



# SAN FRANCISCO PLANNING DEPARTMENT

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## Community Plan Exemption Checklist

*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

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### 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 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.

#### 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 (see **Figure 1**). 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 by the day care center. As shown in **Figures 3 and 4**, the indoor day care space would be created using 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.

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 area 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 (see **Figure 6**).
- 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 (see **Figure 7**).

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 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.

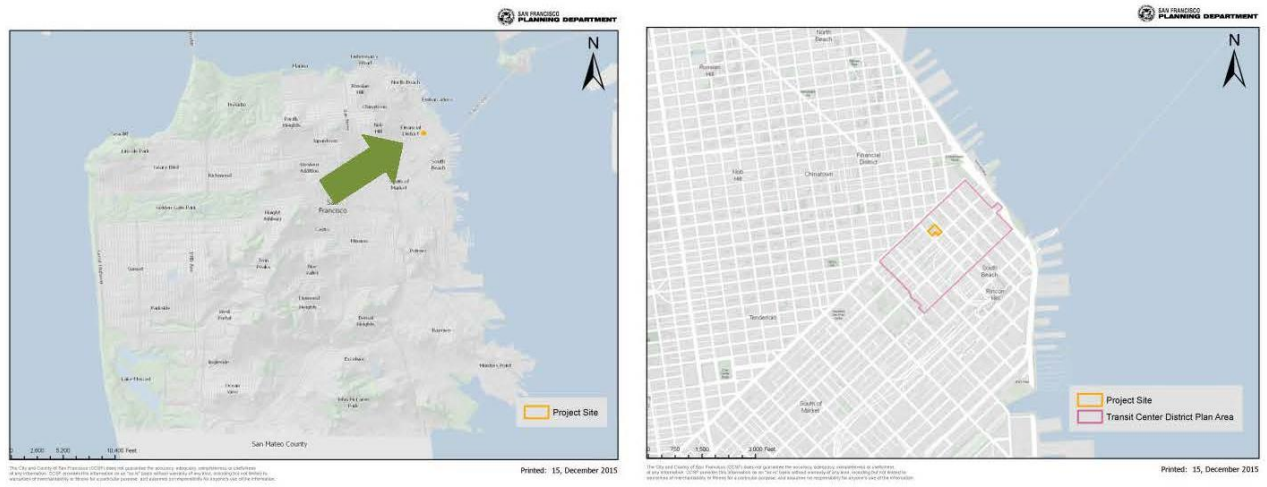
### **Project Setting**

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 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 also features a POPOS plaza, with the 425 Market Street and 475 Market Street buildings located to the east and west of the plaza, respectively. A Walgreens is located on the southwest corner of Mission and Fremont Streets, and conducts off-street loading activities in the Mission and First Alley that abuts the north-south portion of the pedestrian walkway.

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 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 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.

Figure 1 – Project Location



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

Printed: 15, December 2015

Figure 2 – Proposed Site Plan

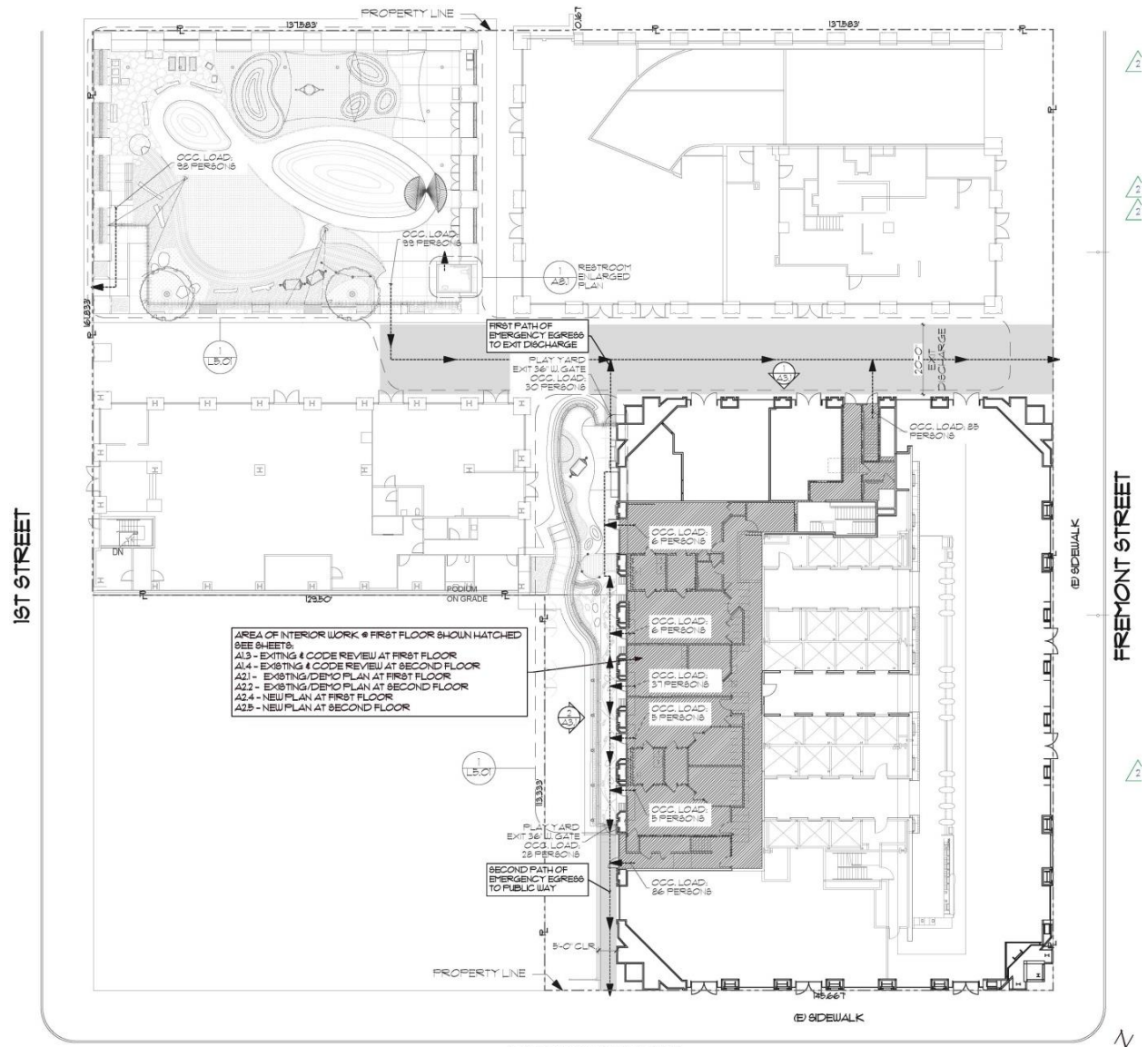


Figure 3 – Proposed First Floor

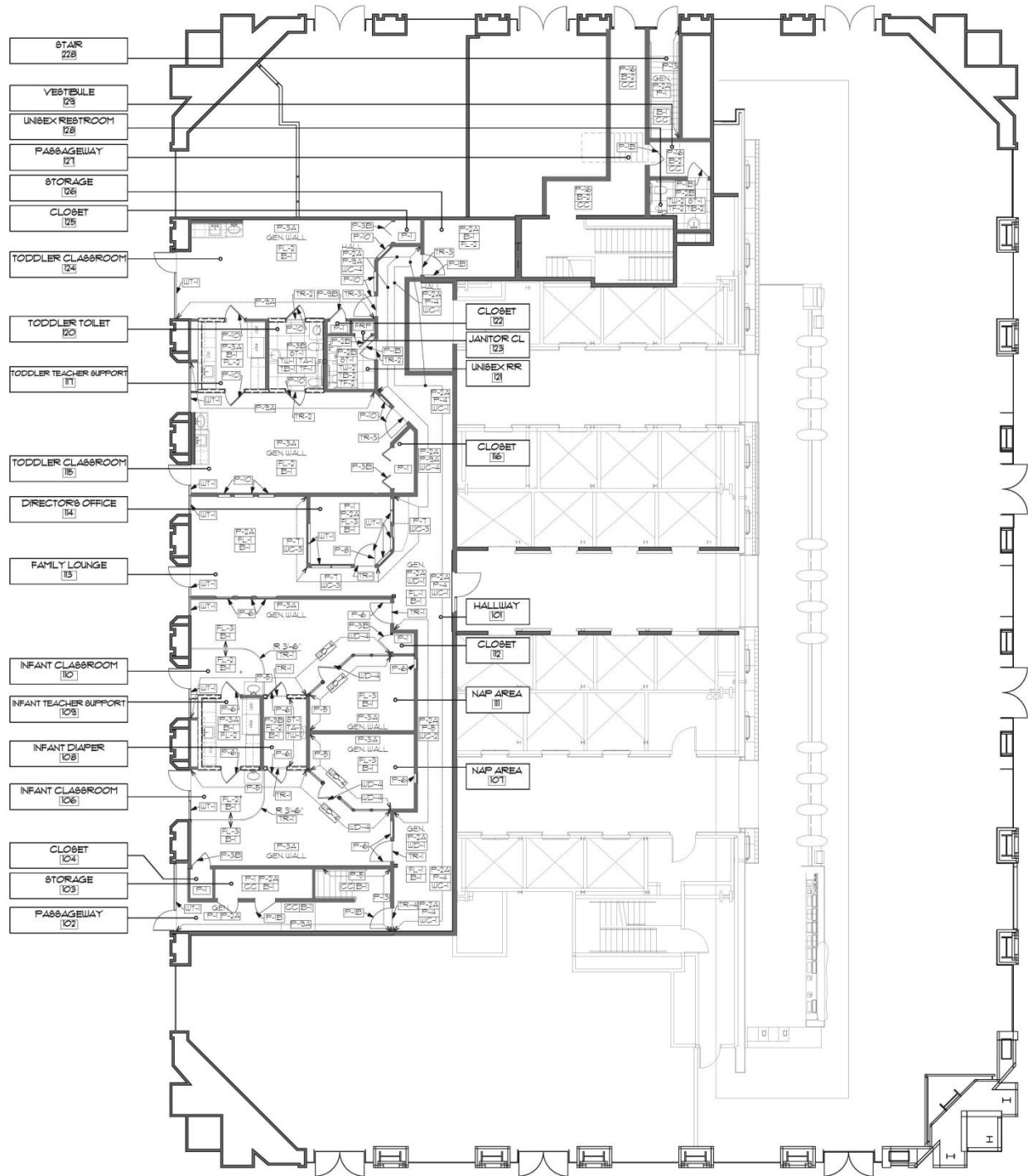


Figure 4 – Proposed Second Floor

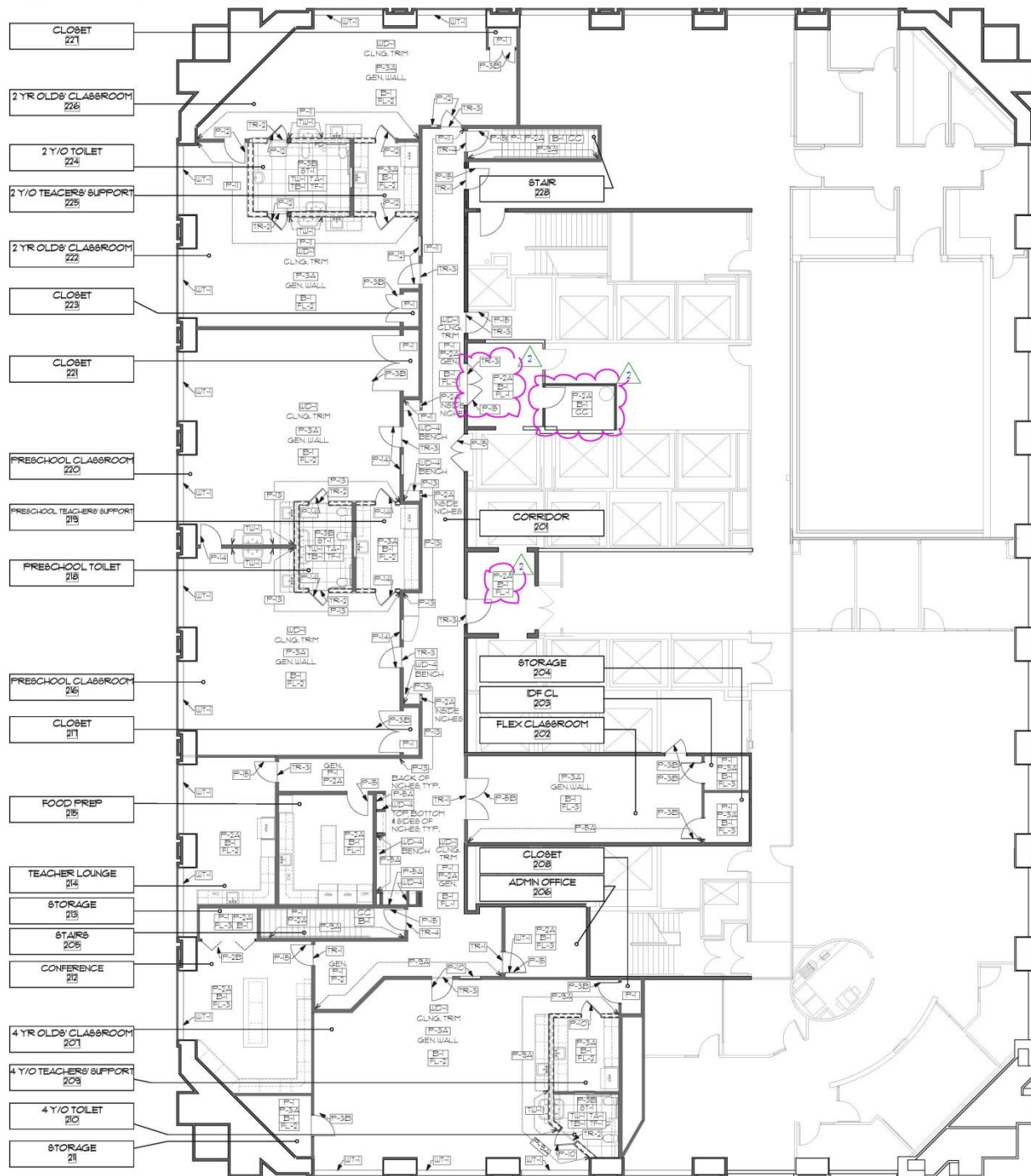


Figure 5 – Proposed West and North Elevations





Figure 6 – Proposed Play Area 1



Figure 7 – Proposed Play Area 2



## Required Approvals

The proposed 50 Fremont Street 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:

### Actions by the Planning Commission

- **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.

### Actions by other City Departments

- **San Francisco Municipal Transportation Agency (SFMTA).** Coordination with the SFMTA Interdepartmental Staff Committee on Traffic and Transportation to coordinate temporary construction-related changes to the transportation network.

**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.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the Transit Center District Plan and Transit Tower (Transit Center District Plan PEIR or TCDP PEIR).<sup>1</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Transit Center District Plan PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures section at the end of this checklist.

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<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.

The Transit Center District Plan PEIR identified significant impacts related to aesthetics, cultural and paleontological resources, transportation, noise and vibration, air quality, shadow, wind, biological resources, hazards and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to cultural and paleontological resources, transportation, noise and vibration, air quality, shadow, and wind. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to aesthetics (program-level impacts on public views of the Plan area and cumulative impacts on the visual character of the greater Downtown area and public views of and throughout the greater Downtown area), cultural and paleontological resources (cumulative impacts to historic architectural resources through demolition, substantial alterations, and new development), transportation (program-level transit impacts on local intersection operation, congestion, and increased transit demand; program-level impacts on pedestrian and bicyclist safety; program-level impacts on loading that could create hazards and delays; program-level impacts on traffic, transit, pedestrian, and bicycle circulation), noise and vibration (program-level impacts on persons and new sensitive uses; program-level and cumulative impacts on construction-related vibration and noise levels), air quality (program-level and cumulative impacts on toxic air contaminant and criteria air pollutant levels), and shadow (program-level and cumulative impacts on Recreation and Park Department property and other open spaces).

The proposed project would include the conversion of approximately 12,681 gsf of office and restaurant space on the first and second floors of the 50 Fremont Center building to an indoor day care center for infant through pre-school age children. Approximately 8,900 sf of existing publicly-accessible private open space on the project site would be converted into outdoor play areas for the day care center. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Transit Center District Plan PEIR.

## **CHANGES IN THE REGULATORY ENVIRONMENT**

Since the certification of the Transit Center District Plan PEIR in 2012, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Transit Center District Plan areas. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State statute regulating Aesthetics and Parking Impacts for Transit Priority Infill, effective January 2014 (see associated heading below);
- Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, the Transportation Sustainability Program process, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled (VMT) effective March 2016 (see Checklist topic “Transportation”);
- Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see Checklist topic “Air Quality”);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist topic “Noise”);

- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see Checklist topic “Recreation”);
- Article 22A of the Health Code amendments effective August 2013 (see Checklist topic “Hazardous Materials”).

## SENATE BILL 743

### AESTHETICS AND PARKING

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets 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, thus this CPE Checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA. Project elevations are included in the project description.

### Automobile Delay and Vehicle Miles Traveled

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

In January 2016, OPR published for public review and comment a [Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA](#)<sup>2</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Transit Center District Plan PEIR associated with automobile delay are not discussed in this checklist, including M-TR-1a Signal Timing Optimization, M-TR-1b Taxi Left-Turn Prohibition, M-TR-1c Beale/Mission Streets Bulbs and Optimization, M-TR-1d Stuart/Howard

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<sup>2</sup> California Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, January 2016. Available at [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php), accessed March 8, 2016.

Streets Restriping, M-TR-1e Beale/Folsom Streets Left-Turn Prohibition and Signal Optimization, M-TR-1f Third/Harrison Streets Restriping, M-TR-1g Hawthorne/Harrison Streets Restriping, M-TR-1h Second/Harrison Streets Turn Prohibition and Optimization, M-TR-1i Third/Bryant Streets Bulbs and Optimization, M-TR-1j Second/Bryant Streets Bulbs and Optimization, M-TR-1k Second/Tehama Streets Restriping and Optimization, and M-TR-1M Downtown Traffic Signal Study in the Transit Center District Plan PEIR. Instead, a VMT analysis is provided in Topic 4, Transportation.

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

The Transit Center District Plan PEIR analyzed the land use changes proposed under the Plan and determined that the Plan would not result in significant adverse impacts related to the division of an established community, conflict with applicable land use plans, policies and regulations, or land use character. No mitigation measures were identified.

The Transit Center District Plan area is primarily oriented around the City’s Downtown neighborhood, a densely developed commerce and employment center, and the site of the new Transit Center. The Downtown area is characterized by mid- and high-rise buildings and high-density office development. The Plan would extend the C-3-O (SD) (Downtown Office Special Development) district northward to the area roughly bounded by Market, Natoma, Steuart, and Annie Streets. Implementation of the Plan would also replace the existing C-3-O (Downtown Office) district and portions of the C-3-S (Downtown Support) district in the Plan area with the C-3-O (SD) district. The PEIR found that the proposed rezoning would increase the land eligible to develop with increased density through the transfer of development rights from other sites. Implementation of the Plan would allow for greater densities and building heights and additional office use in the Plan area. The rezoning would also allow the Plan area to accommodate additional office development. Thus, as discussed in the PEIR, this would intensify the existing character of the Plan area, but would not fundamentally alter its character. Thus, new development would not severely impact the overall character of the Plan area.

The PEIR determined that implementation of the Transit Center District Plan would not create any new physical barriers in the Plan area because the Plan does not provide for any new major roadways, such as freeways, that would disrupt or divide the project area or individual neighborhoods or subareas.

The proposed project would include the conversion of the pedestrian plaza and north-south portion of the pedestrian mall to outdoor childcare play areas, for a total of approximately 8,900 square feet of existing publically-accessible private open space that would be converted to private uses. The systemic provision of POPOS in C-3 Districts was first implemented under the 1985 Downtown Plan. Prior to the Downtown Plan, POPOS was provided voluntarily, in exchange for a density bonus on the project site, or as a condition of project approval. The project site, 50 Fremont Center, was developed with voluntarily provided publicly-accessible private open spaces areas: (1) a pedestrian mall comprised of an approximately 6,545-sf east-west corridor and an approximately 1,400-sf north-south corridor; and (2) an approximately 7,500-sf pedestrian plaza. The 50 Fremont Center project was approved by the Planning Commission in 1981.<sup>3</sup> Thus, the project site is not subject to the minimum requirements for the provision of POPOS as prescribed in Section 138 of the Planning Code. The publicly-accessible private open space areas were identified in the EIR for the 50 Fremont Center<sup>4</sup> as measures proposed as part of the project to improve design factors related to providing pedestrian scale and interest. Design factors related to pedestrian scale and interest are not related to physical environmental impacts subject to CEQA. Therefore, the conversion of these design factors to outdoor childcare play area would not conflict with a plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. For further discussion of impacts to recreation, please see Topic 9, Recreation.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the C-3-S-O SD District and is consistent with the bulk, density, and land uses as envisioned in the Transit Center District Plan. Objective 1.4 of the Transit Center District Plan is to ensure the district maintains areas that contain concentrations of ground-level public-serving retail and convenience uses for workers and visitors. Objective 1.5 of the Plan is to activate alleys and mid-block pedestrian walkways with active uses in adjacent buildings to make these spaces attractive and enjoyable. The proposed project would be consistent with these objectives as the proposed day care center would serve workers in the area, and through the continued activation of the network of public streets and open spaces in the area, including the east-west pedestrian walkway.<sup>5,6</sup>

Because the proposed project is consistent with the development density established in the Transit Center District Plan and the project would not conflict with any plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, implementation of the proposed project would not result in significant impacts that were not identified in the Transit Center District Plan PEIR related to land use and land use planning, and no mitigation measures are necessary.

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<sup>3</sup> San Francisco City Planning Commission Resolution No. 8876, March 12, 1981

<sup>4</sup> San Francisco Planning Department, *50 Fremont Center Final Environmental Impact Report*, March 12, 1981. Case No. EE 80.268. This document is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. EE 80.268.

<sup>5</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>6</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 50 Fremont Street, February 10, 2016.

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

The Transit Center District Plan PEIR found that rezoning would result in an increase of housing development and population in the Plan area. The PEIR projected that the proposed rezoning would enable the Plan area to accommodate an additional 1,235 households and 1,900 residents, for a total of approximately 6,850 households and 10,730 residents in the Plan area by 2030. The PEIR also found that the Plan area could accommodate roughly 21,840 additional jobs, resulting in a total of approximately 99,470 jobs in the overall Plan area by 2030. The PEIR determined that Plan-generated household and employment growth would not create substantial new demand for housing or reduce the existing supply of housing to the extent that implementation of the Plan would result in a significant impact. No mitigation measures were identified.

The proposed day care center would be created from existing office, restaurant, and open space. Since there are no residential units on the project site, the proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere. The indoor component of the proposed day care would be created from existing office and restaurant space, resulting in a reduction of these uses in the Plan area. Salesforce, the project sponsor, owns the 50 Fremont Center building and is the primary occupant. Salesforce also has office space in other buildings in the project vicinity<sup>7</sup> and will have office space in the future Salesforce Tower. Thus, any displacement of office workers could be accommodated by other office space owned or leased by the project sponsor in the Plan area, or in other areas of the City. The PEIR found that displaced retail tenants, such as the existing restaurant, would be more than likely to find replacement space in the Plan area, and would not result in a significant impact on the physical environment.

For these reasons, the proposed project would not result in significant impacts that were not identified in the Transit Center District PEIR related to population and housing and no mitigation measures are required.

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<sup>7</sup> Salesforce also occupies office space at One Market Street, One California Street, and 123 Mission Street.

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

### Archeological Resources

The Transit Center District Plan PEIR found that most of the buildings in the Plan area were developed in the early twentieth century, and thus the majority of the Plan area does not contain the type of development that typically results in deep soil disturbance, such as the deep foundation supports required for taller buildings and subterranean parking garages. As discussed in the PEIR, implementation of the Plan would allow height limits in subareas composed of multiple parcels or blocks within the Plan area, enabling the development of taller buildings. The PEIR also found that the Plan area contains seven formerly documented archeological resources, and there is potential for additional prehistoric and historic-era archeological sites to be located within the Plan area. As the Transit Center District Plan would enable greater development density on historically underutilized sites in an area with the potential to contain archeological resources, the PEIR determined that project-generated development in the Plan area could result in significant impacts on archeological resources. Transit Center District Plan PEIR Mitigation Measure M-CP-1 Subsequent Archeological Testing Program was identified to reduce these potential impacts to a less-than-significant level. Under PEIR Mitigation Measure M-CP-1 individual projects are subject to preliminary archeological review by the Planning Department archeologist. Preliminary archeological review would identify, as necessary, any data gaps and additional investigations required to make an archeological assessment.

An archeological research design and treatment plan (ARDTP) was prepared for the Plan area. The ARDTP concluded that California Register-eligible archeological resources are likely to be present within the sub-grade sediments in the Plan area. Geoeological coring undertaken pursuant to the ARDTP found that prehistoric (i.e., Pleistocene and Holocene era) archeological resources may be found in Colma Formation deposits. The ARDTP also determined that there is potential to discover historic-era archeological resources in the Plan area.

The PEIR found that some portions of the Plan area have a higher potential for archeological deposits than others. Within the portion of the Plan area bordered by Howard Street to the south, Stevenson Street to the north, Second Street to the west, and the eastern edge of the Plan area, which includes the project site, there is low potential for buried archeological materials to be present. This portion of the Plan area is



near the historic Bay line where the top of the Colma Formation rock is more deeply buried and overlain with thicker “marine sand” deposits. Marine sand was located under water, and thus could not accommodate human use or occupation. Therefore, in this portion of the Plan area only Colma Formation has the potential to hold archeological deposits, and this formation is likely found at a greater depth than in other parts of the Plan area. Furthermore, historical archeological potential is relatively low due to the prior development of the 50 Fremont Center on the project site.

The proposed project would include excavation to a maximum depth of two feet, resulting in approximately 37 cubic yards of soil disturbance in order to convert the pedestrian plaza and north-south portion of the pedestrian mall into outdoor play areas for the day care. The subject portion of the mall would become Play Area 1 and the plaza would become Play Area 2. Most of this work would occur atop the podium that underlies the majority of the project site, with the exception of an approximately 805-sf area of proposed Play Area 1. The 50 Fremont Garage is located underneath the podium. As excavation would be limited to a maximum of two feet in depth on the area not located on the podium, the proposed excavation is unlikely to reach the Colma Formation rock located on the project site. Thus, it is unlikely that the proposed project would result in a substantial adverse impact an archeological resource. In accordance with PEIR Mitigation Measure M-CP-1, a Preliminary Archeological (PAR) assessment was conducted by the Planning Department’s staff archeologists. Based on the PAR, the Planning Department determined that Standard Archeological Mitigation Measure I (Accidental Discovery) would apply to the project.<sup>8</sup> The PAR and mitigation requirements are consistent with Mitigation Measure M-CP-1 of the Transit Center District Plan PEIR; the implementation of which would reduce potential impacts related to archeological resources to a less-than-significant level. The project sponsor has agreed to implement Mitigation Measure M-CP-1, including the requirements of the Planning Department’s first standard Archeological Mitigation Measure, as **Project Mitigation Measure 1** (full text provided in the Mitigation Measures section below).

For these reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Transit Center District Plan PEIR.

### **Historic Architectural Resources**

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the Planning Code.

The Transit Center District Plan PEIR determined that implementation of the Plan could result in direct or indirect substantial adverse changes on the significance of individual historical resources, historical districts, and contributory structures within the Plan area due to changes in use districts and building heights. The Transit Center District Plan PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Transit Center District Plan approval on May 24, 2012. The PEIR identified Mitigation Measures M-CP-3a HABS/HAER Documentation, M-CP-3b Public Interpretive Displays, M-CP-3c Relocation of Historical Resources, M-CP-3d Salvage of Historical Resources, M-CP-5a Construction Best Practices for Historical Resources, M-CP-5b Construction Monitoring Program for Historical Resources, and M-C-CP Mitigation of Cumulative Historical Resources Impacts to reduce potential impacts on identified and

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<sup>8</sup> San Francisco Planning Department, *Preliminary Archeological Review (PAR) for 50 Fremont Street*.

potential historic resources. However, the PEIR concluded that even with mitigation projects undertaken through implementation of the Plan would result in a significant and unavoidable impact on historical resources.

50 Fremont Center, including the subject building, open space, and archway structure that fronts First Street, was constructed in 1985 and is not age-eligible for consideration as a potential historical resource under State CEQA Guidelines. As such, PEIR Mitigation Measures M-CP-3a, M-CP-3b, M-CP-3c, M-CP-3d, M-C-CP do not apply to the proposed project. The PEIR concluded that subsequent development in the Plan area could result in a potentially significant impact related to damage to historic architectural resources from vibrations generated by construction activities. PEIR Mitigation Measures M-CP-5a and M-CP-5b were identified to reduce construction-related vibration impacts on nearby historic buildings to a less-than-significant level. While the proposed project is located within 125 feet of identified historical resources, the proposed project would not include vibration-inducing construction equipment. Thus, PEIR Mitigation Measures M-CP-5a and M-CP-5b would not apply to the proposed project.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Transit Center District Plan PEIR.

With implementation of **Project Mitigation Measure 1** the proposed project would not result in significant impacts on archeological or historic architectural resources.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION— Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Transit Center District Plan PEIR anticipated that growth resulting from implementation of the Plan could result in significant impacts on transportation and circulation. The PEIR identified mitigation measures to address these impacts. However, even with mitigation, it is anticipated that the significant adverse impacts related to transit, pedestrians, loading, construction, and cumulative conditions could not fully be mitigated. Thus, these impacts were found to be significant and unavoidable. Impacts related to emergency access were found by the PEIR to be less than significant. As discussed above under “Senate Bill 743”, in response to state legislation that called for removing automobile delay from CEQA analysis, the Planning Commission adopted resolution 19579 replacing automobile delay with a VMT metric for analyzing transportation impacts of a project. Therefore, impacts and mitigation measures from the Transit Center District Plan PEIR associated with automobile delay are not discussed in this checklist.

The Transit Center District PEIR did not evaluate vehicle miles traveled. The VMT Analysis presented below evaluates the project’s transportation effects using the VMT metric.

**Vehicle Miles Traveled (VMT) Analysis**

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

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones (TAZ). TAZs are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area’s actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for retail, office, residential, and other land uses, such as day care centers, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to

and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>9,10</sup>

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* ("proposed transportation impact guidelines") recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets screening criteria, then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required.

The project proposed for 50 Fremont Street includes construction of an approximately 21,908-gsf day care center, which would be comprised of approximately 12,681 gsf of indoor day care space on the first and second floors of an existing office and retail building and approximately 8,900 sf of outdoor play area space. Trips associated with day care center projects typically function similarly to office projects. Childcare drop-off/pick-up trips are often a side trip within a larger tour. For example, day care center trips are influenced by the origin (e.g., home) and/or ultimate destination (e.g., work) of those tours. Therefore, day care center uses are treated as office for screening and analysis.

**Table 1: Daily Vehicle Miles Traveled**

Land Use	Bay Area		VMT for TAZ 773
	Regional Average	15% below the Regional Average	
Child Care Center	19.1	16.2	7.8

As shown in **Table 1**, the existing average daily VMT for the TAZ in which the project site is located (773) is 7.8. The existing regional average daily VMT for day care centers is 19.1. Fifteen percent below the regional average daily VMT for day care centers is 16.2. Given that the project site is located in an area where VMT is greater than 15 percent below the existing regional average, the proposed project's day care center uses would not result in substantial additional VMT and impacts would be less than significant.

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. Projected 2040 average daily VMT is 6.1 for the TAZ the project site is located in (773). Projected 2040 regional average daily VMT for day care centers is 17.0. Fifteen percent below the projected 2040 regional average daily VMT for day care centers is 14.5. Given the project site is located in an area where VMT is greater than 15 percent below the projected 2040 regional average, the proposed project's day care center uses would not result in

<sup>9</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>10</sup> San Francisco Planning Department, *Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A*, March 3, 2016.

substantial additional VMT. Thus, the proposed project would not contribute considerably to any substantial cumulative increase in VMT.

Therefore, the proposed project would not cause substantial additional VMT and impacts would be less than significant.

### **Trip Generation**

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 50 Fremont Center building to an indoor day care center for infant through pre-school age children. In addition, the approximately 7,500-sf pedestrian plaza and 1,400-sf north-south portion of the pedestrian mall on the project site would be converted into private, outdoor play areas to be used exclusively by the day care center. 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 primarily provide day care services to Salesforce employees working in the existing 50 Fremont Center building or other Salesforce office locations in the project vicinity. Employees would drop off and pick up children enrolled at the day care on their way to and from work. The estimated 30 staff members that would work at the day care center are not expected to generate a substantial number of new trips to the project site (less than 50 p.m. peak hour person trips). The proposed project may redistribute or eliminate existing trips if parents and guardians were traveling with their children to and from off-site locations. For these reasons, the Planning Department determined that the proposed project is not anticipated to generate a substantial level of new trips to the project site or in the project vicinity. In addition, the proposed project is within the scope of the growth projected for the Transit Center District Plan PEIR and would not generate new trips beyond that analyzed in the PEIR.

### **Transit**

The Transit Center District Plan PEIR concluded that transit ridership generated by Plan-induced growth would result in significant impacts on Muni and regional transit operations. The Transit Center District Plan PEIR identified Mitigation Measures M-TR-3a Installation and Operation of Transit-Only and Transit Que-Jump Lanes, M-TR-3b Exclusive Muni Use of Mission Street Boarding Islands, M-TR-3c Transit Improvements on Plan Area Streets, M-TR-3d Increased Funding to Offset Transit Delays, and M-TR-3e Increased Funding of Regional Transit to reduce the impact of implementation of the Plan on the transportation network. However, the PEIR concluded that even with mitigation, the impact on transit would remain significant and unavoidable. These measures are not applicable to the proposed project as they are plan-level mitigations to be implemented by City and County agencies.

In addition to the transit mitigation measures identified in the PEIR, City and County agencies have implemented programs in order to improve the regional transportation network. These efforts include SFMTA's Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. The Transportation Sustainability Plan (TSP) is another program established to improve transportation in the region. TSP is comprised of a Transportation Demand Management (TDM) program to encourage the shift from single-occupancy vehicle use to other modes of transportation, modernization of the environmental review process in order to update how the environmental effects of a project's impacts on transportation are calculated, and a Transportation Sustainability Fee to support the expansion of the San Francisco

transportation system. San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code to establish the Transportation Sustainability Fee (Ordinance 200-154, effective December 25, 2015),<sup>11</sup> which updated, expanded, and replaced the prior Transit Impact Development Fee. The proposed project would not be subject to the fee. Another effort which addresses transit accessibility, Vision Zero, was adopted by various City agencies in 2014. Vision Zero focuses on building better and safer streets through education, evaluation, enforcement, and engineering. The goal is to eliminate all traffic fatalities by 2024.

The proposed project is within the growth projected for the Plan area and any new transit riders generated due to the proposed project would not result in a significant impact on transit capacity. Thus, the proposed project would not make a considerable contribution to the Plan's significant and unavoidable impact on transit.

### **Circulation and Access**

The Transit Center District Plan PEIR identified significant impacts associated with circulation and access with regard to pedestrian and bicycle safety and loading activities. A project-specific analysis of circulation and access is provided below.

#### *Pedestrians*

Due to the high concentration of jobs and transit service in the Plan area, there is generally a high level of pedestrian activity throughout the day. The Transit Center District Plan PEIR determined that implementation of the Plan would result in significant and unavoidable impacts related to deterioration of levels of service at sidewalks, street corners, and crosswalks, and could potentially create hazardous conditions for pedestrians. PEIR Mitigation Measures M-TR-4 Widen Crosswalks and M-TR-5 Garage/Loading Dock Attendant were identified to address impacts on pedestrian safety. However, as the feasibility of implementing Mitigation Measure M-TR-4 was unknown at the time the Plan was analyzed, and it could not be determined with certainty that pedestrian conflicts and safety hazards, with respect to driveway operation, would be fully mitigated, the PEIR concluded that these impacts would remain significant and unavoidable with mitigation. PEIR Mitigation Measure M-TR-4 is a plan-level mitigation to be implemented by City and County agencies, and thus does not apply to the proposed project. As the proposed project would not include construction of a new garage or loading dock, PEIR Mitigation Measure M-TR-5 does not apply to the proposed project. While, the proposed project would generate additional pedestrian activity in the project vicinity due to day care center employees and Salesforce employees located at other office locations accessing the site, project-generated pedestrian activity would not be substantial or of greater severity than that analyzed in the PEIR. In addition, the approximately 6,545-sf-east-west portion of the pedestrian mall would continue to be publically accessible, and would provide for pedestrian circulation through the subject block from the Fremont Street to First Street. Therefore, the proposed project would not contribute considerably to significant impacts on pedestrian circulation and safety.

#### *Bicycles*

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<sup>11</sup> Two additional files were created at the Board of Supervisors for TSF regarding hospitals and health services, grandfathering, and additional fees for larger projects: see Board file nos. 151121 and 151257.

The Transit Center District Plan PEIR found that implementation of the Plan would increase bicycle, pedestrian, and vehicular traffic in the Plan area, but the projected increase would not result in a substantial adverse change to overall bicycle conditions. While the PEIR concluded that Plan-generated growth would not result in a significant adverse impact on overall bicycle conditions, the Plan would cause a shortfall of on-street freight loading spaces that could pose a safety hazard for bicyclists. Therefore, PEIR Mitigation Measure M-TR-7b Augmentation of On-Street Loading Spaces Study was identified to address these impacts. However, as the PEIR could not conclude with certainty that conflicts between on-street loading activities and bicyclists could be fully mitigated, the impact was conservatively found to be significant and unavoidable.

PEIR Mitigation Measure M-TR-7b is a plan-level mitigation to be implemented by City and County agencies, and thus does not apply to the proposed project. In addition, the proposed project would not generate bicycle trips of greater severity than that analyzed in the PEIR and would not result in bicycle impacts peculiar to the project. Therefore, PEIR Mitigation Measure M-TR-7b would not apply to the proposed project, and the project would not result in a substantial adverse impact on bicycle conditions.

### *Loading*

The Transit Center District Plan PEIR also concluded that implementation of the Plan would result in a significant and unavoidable impact on freight loading. PEIR Mitigation Measures M-TR-7a Loading Dock Management was identified to address conflicts between freight loading activities and vehicular, transit, and bicycle circulation. The PEIR also found that this loading impact would conservatively remain significant and unavoidable, as it could not be concluded with certainty that the impact could be mitigated to a less-than significant level.

The proposed project would not include new off-street loading facilities. Therefore, PEIR Mitigation Measure M-TR-7a does not apply to the proposed project.

While the proposed day care center would not include new loading facilities, the project would result in new passenger loading and drop-off activities. Therefore, the project sponsor was required to submit a School Drop-Off and Pick-Up Management Plan (Management Plan).<sup>12</sup> The Management Plan, which is based on the project sponsor's survey of a similar day care center in the project site vicinity, is summarized in this topic section.

Drop-off and pick-up activities would occur in the 50 Fremont Center Garage adjacent to the 50 Fremont Center building. Twelve of the existing 108 garage parking spaces and two loading spaces would be designated for drop-off and pick-up. A valet system would be implemented to manage the spaces designated for the day care's use. The day care center would serve primarily Salesforce employees working at the office building on the project site, or at nearby Salesforce office locations. Therefore, it is anticipated that the majority of children will be dropped off by a Salesforce employee after first parking in their typical parking space or after disembarking from public transportation, and thus parents and guardians accessing the site would be less likely to utilize the designated parking and loading spaces for pick up or drop off. No on-street loading zones are included in the proposal. Sixty bicycle parking spaces are also provided for in the existing garage.

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<sup>12</sup> Christopher Dorman, *School Drop-Off and Pick-Up Management Plan, 50 Fremont Street, San Francisco, CA.*

Drop off would occur between 7:00 a.m. and 9:00 a.m., and it is anticipated that the majority of students would be dropped off between 8:15 a.m. and 8:30 a.m. Pick up would occur between 3:30 p.m. and 6:00 p.m. It is anticipated that the majority of children are picked up between 5:30 p.m. and 5:45 p.m. Approximately 116 children would be dropped off/picked up once the day care is fully occupied. No after-school activities are proposed for the day care center. Two day care employees will be assigned to assist with drop-off activities and two employees support pick-up activities. Two on-site parking spaces for day care employees and visitor parking would be accommodated by existing garage parking.

Based on the Management Plan provided, the proposed project would not result in substantial adverse impacts on site loading and circulation not identified in the Transit Center District Plan PEIR. However, implementation of a drop-off and pick-up management (DPM) program would further reduce these less-than-significant impacts. A DPM program would encourage employees and guardians who travel to and from the project site to use alternative means of transportation such as public transit, biking, and walking, and reduce conflicts between day care loading activities and other uses in the site vicinity. Components of a DPM program may include, but is not limited to, a coordinated drop-off and pick-up plan that is shared with parents, guardians and employees, dissemination of transportation and trip planning information, provision of bike racks and bike storage, and a commuter benefits program for employees. The DPM program is included as **Project Improvement Measure 1 Day Care Center Drop-Off and Pick-up Management Program** (see full text in the Improvement Measures section below).

## Construction

The Transit Center District Plan PEIR identified significant and unavoidable transportation impacts related to construction activities. In order to minimize potential disruptions to transit, traffic, pedestrians, and bicyclists, the PEIR identified Mitigation Measure M-TR-9 Construction Coordination. Mitigation Measure TR-9 would require the project sponsor to develop a Construction Management Plan and coordinate with transportation agencies, such as the San Francisco Municipal Transportation Agency and Transbay Joint Powers Authority, as applicable, to reduce disruption to vehicular traffic, transit operations, and bicycle and pedestrian activity that could be caused by construction activities. Due to the uncertainty of construction scheduling, the PEIR found the impact to remain significant and unavoidable with mitigation.

Construction of the proposed project, which is anticipated to last approximately five months, would likely take place simultaneous to the construction of other projects in the site vicinity. The new Transbay Transit Center, Salesforce Tower, and the Central Subway are currently under construction, and construction activities are expected to last past the anticipated completion date for the proposed project. Construction of other developments projects in the area may also occur at the same time as construction of the proposed project. Due to the overlap in construction schedules the potential exists for construction of the proposed project and other developments in the area to result in increased traffic levels because of employee ingress and egress, excavation, and the delivery of construction materials via trucks. Given the proximity of the sites to each other and the project site, as well as the uncertainty about construction schedules, construction activities would likely cause disruptions to traffic and to travel by transit, pedestrians, and bicycles. To reduce potential construction related impacts on traffic, transit, and pedestrian and bicycle activity the project sponsor has agreed to implement PEIR Mitigation Measure M-TR-9 as **Project Mitigation Measure 2** (see full text in the Mitigation Measures section below).

## Conclusion



With implementation of **Project Mitigation Measure 2** the proposed project would not result in significant impacts that were not identified in the Transit Center District Plan PEIR related to transportation and circulation and would not contribute considerably to cumulative transportation and circulation impacts that were identified in the PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Transit Center District Plan PEIR determined that implementation of the Plan would result in significant and unavoidable noise impacts due to the exposure of persons to temporary increases in vibration levels substantially exceeding ambient noise levels as a result of construction activities in the Plan area. Transit Center District Plan PEIR Mitigation Measure M-NO-1a Noise Survey and Measurements for Residential Uses, Mitigation Measure M-NO-1b Noise Minimization for Residential Open Space, Mitigation Measure M-NO-1c Noise Minimization for Non-Residential Uses, Mitigation Measure M-NO-1d Mechanical Equipment Noise Standard, and Mitigation Measure M-NO-1e Interior Mechanical Equipment were identified to reduce these potential noise impacts.

The Transit Center District Plan PEIR also concluded that potentially significant impacts on noise could result from exposure of persons to temporary increases in noise levels substantially exceeding ambient noise levels due to construction activities in the Plan area. PEIR Mitigation Measure M-NO-2a Noise Control Measures During Pile Driving, Mitigation Measure M-NO-2b General Construction Noise Control Measures, and Mitigation Measure M-C-NO Cumulative Construction Noise Control Measures were identified to reduce those impacts to less-than-significant levels.

Transit Center District Plan PEIR Mitigation Measures M-NO-2a, M-NO-2b, and M-NO-2c relate to construction noise. PEIR Mitigation Measure M-NO-2a addresses individual projects that include pile-driving, PEIR Mitigation Measure M-NO-2b addresses individual projects that include particularly noisy construction procedures, and PEIR Mitigation Measure M-C-NO addresses the cumulative impact of construction activities on noise in the Plan area. The proposed project would not involve pile driving. Thus, PEIR Mitigation Measure M-NO-2a does not apply to the proposed project.

In addition, all construction activities for the proposed project (lasting approximately five months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco *Police Code*) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools (e.g. jackhammers) must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (Public Works) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period. DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours.

Nonetheless, during the approximately five-month construction period for the proposed project occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. Through mandatory compliance with the Noise Ordinance and implementation of Transit Center District Plan PEIR Mitigation Measures M-NO-2b and M-C-NO, increased noise in the project area due to project construction would be less than significant. The project sponsor has agreed to implement PEIR Mitigation Measures M-NO-2b and M-C-NO as **Project Mitigation Measures 3 and 4** (see full text in the Mitigation Measures section below).

Transit Center District Plan PEIR Mitigation Measures M-NO-1a, M-NO-1b, and M-NO-1c require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn) or near existing noise-generating uses. These mitigation measures are superseded by interior noise standards mandated under the California Building Standards Code (Title 24), and therefore do not apply to the proposed project. The project sponsor conducted an environmental noise study demonstrating that the proposed project can feasibly attain acceptable daytime interior noise levels of 50 dBA.<sup>13</sup> The results are presented here for informational purposes. The analysis determined that existing ambient noise on the project site ranges from 65 to 69.9 dBA Day-Night Average Sound Level (Ldn<sup>14</sup>). Consequently, 69.9 dBA Ldn was conservatively identified as the overall noise level for the project site. The noise study found that typical building construction would generally provide exterior-to-interior noise level reduction performance of

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<sup>13</sup> Michael Keinath, Kevin Warner. *Environmental Noise Analysis – 50 Fremont Street, San Francisco, CA*. September 14, 2015.

<sup>14</sup> The Day-Night Level (Ldn) is the rating system used to measure A-weighted (dBA) equivalent continuous sound exposure level for a 24 hour period. The measurement accounts for the change in noise sensitivity that occurs during typical hours of sleep (10:00 p.m. – 7:00 a.m.) by applying a 10 dB penalty to noise levels recorded during those hours.

no less than 25 dBA when exterior windows and doors are closed. In this case, a 25 dBA reduction would result in interior noise levels below 50 dBA. The City's Land Use Compatibility Chart for Community Noise (Land Use Compatibility Chart) provides sound level guidelines for different land use categories and describes what noise measures may be necessary before undertaking development. The noise study compared the measured existing noise level for the project site to guidelines in the Land Use Compatibility Chart for school classrooms and playgrounds. The Land Use Compatibility Chart prescribes that an existing noise level of up to 70 dBA Ldn is acceptable for the development of new schools, provided a detailed analysis of noise reduction requirements is made and necessary noise insulation features are included in the design. As the day care's interior space would be located in an existing building, the report concludes that the existing building materials would provide an acceptable level of interior noise insulation. Special noise insulation requirements are not necessary for a playground on a project site where noise levels do not exceed 70 dBA Ldn. The existing ambient noise level on the project site is 69.9 dBA Ldn. Therefore, the project site is appropriate for the development of the day care center's indoor and outdoor areas.

The noise study also analyzed the amount of noise that could potentially be produced by activities in the outdoor play areas in order to evaluate the potential impact the proposed day care center would have on the existing noise environment. The study analyzed whether proposed activities would raise existing noise at the property line greater than 8 dBA above existing levels.<sup>15</sup> Play Areas 1 and 2 would likely include wood board fencing, but the report conservatively assumed the fence would not provide acoustic shielding to traffic noise. The report concluded that noise from use of Play Areas 1 and 2 would exceed existing conditions by no more than 6 dBA. Based on this analysis, the report concludes that the proposed project would not result in an increase of ambient noise at the property line above 8 dBA and control measures would not be required for noise attenuation. Therefore, the proposed Play Areas would not result in significant impacts on the existing noise environment.

Transit Center District Plan PEIR Mitigation Measure M-NO-1d addresses impacts of mechanical equipment noise on new residential uses. PEIR Mitigation Measure M-NO-1e addresses impacts related to individual projects that include new mechanical equipment that would generate noise levels in excess of ambient noise in the proposed project site vicinity. The proposed day care project would not include new mechanical equipment or new residential uses. Therefore, PEIR Mitigation Measures M-NO-1d and M-NO-1e would not apply to the proposed project.

Transit Center District Plan PEIR Mitigation Measure M-NO-1b addresses impacts from existing ambient noise levels on residential open space required under the Planning Code for new development that includes noise sensitive uses. The proposed project does not include new residential dwelling units; therefore, PEIR Mitigation Measure M-NO-1b does not apply to the proposed project.

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topics 12e and f from the CEQA Guidelines, Appendix G is not applicable.

With implementation of **Project Mitigation Measures 3 and 4** the proposed project would not result in significant noise impacts that were not identified in the Transit Center District Plan PEIR.

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<sup>15</sup> Eight dBA is a threshold used by the Planning Department for the purpose of analyzing the potential impact of project-generated noise on the project vicinity.

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

As discussed in the Transit Center District Plan PEIR, air pollution does not affect every individual in the population in the same way. Some groups are more sensitive to the adverse health effects of air pollution 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, are exposed to air pollution for a longer period of time. Therefore, these groups are referred to as sensitive receptors. The Transit Center District Plan PEIR identified significant air quality impacts related to exposure of existing and future sensitive receptors, such as the proposed day care center, to substantial concentrations of fine particulate matter (PM<sub>2.5</sub>), diesel particulate matter (DPM), and toxic air contaminants (TACs). These pollutants would be generated by existing and future on-road sources, such as auto and truck traffic and buses and by existing and future stationary sources such as backup diesel generators, natural-gas-fired hot water boilers, and cogeneration plants.

The PEIR also identified significant air quality impacts related to the generation of criteria air pollutants and to exposure of sensitive receptors to TACs from future construction activity in the Plan area involving the use of diesel-powered off-road equipment. Construction-related fugitive dust emissions were identified as significant, but could be reduced to a less-than-significant level with mitigation.

Transit Center District Plan PEIR Mitigation Measures M-AQ-2 addresses the siting of sensitive land uses near sources of PM<sub>2.5</sub> and TACs and PEIR Mitigation Measure M-AQ-3 addresses proposed uses that would emit DPM and other TACs. PEIR Mitigation Measures M-AQ-4a, M-AQ-4b, and M-AQ-5 address air quality impacts during construction.

**Regional Criteria Air Pollutants**

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), 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 San Francisco Bay Area Air Basin (SFBAAB) experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, 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.

The Transit Center District Plan PEIR determined that, at a program-level, implementation of the Plan would result in less-than-significant impacts as it relates to conflicts with or obstruction of the clean air plan or cumulatively considerable operational impacts from criteria air pollutants on regional air quality. The PEIR identified significant and unavoidable construction impacts from criteria air pollutants on regional air quality, as it could not be determined with certainty that mitigation would reduce air quality impacts to below Bay Area Air Quality Management District (BAAQMD) significance thresholds. However, The PEIR notes that project- and site-specific equipment or other considerations may lead to a conclusion that the project-specific effect can be mitigated to a less-than-significant level for individual development projects. The PEIR identified Mitigation Measure M-AQ-4a Construction Vehicle Emissions Minimization to reduce construction vehicle criteria air pollutant emissions.

The BAAQMD prepared *2011 BAAQMD CEQA Air Quality Guidelines* (Air Quality Guidelines),<sup>16</sup> which provided methodologies for analyzing air quality impacts. The Air Quality Guidelines also provide thresholds of significance for those criteria air pollutants that the SFBAAB is in non-attainment. The Planning Department uses these thresholds of significance to determine whether a project would have significant air quality impacts. To assist lead agencies in determining whether criteria air pollutant emissions require further analysis, the BAAQMD's Air Quality Guidelines also include screening criteria. Projects that exceed the screening criteria may require a detailed air quality assessment in order to further analyze project-related criteria air pollutant emissions. If all screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment of the project's construction- and operation-related air pollutant emissions, and the construction and operation of the proposed project would result in less-than-significant criteria pollutant emissions. The proposed 21,908-gsf day care center meets the Air Quality Guidelines screening criteria for construction and operations.<sup>17</sup>

The Transit Center District Plan PEIR found that the screening criteria in the Air Quality Guidelines are based on modeling for "typical" construction projects and do not take into account emissions generated by demolition of existing structures. For this reason, the screening criteria are not always sufficient for establishing whether additional analysis of potential construction-related criteria air pollutant emissions is necessary. However, the proposed project does not include the demolition of an existing structure or

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<sup>16</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, updated May 2011. See pp. 3-2 to 3-3.

<sup>17</sup> The screening criteria level for a "day-care center" is 53,000 sf for operations and 277,000 sf for construction.

result in a substantial amount of import or export soil or other materials. Thus, the proposed project is representative of the typical project modeled for the screening criteria and would not result in significant air quality impacts due to criteria air pollutant emissions. Based on the foregoing, PEIR Mitigation Measure M-AQ-4a does not apply to the proposed project.

### Siting of Sensitive Land Uses

The PEIR analyzed the health risk impact of the plan upon sensitive receptors, and determined that implementation of the Plan would result in the exposure of new sensitive receptors to substantial concentrations of PM<sub>2.5</sub> and TACs due to permitted and un-permitted sources such as vehicle emissions and stationary sources. These impacts would be significant and unavoidable. Individual development projects carried out in the Transit Center District plan area could have a significant air quality health risk impact if they would significantly exacerbate this hazard.<sup>18</sup>

Subsequent to the PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The APEZ as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health-protective standards for cumulative PM<sub>2.5</sub> concentration (cumulative concentrations greater 0.2 micrograms per cubic meter (µg/m<sup>3</sup>) for sensitive receptors and greater than 10 µg/m<sup>3</sup> for all other receptors) and/or cumulative excess cancer risk (greater than 7.0 per 1 million population for sensitive receptors and 100 per 1 million population for all other receptors). Health vulnerability factors and proximity to freeways (all parcels within 500 feet of a major freeway) were also incorporated into the mapping of the APEZ.

Projects within the APEZ 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. For sensitive use projects within the APEZ as defined by Article 38, such as the proposed day care center, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM<sub>2.5</sub> equivalent to that associated with a MERV-13 filtration system. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal. In compliance with Article 38, the project sponsor has submitted an Article 38 application to DPH.<sup>19</sup>

The Transit Center District Plan PEIR notes that the majority of arterial roads within the Plan area have traffic volumes that could result in concentrations of PM<sub>2.5</sub> that exceed significance thresholds and that implementation of the requirements of Article 38 does not guarantee the proposed project would not result in significant health risks to sensitive receptors. Thus, the PEIR identified Mitigation Measure M-AQ-2 Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies. This mitigation measure could apply to projects that would significantly exacerbate the existing

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<sup>18</sup> *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

<sup>19</sup> *Dorman Associates, 50 Fremont Street, Article 38 Application*, July 17, 2015.

air quality health risk hazard in the plan area by creating new substantial sources of TAC emissions. As further discussed below, the proposed project would not result in substantial new sources of TACs; therefore, Mitigation Measure M-AQ-2 does not apply.

The project sponsor conducted an Air Quality Technical Study (AQTS) to analyze site-specific health risks for the sensitive receptors that would be introduced to the project site (i.e., day care children). The results are presented here for informational purposes. The AQTS estimated exposure of sensitive receptors to substantial pollutant concentrations and potential cancer risks. The results of the AQTS were provided in an Air Quality Technical Memo (AQTm),<sup>20</sup> which is summarized in this section.

As shown in **Table 2** unmitigated total excess cancer risk would be greater than 21 in 1 million and the total cumulative PM<sub>2.5</sub> concentration would be 1.1 µg/m<sup>3</sup>, which are above the significance thresholds for these pollutants.

**Table 2: Total Cancer Risk and Fine Particulate Matter (PM<sub>2.5</sub>) Cumulative Concentration for Day Care Children on the Project Site**

	Total Excess Cancer Risk <sup>1</sup>	Total Cumulative PM <sub>2.5</sub> Concentration <sup>2</sup>
Unmitigated Project	<b>21.1</b>	<b>1.1</b>
MERV-13 Controlled	<b>7.6</b>	<b>0.25</b>
MERV-16 Controlled	6.9	<0.20
Significance Threshold	7.0	0.20
Emissions over significance threshold levels are in <b>bold</b> .		
<sup>1</sup> Cancer risk is expressed as excessive cancer cases per 1 million exposed individuals over a lifetime of exposure.		
<sup>2</sup> Cumulative PM <sub>2.5</sub> concentrations are expressed as micrograms per cubic meter (µg/m <sup>3</sup> )		
Source: Ramboll Environ, 2015		

Application of a MERV-13 filtration system would result in an estimated total cumulative PM<sub>2.5</sub> concentration of 0.25 µg/m<sup>3</sup> and a total excess cancer risk of 7.6 in a million, which is above the significance threshold. The application of a MERV-16 filtration system would result in an estimated total cumulative PM<sub>2.5</sub> concentration of less than 0.2 µg/m<sup>3</sup> and a total excess cancer risk of 6.9 in a million.<sup>21</sup> Thus, a MERV-16 ventilation system, at minimum, is required in order to reduce potential health risks to children at the proposed day care center below the significance threshold. The project sponsor has agreed to implement a MERV-16 ventilation system as **Project Improvement Measure 2** (full text provided in the Improvement Measures section below).

## Localized Health Risk

### Construction

Transit Center District Plan PEIR Mitigation Measure M-AQ-4b Dust Control Plan requires individual projects involving construction activities on project sites that would require more than 5,000 cubic yards

<sup>20</sup> Ramboll Environ. *Air Quality Analysis: Evaluation of Exposure of Daycare Children, 50 Fremont Street, San Francisco, CA*, October 15, 2015.

<sup>21</sup> Application of a MERV-16 filtration system would result in a cumulative PM<sub>2.5</sub> concentration of less than 0.2 µg/m<sup>3</sup>. When using a precision level of two significant digits the results appear as 0.2 µg/m<sup>3</sup>.

of excavation lasting four weeks or longer to implement a Dust Control Plan in accordance with Article 22B of the San Francisco Health Code.

In addition, San Francisco Building Code 106.A.3.2.6 and San Francisco Health Code Article 22B, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), were established to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. 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. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. Thus, in compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping and other measures. The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would be less-than significant.

The San Francisco Dust Control Ordinance supersedes the Dust Control Plan requirements of Transit Center District Plan PEIR Mitigation Measure M-AQ-4b. In addition, construction of the proposed project would include approximately 37 cubic yards of excavation, which is less than the 5,000 cubic yard threshold established for PEIR Mitigation Measure M-AQ-4b. For the above reasons, PEIR Mitigation Measure M-AQ-4b would not apply to the proposed project.

In addition to construction dust, construction activities may result in emissions of TACs. The Transit Center District Plan PEIR concluded that implementation of the Plan would result in a significant and unavoidable impact with respect to construction of individual development projects emitting TACs that may adversely affect nearby sensitive receptors.

The Transit Center District Plan PEIR found that potential construction-related impacts would be primarily due to exhaust emissions generated by construction equipment, including heavy duty equipment, used in the demolition and removal of existing structures or parking lots, excavation, and site preparation and construction of new buildings. The PEIR identified Mitigation Measure M-AQ-5 Construction Vehicle Emissions Evaluation and Minimization to reduce construction-related emissions of TACs.

PEIR Mitigation Measure M-AQ-5 requires project sponsors to undertake a project specific health risk analysis, or other appropriate analysis as determined by the Planning Department, for diesel-powered and other applicable construction equipment. Because the proposed project would not involve demolition, substantial excavation or other major site-preparation work, the use of diesel-powered construction equipment over the course of the estimated five-month construction period would be limited, and is not anticipated to contribute considerably to criteria air pollutant emissions. Thus, PEIR Mitigation Measure M-AQ-5 is not applicable to the proposed project.

### *New Sources*

Individual development projects can generate TAC emissions associated with stationary sources (i.e., natural gas combustion and combustion of other fuels by building and grounds maintenance equipment, and diesel-powered emergency generators) and mobile sources (vehicle traffic).



The Transit Center District PEIR identified Mitigation Measure M-AQ-3 Sitting of Uses that Emit DPM and Other TACs to address potential exposure of sensitive receptors to TAC emissions from stationary sources and new development that would likely generate substantial levels of DPM. The operation of the proposed day care center is not anticipated to result in high levels of DPM and would not include new stationary sources of emissions. Thus, PEIR Mitigation Measure M-AQ-3 would not apply to the proposed project.

**Conclusion**

As discussed above, compliance with the air quality regulations contained in the City’s health and building codes will ensure that the proposed project would not result in any significant air quality impacts that were not identified in the PEIR.

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

The Transit Center District Plan PEIR found that implementation of the Plan would not directly result in Greenhouse Gas (GHG) emissions. While projects developed in the Plan area could indirectly result in additional GHG emissions, the PEIR found that many of the objectives and policies in the Plan would enable the reduction of GHG emissions through the concentration of growth near transit, discouraging single-occupancy vehicle commuting, and encouraging the use of alternative transportation.

The 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 and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project’s GHG impact is less than significant. San Francisco’s *Strategies to Address Greenhouse Gas Emissions*<sup>22</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>23</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD’s *2010 Clean Air Plan*,<sup>24</sup> Executive

<sup>22</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>23</sup> ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

<sup>24</sup> Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

Order S-3-05<sup>25</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>26,27</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>28</sup> and B-30-15.<sup>29,30</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed indoor day care center space would increase the intensity of use of the site by converting existing office and restaurant space to child care center uses, as the occupancy rates for day care centers are typically higher than that for office and restaurant uses. Therefore, the indoor portion of the proposed project would contribute to long-term increases in GHG emissions due to commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. The proposed outdoor day care center space would not increase the intensity of use on the site. The proposed project would convert existing plaza and pedestrian mall space into two child care center play areas (Play Areas 1 and 2), which would include landscaping, such as native plantings. Additionally, the areas of proposed work, with the exception of approximately 805 sf of Play Area 1, are located over an existing podium. The proposed Play Areas would provide a similar amount of impervious surface area, and would therefore not contribute to long-term increases in GHG emissions associated with an increase in energy use, water use, and wastewater treatment. Construction activities would result in temporary increases in GHG emissions.

Furthermore, the proposed project is not expected to generate a substantial number of new trips to the project site. As discussed under "Transportation," the proposed project would likely redistribute or eliminate existing trips if parents and guardians were traveling with their children over the course of a tour. Thus, the proposed project is not anticipated to increase GHGs due to increased vehicle trips (mobile sources).

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

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<sup>25</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

<sup>26</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill\\_asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill_asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>27</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>28</sup> 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<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

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

<sup>30</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

Compliance with the City’s Commuter Benefits Program and bicycle parking requirements would reduce the proposed project’s transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with lower GHG emissions.

The proposed project would be required to comply with the energy efficiency requirements of the City’s Green Building Code and Commercial Water Conservation ordinance, which would promote energy and water efficiency, thereby reducing the proposed project’s energy-related GHG emissions.<sup>31</sup>

The proposed project’s waste-related emissions would be reduced through compliance with the City’s Recycling and Compositing Ordinance and Construction and Demolition Debris Recovery Ordinance. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>32</sup> and reducing the energy required to produce new materials.

Compliance with regulations limiting refrigerant emissions would reduce emissions of GHGs and regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>33</sup> Thus, the proposed project was determined to be consistent with San Francisco’s GHG reduction strategy.<sup>34</sup>

Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations. Furthermore, the proposed project is within the scope of the development evaluated in the PEIR and would not result in impacts associated with GHG emissions beyond those disclosed in the PEIR. For the above reasons, the proposed project would not result in significant GHG emissions that were not identified in the Transit Center District PEIR and no mitigation measures are necessary.

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

**Wind**

The Transit Center District Plan PEIR found that implementation of the Plan could result in significant wind-related impacts, as new development projects in the Plan area could increase wind speeds in

<sup>31</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.  
<sup>32</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.  
<sup>33</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.  
<sup>34</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 50 Fremont Street*, March 21, 2016.

existing and proposed open space areas and result in new exceedances of the Planning Department's hazard criterion.<sup>35</sup>

Transit Center District Plan PEIR Mitigation Measure M-WI-2 Tower Design to Minimize Pedestrian Wind Speeds would reduce potential impacts to a less-than-significant level. PEIR Mitigation Measure M-WI-2 requires that new development on the Parcel F, 524 Howard Street, 50 First Street, 181 Fremont Street, and Golden Gate University sites within the Plan area undergo wind-tunnel testing. The project site is not located on any of the sites identified; therefore, PEIR Mitigation Measure M-WI-2 does not apply to the proposed project.

As discussed in the PEIR, each building proposed for development in the Plan area, where the proposed height of the building may result in a potential adverse impact on wind conditions, would be required to conduct wind-tunnel testing. Based upon the experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed project does not include the construction of a new building. Rather, the first and second floors of the existing building would be altered to accommodate a day care center. Thus, a wind-tunnel analysis is not required for the proposed project.

For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Transit Center District Plan PEIR.

### **Shadow**

The Transit Center District Plan PEIR determined that implementation of the Plan could result in significant and unavoidable shadow impacts on property under the jurisdiction of the San Francisco Recreation and Park Commission, and on sidewalks and other open spaces in the Plan area. The PEIR found that that new shadow from development in the Plan area would affect nine parks. Eight of the affected parks have established Absolute Cumulative Limits<sup>36</sup> for net new shadow under Planning Code Section 295. The PEIR concluded that implementation of the Plan could result in significant and unavoidable shadow impacts because the feasibility of mitigation for potential new shadow impacts could not be determined. No mitigation measures were identified in the PEIR. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Transit Center District Plan approval on May 24, 2012.

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space areas under the jurisdiction of the Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The proposed project would not include new construction, as the scope of the project is limited to internal alterations to provide indoor day care facilities and the conversion of open space to outdoor day care play facilities. Thus the proposed project would not result in new shadow.

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<sup>35</sup> 26 miles per hour averaged from a single full hour of the year.

<sup>36</sup> The Absolute Cumulative Limit represents the maximum percentage of new shadow, expressed as a percentage of theoretical annual available sunlight. The theoretical annual available sunlight is the amount of sunlight, measured in square-foot-hours that would fall on a given park during the hours covered by Section 295 (one hour after sunrise through one hour before sunset).

Therefore, the proposed project would not result in new shadow on the project site or site vicinity. For this reason, the proposed project would not result in significant impacts related to shadow that were not identified in the Transit Center District Plan PEIR.

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

The Transit Center District Plan PEIR concluded that implementation of the Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Transit Center District Plan PEIR.

While the Transit Center District Plan PEIR concluded that implementation of the Plan would not require the construction or expansion of recreational facilities, the PEIR found that implementation of the Plan would result in the creation of new open space in the Plan area. Under the Transit Center District Plan, new development in the Plan area would be required to provide public and private open spaces in accordance with existing residential and non-residential Planning Code requirements for open space. In addition, the Transit Center District Plan includes the creation of a new five-acre “City Park” to be developed on top of the new Transit Center and new public space on the northeast corner of Howard and Second Streets.

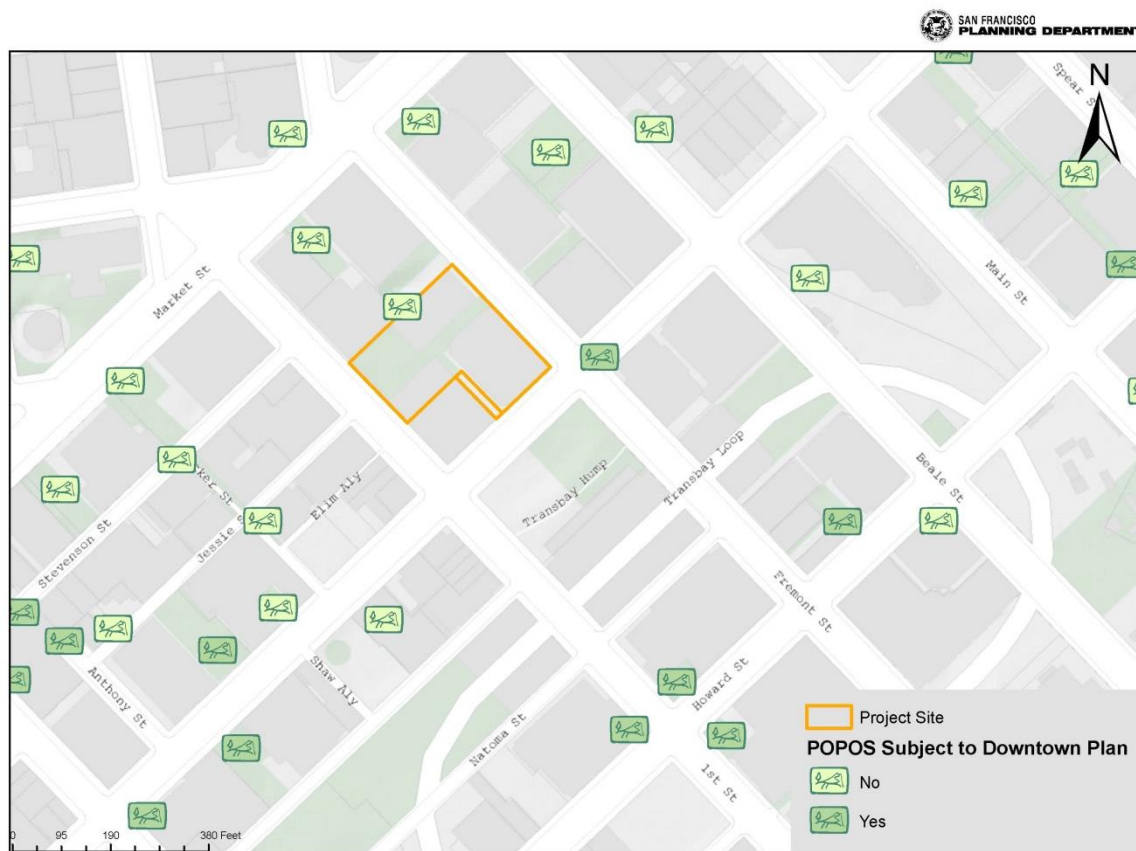
In 2000, the Planning Department, Recreation and Park Department, Mayor’s Office, and Neighborhoods Parks Council developed Open Space 2100, which evaluated open space needs for the City over a 100 year period. Open Space 2100 includes an update of the Recreation and Open Space Element (ROSE) of the General Plan, which was adopted in 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies high need areas within the Transit Center District Plan area for acquisition and renovation and the locations where proposed new open spaces and open space connections should be built, but does not identify project-specific enhancements within the Plan area. The amended ROSE also identifies the role of both the Better Streets Plan<sup>37</sup> and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the

<sup>37</sup> The San Francisco Better Streets Plan, adopted in 2010, describes a vision for the future of San Francisco’s pedestrian realm and calls for streets that work for all users.

street environment. The China Beach to Bay route (Route 2) is located within the Transit Center District Plan area. The amended ROSE discussed the scope and provision of Privately-Owned Public Open Spaces (POPOS) in the City. POPOS are publicly accessible spaces that are provided and maintained by private developers, and may include terraces, plazas, atriums, and landscaped gardens. ROSE Policy 2.12 directs the City to extend the POPOS requirement to mixed-use development and ensure their accessibility, functionality, and usability in order to strengthen and expand the program in the Downtown area and City wide.

The Transit Center District Plan PEIR identified approximately 31 existing, planned, and proposed public open space areas within the Plan area. The PEIR also identified existing POPOS in the area, including the open space on the project site. Multiple POPOS sites are currently located in the project site vicinity, with approximately ten of them within a one block radius of the project site (see **Figure 7**).

**Figure 7 – POPOS Locations in Project Vicinity**



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Printed: 17, December 2015

The proposed project would include the conversion of the pedestrian plaza and north-south portion of the pedestrian mall to outdoor play areas, for a total of approximately 8,900 square feet of existing publically-accessible private open space that would be converted to private uses. The proposed project would retain the approximately 250-foot long pedestrian mall that runs the width of the subject block, connecting Fremont Street to First Street and providing for continued activation of the network of public

streets and open spaces in the project site vicinity. The project sponsor proposes to provide public seating in this corridor, including along the perimeter of Play Area 2 that is adjacent to the pedestrian mall (see **Figure 7**).

The conversion of existing publically-accessible open space on the project site to private uses would result in a loss of open space in the Plan area and could increase the use of other nearby public and private open spaces. However, the provision of new open space resources due to the implementation of new development projects in the Plan area and access to the planned City Park would satisfy the increased demand such that existing resources would not experience overuse or accelerated physical deterioration. In addition, the amended ROSE calls for the expansion of POPOS throughout the City, including the within the Plan area, ensuring additional public open space resources. Based on the foregoing, the proposed project would not result in additional impacts on recreation beyond those analyzed in the Transit Center District Plan PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Transit Center District Plan PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, solid waste collection and disposal, and energy. No mitigation measures were identified in the PEIR.

The Transit Center District Plan FEIR concluded that development anticipated under the Plan would not exceed the wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board and would not require the construction of new wastewater/stormwater treatment facilities or expansion of existing ones. The proposed project is also within the projections considered in the San Francisco Public Utilities Commission’s 2010 *Urban Water Management Plan*, which incorporated the Planning Department’s 2009 growth projections inclusive of the Plan area.<sup>19</sup> The UWMP update includes City-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20 percent reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC’s water use reduction targets and a plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. In the SFPUC Water Shortage Allocation Plan, SFPUC determined that with additional local Water System Improvement Program (WSIP) supplies there would be sufficient water available to meet the existing and planned future water retail demand within San Francisco, inclusive of the growth projected for the Transit Center District Plan area. Therefore, water for the proposed project would be available from existing supplies and would not increase demand for water services that would exceed the capacity of the sewer collection system. Solid waste generated by project construction and operation would not cause the landfill to exceed its permitted capacity; and the project would be required to comply with City ordinances that require recycling and composting of most solid waste. Utilities and service systems would not be adversely affected by the proposed project, individually or cumulatively, and no significant impact would ensue.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City’s sewer and stormwater infrastructure to ensure a reliable and seismically safe system.

The proposed project includes the conversion of existing office and restaurant space into an indoor day care center and existing landscaped open space into outdoor play areas. As such, the proposed project would have sufficient water supply available from existing entitlements, and is not anticipated to result in additional demand on wastewater treatment, stormwater drainage facilities, water supply, and landfill capacity.

Therefore, there would be no additional impacts on utilities and service systems beyond those analyzed in the PEIR.

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



The Transit Center District Plan PEIR analyzed the growth projections for the Plan area and determined that impacts on public services would not be significant. No mitigation measures were identified in the PEIR.

The Transit Center District Plan PEIR found that the Plan would result in additional residential and office development that could result in increased demand for police and fire protection, emergency services, school facilities, and park use. However, the PEIR concluded that the demand on public services would not exceed the capacity of existing infrastructure and plan improvements in the Plan area. The proposed day care center would not increase the residential population and would minimally increase the worker population (approximately 30 people) in the Plan area. Thus, the proposed project would not increase demand for fire protection, police protection, or emergency medical services beyond that already identified in the Transit Center District Plan PEIR. Nor would the project necessitate the need for additional school facilities. As discussed in the Topic 9, Recreation, the proposed project would not result in significant impacts to parks or recreational facilities that are peculiar to the project or the project site.

As the proposed project is within the scope of the development projected under the Transit Center District Plan PEIR, there would be no additional impacts on public services beyond those analyzed in the PEIR.

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the Transit Center District Plan PEIR, the Plan area is not located within an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plans, and does not contain riparian habitat or wetlands.

The Transit Center District Plan area is in a developed urban environment that does not provide native natural habitat for any special-status species or plants. However, the PEIR found that special-status bird species may potentially use habitat, including trees, in the Plan area. Transit Center District Plan Area PEIR Mitigation Measure M-BI-1a Pre-Construction Bird Surveys addresses potential impacts to special-status bird species in the Plan area through the requirement for a pre-construction survey for nesting birds. PEIR Mitigation Measure M-BI-1b Pre-Construction Bat Surveys was identified to reduce potential impacts on special-status bats in the Plan area due to the removal of large trees or demolition of vacant or abandoned buildings. As the proposed project would involve removal of existing trees and other landscaping in the pedestrian plaza, construction activities undertaken for the proposed project has the potential to adversely impact special-status birds. Thus, PEIR Mitigation Measure M-BI-1a applies to the proposed project. While the project site contains some trees, it does not contain large trees with dense foliage that may provide habitat for bats.<sup>38</sup> Thus, PEIR Mitigation Measure M-BI-1b does not apply to the proposed project. The project sponsor has agreed to implement Mitigation Measure M-BI-1a as **Project Mitigation Measure 5** (full text provided in the Mitigation Measures section below). Implementation of PEIR Mitigation Measure M-BI-1a would reduce potential impacts such that no significant impacts not already analyzed in the PEIR would result. Implementation of this measure would also achieve compliance with the federal Migratory Bird Treaty Act and the California Fish and Game Code. Therefore, the proposed project does not have the potential to adversely impact special-status birds or other protected or endangered plant or animal species.

With implementation of **Project Mitigation Measure 5** the proposed project would not result in significant impacts to biological resources not identified in the Transit Center District Plan PEIR.

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<sup>38</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. Pages 556-557. 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.

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

The Transit Center District Plan PEIR concluded that implementation of the Plan would not result in significant adverse physical effects related to geology, soils, and seismicity. No mitigation measures were identified in the PEIR.

The project sponsor proposes to convert existing space on the first and second floors of the 50 Fremont Center to indoor facilities for the day care center. The proposed project would also convert the pedestrian plaza and north-south portion of the pedestrian mall to outdoor play areas, which would require approximately 37 cubic yards of soils disturbance. A podium structure lies beneath the 50 Fremont Center building, plaza, and approximately 592 gsf of the north-south portion of the mall. The proposed location of the outdoor play areas is primarily located over the podium. As such, the proposed project includes minimal earthwork and no structural changes to the 50 Fremont Center building.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI will review the project plans during its review of the building permit for the

project. Should DBI determine that a geotechnical report is warranted, it would request that information through the building permit application process, as needed. DBI’s review of the building permit application pursuant the Building Code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Transit Center District Plan PEIR, and no mitigation measures are necessary.

**Paleontological Resources**

The Transit Center District Plan PEIR did not identify any paleontological resources in the Plan area, as the area is primarily underlain with artificial fill, Dune Sand, and Marsh deposits in the Plan area. This is because fill and Dune Sand typically do not contain fossils and Marsh deposits, which are relatively young in age, are unlikely to yield rare or important fossils. Therefore, implementation of the proposed project would not result in a significant adverse impact on paleontological resources that was not previously identified in the Transit Center District Plan PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Transit Center District Plan PEIR found that implementation of the Plan would not result in any significant impacts on hydrology and water quality at the program-level. No mitigation measures were identified in the PEIR.

The project site is currently developed with the 50 Fremont Center building, 50 Fremont Garage, and a pedestrian plaza and mall. The proposed project would alter office and restaurant space on the first and second floors of 50 Fremont Center to accommodate an indoor day care center. The plaza and the north-south extension of the mall would be converted from existing open space to outdoor play areas. Thus the proposed project would not result in an increase in impervious surface. As a result, the proposed project would not increase stormwater runoff.

Therefore, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Transit Center District Plan PEIR.

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

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

The Transit Center District Plan PEIR identified less-than-significant impacts related to the routine transport, use, or disposal of hazardous materials, the potential for the Plan or subsequent development projects within the Plan area to interfere with an adopted emergency response plan, and the potential for subsequent projects to expose people or structures to a significant risk involving fires. The proposed project would not include uses requiring the routine transport of hazardous materials, would not interfere with an adopted emergency response plan, and would comply with all Building Code and Fire Code life safety requirements.

As discussed in the Transit Center District Plan PEIR, due to historic land uses and fill practices, documented soil contamination, and existing permitted hazardous materials use in the Plan area, there is high potential to encounter soil and groundwater contamination during construction activities undertaken as a result of implementation of the Transit Center District Plan. The PEIR also concluded that demolition and renovation of existing buildings in the Plan area could expose persons to hazardous building materials.

Transit Center District Plan PEIR Mitigation Measures M-Z-2a Site Assessment and Corrective Action for Sites Located Bayward of Historic Tide Lines, M-HZ-2b Site Assessment and Corrective Action for Projects Landward of the Historic High Tide, and M-HZ-2c Site Assessment and Corrective Action for all Sites were identified to address potential site contamination. PEIR Mitigation Measure M-HZ-3 Hazardous Building Materials Abatement addresses potentially hazardous building materials.

**Soil and Groundwater Contamination**

The project proposes excavation on the site, to a maximum depth of 2 feet below grade, in order to convert the north-south portion of the pedestrian mall and the pedestrian plaza to Play Areas 1 and 2, resulting in approximately 37 cubic yards of excavation. The majority of the disturbance, approximately

33.67 cubic yards, would take place over an existing podium structure. The remaining 3.33 cubic yards of excavation would occur in the roughly 805 square feet of proposed Play Area 1 not located over the podium.

The Transit Center District Plan PEIR concluded that implementation of the Plan would potentially result in significant impacts related to the handling of contaminated soils and groundwater. PEIR Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce these impacts to a less-than-significant level.

Subsequent to certification of the Transit Center District Plan PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process.

The Maher Ordinance, which is administered and overseen by DPH, requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit. The regulations and procedures set forth in by the Maher Ordinance would ensure that potential hazards to the public or environment from contaminated soil and/or groundwater would be less-than significant. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within the Transit Center District Plan area are subject to this ordinance. Projects that disturb less than 50 cubic yards of soil may also be subject to the Maher Ordinance if, after review of the Phase I ESA, it is determined that the potential exists for the project site to contain soil or groundwater contamination.

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Program Application to DPH<sup>39</sup> and has submitted a Phase I ESA for the project site.<sup>40</sup> Two prior Phase I ESAs that were prepared for the project site were also submitted.<sup>41,42</sup> The Phase I ESA for the subject property consisted of an examination of current conditions at the project site and adjacent properties, review of historical and present environmental activity on the site, review of pertinent government records and data, interviews with persons with knowledge of site operations, and an analysis of all findings.

The investigation found that three underground storage tanks (UST) associated with the project site were once located on the subject block: (1) two 6,000-gallon gasoline USTs beneath the sidewalk on First Street

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<sup>39</sup> Cristopher Dorman, *Maher Program Application, 50 Fremont Street, San Francisco, CA*, submitted February 26, 2016.

<sup>40</sup> Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment Report, 50 Fremont Center, 50 and 30 Fremont Street, 75 First Street, San Francisco, California 94105, Partner Project No. 14-126084.1*, October 24, 2014.

<sup>41</sup> Tetra Tech EM, Inc., *Phase I Environmental Site Assessment of 50 Fremont Street Plaza, 50 Fremont Street, San Francisco, California 94105, Project No. P2181.043*, November 9, 2004.

<sup>42</sup> Tetra Tech EM, Inc., *Phase I Environmental Site Assessment of 50 Fremont Street, San Francisco, California 94105, Project No. 103DP2181081.001*, March 19, 2008.

near the southwest perimeter of the subject property; and (2) one 6,000-gallon diesel UST beneath the sidewalk near the corner of Mission and Fremont Streets. Per the Phase I ESA and a UST closure report, the three USTs and related pipelines as well as contaminated soil and groundwater were removed from the site in accordance with DPH's Local Oversight Program.

The Maher Ordinance supersedes the site assessment and corrective action requirements of Transit Center District Plan PEIR Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c. As such, PEIR Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c do not apply to the proposed project. Pursuant to the Maher Ordinance, DPH will review the results of the Phase I ESA and determine if additional analysis is required. Should additional analysis reveal the presence of contaminated soil or groundwater, DPH would require the project sponsor to submit a Site Mitigation Plan and remediate any contamination in accordance with Article 22A of the Health Code. Thus, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

Therefore the proposed project would not result in significant impacts related to hazardous soil and/or groundwater that were not identified in the Transit Center District Plan PEIR.

### **Hazardous Building Materials**

The Transit Center District Plan PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition or renovation of a building, these materials would also require special disposal procedures. The Transit Center District Plan PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that PEIR Mitigation Measure M-HZ-3 Hazardous Building Materials Abatement would reduce effects to a less-than-significant level. The proposed project includes the renovation of two floors of 50 Fremont Center, which was constructed in 1985. The PEIR noted that hazardous building materials, such as asbestos, PCBs, and mercury-containing fluorescent lightbulbs, are typically found in structures built prior to 1980 as their use was phased out in the 1970s and lead-based paint was not commonly used after 1960. However, DEHP was used in fluorescent lightbulbs manufactured from 1979 through the early 1990s. Thus, the proposed project would be subject to PEIR Mitigation Measure M-HZ-3. The project sponsor has agreed to implement PEIR Mitigation Measure M-HZ-3 as **Project Mitigation Measure 6** (see full text in the Mitigation Measures section below).

In addition, the proposed project would not include uses requiring the routine transport of hazardous materials, would not interfere with an adopted emergency response plan, and would comply with all Building and Fire Code life safety requirements.

With implementation of **Project Mitigation Measure 6** the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Transit Center District Plan PEIR.



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

The PEIR determined that implementation of the Plan would not require dredging, quarrying, mining, or extraction of locally important mineral resources, or the depletion of any nonrenewable natural resources. Residential and commercial development under the Plan would not result in the use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Transit Center District Plan PEIR concluded that implementation of the Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of the development evaluated under the Transit Center District Plan, there would be no additional impacts on mineral and energy resources beyond those analyzed in the PEIR.

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Transit Center District Plan PEIR determined that no agricultural or forest resources exist in the Plan area; therefore the implementation of the Plan would have no effect on agricultural or forest resources. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of the development evaluated under the Transit Center District Plan there would be no additional impacts on agriculture and forest resources beyond those analyzed in the PEIR.

**MITIGATION MEASURES**

**Project Mitigation Measure 1: Archeological Resources (Implementing Mitigation Measure M-CP-1 of the TCDP PEIR):**

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.

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.

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 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.

Measures might include: preservation in situ of the archeological resource; an archeological 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.

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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound 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.

**Project Mitigation Measure 2: Construction Coordination (Implementing Mitigation Measure M-TR-9 of the TCDP PEIR):**

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:

- 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.
- Identify optimal truck routes to and from the project site to minimize impacts to traffic, transit, pedestrians, and bicyclists; and,
- Encourage construction workers to use transit when commuting to and from the project site, reducing the need for parking.

The sponsor shall also coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers 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.

**Project Mitigation Measure 3: General Construction Noise Control Measures (Implementing Mitigation Measure M-NO-2b of the TCDP PEIR):**

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:

- 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).
- 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.
- The project sponsor of a development project in the Plan area shall require the general contractor to use impact tools (e.g., 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.
- 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.
- 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) 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.

**Project Mitigation Measure 4: Cumulative Construction Noise Control Measures (Implementing Mitigation Measure M-C-NO of the TCDP PEIR):**

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 Mitigation Measure 5: Pre-Construction Bird Surveys (Implementing Mitigation Measure M-BI-1a of the TCDP PEIR):**

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 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.

**Project Mitigation Measure 6: Hazardous Building Materials Abatement (Implementing Mitigation Measure M-HZ-3 of the TCDP PEIR):**

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 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.

## **IMPROVEMENT MEASURES**

### **Project Improvement Measure 1: Day Care Center Drop-Off and Pick-up Management Program**

The project sponsor has agreed to 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:

- Notification to parents and guardians of day care center drop-off and pick-up management plan
- Enforcement program by staff of day care center drop-off and pick-up management
- Inventory log of transportation-related complaints
- Distribution of monitoring reports of the day care center drop-off and pick-up management
- Distribution of multimodal access guide to the day care center
- Bike racks and bike storage
- Coordinated walking or biking program
- Volunteer carpooling program
- Shared parking agreements with nearby parking facilities
- Commuter benefits program for staff

### **Project Improvement Measure 2: Identification of Health Risk Reduction Policies and Installation of an Enhanced Ventilation System**

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.