or shrubs) removal or building demolition is scheduled to take place during that period. If special-status bird species are found to be nesting in or near any work area or, for compliance with federal and state law concerning migratory birds, if birds protected under the federal Migratory Bird Treaty Act or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS) Division of Migratory Bird Management may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work activities may proceed. Birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.</p>				
<p><b>PMM 6: Hazardous Building Materials Abatement (Mitigation Measure M-HZ-3 of the TCDP PEIR).</b> The project sponsor shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and</p>	<p>Project sponsor, contractor(s).</p>	<p>Prior to demolition or alteration of structures.</p>	<p>Project sponsor, contractor(s), DPH.</p>	<p>Considered complete when equipment containing PCBs or DEHP or other hazardous materials is properly disposed.</p>

<b>Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.				

**Attachment B:  
 IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL**

IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
--	-----------------------------------	---------------------	----------------------------------	-----------------------

<b>Transportation and Circulation</b>				
<p><b>Project Improvement Measure 1: Day Care Center Drop-Off and Pick-up Management Program.</b> The project sponsor would implement a Day Care Center Drop-Off and Pick-Up Management Plan to encourage the use of alternative forms of transportation for trips to and from the project site, such as transit, bicycling, rideshare, and walking. Components of the improvement measure include:</p> <ul style="list-style-type: none"> <li>▪ Notification to parents and guardians of day care center drop-off and pick-up management plan</li> <li>▪ Enforcement program by day care center staff of drop-off and pick-up management</li> <li>▪ Inventory log of transportation-related complaints</li> <li>▪ Distribution of monitoring reports of the drop-off and pick-up management</li> <li>▪ Distribution of multimodal access guide to the day care center</li> <li>▪ Bike racks and bike storage</li> <li>▪ Coordinated walking or biking program</li> <li>▪ Volunteer carpooling program</li> <li>▪ Shared parking agreements with nearby parking facilities</li> <li>▪ Commuter benefits program for staff</li> </ul>	Project sponsor, property owner.	Following project occupancy.	Planning Department.	Following project occupancy.

<b>Attachment B: IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<b>IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<b>Air Quality</b>				
<p><b>Project Improvement Measure 2: Identification of Health Risk Reduction Policies and Installation of an Enhanced Ventilation System.</b> To reduce the potential health risk resulting from exposure of new sensitive receptors (i.e., day care center children) to health risks from roadways, and stationary sources, and other non-permitted sources PM2.5 and TACs, the project sponsor has agreed to install a filtration system with a Minimum Efficiency Reporting Value (MERV) rating of 16 or higher. The ventilation system will be designed by an engineer certified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, who will provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution. The project sponsor will present a plan to ensure ongoing maintenance of ventilation and filtration systems and will ensure the disclosure to buyers and/or renters regarding the findings of the analysis and inform occupants as to proper use of any installed air filtration.</p>	Project sponsor, air quality consultant.	Prior to project approval.	Planning Department, Department of Public Health (DPH).	Considered complete upon ERO approval of the Air Quality Technical Study and incorporation of MERV requirements into final construction drawing set.