



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 10, 2012
CONSENT CALENDAR

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 3, 2012
Case No.: **2012.0150C**
Project Address: **870 HARRISON STREET**
Zoning: RSD (Residential/Service Mixed Used District)
40-X / 85-B Height and Bulk District
Youth and Family Special Use District
Block/Lot: 3752 / 019
Project Sponsor: Sean Sullivan, 870 Harrison Street, LLC
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

This authorization is to extend approval for a proposed project for three additional years. The proposed extension would be to June 18, 2015. The property is located within a Residential Service District (RSD) Zoning District, a 40-X/85-B Height and Bulk District, San Francisco's South of Market Area (SoMa), the Western SoMa Special Use District, and the Youth and Family Special Use District. No other changes to the project are proposed at this time. The proposed project, approved under Motion No. 17906 on June 18, 2009, is the demolition of an existing vacant two-story industrial building and new construction of a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and 2,324 square feet of Production Distribution and Repair (PDR) space and 16 parking spaces.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of Harrison Street, between 4th and 5th Streets, in San Francisco's South of Market neighborhood. The 5,844 square foot site (Block 3752, Lot 019) contains a 6,120 square foot, two-story industrial building. The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights. The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store. An associated surface parking lot is present. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, housing an automotive repair, office, and education uses. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street and Interstate 80 (I-80) freeway ramps. Looking at the larger context of the surrounding neighborhood, there are other residential buildings in the vicinity that are 65 feet or taller including two 10 story buildings on Clara Street behind the project site, an 8 story building at Clara Street and 4th Street, and a 5 story building on Shipley Street.

PROJECT BACKGROUND

On September 14, 2006, Sean Sullivan of 870 Harrison Street, LLC (Project Sponsor), filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and PDR space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26.

On June 18, 2009, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0430C, at which time the Commission reviewed and approved Motion No. 17906 with findings and conditions.

ENVIRONMENTAL REVIEW

The San Francisco Planning Department adopted the Amended Final Mitigated Negative Declaration for the Project as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 20, 2012	April 20, 2012	20 days
Posted Notice	20 days	April 20, 2012	April 20, 2012	20 days

Mailed Notice	20 days	April 20, 2012	April 19, 2012	21 days
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PUBLIC COMMENT

- The Department has received one phone call requesting information regarding the construction.

ISSUES AND OTHER CONSIDERATIONS

- According to Project Sponsor's agent, this project has been severely impacted by economic issues and market conditions caused by the economic recession. In the absence of the requested extension of time, the project cannot be built and San Francisco will lose 26 residential units, including 4 BMR units (17% of the total units), as well as 2,324 square feet of PDR space.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Planning Commission must grant Conditional Use authorization pursuant to Planning Code Section 303 to extend the performance period to June 18, 2015.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The Project creates 26 new dwelling units and approximately 2,324 gross square feet of PDR space as an appropriate infill development within an established urban area.
- The dwelling unit mix addresses the need for two bedroom units as 8 of the total units are two bedroom units.
- The Project will provide its required affordable housing on-site at a ratio of 17%.
- The Project design is of high quality and compliments the existing structures along Harrison Street.
- The proposed Project replaces the entire ground floor with PDR space excluding the area used for circulation and the at grade rear yard.
- The proposed Project is consistent with the Western SoMa Special Use District planning process.

RECOMMENDATION: Approval with Conditions
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ATTACHMENT CHECKLIST

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> Motion No. 17906 |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

Exhibits above marked with an "X" are included in this packet

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Inclusionary Housing (Sec. 315) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |
| <input type="checkbox"/> Market & Octavia Fee (Sec. 326) | |

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303 OF THE PLANNING CODE TO EXTEND THE TIME PERIOD TO CONSTRUCT THE PROJECT APPROVED UNDER MOTION NO. 17906 FOR AN ADDITIONAL THREE YEARS TO JUNE 18, 2015.

PREAMBLE

On February 16, 2012, David Silverman, on behalf of 870 Harrison Street, LLC (hereinafter “Project Sponsor”), filed Application No. 2012.0150C (hereinafter “Application”) with the Planning Department (hereinafter “Department”) under Planning Code Sections 303 to extend the time to construct the project approved under Motion No. 17906 for a three-year period to June 18, 2015.

On May 10, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0150C.

PROJECT BACKGROUND

On September 14, 2006, Sean Sullivan of 870 Harrison Street, LLC (Project Sponsor), filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-

use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.

On June 18, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0430C, at which time the Commission reviewed and approved Motion No. 17906 with findings and conditions.

The San Francisco Planning Department (hereinafter "Department") adopted the Amended Final Mitigated Negative Declaration (hereinafter "FMND") for the Project as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

The Planning Department, Linda Avery, is the custodian of records, and they are located in the File for Case No.2006.0430 at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0150C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Harrison Street, between 4th and 5th Streets, in San Francisco's South of Market neighborhood. The 5,844 square foot site (Block 3752, Lot 019) contains a 6,120 square foot, two-story industrial building. The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights. The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep.

3. **Surrounding Properties and Neighborhood.** The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store. An associated surface parking lot is present. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, housing an automotive repair, office, and education uses. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street and Interstate 80 (I-80) freeway ramps. Looking at the larger context of the surrounding neighborhood, there are other residential buildings in the vicinity that are 65 feet or taller including two 10 story buildings on Clara Street behind the project site, an 8 story building at Clara Street and 4th Street, and a 5 story building on Shipley Street.
4. **Project Description.** This authorization is to extend approval for a proposed project for three additional years. The proposed extension would be to June 18, 2015. The property is located within a Residential Service District (RSD) Zoning District, a 40-X/85-B Height and Bulk District, San Francisco's South of Market Area (SoMa), the Western SoMa Special Use District, and the Youth and Family Special Use District. No other changes to the project are proposed at this time. The proposed project, approved under Motion No. 17906, is the demolition of an existing vacant two-story industrial building and new construction of a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and the construction a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26.
5. **Public Comment.** The Department has received one phone call requesting information regarding the construction.
6. **Planning Code Compliance – RSD Zoning District:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Height.** In the 40-X/85-B Height and Bulk District height exemptions above the 40 foot base height to a maximum of 85 feet may be approved in accordance with the Conditional Use procedures and criteria provided in Section 303 and the following criteria and conditions pursuant to Planning Code Section 263.11:

The Project is proposing a height of 65 feet.

1. Reduction of Shadows on Certain Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space

A Shadow Study prepared by Adam Noble for the Project indicates that the Project will cast a shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space. The attached Shadow Analysis Memo examines these shadow impacts as well as impacts on adjacent residential properties identified in Section 263.11(b)(2) and recommends the Planning Commission find that the impacts are not adverse. See attached Shadow Analysis Memo.

2. Reduction of Ground Level Wind Currents

The Amended Final Mitigated Negative Declaration adopted June 15, 2009 concluded that the Proposed Project would have a less than significant effect on wind patterns in the Project area.

3. Construction of Live/Work Units Above the 40 Foot Base Height Limit

No Live/Work units are proposed in the project.

4. Affordability

The Project Sponsor is proposing 4 on site Below Market Rate (BMR) units, equaling 17% of the total number of units. The minimum requirement for this project under former Planning Code Section 315 (now Planning Code Section 415) is 3 BMR units, equaling 12% of the total number of units. The Project Sponsor is providing 4 on site BMR units in accord with Planning Department recommendation to require Project Sponsors with projects filed prior to July 18, 2006 to provide BMR units equal to 17% of total units for projects seeking Conditional Use authorization under this Planning Code Section.

- B. **Bulk.** In the 40-X/85-B Height and Bulk District, buildings taller than 40 feet must comply with the 'B' bulk controls per Planning Code Section 270 which limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The Project is proposing a structure of 65 feet in height, exceeding the height limit of 40 feet under the 40-X Height and Bulk District and triggering the bulk limitations under the 'B' Bulk District. The 'B' Bulk District limits the maximum length of a structure to 110 feet and the maximum diagonal dimension to 125 feet. The Project is proposing a structure with a length of 63.75 feet and a diagonal dimension of approximately 94 feet.

- C. **Residential Density.** Planning Code Section 815.03 limits residential density to 1 dwelling unit per 200 square feet of lot area for projects less than 40 feet in height. For projects above 40 feet in height, density is to be determined as part of the Conditional Use authorization process.

The Project proposes 26 dwelling units in a 65 foot structure on a 5,844 square foot lot, resulting in a density of 1 dwelling unit per 225 square feet of lot area. The Project proposal is less dense than what Section 815.03 allows for projects less than 40 feet in height.

- D. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134 requires a rear yard of 25% of lot depth at the lowest level containing a dwelling unit for RSD Zoning Districts.

The Proposed Project provides a 21.25 foot rear yard at grade. The proposed rear yard complies both with Planning Code Section 134 and Planning Commission Resolution 17707 policy regarding rear yards at grade in the Western Soma SUD.

- E. **Usable Open Space.** Usable open space is required for dwelling units in all zoning districts. Planning Code Section 135(d) requires 36 square feet of open space per unit if private and 48 square feet per unit if common for projects in the RSD.

The proposal includes one roof deck and an accessible rear yard at grade. The project meets the criterion for common usable open space as it provides 2,865 square feet of usable open space, far in excess of the minimum required 936 square feet.

- F. **Off-Street Parking.** Planning Code Section 151 allows a maximum of one off-street parking space per four dwelling units in the RSD District.

Seven off-street parking spaces are required under Planning Code Section 151. The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement garage. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). The Project Sponsor is seeking Conditional Use to construct a Residential Community Automobile Parking Garage pursuant to Planning Code Section 815.26.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that every dwelling unit in every use district is required to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All units in the Project face either Harrison Street, or the code complying rear yard.

- H. **Inclusionary Housing.** Projects proposing 5 or more dwelling units are required to comply with the inclusionary housing ordinance set forth in former Planning Code Section 315 (now Planning Code Section 415). The specific requirement depends upon the entitlements being sought, the date the required applications were filed, and whether the Below-Market-Rate (BMR) units are being provided on-site or off-site or through the payment of an in-lieu fee.

The on-site BMR unit requirement under former Planning Code Section 315 (now Planning Code Section 415) is 12% as the first development application was submitted prior to July 18, 2006 and the

project is seeking Conditional Use authorization. For the Proposed Project the minimum requirement would be 3 BMR units. The Project Sponsor is proposing 4 BMR units (17%) to meet the requirements under Planning Code Section 263.11 as well as the Department recommendation regarding Conditional Use authorization under Planning Code Section 263.11.

- I. **Street Trees.** Section 143 requires a minimum of one street tree for each 20 feet of frontage along a street or alley.

The Proposed Project is required to provide 3 street trees along the Harrison Street frontage. The Project proposes 4 street trees, in excess of the minimum requirement.

- J. **Shadow.** Planning Code Section 295 prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

A Shadow Analysis was conducted based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The Analysis indicated that there is no shadow impact from the subject property on any property protected by the Ordinance.

- K. **Bicycle Parking.** Planning Code Section 155.2 requires private garages to provide at least six bicycle parking spaces, regardless of the size of the garage. Planning Code Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units.

The Project includes a private garage with 16 off-street parking spaces and 26 dwelling units. The Proposed Project provides 15 bicycle parking spaces in the basement garage that are accessible through the residential lobby on Harrison Street and garage entrance on Harrison Street. This exceeds the required 13 bicycle parking spaces.

7. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it creates 26 new dwelling units and approximately 2,650 gross square feet of PDR space as an infill development within an established urban area. The dwelling unit mix addresses the need for two bedroom units as 8, or 31%, of the total units are two bedroom units. Providing 5 stories of residential units above the ground floor PDR uses is generally compatible with the surrounding uses and the building's mass and scale are also in general harmony with the residential buildings in the immediate vicinity. The Proposed Project will provide its required affordable housing on-site, will provide PDR opportunities for the immediate neighborhood and will create pedestrian-oriented streetscapes along Harrison Street, all amounting to a desirable development for the area.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project's mixed use location lends to the appropriateness of a 5 story mixed used development. The Project's scale is consistent with buildings in the immediate vicinity. The structure is situated on the front of the lot so as to provide the open area facing the existing midblock open space pattern, thereby contributing to access to light, air and views to and from the site.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will provide 16 off-street parking spaces in the basement garage. This amount is at a ratio of 0.5 off-street parking spaces per dwelling unit. The project minimizes the number of curb cuts to two 10 foot curb cuts on Harrison Street and eliminates the existing 40 foot wide curb cut on Harrison Street, thereby addressing concerns of pedestrian/automobile impacts upon Harrison Street.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project includes residential dwelling units and ground floor PDR units, which are not anticipated to generate any noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project provides an adequate mix of private and common usable open spaces and will address lighting and signage issues in an attractive manner. No loading areas are required or provided. A total of 4 street trees will be located along the Harrison Street frontage, softening the pedestrian experience and adding an integral "green" improvement.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code or is seeking Conditional Use authorization and is consistent with objectives and policies of the General Plan as detailed below.

- 9. **Parking Exceeding Accessory Amounts.** Pursuant to Planning Code Section 157, in considering any application for Conditional Use authorization for parking where the amount of parking exceeds the amount classified as accessory parking in Planning Code Section 204.5, the Planning Commission shall apply the following criteria, in addition to those stated in Planning Code Section 303(c):

- A. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). This is an amount that is necessary for the Proposed Project given the existing transit infrastructure and urban fabric in the vicinity. The existing transit, while present but not in overwhelming amounts, is less accessible than in other central city locations due to the lengths of street blocks in the South of Market Area, creating a situation where transit users would travel greater distances than their counterparts in other central city locations. Furthermore, a project had been recently approved in the area with additional parking at the request of neighborhood residents.

- B. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.

The Proposed Project will provide two of the proposed 16 off-street parking spaces as voluntary car share spaces.

- C. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

No unnecessary demolition of sound structures is proposed. Owing in part to an off-street parking to dwelling unit ratio of less than 1, contribution to traffic congestion is not expected. Disruption of or conflict with transit service is not anticipated.

- D. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

The off-street parking is proposed to serve the residents of the 26 dwelling units in the Proposed Project and the PDR space on the ground floor. The nature of the car share programs is to allow for short term use by members of the organization.

- E. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

The off-street parking is proposed to serve the residents of the 26 dwelling units and the PDR space on the ground floor. Any off-street parking not used by the residents can be made available to the general public and the car share spaces are also available for use by members of the car share program.

10. **Western Soma Planning Process.** Early in the application process, the project sponsor met individually with representatives of the Western Soma Task Force. Initial concerns raised included formula retail controls, affordable units, parking, height limit, air quality in relation to the proximity to the freeway, at grade rear yard, and design. Additionally, the project sponsor held a Community Outreach Meeting combined with the Soma Leadership Council in April 2007 to address concerns by the neighbors and council members.

11. **Resolution No. 17707.** On October 2, 2008, the Planning Commission adopted Resolution No. 17707, modifying the existing PDR loss and replacement policies for the Western Soma SUD and clarifying the 1:1 replacement policies throughout the greater Eastern Neighborhood Plan Areas. Additionally, the policy allows for minor reductions to the required PDR replacement when reductions result in a 25% of lot depth rear yard at grade. The proposed project is generally consistent with this policy as it replaces the entire ground floor with PDR space excluding the area used for circulation and the at grade rear yard.

12. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING

Objectives and Policies – 2004 Housing Element

Housing Supply

OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Proposed Project seeks to develop 26 dwelling units on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. There are a number of residential and commercial/light industrial uses surrounding the project site; however in general the area is transitioning toward having more residential uses.

Housing Affordability

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Choice

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project is in the immediate vicinity of the Gene Friend/SOMA Recreation Center, the Victoria Manalo Draves Park and seven Muni bus lines. The Project itself will provide a generous amount of open space as well as the 2,650 gross square feet of PDR space that can serve the immediate neighborhood.

Regional and State Housing Needs

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Proposed Project will site 26 dwelling units on an infill site within an established neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation and commercial/retail locations.

RECREATION AND OPEN SPACE

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Proposed Project will provide private usable outdoor open space in the form of private decks, a rooftop deck, and a common rear yard at grade.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Proposed Project includes the addition of 4 street trees along Harrison Streets. While there are no existing pedestrian-oriented building frontages to preserve, the Project will replace a two story industrial building with a large front setback with new pedestrian-oriented building frontages on each street.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.4:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The Proposed Project will provide 16 off-street parking spaces. The Proposed Project is served by the following several MUNI lines.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. The Proposed Project blends well with the immediate area as it is of comparable height and displays a contemporary architectural style. The massing generally compliments the bulk and scale of newly constructed residential buildings in the vicinity, with a ground floor commercial component.

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project site is currently vacant, underutilized and provides little benefit to the surrounding neighborhood. The Project is a mixed-use development that includes 2,650 gross square feet of ground floor PDR space that can house neighborhood serving uses. Additionally, the 26 dwelling units will house new neighborhood residents to patronize existing commercial establishments in the area.

SOUTH OF MARKET AREA PLAN

Objectives and Policies

Business Activity

OBJECTIVE 1:

PROTECT EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETAIL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES AND FACILITATE THEIR EXPANSION.

Policy 1.4:

Provide sufficient land and building area to accommodate the reasonable growth and expansion of the South of Market's diverse economic activities.

Policy 1.5:

Locate uses in areas according to a generalized land use plan shown on Map 2. The proposed generalized land use plan shown on Map 2 would carry out the foregoing policies and the housing policies below and would establish coherent land use districts accommodating existing activities as well as facilitating the growth of new, compatible activities.

The Proposed Project is a mixed-use development comparable to other residential and mixed use structures along Harrison Street. The site is located in an area that the generalized land use map outlines as suitable for residential and PDR uses.

Residential Activity

OBJECTIVE 3:

ENCOURAGE THE DEVELOPMENT OF NEW HOUSING, PARTICULARLY AFFORDABLE HOUSING.

Policy 3.1:

Increase the supply of housing without adversely affecting the scale, density, and architectural character of existing residential or mixed use neighborhoods or displacing light industrial and/or business service activities.

Policy 3.4:

Encourage high density, predominantly residential mixed-use development on vacant parcels between Stevenson, Harrison, Sixth and Fourth Streets.

The Proposed Project will add 26 dwelling units and 2,650 gross square feet of commercial space on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. Surrounding the project site are a number of residential and commercial/light industrial uses. The Proposed Project will display a contemporary architectural design style. The site is within the area bounded by Stevenson, Harrison, Sixth and Fourth Streets.

13. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No retail uses exist on the property. The Proposed Project will provide 2,650 gross square feet of PDR space that can serve as neighborhood retail and that can enhance opportunities for resident employment.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Proposed Project does not remove any existing housing. Its uses, size, scale, and design are consistent with the surrounding neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this project. The Proposed Project will create 4 on-site affordable dwelling units.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is proposing off-street parking in amounts prescribed within the current zoning district. There are several MUNI lines that all have stops or run within one block of the Proposed Project. It is presumable that the employees of the PDR space will commute by transit thereby mitigating possible impacts on street parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Proposed Project will not displace or negatively affect any currently active service or industry establishment.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Proposed Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings occupy the Proposed Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Proposed Project will have no negative impact on existing parks and public open spaces as demonstrated by the shadow fan analysis conducted.

14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
15. Findings under the California Environmental Quality Act (CEQA).
- A. The Planning Department finalized the Amended Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department (Department) in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.
- B. The Planning Commission hereby adopts the FMND and finds the project will not have a significant impact on the environment with the adoption of the mitigation measures.
- C. In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31, the Department and the Planning Commission have reviewed and considered the information contained in the FMND and all information pertaining to the project in the Department's case file.
- D. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.
- E. The proposed Project as reflected in Application No. 2006.0430C is consistent with the project as described in the FMND and would not result in any significant impacts not identified in the FMND nor cause significant effects identified in the FMND to be substantially more severe.
16. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FMND and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
17. Potential Environmental Impacts Mitigated To Less Than Significant. With the implementation of the mitigation measures required in Exhibit C, environmental impacts to archeological resources and testing, construction noise and pile driving, hazards and contaminated soil, hazardous building materials, and paleontological resources resulting from the Project would be reduced to a less than significant level as described in the FMND.

18. The Commission finds that granting authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0150C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17855. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 10, 2012.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 10, 2012

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Planning Code Section 303 to extend the performance period to June 18, 2015. The original proposal, which has not been changed, is the demolition of an existing vacant two-story industrial building and new construction of a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and the construction a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. All previous Conditions of Approval under Motion No. 17906 would remain and are attached as Exhibit C.

GENERAL CONDITIONS

1. Performance. This authorization is valid until June 18, 2015. Any subsequent request to modify the project or performance period beyond June 18, 2015 shall be subject to provisions of the Planning Code in force at the time such application is submitted.
2. Recordation. Prior to the issuance of any building or site permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
3. The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be kept free of graffiti and postings.



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: April 15, 2009; amended on May 22, 2009
Case No.: 2006.0430E
Project Title: 870 Harrison Street
Zoning: RSD (Residential/Service Mixed Use) Zoning District
 40-X/85-B Height and Bulk District
Block/Lot: 3752/019
Lot Size: 5,844 square feet
Project Sponsor: Sean Sullivan, 870 Harrison Street, LLC
 (415) 621-2281
Lead Agency: San Francisco Planning Department
Staff Contact: Jessica Range – (415) 575-9018
 jessica.range@sfgov.org

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

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The proposed project, located at 870 Harrison Street (Assessor's Block 3752, Lot 019), would demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use Production Distribution and Repair (PDR) and residential building. The approximately 26,385-square-foot building would provide either 4,050 square feet of ground-floor PDR space, or approximately 2,560 square feet of PDR space to accommodate a 25 percent rear yard at the ground floor. The project also includes a subterranean parking garage with 12 residential parking spaces, one commercial parking space, one van-accessible parking space, two car share parking spaces, and eight bicycle spaces. The second through sixth floors would contain 26 residential dwelling units, including 18 one-bedroom units and eight two-bedroom units, ranging in size from 535 to 870 square feet. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa planning area. The project site is within the Residential Service District (RSD) and a 40-X/85-B height and bulk district.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See pages 81 to 86.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.



 BILL WYCKO
 Environmental Review Officer



 Date of Adoption of Final Mitigated Negative
 Declaration

cc: Sean Sullivan, Project Sponsor
 David Silverman, Project Attorney
 Erika Jackson, SE Quadrant Planner
 Supervisor Chris Daly, District 6,

Board of Supervisors
 Sue Hestor, Attorney At Law
 Master Decision File
 Bulletin Board

2006.0430E

500P.0430E

Initial Study

Case No. 2006.0430E- 870 Harrison Street

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Initial Study

Case No. 2006.0430E- 870 Harrison Street

A. PROJECT DESCRIPTION

The project site (Assessor's Block 3752, Lot 019) is located in San Francisco's South of Market (SoMa) Neighborhood and in the Western SoMa planning area, at 870 Harrison Street, on the north¹ side of the street and about 220 feet east of the intersection with Fifth Street (see Figure 1, page 2). In addition to Fifth Street (to the west) and Fourth Street (to the east), the project block is bounded by Clara Street to the north and Harrison Street to the south. The approximately 5,844-square-foot (0.13 acre) project site contains a two-story industrial building, which previously operated a custom photography laboratory and a small customer parking lot at the front of the site. The approximately 25.9-foot-tall structure contains about 6,120 square feet (sq.ft.) of production, distribution, and repair (PDR) space including accessory office space (approximately 4,352 sq. ft. of PDR space and 1,773 sq.ft. of accessory office space).

The proposed project would demolish the existing two-story industrial building (the occupants have already relocated) and construct a six-story, 65-foot-tall mixed-use PDR and residential building (see Figures 2 through 8, pages 3 through 9). The approximately 26,385-square-foot (-sq.ft.) building would provide either 4,050 sq.ft. of ground-floor PDR space, or approximately 2,560 sq.ft. of PDR space to accommodate a 25-percent rear yard at the ground floor pursuant to Resolution 17707.² The project also includes a subterranean parking garage with 12 residential parking spaces, one commercial parking space, one van-accessible parking space, two car share spaces, and eight bicycle spaces. The second through sixth floors would contain 26 residential dwelling units, including 18 one-bedroom units and eight two-bedroom units, ranging in size from 535 to 870 sq.ft.

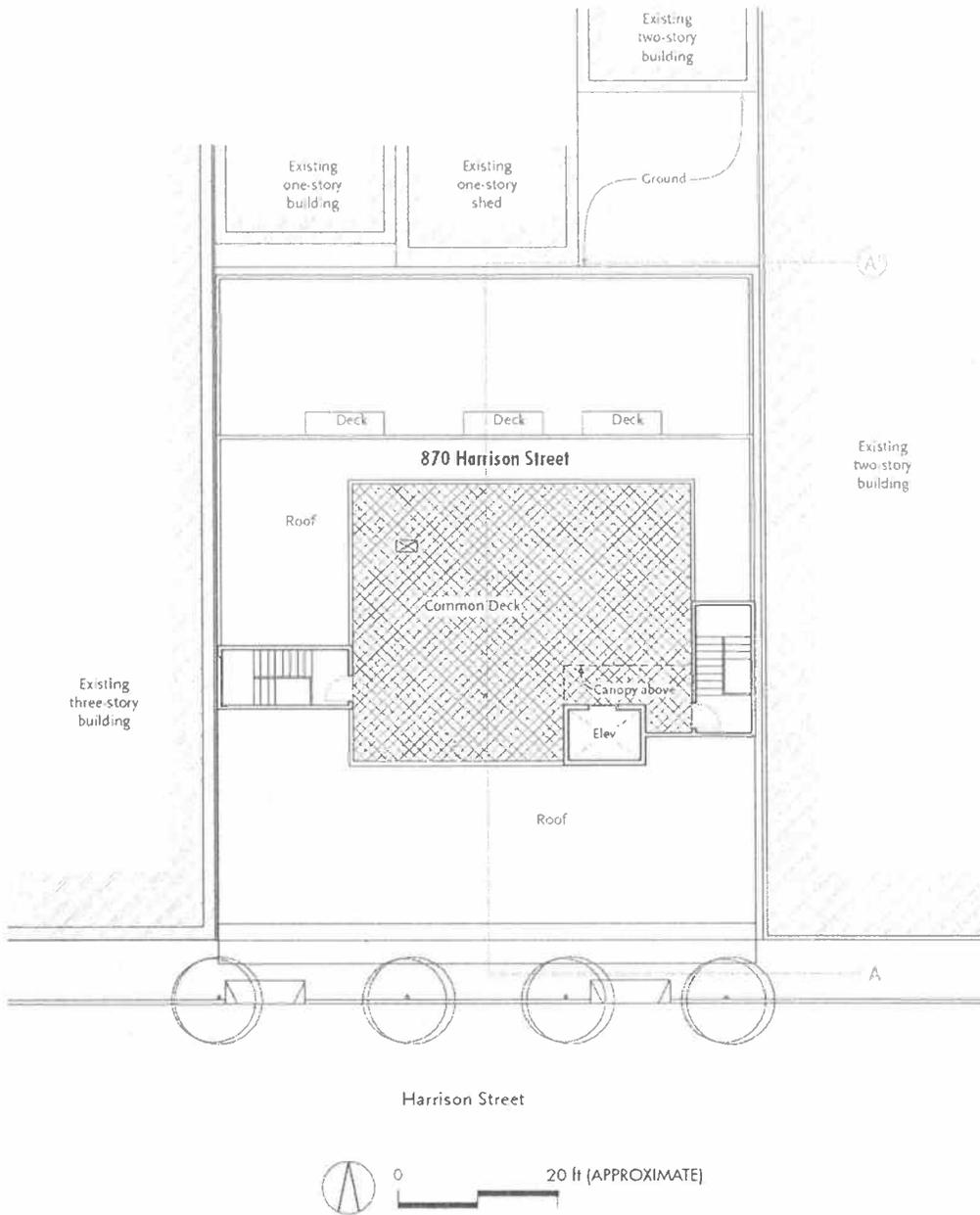
¹ For ease of reference throughout this document, the northeast/southwest alignment of Harrison Street is assumed to run in an east/west direction, and all other compass reference points are adjusted accordingly. Thus, while the project site is located on the northwest side of Harrison Street, it is described as being on the north side of Harrison. All other reference points have been similarly simplified.

² On October 2, 2008, the Planning Commission adopted Resolution 17707, modifying the PDR loss and replacement policies in western SoMa. Resolution 17707 allows for reduced PDR replacement requirements if 25 percent of the lot depth is dedicated to an at-grade rear yard. Resolution 17707 also extends the applicability of these policies until finalization of new zoning controls for the west SoMa Special Use District (SUD).



Source: During Associates
8/21/07

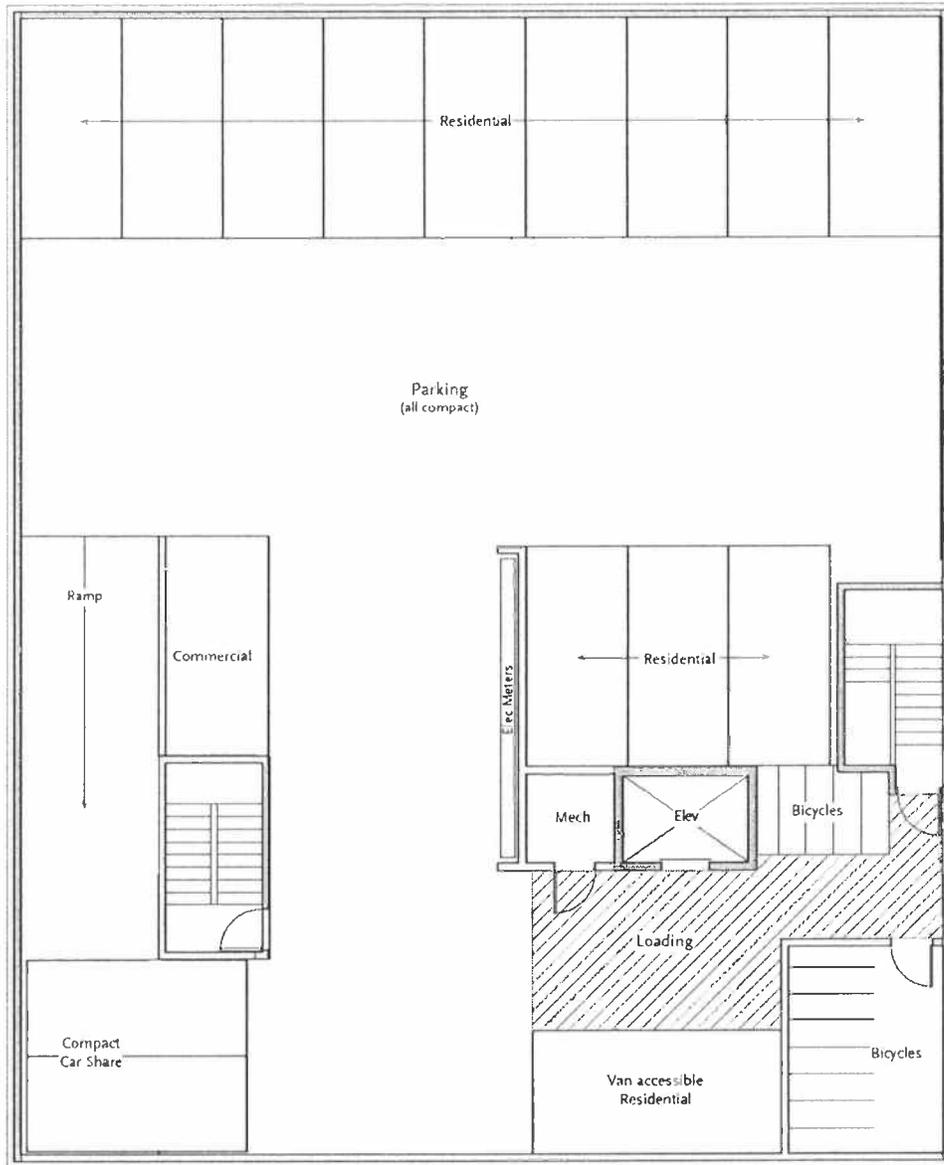
Proposed Project Location Figure 1



Source: Leavitt Architecture

4-2 (b)

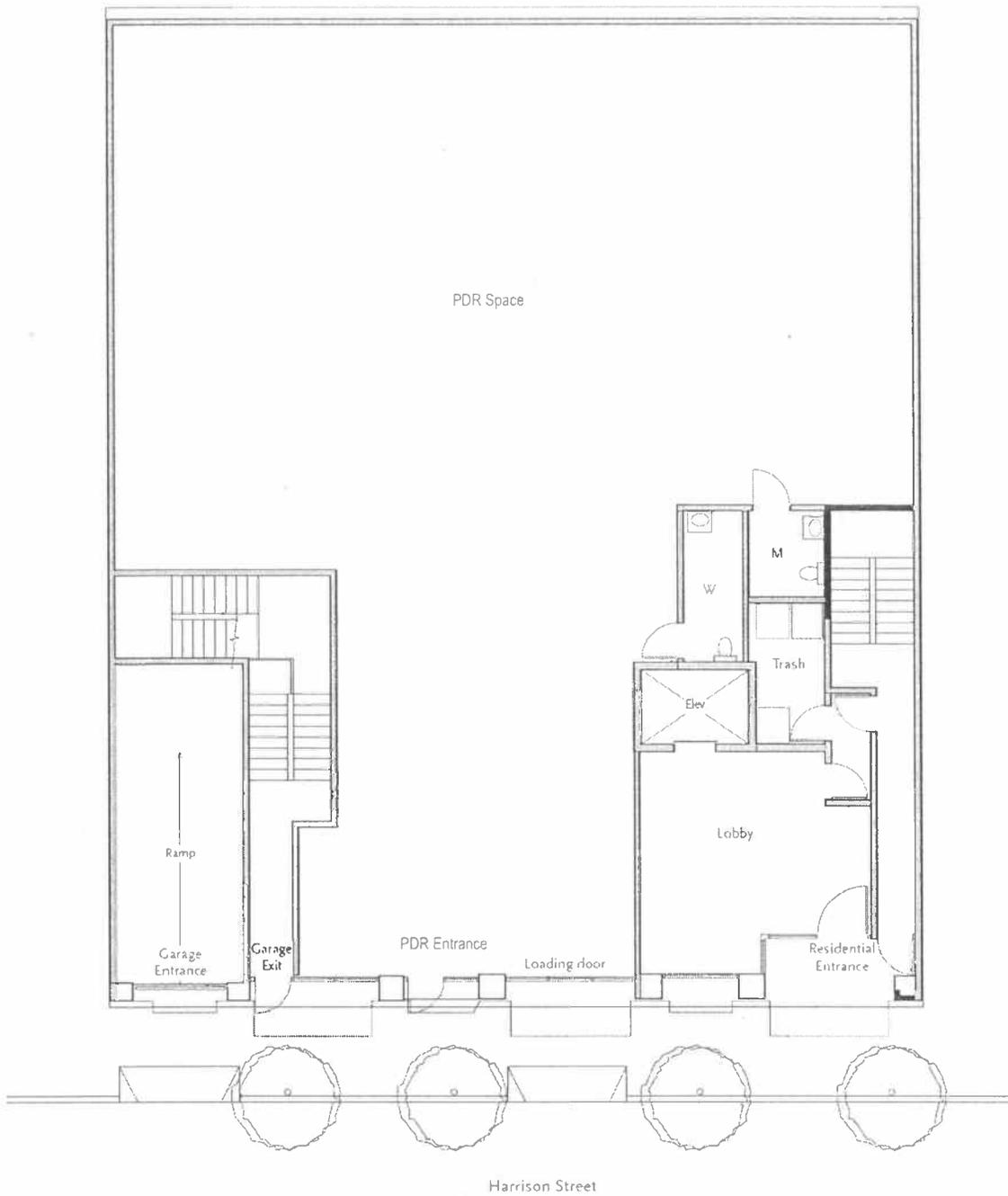
Proposed Site Plan Figure 2



Source: Leavitt Architecture

4-2-09

Proposed Basement Parking Plan Figure 3

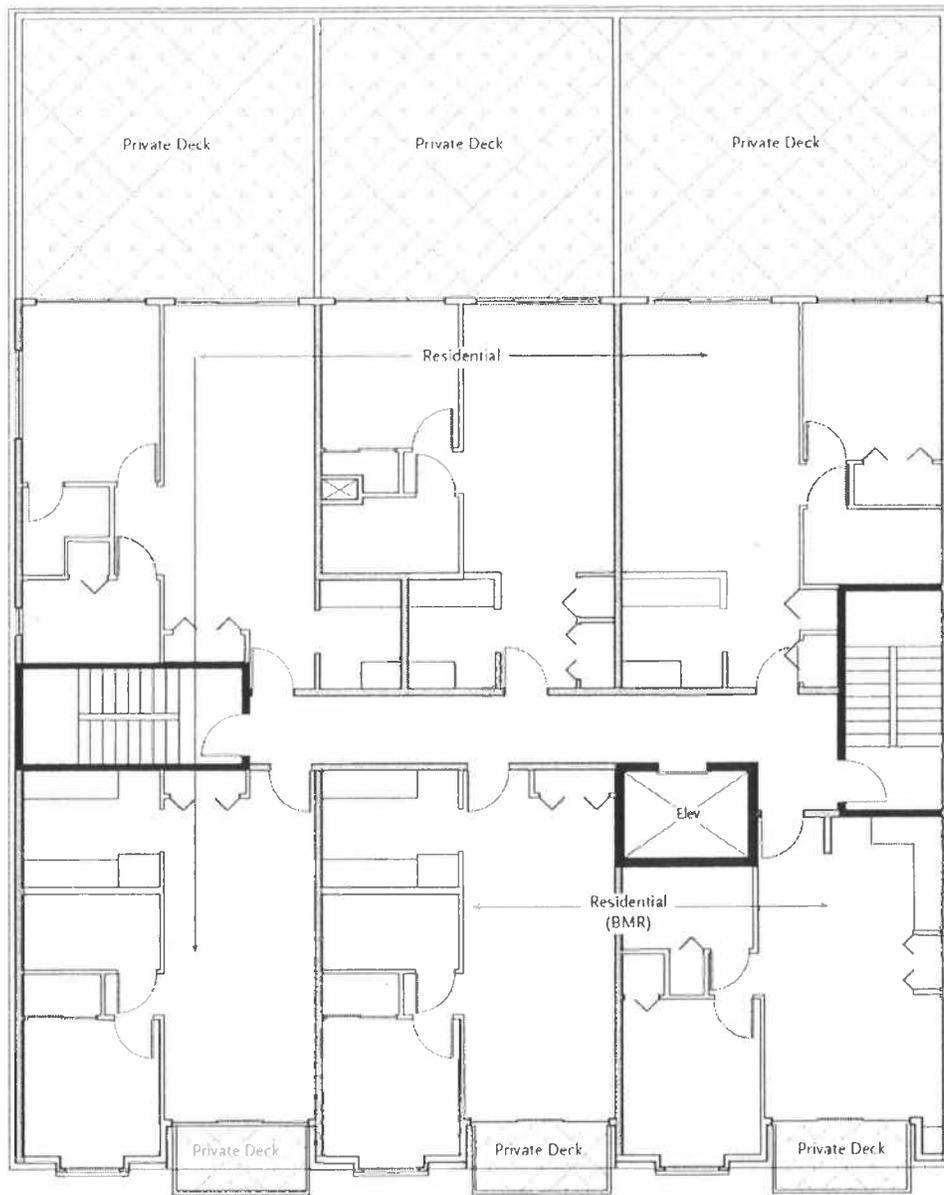


Note: Proposed ground floor plan, as shown above, is for a proposed 1 FAR of PDR on the ground floor. If a 25% rear yard is accommodated, the ground-floor PDR space would be reduced.

Source: Leavitt Architecture

4-2-09

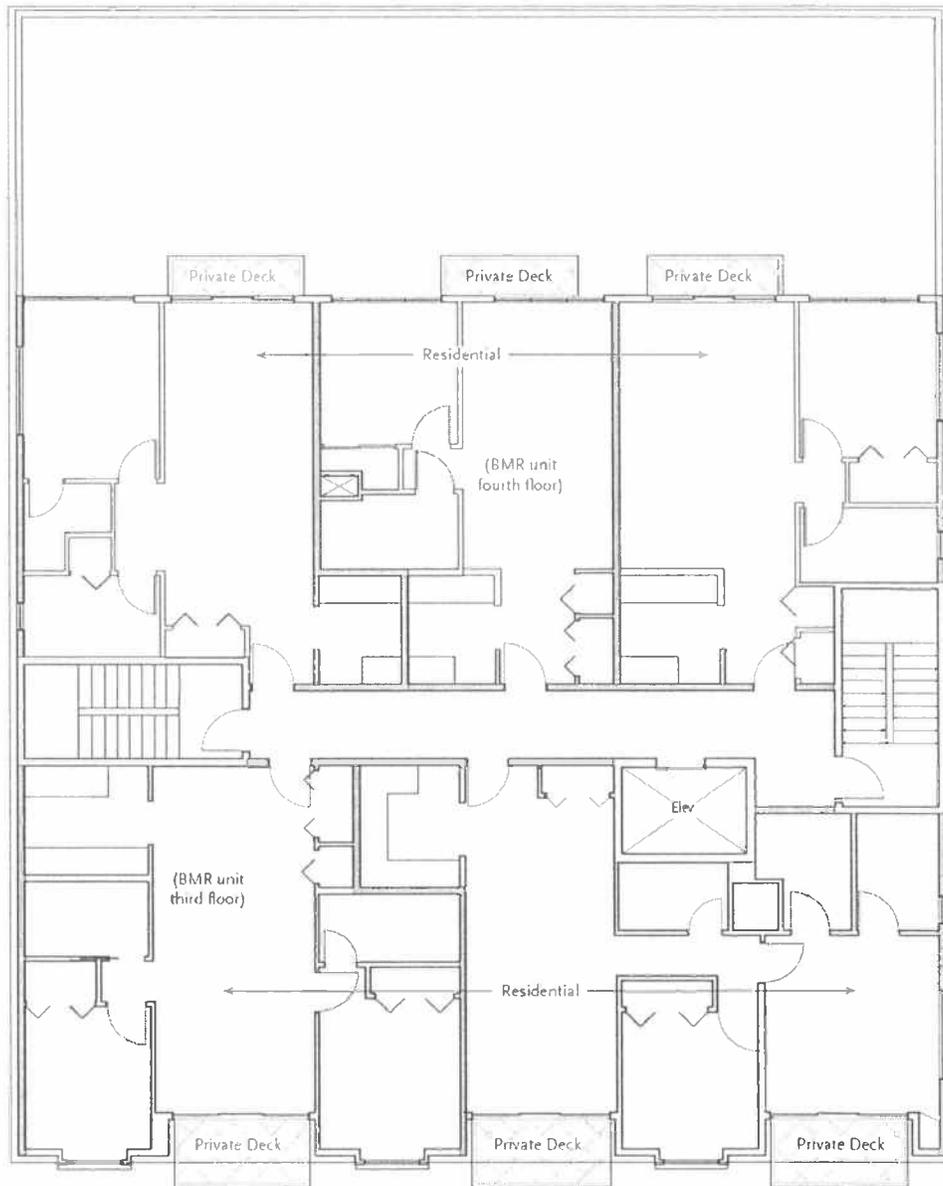
Proposed Ground Floor Plan Figure 4



Source: Leavitt Architecture

4.2.09

Proposed Residential Floor Plan — Level 2 Figure 5



Note: One BMR unit is proposed on the third and fourth floors.

Source: Leavitt Architecture

1.2.09

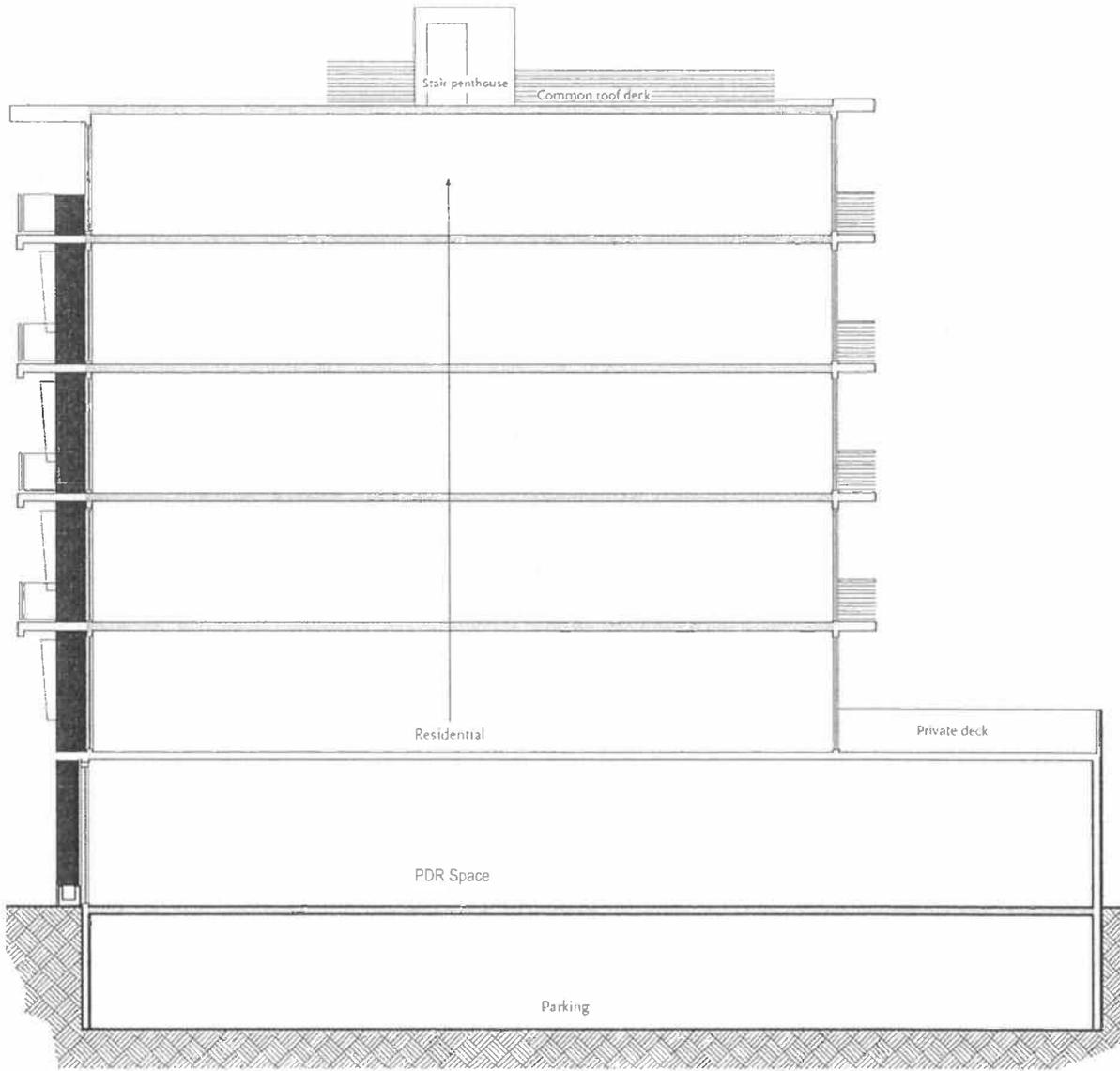
Proposed Residential Floor Plan—Levels Three to Six Figure 6



Source: Leavitt Architecture

1-2-09

Proposed Harrison Street Elevation Figure 7



0 10 ft (APPROXIMATE)

Note: Proposed section plan, as shown above, is for a proposed 1 FAR of PDR on the ground floor. If a 25 percent rear yard is accommodated, the ground-floor PDR space would be reduced and residential units on Floor 2 would have balconies resembling those of Floors 3-6.

Source: Leavitt Architecture

4-2-09

Proposed Project Section A-A* Figure 8

* Cross section location A-A' shown on Figure 2 - Proposed Site Plan

Section 268.11 of the *San Francisco Planning Code (Planning Code)* requires increased affordability above that required by the Inclusionary Housing Ordinance (Section 315.4 of the *Planning Code*). According to Section 268.11, the project would be required to provide 17 percent of the proposed units, or four units, at below market rate (BMR). A ten-inch concrete slab would separate the ground-floor PDR use from the residential use above, and create a noise barrier between the two.

Planning Code Section 135 requires 1,248 sq.ft. of usable open space if provided in common. The proposed project would provide 1,405 sq.ft. of common usable open space on a rooftop deck, and would therefore meet the Code requirement. Three second-floor dwelling units may also have private balconies that meet the minimum dimensions to count towards usable open space and the other 23 units may have private balconies that would not meet minimum dimensions specified in Section 135 to count toward usable open space. If a 25-percent rear yard is pursued at the ground level, the rear yard would provide an additional 1,461 sq.ft. (25 percent of 5,844 sq.ft.) of common usable open space, reduce the PDR use in the project from 4,050 sq.ft. to 2,560 sq.ft., and eliminate the 1,341 sq.ft. of private usable open space proposed on the second floor (these units would instead have private balconies like the other 23 units, which would not count toward usable open space totals). Whether the project eliminates the private decks and provides additional rear-yard open space at the ground floor or not, the total open space provided by the proposed project would meet the open space requirement as set forth in Section 135 by providing the rooftop deck.

All pedestrian and vehicular access to the proposed building would be from Harrison Street. As currently proposed, the main pedestrian entrance to the residential lobby would be on the right (east) side of the building frontage, in a recessed entryway. At the side of this recessed entry would be a door to a hallway providing stairway access to the upper residential floors. The lobby would provide elevator access to the upper floors and rooftop deck. A pedestrian and a vehicle loading entrance for the ground-floor PDR space would be located near the center of the Harrison Street frontage. Vehicular access to the internal parking garage would be located on the left (west) side of the building frontage. Between the internal parking garage entrance and the PDR space would be a second entry door that would provide pedestrian access to the parking garage in the rear portion of the building as well as a secondary stairway leading to the residential floors. Four street trees would be planted at about 20-foot intervals along the Harrison Street frontage.

If approved, construction of the proposed project would be estimated to occur over approximately 18 months. The project sponsor is 870 Harrison Street, LLC and the project architect is Leavitt Architecture.

Approvals Required

Conditional Use authorization would be required for the proposed project. Within the RSD (Residential/Service Mixed Use) zoning district in which the project is located, a Conditional Use authorization is required for building heights above 40 feet and also to establish residential density limits

for buildings over 40 feet in height. The project sponsor would also seek a Conditional Use authorization for providing parking spaces in excess of the number permitted. The project sponsor would also seek a determination from the Zoning Administrator for an exception to shadow impacts under Section 263.11 of the *Planning Code*. The proposed project would require further review and approval by the Department of Building Inspection (DBI) for demolition and building permits and by the Department of Public Works (DPW) and Department of Parking and Traffic (DPT) for any work within the public right-of-way, including sidewalks.

B. PROJECT SETTING

The project site is located on the north side of Harrison Street, on the block bounded by Clara Street to the north, Harrison Street to the south, Fourth Street to the east, and Fifth Street to the west, in the heart of San Francisco's South of Market neighborhood (see Figure 1)³. The 5,844-sq.ft. site (Block 3752, Lot 019) contains a 6,120-sq.ft., two-story industrial building. The site is located within an RSD (Residential/Service Mixed Use) zoning district and is within a 40-X/85-B height and bulk district (40-foot base height to 85-foot height limit; maximum length of 110 feet and maximum diagonal dimension of 125 feet for buildings above 50 feet).

The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights.

The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep. Situated at approximately 10 feet above mean sea level (msl), the topography in the project vicinity is relatively flat, with gentle upward slopes toward the east, north, and, more distantly, the west. Rincon Hill, with a peak elevation of approximately 111 feet above msl, is located about 3,500 feet northeast of the project site.

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, duplexes, triplexes, and some live/work developments. (See Section E-1. Land Use and Land Use Planning, for a more detailed description of surrounding land uses).

³ The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width. In areas of the City historically developed as moderate and high-density residential and commercial environments, the block pattern is much smaller, with many alternate and redundant paths of travels, service alleys, and public mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks further into smaller increments.

On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store and associated surface parking lot. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, including 1½-story buildings housing an automotive repair facility at 846 Harrison Street and the Club Sportiva classic car club at 840 Harrison Street. A two-story building at 836 Harrison is occupied by office uses. Approximately one-third of the block is occupied by the Filipino Education Center at 820 Harrison Street. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street. This two-story building and the associated parking lot are the only uses on the block on the south side of Harrison Street; vacant triangular lots defined by Interstate 80 (I-80) freeway ramps occupy both ends of the block.

Dominant buildings on neighboring blocks include the eight-story, 160-unit Avalon Yerba Buena apartments one block to the east at 788 Harrison Street. The ground floor of this building is occupied by a large Whole Foods grocery store and parking garage fronting on Fourth Street (399 Fourth Street). Two 10-story towers at 133 Shipley Street, two blocks to the northeast, house 220 units of studio and one-bedroom apartments for seniors. One block north of this building is a 10-story office building at 832 Folsom Street. On the northeast corner of Folsom Street and Fourth Street is the Yerba Buena Gardens, occupying the entire block defined by Folsom, Howard, Third, and Fourth Streets. The Yerba Buena Gardens development includes public gardens, the Zeum art and technology museum, an ice skating rink, bowling alley, carousel, and restaurants. The Moscone Convention Center, Yerba Buena Center for the Arts, and Sony Metreon entertainment center occupy the block to the north of the Yerba Buena Gardens. The nearest significant building of architectural, historical, and aesthetic importance, as listed in Article 11 of the *Planning Code* is Dettner's Printing at 835 Howard Street, a Category II building located six blocks northwest of the project site.⁴

⁴ Category II buildings are rated "Significant," and are unlike Category I buildings (which are also rated "Significant") in that, because of their depth and relationship to other structures, it may be possible to add different and higher replacement structures or additions to height at the rear of the structure without affecting their architectural quality or relationship to the environment.

C. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

San Francisco Planning Code and Zoning

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

The project site is located within an RSD (Residential/Service Mixed Use) zoning district and a 40-X/85-B height and bulk district. RSD districts are intended to facilitate the development of high-density, mid-rise housing, including residential hotels, while also encouraging the expansion of retail, business service, commercial, and cultural arts activities. The RSD districts serve as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the low-scale, predominantly service/industrial area west of Sixth Street.

The proposed residential project would be compatible with land uses and zoning in the community. The proposed 26 dwelling units on the approximately 5,844-sq.ft. site would be within the nominal allowable residential density of one dwelling unit for every 200 sq.ft. of lot area (the proposed project’s 26 units would yield a residential density of about one unit for every 225 sq.ft. of lot area). The proposed PDR use would have a density of 0.69:1 floor area ratio (FAR), which would be well within the allowable density of 1.8:1 FAR in the RSD district. If a 25-percent rear yard is pursued, the PDR uses would be reduced, and the project would remain within the allowable density. Seven parking spaces would be required in the RSD district for the residential component of the proposed project, and four additional spaces would be allowed as accessory uses (Section 204.5(c)). Because the project would include 14 parking spaces, the project sponsor would seek a Conditional Use authorization for providing additional parking spaces in accordance with Section 157 of the *Planning Code*. (The two car share spaces do not count toward the number of parking spaces principally permitted under the *Planning Code*, nor toward the total sought under Conditional Use authorization.)

The 40-X/85-B height and bulk designation limit buildings to a base height of 40 feet, with a maximum height of 85 feet permitted on specific lots stipulated in Section 263.11(b)(2) of the *Planning Code*, subject to a Conditional Use authorization. The project site is located on Lot 19 of Assessor's Block 3752, which is included in the lots listed in Section 263.11(b)(2). With a proposed height of 65 feet, the project would therefore require Conditional Use authorization for a proposed height above 40 feet. Section 263.11 stipulates stronger standards for approval of height increases over 40 feet than required for other locations with similar height and bulk zoning, specifically with regard to shadow and wind, with which the project would comply. The wind and shadow sections of this document address these requirements.

The 40-X/85-B height and bulk district also limit building mass to 110 feet in length and 125 feet on the diagonal for the portions of buildings above 50 feet. The proposed project would be well within these bulk limits.

The proposed project, with open space either at the second floor or at the ground floor, would comply with the rear yard and open space requirements applicable to the RSD district.

The proposed project, as new infill housing, would be within the existing scale of development in the area. The proposed project would provide four BMR units, and would therefore comply with the *Planning Code* affordability requirements of this zoning district as dictated by Section 263.11.

The proposed project would require further review and approval by the DBI for demolition and building permits and by the DPW and DPT for any work within the public right-of-way, including sidewalks.

Community Planning in West SoMa

The project site is located in the West South of Market Area (West SoMa), which was originally included within the Eastern Neighborhoods Rezoning area. The City has studied its industrially zoned areas a part of the Eastern Neighborhoods Rezoning and Area Plans in order to determine, in part, how much of the City's industrially zoned land should be retained for the future, how much industrial land can be converted to other uses, where those areas should be mapped and what types of zoning controls can best accomplish those goals. In February of 2003, the Planning Department published a *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Rezoning Options Workbook)*, which considered a variety of rezoning options for the Eastern Neighborhoods, ranging from Zoning Option A, which would preserve the greatest amount of existing industrially zoned land, to Zoning Option C, which would preserve the least amount of industrially zoned land and create more mixed-use and housing zones in the Eastern Neighborhoods. Zoning Option B is in between Zoning Options A and C, in terms of the amount of existing industrial land preserved and the amount of land converted to mixed-use and housing.

The Planning Department commissioned a supply and demand study for PDR uses within the Eastern Neighborhoods, including West SoMa (EPS Study).⁵ This study analyzed and forecast whether there would be sufficient industrially zoned land under the rezoning options presented in the Eastern Neighborhoods Plan Areas and within West SoMa. At the time of publication of the *Rezoning Options Workbook*, the Eastern Neighborhoods boundary included West SoMa. However, West SoMa was removed from the Eastern Neighborhoods Planning process in November 2004 when the Board of Supervisors established a citizens' task force to conduct a comprehensive community-based planning process and advise the Board of Supervisors and Planning Commission on planning for Western SoMa prior to enactment of any new controls for the planning area.

Until a West SoMa Plan is adopted by the Planning Commission and the Board of Supervisors, portions of West SoMa, including the project site, are subject to Resolution 17658 (amended by Resolution 17707), "Interim Policy for Development in the Eastern Neighborhoods and West SoMa," clarifying the treatment of PDR in the Eastern Neighborhoods and West SoMa, as amended October 2, 2008. According to Resolutions 17658 and 17707, the project site is within a one-to-one PDR replacement area:

'ONE-TO-ONE' AREAS. Within (1) the Housing/Mixed Use and the Housing/PDR Overlays as set forth in Resolution 16727, and (2) the Mixed Use Housing Zone within the Western South of Market and Central Waterfront as set forth in Resolution 16202: All projects should include a one-to-one replacement (based on gross square footage) of any existing enclosed PDR uses which would be removed as a result of a project. Replacement PDR space should be functionally equivalent to the space which it replaces, as determined by Department Staff. Equivalency may include but is not limited to ceiling heights, loading access, column spacing, and utility service;

and

When complying with the Planning Commission PDR Loss and Replacement Policy requirements in the Western SoMa SUD, allowances for minor reductions to the required PDR replacement should be permitted when the reductions are tied to and result in the required 25 percent of lot depth dedicated to at grade rear yards.

Based on the requirements of Resolutions 17658 and 17707, the project site would be required to provide a one-to-one replacement of PDR. The existing building on site is approximately 6,120 square-feet over two stories. The existing ground floor, used as PDR space, is approximately 4,352 square feet with 1,773 square feet of accessory office space on the second floor. The project proposes either 4,050 sq.ft. of PDR space on the ground floor, or approximately 2,560 sq.ft. of PDR space on the ground floor and a 25-

⁵ Economic Planning Systems, Inc, prepared for the San Francisco Planning Department, *Supply and Demand Study for Production Distribution and Repair (PDR) in San Francisco's Eastern Neighborhoods*, April 15, 2005. This document is currently available online at the Planning Department's website at: <http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/14158FinRpt1.pdf>.

percent ground-floor rear yard. The Planning Department's neighborhood planning division has determined that the project would meet the requirements of Resolutions 17658 and 17707.⁶

The Western SoMa planning area is adjacent to the larger Eastern Neighborhoods planning areas, and is governed by a separate planning process. Under the Draft West SoMa Plan (for citizen's review, dated August 14, 2008), Harrison Street would be designated a major "Regional Street" and "Truck Route" through the neighborhood. Given the street designation, the plan is anticipated to recommend that no residential units be located in the first 15 feet of building height and that the 15-foot ground floor be designated for nonresidential uses. In order to accommodate this 15-foot first floor the West SoMa Citizen's Planning Task Force (Task Force) is recommending modifications to the height maps to make this a 55-foot height district. The proposed project's first floor is 12 feet 6 inches, and the proposed project would be 65 feet in height; therefore it would not conform to these anticipated design guidelines if they were implemented. The project also would not conform to the West SoMa proposed residential unit mix, proposed usable open space, and parking requirements. (It should be noted that the West SoMa parking requirements could be met by Conditional Use authorization). Should the project include a rear yard equal to 25 percent of the lot depth, the project would comply with the proposed rear yard requirements. The Task Force anticipates encouraging upper-level residential with ground-floor neighborhood-serving retail and office on major streets north of Harrison Street. The Planning Department and the Task Force are currently discussing Design Control recommendations for the West SoMa Special Use District (SUD), and additional design recommendations will be made in the future.

The proposed project would not impact the City's ability to implement the Draft West SoMa Plan. The West SoMa community planning process has not yet resulted in a formal proposal for *Planning Code* amendments, and because none have been adopted, it is likely that the Draft West SoMa plan will undergo multiple revisions and many modifications during the planning process.

Plans and Policies

San Francisco General Plan

The *San Francisco General Plan* provides general policies and objectives to guide land use decisions. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues would be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of this process would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These

⁶ Erika Jackson, Neighborhood Planner for the 870 Harrison Street Project (Case No. 2006.0430).

policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity'); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in Section E, Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the proposed project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Regional Plans and Policies

The five principal regional planning agencies and their policy plans that guide planning in the nine-county Bay Area include (1) the Association for Bay Area Governments' *A Land Use Policy Framework and Projections 2005*, (2) the Bay Area Air Quality Management District's (BAAQMD's) *Clean Air Plan (CAP)* and *Bay Area 2005 Ozone Strategy*, (3) the Metropolitan Transportation Commission's *Regional Transportation Plan (RTP) – Transportation 2030*, (4) the San Francisco Regional Water Quality Control Board's (RWQCB's) *San Francisco Basin Plan*, and (5) the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Due to the size and nature of the proposed project, there would be no anticipated conflicts with regional plans.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

- | | | |
|---|--|---|
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Air Quality | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Wind and Shadow | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mineral/Energy Resources |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services | <input type="checkbox"/> Agricultural Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Mandatory Findings of Signif. |

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the Initial Study Environmental Evaluation Checklist have been checked either "Not Applicable," "No Impact," "Less Than Significant," or "Less Than Significant with Mitigation Incorporated." These categories indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect in relation to these items. For checklist items checked other than "Not Applicable," the Initial Study discusses that particular issue. For all of the items checked "Not Applicable," the conclusions regarding potential significant adverse environmental effects are based on field observation, staff, and consultant experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Department's *Transportation Guidelines for Environmental Review*, or the California Natural Diversity Database and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered both the individual and cumulative impacts of the proposed project.

E-1. Land Use and Land Use Planning

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is located in San Francisco's South of Market neighborhood, approximately seven blocks (approximately 2,700 feet) east of the Civic Center, and four blocks (approximately 1,500 feet) south of the Moscone Convention Center. It is on the north side of Harrison Street, on the block bound by Clara Street on the north, Fourth Street on the east, Harrison Street on the south, and Fifth Street on the west (Assessor's Block 3752, Lot 19). The project parcel and adjacent parcels are located within an RSD (Residential/Service Mixed Use) zoning district and a 40-X/85-B height and bulk district. A large consolidated area of RSD parcels extends to the north and west of the project site. Surrounding zoning districts in the project area include Service/Light Industrial (SLI) south of Harrison Street, mixed with Public (P) districts associated with the Interstate 80 freeway right-of-way (a school near the east end of the project block is also within a P district); Light Industrial (M-1) districts to the east along Fourth Street; and Downtown Support (C-3-S) districts associated with Moscone Convention Center and neighboring blocks. Surrounding height and bulk districts include 30-X to the south, 40-X and 50-X to the west, 80-K to the east, and 340-I to the northeast. The nearest special use districts (SUDs) are the Fourth and Freelon Streets SUD, about two blocks to the southeast, and the C-3-S (SU) SUD (also called "Downtown Support SUD"), about five blocks to the north. The project site is within the West SoMa Special Use District, which established the West SoMa Citizen's Task Force, as previously discussed.

Land uses in the South of Market neighborhood around the project site generally consist of one- to three-story buildings with commercial and office uses on the major streets and one- to five-story residential buildings on smaller-scale streets, including multi-unit apartment and condominium buildings, duplexes, triplexes, and some live/work developments. Commercial uses in the vicinity include a broad range of automotive repair and service facilities, convenience markets and larger food stores, restaurants, martial arts centers, graphics firms, and a variety of other miscellaneous uses. Although the number of office buildings in the area is limited, those that are present tend to be small two- and three-story buildings with no exterior identification of the office uses housed within.

As described in Section B, Project Setting, the project block is quite heterogeneous, with land uses that include a Filipino school, Teamsters headquarters, classic car club, bulk food store, martial arts center, donut shop, men's clothing store, gun shop, office buildings, and a few residences (on Clara Street). Neighboring blocks to the north exhibit more diversity in height and scale, but are more homogeneous in use, dominated by residential uses. The block immediately north is almost entirely residential, with the exception of a small motorcycle repair shop at 162 Clara Street, a small metal works shop at 173 Shipley Street, and a community center and senior activities center at 360 Fourth Street operated by the Salvation Army. The block is dominated by two 10-story residential towers housing the Salvation Army Silvercrest Senior Residence, at 133 Shipley Street. The remainder of the block is developed with predominantly two-story residential buildings. Two four-story buildings occupy the west end of the block, each housing 34 condominium units.

The next block north is dominated by a large five-story building fronting on Folsom Street and occupying nearly half of the block. This building houses 220 apartment units, along with ground-floor retail uses including an insurance agent, cellular telephone store, and art gallery. Another five-story building,

recently constructed and also fronting on Folsom Street but extending to the back of the block on Shipley Street, contains 80 apartment units. Other uses on this block include an auto repair facility, rock-and-roll poster store, delicatessen, French restaurant, paint store, food delivery service, and the Society of California Pioneers museum and library.

The block west of the project site and fronting Harrison Street is interspersed with more residential and office uses, while providing numerous automotive-related businesses, a small motel, an antique furniture store, wine club and tasting bar, restaurant, and other commercial uses. Although two-story buildings dominate the block, there are several large buildings, including a five-story, 15-unit apartment or condominium building and the five-story, 49-unit Harrison Court live/work development. Small parcels dominate the block to the north; they are mostly developed with residential uses, along with some small workshops. Additional land uses in the project vicinity are described in Section B, Project Setting.

Land use impacts of projects are considered to be significant if the proposed project would divide or disrupt the physical arrangement of an established community, conflict with applicable land use plans, policies, or regulations adopted for the purpose of mitigating an environmental effect, or substantially and adversely change the vicinity's existing land use character.

Community Division

The proposed project would demolish an existing building on the project site, but would not encroach into neighboring parcels or interfere with the continued use of these properties. The proposed project would be constructed within the existing lot boundaries, would not interfere with or change the existing street plan, and would not impede the passage of persons or vehicles. All access to the proposed project would be from the front of the proposed building on Harrison Street. The surrounding uses and activities described above would remain in place and would interrelate with each other as they do at present. The proposed project would, therefore, not disrupt or divide the physical arrangement of the existing community.

Conflict with Plans and Regulations Adopted for the Purpose of Mitigating an Environmental Effect

The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) above, would be consistent with other local plans, policies and code requirements as they related to environmental effects. Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Land Use Character

The proposed change of land use from the existing retail photo lab to the proposed mixed-use residential/PDR building would not introduce a new or incompatible land use to the area. As discussed above, the South of Market neighborhood in this location contains a mixture of residential, commercial,

office, and light industrial development. The proposed uses (residential and PDR) are principally permitted within the RSD zoning district. The proposed residential land use and intensity would therefore, be consistent with other residential structures and the mixture of land uses present in the project vicinity.

The proposed project would increase the scale and massing of development on the site from a two-story building set back from the front property line to a six-story building that would extend to the front property line. Although the proposed building would be the tallest building on the block, it would be consistent with the five- to ten-story buildings located on the adjacent blocks to the north, east, and west. Furthermore, the proposed building height would be consistent with the controls of the 40-X/85-B height and bulk district limitations as outlined in the *Planning Code*.

Considering the above, the proposed project's change of land uses and intensity on the project site would not substantially change or adversely affect the character of surrounding land uses and would therefore, not be considered a significant impact. If a 25-percent rear yard is pursued for the project, the resulting PDR space within the proposed project would be slightly reduced, and the mid-block open space would be enhanced.

Conclusion

The proposed project would change land use on the project site from PDR to residential and PDR, but would not physically divide an established community, conflict with land use plans adopted for the purpose of mitigating an environmental effect, or substantially and adversely alter the land use character of the vicinity. In the context of the overall development in the South of Market area, the proposed project, as discussed above and under Section C. Compatibility with Zoning, Plans and Policies, would result in a less-than-significant individual and cumulative land use impact.

E-2. Aesthetics

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Design and aesthetics are by definition subjective, and open to interpretation by decision makers and members of the public. This section evaluates how the proposed project design relates to the surrounding visual character, heights and building types, and its potential to obstruct public scenic views or vistas and increase light and glare. The proposed project’s building design and aesthetics would be considered by the Planning Department and Planning Commission as part of the project review, a process separate from the environmental review. Under CEQA, a proposed project would be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change.

Scenic Vistas and Views

Physical elements, such as buildings and structures define lines of sight and view corridors. Some of San Francisco’s view corridors, particularly those along its numerous hills, yield spectacular views of the San Francisco Bay. Due to the flat topography and interior location of the project vicinity, scenic vistas and views from adjacent streets and sidewalks are for the most part limited due to surrounding buildings, billboards, and other urban development. However, the slopes of Twin Peaks are visible to the west when viewing down Harrison Street from the south side of the street, opposite the project site; these slopes are largely obscured when viewing west from the project site. Views to the east are also more expansive from the south side of Harrison Street, whence two support towers of the Bay Bridge are visible in the distance. However, even this more expansive view is limited to a distance of about five blocks, as the elevations along Harrison Street rise around First Street, obscuring views beyond this point. Viewing east from in front of the project site, the view is constrained to buildings flanking Harrison Street, with a high-rise building under construction at First Street visible in the distance. Construction of the proposed project would have no effect on the existing views along Harrison Street toward the east and west.

Due to the site’s midblock location, the project would have no potential to affect views along the Fourth and Fifth Street corridors. The Fifth Street view corridor to the north is terminated by buildings along Market Street, about five blocks to the north, although taller buildings further north punctuate the skyline. Closer in, the view north along Fifth Street is dominated by the roadway flanked by a variety of urban development, with buildings ranging from two to four stories. The view south along Harrison Street is essentially delimited by the Interstate 80 elevated freeway, with restricted views of the roadway and flanking urban development only partially visible beyond. Views north and south along Fourth Street in the vicinity of Harrison Street are similar to those described for Fifth Street. They consist of the roadways, auto traffic using the roadways, and surrounding urban development. Viewing north, the five-story Sony Metreon is evident, due to the open nature of the block to the south of the Sony Metreon,

occupied by Yerba Buena Gardens. Further in the distance, the Marriott Hotel and other high-rise buildings are also visible. From views south along Fourth Street, more urban development is visible beyond I-80 than is the case from Fifth Street, due to the greater height of buildings located south of the freeway.

A project would have a significant effect on scenic vistas if it would substantially degrade important public view corridors and/or obstruct scenic views from public areas viewable by a substantial number of people. The proposed project would raise the height of built development on the project site from two stories to six stories, an increase of approximately 36 feet. Although this would introduce the only six-story building on the project block, it would have minimal effect on publicly accessible views, none of which could be construed as scenic. The greatest visual change from a public area would be the view from Interstate 80, available only briefly to passing motorists. At the point where the new six-story building punctuates the airspace above the block, views to the north would be momentarily foreshortened. Near-distance views to the north are already limited by four- to ten-story residential buildings located on the two blocks north of the project site. Because the project building would be less than 70 feet wide, the effect on views to the north from the freeway would be noticeable, but would not represent a substantial degradation in the existing view; therefore the proposed project would have a less-than-significant impact on scenic views by passing motorists. Pedestrian views from sidewalks along Harrison Street would be more sustained than those afforded to passing freeway motorists but, due to the lower elevation of the vantage points, such views are already constrained by the buildings located along Harrison Street. Implementation of the project would therefore not have a significant effect on pedestrian views.

Views, or portions of views, of the skyline or other buildings in the area, from some nearby private lots looking over the existing site would be altered by the demolition of the existing two-story building and the construction in its place of a six-story building. The proposed project would be visible from some multi-unit residential buildings located north of the project. Although the changed private views for some nearby residents would be an unavoidable consequence of the proposed project and may be an undesirable change for some individuals, given the dense urban setting and the existing presence of many four- and five-story buildings in the project vicinity, the change in private views would not be considered significant.

Scenic Resources

Scenic resources include trees, rock outcroppings, and other features of the built or natural environment that contributes to a scenic public setting.

The existing two-story industrial building and associated parking area covers the entire project site; there is no landscaping on the site and there are no existing street trees in front of the site along Harrison Street. There are no scenic resources on or directly adjacent to the project site, and the proposed project would therefore have no effect on scenic resources. The project does, however, include planting of four street trees along Harrison Street, thereby enhancing the existing streetscape.

The nearest public open space from the project site is the Yerba Buena Gardens, located about three blocks northeast of the project. The project site is not visible from this open space, or from more distant public open spaces due to intervening buildings, which include a large five-story building opposite the Yerba Buena Gardens that blocks pedestrian views from this location toward the project site. Due to its height, the proposed project's upper floor may be visible from Yerba Buena Gardens, but would be viewed against a backdrop of existing infill development, and would therefore not be noticeable to most patrons of the Yerba Buena Gardens.

Visual Character

The proposed six-story residential and PDR building would be located in an urban mixed-use area, in close proximity to two 10-story apartment buildings providing 220 apartments and two four-story buildings containing a total of 68 condominium units. Adjacent and nearby development on Harrison Street is comprised of utilitarian-looking commercial and light industrial buildings (see Figure 9, page 25). The project would replace an unornamented two-story building having an industrial appearance with an articulated six-story modern residential and PDR building clad in corrugated copper and aluminum panels and punctuated by a regular pattern of windows and balconies. The building would be designed to enhance the existing visual character of the site, and improve the general aesthetic of the neighborhood. The project would be visually consistent with other residential development that has been constructed in the area in recent years, which has similarly contributed to an overall improvement in the aesthetics of the built environment of the neighborhood.

The proposed project would result in a visual change due to the proposed height increase. The proposed project would be approximately 22 feet taller than the adjacent mixed-use building to the west and about 43 feet taller than the adjacent office building to the east, and would be the tallest building on the block; however, it would be within the allowable height of the 40-X/85-B Height and Bulk District, subject to a Conditional Use authorization. The proposed building would be relatively similar in height to numerous four- and five-story buildings located within a two-block radius of the project and would be lower than the two ten-story buildings located on the block to the north of the project and the eight-story building located on the block to the east of the project.



Existing buildings at project site



Existing buildings and land uses looking south from project site

Source: During Associates

5/15/08

Photos of Project Site Figure 9

Although the proposed project would intensify and change the land use on the project site, it would be consistent with the mixed-use, urban visual character of surrounding development and would not appear out of scale with the other buildings in the project vicinity. Therefore, the proposed project would have a less-than-significant impact on the visual character of the project site and vicinity.

Light and Glare

Existing lighting at 870 Harrison Street is similar to that of other commercial buildings in the vicinity. Commercial lighting, signs, and streetlights all contribute to existing nighttime light conditions. The proposed residential building would introduce outdoor lighting typical of other residential uses in the area. The proposed project would be required to comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. The proposed residential land use would not generate substantially more light or glare than existing land uses and street lighting in the area and therefore, would have a less-than-significant impact on light and glare.

Conclusion

As discussed above, the proposed project’s mixed-use building would be three stories taller than the existing industrial building on the project site and two stories taller than the tallest existing development on the project block, but would be similar to or lower than the height of buildings on neighboring blocks. If a 25-percent rear yard is pursued, the rear building envelope would be changed; however it would not substantially affect the aesthetics of the proposed project. The proposed project would not substantially degrade the existing visual character of the site or its surroundings, nor would it substantially affect a scenic vista or views, scenic resources, or create a substantial new source of light and glare to the project vicinity. In light of the above, the proposed project would have a less-than-significant individual and cumulative aesthetic impact.

E-3. Population and Housing

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
3. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

San Francisco consistently ranks as one of the most expensive housing markets in the United States. The Bay Area is known for its agreeable climate, open space, recreational opportunities, cultural amenities, a strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong demand for housing in the city. Providing new housing to meet this strong demand is particularly difficult because the amount of land available is limited, and land and development costs are relatively high.

Annual housing production in San Francisco from 1990-2005 ranged from a low of about 290 units in 1993 to a high of about 2,500 units in 2003. The citywide annual average over that 16-year period was about 1,130 units.⁷ On June 5, 2008, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Allocation (RHNA) 2007-2014 and calculated the jurisdictional need of the City as 31,193 dwelling units, or an average yearly need of 4,456 net new dwelling units.⁸ The average yearly housing need is approximately triple that of the citywide average number of housing units constructed between 1990-2005.

The project site currently does not provide residential dwelling units; therefore the proposed project would not displace any existing housing units. Based on the proposed 26 residential units and the average household size of 1.70 for Census Tract 178 (U.S. Census Bureau, Census 2000), the proposed project could attract an estimated 44 new residents.⁹ The proposed 26 housing units would meet approximately 0.6 percent of the annual dwelling unit construction needs based on the RHNA for San Francisco. Residential units proposed under the project would help address the City's broader need for additional housing in a citywide context in which job growth and in-migration outpace the provision of new housing. The proposed project would be subject to *Planning Code* Section 236.11, which requires increased affordability of at least 17 percent (or four units) of the proposed 26 dwelling units to be BMR units. The existing building was, until recently, occupied by a custom photography lab employing approximately 15 employees. The project would provide approximately 2,560 to 4,050 sq.ft. of PDR space for a new business and its employees to occupy.

⁷ City and County of San Francisco Planning Department, *Housing Inventory 2005*, Table 2, "San Francisco Housing Trends 1985-2005."

⁸ Association of Bay Area Governments, *San Francisco Bay Area Housing Needs Plan 2007-2014*. Available at: <http://www.abag.org/planning/housingneeds/>. Accessed June 12, 2008.

⁹ Census 2000, Table QT-H3 Household Population and Household Type by Tenure Summary File for Census Tract 178. Average population per household of 1.70 multiplied by 26 units yields 44 residents.

While potentially noticeable to immediately adjacent neighbors, the addition of an estimated 44 new residents on the project site would not substantially affect the existing project vicinity or area-wide population. The resulting density would be within that allowed in the RSD zoning district, and would not exceed levels that are common and accepted in urban areas such as San Francisco.

In view of the above, the proposed project would not induce substantial population growth or displace substantial numbers of people or housing units and would therefore, not have a significant adverse effect on housing or population, either individually or cumulatively.

E-4. Cultural and Paleontological Resources

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

Historical Resources

CEQA Guidelines Section 15064.5 defines an historical resource as one that is listed in or eligible for listing in the California Register of Historical Resources. Although a property must be at least 50 years old to be eligible for the Register, age alone does not make a property an “historical resource.” It must also be associated with significant historical events or persons, or have made a significant contribution to the broad patterns of California’s history and cultural heritage, or embody distinctive historic architectural characteristics, or be likely to yield information important in prehistory or history. In addition, a resource included in a local register of historical resources or in an historical resource survey is considered an historical resource under CEQA.

The existing building was constructed by an unknown architect in 1952. The property is not located within any of the Historic Districts established in Article 10 of the *Planning Code* or in any of the Conservation Districts established in Article 11 of the *Planning Code*, nor is it identified as a Landmark in

Appendix A of Article 10 or as a Building of Individual Importance in Appendix A of Article 11. The site is not designated AS (Architectural Survey) on the parcel information database for Block 3752, Lot 19. The project site is, however, located within an area recommended for "intense level survey." Because of this designation, the proposed project was reviewed by a Planning Department Historic Resource Technical Specialist, and a Historic Resource Evaluation Response (HRER) was prepared.¹⁰

Evaluation of the historic significance of the building revealed that the project site is located within an area that is currently under survey to identify eligible historic resources and districts associated with the SoMa Context Statement. The SoMa Context Statement identifies many pre-World War II buildings as historic resources. The majority of potential contributors are concrete and masonry light industrial structures, brick residential hotels and single family dwellings and flats. The majority of these structures were built between 1907-1925, although there are several pre-1906 earthquake survivors as well as 1930s and 1940s-era commercial and industrial structures. The subject building on the project site was not constructed during the period of significance with the reconstruction of SoMa after the 1906 Conflagration or the stylized industrial Art Deco and Moderne development spurred by the extension of Van Ness Avenue to the neighborhood. According to the HRER, the building does not exhibit any of the characteristics that would identify it as an outstanding example of post-war industrial architecture. The building is not believed to be the work of a master, nor is it a fine example of craftsmanship or use of materials, and therefore the HRER concludes that the building is not an historic resource. The HRER further concludes that the location of the property will not have a significant adverse impact on any eligible off-site historic resources, considering that the immediate historic context is mixed and does not display a high level of visual continuity with building typologies identified in the SoMa Context Statement.

While the existing building on the project site was constructed in 1952, and is therefore older than 50 years, it is a nondescript and utilitarian industrial building with no known historical association or significance. Furthermore, the site does not appear to be within a potential historic district given the mix of building types in the immediate vicinity. Therefore, demolition of the existing building and construction of the proposed project would have no impact on historic resources.

Paleontological Resources

A paleontological review was conducted for the proposed project.¹¹ The proposed project plans for excavation to depths of 10 to 12 feet with the potential for pile driving to depths of 55 to 60 feet (using pre-drilled holes whenever possible). The paleontological review concluded that the project site has been

¹⁰ Tim Frye, San Francisco Planning Department, *Historic Resource Evaluation Response*, November 19, 2007. This document is on file and available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

¹¹ Kenneth L. Finger, PhD., *Paleontological Records Search for 870 Harrison Street, San Francisco*. May 17, 2009. This document is on file and available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

heavily disturbed and the upper subsurface consists of fill. The paleontological review determined that a site visit or paleontological monitoring would not be necessary because it is highly unlikely that significant paleontological resources would be found in the material brought to the surface. Although the records search determined that significant paleontological resources are highly unlikely to be found, the review recommends that in the remote possibility that any vertebrate remains are excavated, they should be put aside and a professional paleontologist should be notified to evaluate the find for possible salvage. The project sponsor has agreed to implement **Mitigation Measure 6**, on page 86 of this document, to mitigate any potential impacts to paleontological resources in the unlikely event that any such resources are discovered during excavation. With incorporation of Mitigation Measure 6, the proposed project's potential to impact paleontological resources would be less-than-significant.

Archeological Resources

The project site is developed and covered by hardscape and therefore no above-ground archeological resources are expected. The project site was originally located within a large tidal marsh (Sullivan Marsh) that bordered the northeastern shore of Mission Bay.¹² Previous archeological research in San Francisco and elsewhere in the San Francisco Bay Area has demonstrated that shorelines, level areas adjacent to creeks, and other boundaries between wet and dry environmental zones provided generally favorable settings for encampments for Native American hunters and gatherers. San Francisco and the wider bay area had an abundance of natural resources that supported a large, thriving Native American population for thousands of years prior to the arrival of the first European explorers in the last quarter of the eighteenth century. The project site is situated in the northwest portion of the Coastanoan's territory, with approximately 10,000 individuals at that time. Forty years later, by approximately A.D. 1810, much of the aboriginal population along with most of their traditional culture completely disappeared in the face of European encroachment and its impacts—disease, warfare, displacement, and the California missions.

According to the preliminary archeological report, several prehistoric sites, located relatively near to the project site, extend along the northern edge of Sullivan Marsh.¹³ The corridor bordering Harrison Street had been filled in by the late 1860s. At some point between 1880-1980 the site was occupied by Chris Harley Co. Junk and Rag Depot. The 19th century industrialized cities recycling trades were important factors in both consumption and labor patterns. Archeological deposits from this business may provide important research value. The site was later used as a dormitory in 1904, operated by the Salvation Army. This use may also have left important archeological deposits.¹⁴

¹² Randall Dean, *Preliminary Archeological Review, 870 Harrison Street*, August 21, 2008. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

¹³ Ibid.

¹⁴ Ibid.

Factors considered in determining the potential for encountering archaeological resources include the location, depth, and the amount of excavation proposed, as well as any existing information about known resources in the area. The proposed project would demolish the existing two-story building on the project site and construct a new six-story building in its place. The existing building does not have a basement level and the project proposes a subterranean garage, requiring excavation to approximately 10-12 feet below ground surface. The primary geotechnical building design recommendation calls for a pile foundation with approximately 40 to 50 twenty-inch diameter piles driven at least 55 to 60 feet below the sidewalk elevation.¹⁵ The building technique recommended in the geotechnical report could adversely affect 19th-Century historical archeological deposits. Although this would be a potentially significant impact, implementation of **Mitigation Measure 1** would ensure that the proposed project's potential impact on subsurface cultural resources would be reduced to a less-than-significant level.

E-5. Transportation and Circulation

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. TRANSPORTATION AND CIRCULATION— Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁵ AllWest Geoscience Inc., *Geotechnical Engineering Investigation and Recommendations Report, New Six Story with Multi-Units Basement, 870 Harrison Street, San Francisco, California*. December 2, 2008. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Street Network

In the vicinity of the project site, Folsom, Harrison, Bryant, Third, Fourth, Fifth, and Sixth Streets are designated Major Arterial Streets (cross-town thoroughfares whose primary functions are to link districts within the city and to distribute traffic from and to the freeways) in the *General Plan*. Harrison, Bryant, Third and Fourth Streets are also designated in the San Francisco *General Plan* as Transit Important Streets, on which priority is given to transit vehicles over autos during commute and business hours on weekdays.

Folsom Street is a one-way eastbound arterial with four through-travel lanes. Harrison is a one-way arterial with five travel lanes in the westbound direction west of Third Street. Bryant Street is a one-way, four-lane eastbound arterial. Third Street north of King Street is a one-way northbound arterial road and forms a one-way couplet with Fourth Street. Third Street south of King Street is two-way, generally with two to three lanes in each direction. Fourth Street is one-way southbound with four through-travel lanes. The intersection of Harrison/Fourth Streets contains the on-ramp to I-80 westbound, while the intersection of Harrison/Fifth Streets contains the off-ramp from I-80 westbound. Within the vicinity of the project, Fifth Street is a two-way road with two travel lanes in each direction. Clara Street is a one-way, one-lane eastbound alley defining the north side of the project block.

Traffic

The proposed project would create 26 multi-family apartment units and a maximum of 4,050 sq.ft. of PDR space (or approximately 2,560 sq.ft. of PDR space if a 25-percent, ground-floor rear yard is required). Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines)* dated October 2002 and developed by the San Francisco Planning Department. The proposed project would generate about 290 person trips (inbound and outbound) on a weekday daily basis, and 14 auto person trips, 13 transit trips, and 16 trips by walking or other modes during the p.m. peak hour (total 43 person trips). The proposed project would generate 11 vehicle trips during the p.m. peak hour. The 11 new vehicle trips would travel through the intersections surrounding the project block and would not substantially increase traffic volumes at the study intersections. The proposed project would result in an incremental increase in the average delay per vehicle at the neighboring intersections, but the increase would not be substantial or noticeable. The proposed project would not be expected to change the Levels of Service at any intersections in the project area. The estimated 11 new vehicular trips generated by the proposed project during the p.m. peak hour

would not result in significant traffic impacts at any of the area intersections. Eleven additional p.m. peak-hour vehicle trips would not contribute significantly to 2020 cumulative conditions, and the proposed project would not have any significant cumulative transportation impacts.

Transit

The project is well served by public transit, with 12 MUNI bus lines providing service in the immediate vicinity. The closest MUNI stops to the site are at the intersections of Harrison and Fourth Streets, at the east end of the project block; Fifth and Harrison Streets, at the west end of the project block; and Harrison and Fifth Streets, at the east end of the adjacent block (to the west). MUNI lines serving the area include the 9X/9AX/9BX-San Bruno Express, 10-Townsend, 12-Folsom, 14X-Mission Express, 19-Polk, 26-Valencia, 27-Bryant, 30-Stockton, 45-Union-Stockton, 47-Van Ness, 76-Marin Headlands, and 81X-CalTrain Express. The proposed project would generate about 13 transit trips during the weekday p.m. peak hour. These trips would be distributed over the transit lines serving the area. The increase in transit demand associated with the project would not be expected to affect transit services in the area or affect acceptable transit operations. In view of the above, project impacts on public transit would not be significant.

Parking

The project would provide 14 off-street accessory parking spaces, two car share spaces, and eight bicycle parking spaces in a private parking garage. The *Planning Code* parking requirement for the project would be seven spaces (one space for every 4 dwelling units and no spaces required for the PDR space, which is under 5,000 sq.ft.) and an additional four spaces would be allowed as accessory uses as per Section 204.5(c) of the *Planning Code*. The project's proposed 14 parking spaces would therefore not comply with the *Planning Code* parking requirements. (The two car share spaces would not count toward the total number of parking spaces permitted under the *Planning Code*). The project sponsor would seek a Conditional Use authorization for additional parking spaces, in accordance with Section 157 of the *Planning Code*.

The project would generate a parking demand (which can differ from the *Planning Code* parking requirement) of about 30 spaces (29 long-term and one short-term parking spaces). The parking demand of 30 spaces would exceed the supply of 14 spaces, resulting in a shortfall of 16 spaces. The unmet parking demand generated by the proposed project would have to compete for on-street parking, which could cause increased competition for available spaces. Residents of the area have reported high parking demand during weekday business hours, and also during the weekend (starting Thursday) evenings when both residents and area attractions (clubs) are competing for on- and off-street parking. While the 14 off-street parking spaces proposed would be less than the anticipated parking demand and would not accommodate all visitors to the project site, the resulting parking deficit would not, in itself be considered a significant impact on parking conditions in the project area, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines § 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or walking) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. A shift in transportation modes supporting public transit and discouraging single occupancy vehicles has been identified as a mechanism to reduce greenhouse gas emissions and the associated effects of global climate change. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As discussed above, the project area is well served by public transit, which provides an alternative to auto travel. The increased parking demand resulting from the proposed project would not substantially alter the existing character of the area-wide parking situation. The proposed project would therefore, result in a less than significant environmental effect related to parking.

Pedestrians and Bicycle Conditions

During a site visit on the afternoon of August 17, 2007, pedestrian conditions in the vicinity of the project, on both sidewalks and crosswalks, were observed to be operating at acceptable levels of service. The project is not expected to substantially change the existing pedestrian conditions and would not result in any significant impacts on pedestrian conditions.

The project area is well served by bicycle routes. There are north-south bike routes along Second, Fifth, and Seventh Streets (routes #11, 19, and 23, respectively), and east-west bicycle routes along Howard/Folsom, and Townsend Streets (routes #30 and 36). The proposed project is not expected to noticeably change the level of service of these routes.

Loading

Based on the *Planning Code*, no off-street loading spaces are required for the proposed project. Delivery and service trips for the PDR uses would be met at the curb on Harrison Street. If a parking space is not available to accommodate the loading demand, delivery and service vehicles would likely double park on Harrison Street. Because Harrison Street contains four through lanes and the project is located midblock,

double parking would not substantially affect traffic flow on Harrison Street and would not result in a significant environmental impact.

Hazards and Emergency Access

Emergency access to the project site would be from Harrison Street (from the west, emergency vehicles would access the project site via Clara Street or Folsom Street and 4th Street). The proposed project would be built to the property lines, would not change the configuration of the street network, and therefore it would not interfere with existing traffic circulation or include any design elements that would cause major traffic hazards. Proposed buildings are required to meet the standards contained in the Building and Fire Code and the San Francisco Building and Fire Departments would review the final building plans to ensure sufficient access and safety. In light of the above, the proposed project would not impact emergency access conditions to the project site. Double parking for vehicle loading is common within the San Francisco city limits. Drivers are aware of delivery trucks double parking and therefore double parking along this mid-block location on Harrison Street would not present a significant hazard above current conditions within San Francisco.

Construction

The project construction period is anticipated to be approximately 18 months. The sidewalk and the on-street parking lane on the north side of Harrison Street would be used for staging and unloading of trucks from month seven of construction until completion. Construction workers who drive to the site would cause a temporary increase in parking demand. Since there are six public parking facilities within 1,500 feet of the project, it is anticipated that construction workers could be accommodated without substantially affecting area wide parking conditions. The impacts of construction on parking and traffic would be limited in scope and temporary in duration, and would not be significant.

Inasmuch the 25 percent ground-level rear yard would reduce PDR space, transportation effects associated with the project would be similar to, or less than, the effects analyzed above, and would remain less than significant.

E-6. Noise

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area, or near a private airstrip and therefore, these items (6e and 6f) are not applicable to the proposed project.

Ambient noise and vibration levels in the project vicinity are typical of neighborhood noise levels in urban San Francisco, which are dominated by vehicular traffic, including trucks, cars, MUNI buses, and emergency vehicles. Highway 101/I-80/James Lick Freeway is less than one block south of the project site and is heavily traveled, generating moderate to high levels of traffic noise. Observation indicates that surrounding land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance, do not noticeably conduct noisy operations.

Construction Noise

According to the project sponsor, the construction period would last approximately 18 months. Construction noise levels for activities other than pile driving would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and facade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the

source. Impact tools (jackhammers, hoerammers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works or the Director of Building Inspection. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works or the Director of Building Inspection. The project must comply with regulations set forth in the Noise Ordinance.

The closest sensitive noise receptors¹⁶ to the project site that have the potential to be adversely affected by construction noise are multi-family residences located along Clara Street, including residences located immediately north of the project site, and the Filipino Education Center at 820 Harrison Street, approximately 300 feet east of the project, which includes a school and outdoor playground. Five Keys, a charter school for grades 10 and 11 operated by the San Francisco Sheriff's Department, is located at 70 Oak Grove Street, about two blocks west of the project site. As previously discussed the 10-story, 220-unit building at 133 Shipley Street, two blocks from the project site, houses seniors. Other sensitive receptors in the project vicinity include the Love & Learn Nursery School at 1419 Howard Street, approximately six blocks west of the project site, and Marin Day School, a daycare facility located at 1390 Market Street, approximately seven blocks west of the project.

Construction activities (other than pile driving) typically generate noise levels no greater than 90 dBA (for instance, for excavation) at 50 feet from the activity (see Table 1, below), while other activities, such as concrete work, are much less noisy. Because noise generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance, the exterior noise level at the sensitive receptors identified above would be no greater than about 75 dBA during the noisiest construction activities, aside from pile driving, and less during other aspects of construction. At this noise level, closed windows typically can reduce daytime interior noise levels to an acceptable level.

¹⁶ Sensitive receptors include the elderly, children, and those with ailments making them more sensitive to project effects.

TABLE 1
TYPICAL COMMERCIAL CONSTRUCTION NOISE LEVELS (DBA)¹⁷

Phase	(L _{eq}) ^a
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Exterior Finishing	89
Pile Driving	90-105

^a Estimates correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase and 200 feet from the other equipment associated with that phase.

SOURCE: U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, December 1971.

As previously discussed, the December 2, 2008 geotechnical's primary foundation recommendation is a pile foundation. Pile driving can generate noise levels in excess of 100 dBA at 50 feet each time the hammer strikes the pile, or between 84-99 dBA at 100 feet. These predicted noise levels would exceed the daytime noise limit specified in the San Francisco noise ordinance for construction equipment and activities (80 dBA at 100 feet from the noise source). While potentially more startling than constant noise levels, pile driving noise would be intermittent and would occur over a relatively short duration of approximately eight weeks. Consequently, the noisiest phases of construction would have the potential to exceed the construction noise standard of the City of San Francisco Noise Ordinance, thereby resulting in a significant noise impact. It should be noted that a mat foundation, instead of pile driving, might be used. However, should the project require a pile foundation and pile driving, the project sponsor has agreed to incorporate **Mitigation Measures 2 and 3** into the proposed project. **Mitigation Measure 2** would require the construction contractor to use the best available construction noise abatement techniques, require mufflers on pneumatic tools, and situate stationary sources farthest away from sensitive receptors as possible. Use of noise abatement devices could reduce noise generated by construction equipment by as much as 10 dBA. **Mitigation Measure 3** would require the project contractor to pre-drill holes in order to minimize noise and vibration from pile driving activities and to notify building owners and occupants within 200 feet of the project site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of such activities.

During nighttime, temporary construction-related noise could be more noticeable (since background noise is lower) given the more sensitive nature of the nighttime period. Any construction activities taking place at night would easily lead to a greater than five dBA increase in noise over ambient nighttime noise

¹⁷ U.S. Environmental Protection Agency, *Noise from Construction Equipment and Building Operations, Building Equipment, and Home Appliances*, December 1971.

levels. Therefore, compliance with the San Francisco Noise Ordinance would prohibit nighttime construction.

Construction noise would be expected to result in a temporary increase in the ambient noise environment in the project vicinity. However, implementation of **Mitigation Measures 2 and 3** would reduce the impact of construction-related noise to less-than-significant levels.

Noise Compatibility

The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.¹⁸ These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For residential uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 60 dBA (Ldn) (noise requirements are less stringent for PDR uses), while the guidelines indicate that residential development should be discouraged at noise levels above 65 dBA (Ldn).^{19,20} Where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval, and new construction or development of residential uses will require that noise insulation features are included in the design. In addition, Title 24 of the *California Code of Regulations* establishes uniform noise insulation standards for residential projects. Based on recent modeling of traffic noise volumes conducted by the San Francisco Department of Public Health (DPH),²¹ the traffic noise level in the project area is above 70 dBA. Therefore, the proposed project would locate new residential units—considered to be sensitive receptors—in an environment with noise levels above those considered normally acceptable for residential uses. The project sponsor would be required by the *San Francisco General Plan* and by Title 24 to incorporate noise insulation features in the project to maintain an interior noise level of 45 dBA. The project sponsor has indicated that an acoustical consultant would be part of the proposed project design team. It is anticipated that sound-rated windows and/or doors would be installed as part of the proposed project. The Department of Building Inspection would review project plans for compliance with Title 24 noise standards.

¹⁸ City and County of San Francisco, Planning Department, *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

¹⁹ Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

²⁰ The guidelines are based on maintaining an interior noise level of interior noise standard of 45 dBA, Ldn, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

²¹ A map showing citywide noise levels was prepared by the Planning Department and the Department of Public Health. This map is available, upon request, at the Planning Department, by contacting the project coordinator listed on the front page of this document.

Compliance with Title 24 standards and with the *General Plan* would ensure that effects from exposure to ambient noise would not result in significant impacts, either individually or cumulatively.

Noise Generated by Traffic

Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project (see Section 5, above), traffic volumes would not double on area streets as a result of the proposed project or expected cumulative traffic growth; therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

Operational Noise

The project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient levels, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient levels and for noise on public property, including streets, the limit is 10 dBA in excess of ambient levels.²² In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would not be significant, nor would the building contribute a considerable increment to any cumulative noise impacts from mechanical equipment.

In light of the above, noise effects related to the proposed project would be less than significant.

E-7. Air Quality

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
7. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
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"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

²² Entertainment venues are also subject to a separate criterion for low-frequency (bass) noise.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>

The Federal Clean Air Act (CAA), as amended, and the California Clean Air Act (CCAA) legislate ambient air standards and related air quality reporting systems for regional regulatory agencies to develop mobile and stationary source control measures to meet the standards. The Bay Area Air Quality Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for planning, implementing, and enforcing the federal and state ambient air quality standards for criteria pollutants.²³ Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ & PM_{2.5}), and lead.

The San Francisco Bay Area Air Basin encompasses many counties including San Francisco, Alameda, Contra Costa, Marin, San Mateo, Napa, and parts of Solano and Sonoma Counties. The San Francisco Air Basin has a history of air quality violations for ozone, carbon monoxide, and particulate matter. The basin currently does not meet the State ambient air quality standards for ozone, PM₁₀, and PM_{2.5}. BAAQMD has adopted air quality management plans over the years to address control methods and strategies to meet air quality standards, the latest plans being the *Bay Area 2000 Clean Air Plan*, *2001 Ozone Attainment Plan*, and *2005 Bay Area Ozone Strategy*.

Operational Emissions: Mobile Sources

The proposed project would affect local air quality by increasing vehicular traffic on nearby roads and at the project site, and by adding stationary emissions (mechanical equipment) to the project site. According to the BAAQMD, vehicles are the primary source of operational project-related emissions.²⁴ The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.²⁵ These thresholds are based on a minimum size for projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD generally does not

²³ State & Federal air quality standards for and the Bay Area's attainment status can be viewed on the BAAQMD website at <http://www.baaqmd.gov>.

²⁴ Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, December 1999.

²⁵ See BAAQMD CEQA Guidelines, December 1999, page 25.

recommend a detailed air quality analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or for projects that would generate fewer than 2,000 vehicle trips per day. The proposed project's 26 residential units would be well below the BAAQMD thresholds requiring a detailed analysis, and therefore would not have the potential to result in significant operational emissions from project-generated traffic.

Operational Emissions: Stationary Sources

Additional stationary source emissions, generated by mechanical equipment, and the combustion of natural gas for building space and water heating would be relatively minimal, and would be considered less than significant. The proposed project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. For all of the above reasons, the proposed project would not generate significant operational air quality impacts.

The proposed project would be generally consistent with the *General Plan* and air quality management plans such as the *Bay Area 2000 Clean Air Plan*, and the *Bay Area 2005 Ozone Strategy*. Additionally, the *General Plan*, *Planning Code*, and City Charter implement various transportation control measures identified in the *2005 Ozone Strategy* through the City's "Transit First" Program. These include, but are not limited to, bicycle parking requirements, transit development fees, and other actions. Accordingly, the proposed project would not contribute considerably to cumulative air quality impacts, nor would it interfere with implementation of the *2005 Ozone Strategy* or the *2001 Ozone Attainment Plan*, which are the applicable regional air quality plans developed to improve air quality and attain state and federal ambient air quality standards. As such, the operational characteristics of the proposed project would not result in cumulatively considerable increases in regional air pollutants.

Indoor Air Quality

The California Air Resources Board (CARB) established its statewide comprehensive air toxics program in the early 1980s. CARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. CARB identifies 244 substances as Toxic Air Contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadways. Human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to TACs. In 2005, CARB issued guidance on preventing roadway related air quality conflicts, suggesting localities "avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day."²⁶ However, there are no existing federal or state regulations to protect sensitive land uses from roadway air pollutants.

²⁶ California Air Resources Board, *2005 Air Quality and Land Use Handbook: A Community Health Perspective*, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

DPH has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.²⁷ Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 25, 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthful levels of PM_{2.5}. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM_{2.5} from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).²⁸ If this standard is exceeded, the project sponsor must install a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM_{2.5} from habitable areas of residential units.

The project site, at 870 Harrison Street is located within the Potential Roadway Exposure Zone, as mapped by DPH. Pursuant to Article 38 of the San Francisco Health Code, the project sponsor prepared an Air Quality Assessment consistent with DPH guidance. The Air Quality Assessment concluded that the site is located in an area that experiences PM_{2.5} concentrations greater than 0.2 micrograms per cubic meter.²⁹ The project shall comply with Article 38 of the San Francisco Health Code, requiring that the project is designed and constructed such that ventilation systems remove at least 80 percent of the PM_{2.5} pollutants from habitable areas. The project would be required to comply with Article 38 of the San Francisco Health Code and therefore, the project would not result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants.

²⁷ San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 6, 2008, http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2009.

²⁸ According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8 – 10 percent of the range of ambient PM_{2.5} concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 “excess deaths” per year per one million population in San Francisco. “Excess deaths” (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM_{2.5}. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, “Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008. Twenty excess deaths per million based on San Francisco’s non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000. Although San Francisco’s population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.)

²⁹ Thomas Rivard, *870 Harrison Air Quality Assessment*, June 24, 2008. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

Odors

The proposed project would not result in a perceptible increase or change in odors on the project site or in the project vicinity, and it would not include uses prone to objectionable odors. Observation indicates that surrounding land uses are not sources of noticeable odors that would adversely affect project residents.

Construction Emissions

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California Air Resources Board, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

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

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (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 sq.ft. of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be

used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 sq.ft. of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

For projects over one half-acre, the Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Health Department. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. Interior-only tenant improvement projects that are over one-half acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement. Site-specific Dust Control Plans shall require the project sponsor to: submit of a map to the Director of Health showing all sensitive receptors within 1000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and to sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

These regulations and procedures set forth by the San Francisco Building Code would ensure that potential dust-related air quality impacts would be reduced to a level of insignificance.

Cumulative Air Quality Impacts

The determination of significant cumulative impacts should be based on the evaluation of consistency of the proposed project with the local general plan and the current *Clean Air Plan*. The *San Francisco General Plan* includes the 1997 Air Quality Element, updated in 2000. This element is consistent with the 2000 *Clean Air Plan*. The proposed project would be generally consistent with the *General Plan*. As such, the operational characteristics of the proposed project would not result in a cumulatively considerable increase in regional air pollutants.

Cumulative Air Quality Impacts: Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.³⁰ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.³¹ The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.³² In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile

³⁰ California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>), accessed December 4, 2007.

³¹ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

³² California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 -Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/cc/ccci/emsinv/emsinv.htm>.

sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.³³

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.³⁴

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is preparing a scoping plan to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce their greenhouse gases by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from today's levels. In June 2008, CARB released their Draft Scoping Plan, which estimates a reduction of 169 million metric tons of CO₂-eq (MMTCO₂-eq). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 60.2 MMTCO₂-eq. Emissions from the electricity sector are expected to reduce another 49.7 MMTCO₂-eq. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33% renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Local government actions and regional GHG targets are also

³³ BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002*, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

³⁴ California Air Resources Board (CARB), *Climate Change Draft Scoping Plan: A Framework for Change*, June 2008 Discussion Draft. Available on the internet at: <http://www.climatechange.ca.gov/index.php>. Accessed July 29, 2008.

expected to yield a reduction of 2 MMTCO₂-eq.³⁵ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy which added Section 16.102 to the City Charter with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Gas Emissions.³⁶ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of

³⁵ Ibid.

³⁶ San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions*, September 2004.

Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particle matter (PM, or soot) than the buses they replace, the produce 40% less oxides of nitrogen (NOx), and they reduce greenhouse gases by 30 percent.

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65% of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City greenhouse gas emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following greenhouse gas emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City greenhouse gas emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2017;
- Reduce greenhouse gas emissions by 40 percent below 1990 levels by 2025; and
- Reduce greenhouse gas emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable General Plan elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other

City departments to enhance the “transit first” policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their “GoSolarSF” program to San Francisco’s businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents.

City of San Francisco’s Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco’s Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 sq.ft., residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq.ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO₂ emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.³⁷

The Green Building Ordinance also continues San Francisco’s efforts to reduce the City’s greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City’s 2004 Climate Action Plan. In addition, by reducing San Francisco’s emissions, this ordinance also furthers the State’s efforts to reduce greenhouse gas emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

The City’s Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City’s more recent area plans, such

³⁷ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve streetscape policies throughout the City, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options. The City also provides incentives to City employees to use alternative commute modes and the City recently introduced legislation that would require almost all employers to have comparable programs.

Each of the policies and ordinances discussed above include measures that would decrease the amount of greenhouse gases emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts

Although neither the Bay Area Air Quality Management District (BAAQMD) or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of GHG emissions" throughout the state because OPR has recognized that "the global nature of climate change warrants investigation of a statewide threshold for GHG emissions."³⁸ In the interim, on June 19, 2008 OPR released a Technical Advisory for addressing climate change through CEQA review. OPR's technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA guidelines on or before January 1, 2010, pursuant to Senate Bill 97.

The informal guidelines in OPR's technical advisory provide the basis for determining proposed project's contribution of greenhouse gas emissions and the project's contribution to global climate change. In the absence of adopted statewide thresholds, OPR recommends the following approach for analyzing greenhouse gas emissions:

- 1) Identify and quantify the project's greenhouse gas emissions;
- 2) Assess the significance of the impact on climate change; and
- 3) If the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to less than significant levels.

The following analysis is based on OPR's recommended approach for determining a project's contribution to and impact on climate change.

³⁸ Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*. June 19, 2008. This document is available online at the Office of Planning and Research's website at: www.opr.gov. Accessed 07/24/2008.

Identifying and quantifying a project's greenhouse gas emissions. OPR's technical advisory states that "the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide." State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO₂, N₂O, and CH₄, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions in terms of CO₂-eq³⁹, and annual CO₂-eq GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).⁴⁰ Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

The proposed project would increase the activity onsite by replacing a 6,120-sq.ft. light industrial building, with a 26-unit residential building with up to 4,050 sq.ft. of PDR uses. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and PDR operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the proposed project would emit 222 tons CO₂-eq.⁴¹ Direct project emissions of carbon dioxide equivalents (CO₂-eq) (including CO₂, NO_x, and CH₄ emissions) include approximately 61 tons of CO₂-eq/year from transportation, and

³⁹ Construction emissions of carbon dioxide (CO₂) were calculated based on URBEMIS 2007 9.2.4 software. Attachment 2 of the Office of Planning and Research's *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*; (June 19, 2008) lists and describes modeling tools used to calculate greenhouse gas emissions. URBEMIS is currently the only tool identified that has the capacity to calculate a project's CO₂ emissions from construction activities. It does not, however, calculate emissions from N₂O or CH₄, nor does any other modeling tool currently available. However emissions of these compounds would be a fraction of the total greenhouse gas emissions. A factor of 1.04 was used to account for CH₄ and N₂O emissions to estimate CO₂-eq emissions.

⁴⁰ The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MSD_ID/165/C_ID/2281. Accessed 07/28/2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

⁴¹ Construction emissions and annual emissions are not intended to be additive as they occur at different points in the project's lifecycle. Construction emissions are one-time emissions that occur prior to building occupancy. Annual emissions are incurred only after construction of the proposed project and are expected to occur annually for the life of the project.

252 tons of CO₂-eq /year from heating. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 34 tons of CO₂-eq/year) and approximately 11 tons of CO₂-eq/year from solid waste disposal (largely CH₄). Construction and annual greenhouse gas emissions represent less than 0.001 percent of total Bay Area GHGs emitted in 2002.⁴²

Assessing the significance of the impact on climate change. The project's incremental increases in GHG emissions associated with construction, traffic increases and residential and PDR heating, and electricity use, would contribute to regional and global increases in GHG emissions and associated climate change effects.

OPR encourages public agencies to adopt thresholds of significance, but notes that public agencies are not required to do so. Until a statewide threshold has been adopted, the Department analyzes a proposed project's contribution to climate change against the following significance criteria:

- 1) Would the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. **AND**
- 2) Would the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007 is approximately 427 MMTCO₂-eq. The proposed project's annual contribution would be 0.0004% of this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states that, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project". And, "In determining whether a proposed project's emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of "past, current and probable future projects."

⁴² The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO₂-eq tons. Bay Area 2002 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the bay area.

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. In an independent review of San Francisco's community wide emissions it was reported that San Francisco has achieved a 5% reduction in communitywide greenhouse gas emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7% below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation sources and from building energy sources.

Probable future greenhouse gas reductions will be realized by implementation of San Francisco's recently approved Green Building Ordinance. The Green Building Ordinance would require that the project meet energy efficiency standards that would result in 14-15 percent less energy use, a 50 percent reduction in potable water used for landscaping, a 20 percent reduction in potable water use, and the project must divert at least 75% of non-hazardous building materials from landfills by reuse and/or recycle. Additionally, the recommendations outlined in the Draft AB 32 Scoping Plan will likely realize major reductions in vehicle emissions.

Further, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.⁴³ The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco;⁴⁴ (2) As new construction, the proposed project would be required to meet San Francisco's Green Building Ordinance requirements for energy and water efficiency, as well as recycle and/or reuse of construction materials; and (3) the proposed project would plant an additional four street trees, regulating outdoor temperatures and aiding in carbon sequestration.⁴⁵

Given that: (1) the proposed project would not contribute significantly to global climate change such that it would impede the State's ability to meet its greenhouse gas reduction targets under AB 32, or impede San Francisco's ability to meet its greenhouse gas reduction targets under the Greenhouse Gas Reduction

⁴³ State of California, Department of Justice, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." Updated 3/11/08. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed April 11, 2008.

⁴⁴ The California Air Pollution Control Officer's, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30%). This paper is available online at: <http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf>. Accessed April 15, 2008.

⁴⁵ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

Ordinance; (2) San Francisco has implemented programs to reduce greenhouse gas emissions specific to new construction and renovations of residential and commercial developments; (3) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels, and (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change, the proposed project would not contribute significantly, either individually or cumulatively, to global climate change.

Conclusion

As discussed above, the proposed project would not conflict with applicable air quality plans, would not create significant operational or cumulative air emissions, and would not create or be exposed to objectionable odors.

E-8. Wind and Shadow

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
8. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Wind

Typically, winds in San Francisco are from the west off the Pacific Ocean, and wind speeds in general are greatest in the spring and summer, and the lowest in the fall. Wind can interact with buildings to accelerate ground-level wind speeds and create uncomfortable or hazardous conditions for pedestrians. Daily wind speeds vary with the strongest wind in the late afternoon and lightest winds in the morning. Ground-level wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The proposed project would replace the existing two-story, approximately 26-foot-tall building with a six-story, 65-foot-tall building. Surrounding buildings are mostly shorter, at one to three stories.

Although the proposed project would increase building height on the project site, it would not represent a substantial increase in the height or be substantially taller than nearby buildings. The proposed project's height and relatively narrow massing would not be expected to intercept wind currents overhead. Additionally, the project block faces roughly southeast, away from prevailing winds. Neither the proposed building nor existing buildings in the immediate vicinity would present a large, unarticulated

façade to prevailing winds. Therefore, the proposed project is not expected to noticeably change ground-level wind conditions in the project area, or result in adverse effects on ground-level winds. Furthermore, street planting proposed as part of the project would reduce ground-level wind speeds.

Shadow

The proposed project would be approximately 65 feet in height and would comply with the 40-X/85-B height and bulk district applicable to the project site. There are no Recreation and Park Commission properties in the immediate vicinity of the project site. The nearest park facilities are the South of Market Park and Recreation Center at 270 Sixth Street and Bessie Carmichael Park, located at Folsom and Sherman Streets, about 200 feet west of the South of Market Park and Recreation Center. Other parks are located four or more blocks away with three- to ten-story buildings intervening in between. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984). When buildings or additions will be higher than 40 feet, Section 295 protects parks and recreation centers under the jurisdiction of, or to be acquired by, the Recreation and Park Department from new shadows during the period between one hour after sunrise and one hour before sunset, year round, unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. Although the proposed project would replace the existing 26-foot-tall building with a 65-foot-tall building, there is no potential for the increased building shadow to affect any San Francisco Recreation and Park facilities.

Shadows from the project will reach near-by residential properties that are protected under Code Section 263.11(b)(2) from adverse impacts to light and air, and to sunlight access to their open spaces. However, detailed shadow studies show that the project’s shadow impacts are not adverse under CEQA. Further, new shadow from the project will reach the southwestern half of one of the basketball courts at the Filipino Education Center School, but only during the last hour of the day, for a maximum of fifteen minutes, between mid-November and the last week of January. Again, because of the time of day, the season, and the very short duration of the shadow, this is not a substantial impact under Code Section 263.11(b)(1) nor a significant adverse impact under CEQA.

The proposed project would therefore have a less-than-significant shadow impact.

E-9. Recreation

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recreational facilities in the vicinity of the proposed project include the South of Market Park and Recreation Center at 270 Sixth Street and Bessie Carmichael Park, located at Folsom and Sherman Streets, about 200 feet west of the South of Market Park and Recreation Center. South Park, located at 64 South Park Avenue, is about four blocks southeast of the project site. In addition, although not under public ownership, publicly accessible open space is available in the Yerba Buena Gardens, located about three blocks northeast of the project. The project site is located outside, but within a block, of an area identified in the *General Plan* as in high need for recreational facilities and improvements (to be given the highest priority for new parks and recreational facilities in the City).⁴⁶ The San Francisco Recreational and Parks Department analyzes facility needs throughout the City as part of their Capital Improvement and Budget planning process.

The proposed project would add 26 residential units, or an estimated 44 new residents to the area.⁴⁷ The proposed project would provide on-site open space in the form of private decks and balconies as well as 1,405 sq.ft. of common open space on a rooftop deck, for passive recreational use by project residents. The project would be located within walking distance of the above-noted parks and open spaces. Thus, project residents would have access to private and public open space. Although the proposed project would generate additional demand for nearby recreational facilities and is located in the vicinity of an area identified by the City as in need of new or expanded recreational facilities, the proposed project's increase in residential units and population would not be considered a substantial contribution to the existing demand for public recreational facilities in this area and would not result in substantial physical deterioration of existing recreational resources. The proposed project would not result in the construction or expansion of off-site recreational facilities. Therefore, the proposed project would have a less-than-significant impact with regard to recreation.

⁴⁶ City and County of San Francisco, *General Plan*, Recreation and Open Space Element, Map 9: Open Space Improvement Priority Plan, Adopted July 1995.

⁴⁷ Based on an average household size of 1.70 in Census Tract 178 (U.S. Census Bureau, Census 2000).

E-10. Utilities and Service Systems

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input 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"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is located in an urban area that is served by utility and other service systems, including water, wastewater and storm water collection and treatment, and solid waste collection and disposal. The proposed project would replace an existing retail use with new residential and retail uses and would likely increase demand for utilities and other services, but not in excess of amounts expected and provided for in this area.

Sewer and Wastewater Service

The project site is served by San Francisco's combined sewer and wastewater treatment system. The sewage system is designed to collect and treat both sanitary sewage and rainwater runoff. Wastewater treatment for the east side of the city is provided primarily by the Southeast Water Pollution Control Plant. The proposed project would meet wastewater pre-treatment requirements of the San Francisco Public Utilities Commission, as required by the San Francisco Industrial Waste Ordinance. The project site is currently covered with impervious surfaces and the proposed project would not create any additional impervious surfaces, resulting in little effect on the total storm water discharged through the combined sewer system. While the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the City to be exceeded. In light of the above,

the proposed project would not exceed wastewater treatment requirements of the RWQCB and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Therefore, the proposed project would result in a less-than-significant wastewater impact.

Water Supply Facilities

The proposed project's additional 26 residential units would consume an estimated 2,728 gallons of water per day.⁴⁸ Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase could be accommodated within anticipated water use and supply for San Francisco.⁴⁹ Additionally, the new construction would be designed to incorporate water-conserving measures that yield a 20 percent reduction in potable water use pursuant to the City's Green Building Ordinance, such as low-flush toilets and urinals. As discussed previously, overall projected water demand for San Francisco in the year 2030 is expected to decrease even though San Francisco's population will increase. This decrease in water demand is attributable to improvements in the plumbing code requirements and water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC). Project construction would require the project sponsor and project building contractor to comply with Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, which requires that non-potable water be used for dust control activities. Since project water demand could be accommodated by the existing and planned supply anticipated under the SFPUC's *2005 Urban Water Management Plan for the City and County of San Francisco* and would use best-practice water conservation devices, it would not result in a substantial increase in water use on the project site that could not be accommodated by existing water supply entitlements and resources. Therefore, the proposed project would result in less-than-significant project-specific and cumulative water impacts.

Solid Waste

Solid waste would be collected by Sunset Scavenger Company, transported to the Norcal transfer station near Candlestick Point, and recycled as feasible, with remaining non-recyclable material being disposed of at Altamont Landfill, where it is required to meet federal, state, and local solid waste regulations. A substantial expansion of the Altamont Landfill, approved in 1997 and under construction will accommodate San Francisco's solid waste stream well into the future. Additionally, the City has a goal to divert most (75 percent) of its waste away from the wastestream (through recycling, composting, etc.) by 2010 and to divert all waste by 2020. San Francisco currently diverts 69% of its solid waste from

⁴⁸ Based on the average residential water use of 62 gallons per capita per day (SFPUC, 2005 Urban Water Management Plan for the City and County of San Francisco (UWMP), December 2005, page 40, available at http://sfwater.org/detail.cfm/MC_ID/13/MSD_ID/165/MTO_ID/286/C_ID/2776 (accessed for this report May 28, 2007) ((26 x average household size) x 62), rounded up.

⁴⁹ San Francisco Public Utility Commission, *2005 Urban Water Management Plan (UWMP)*. The Plan uses the San Francisco Planning Department's current long range growth projections – *Land Use Allocation 2002* – an estimate of total growth expected in the City and County of San Francisco from 2000 – 2025. These projections have similar employment growth and approximately 15,000 higher household growth than *ABAG Projections 2002*.

landfills.⁵⁰ The solid waste associated with the proposed project construction and operation would not significantly increase the amount of solid waste produced on-site, or substantially affect the capacity of the Altamont Landfill. Therefore, the proposed project would result in less-than-significant project-specific and cumulative solid waste impact.

Conclusion

No new water delivery or wastewater collection and treatment facilities would be required to serve the proposed project. Project solid waste would be recycled as feasible at the Norcal transfer station, with non-recyclables disposed of at the Altamont Landfill, where adequate capacity exists to serve existing and future needs of San Francisco. The proposed project would incrementally increase the demand for water, wastewater, and other services on-site, but not in excess of anticipated demand projected for the City of San Francisco. Therefore, the proposed project would result in a less-than-significant impact to utilities and service systems.

E-11. Public Services

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

The project site is located in an urban area that is currently served by public services, such as fire, police, public schools, parks, libraries and other services. While the proposed project would increase the number of residents on the project site, and thereby increase demand for and use of local public services, it would not be considered in excess of amounts expected and provided for in this area.

Police and Fire Protection

The project site currently receives police and fire protection services from the San Francisco Police Department (SFPD) and the San Francisco Fire Department (SFFD). The proposed project would change the existing industrial use on the project site to a mixed-use building with 26 residential units

⁵⁰ Department of the Environment. Zero Waste. <http://sfgov.org/site/frame.asp?u=http://www.sfenvironment.org>. Accessed June 16, 2008.

(approximately 44 residents) and up to 4,050 sq.ft. of ground-floor PDR space. The nearest police station is the Southern District Station located at 850 Bryant Street, about two blocks to the southwest. The nearest fire station is Station 1, located at 676 Howard Street, five blocks to the northeast. Although the proposed project could increase activity and the number of calls received from the area and the level of regulatory oversight required, the increase in responsibilities would not be considered substantially greater than the existing demand for police and fire protection services in the South of Market Neighborhood. Meeting this additional service demand would not require the construction of new police or fire department facilities. The proposed project would therefore, not result in a significant impact related to police or fire protection services.

Schools

Some of the new residents of the proposed 26-unit residential development may be families with school age children. The San Francisco Unified School District (SFUSD) employs a student generation rate of 0.203 students per housing unit for planning purposes and the proposed 26 units would generate approximately five school-age children (K-12).⁵¹ This may be an overestimate of the proposed project population, because the majority, about 70 percent, of the proposed units would be one-bedroom units. Nearby public schools to the project site include the Bessie Carmichael Elementary School at 375 Seventh Street, two blocks to the west, and Five Keys Charter School (charter high school) at 70 Oak Grove Street, about one block to the south. The nearest middle schools are Everett Middle School at 450 Church Street, about 1.8 miles to the west, and Francisco Middle School at 2190 Powell Street, about 1.8 miles to the north. In addition to the Five Keys Charter School, high schools serving the project area include the International Studies Academy at 655 De Haro Street, about 1.2 miles south of the site, and Mission High School at 3750 18th Street, about 1.9 miles to the west.

The SFUSD is generally not a growth district, with most facilities throughout the City generally underutilized, and the SFUSD has more classrooms district-wide than it needs.⁵² Because of this, and because families can apply to any SFUSD school, it is expected that the new students generated by the project could be easily accommodated by the SFUSD.⁵³ The proposed project would, therefore, not substantially increase the demand for school facilities and would not necessitate new or physically altered school facilities in San Francisco. Similar to other citywide development, the proposed project would be assessed a State-mandated school impact fee for the increase in residential and retail space;

⁵¹ See discussion in the Eastern Neighborhoods Rezoning and Community Plan Initial Study (Case No. 2004.0160E, Preliminary Draft 9-19-05) and the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004; p. 4-19; prepared for the U.S. Department of Transportation Federal Transit Administration, City and County of San Francisco, Peninsula Corridor of Joint Powers Board, and San Francisco Redevelopment Agency,. Available for review by appointment at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco, in Case No.2004.048E and at www.transbayproject.org, accessed for this report on March 12, 2007.

⁵² San Francisco Unified School District, Facilities Master Plan, 2003.

⁵³ Heidi Anderson, Public Relations Coordinator, San Francisco Unified School District, personal communication, June 12, 2007.

under CEQA, payment of these fees is considered to mitigate potential impacts to schools. Therefore, the proposed project would not result in a significant impact to schools.

E-12. Biological Resources

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and 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 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 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"/>	<input 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"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is within a developed urban area and is completely covered by impervious surfaces. The site, therefore, does not provide habitat for any rare or endangered plant or animal species, and the proposed project would not affect or substantially diminish plant or animal habitats, including riparian or wetland habitat as none exist on the project site. The proposed project would not interfere with any resident or migratory species habitat, or affect any rare, threatened, or endangered species. There are no adopted habitat conservation plans applicable to the project site. The proposed project would, however, plant four (4) street trees along Harrison Street. There are no trees located on the project site, and there

are no street trees along the Harrison Street frontage of the site. Based on the above, the proposed project would not result in significant adverse impact to biological resources.

E-13. Geology and Soils

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
13. GEOLOGY AND SOILS—					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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"/>	<input type="checkbox"/>

The proposed project would not use a septic waste disposal system, and would not substantially change the topography of the site. The site does not contain unique geologic or physical features. Therefore, these issues would not be affected by development of the project site.

Based on its San Francisco location, it is likely that the site would experience minor periodic earthquakes and potentially a major (moment magnitude [Mw] greater than 7.1 characteristic) earthquake on one or more of the nearby faults during the life of the proposed development. The project site is located

approximately 7.5 miles east of the San Andreas Fault, 11 miles east of the San Gregorio North Fault, and 11 miles west of the northern Hayward Fault. The project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known fault or potentially active fault exists on the site. In a seismically active area, such as the San Francisco Bay area, the possibility exists for future faulting in areas where no faults previously existed. During an earthquake along any of the major faults mentioned above, the ground at the project site would experience very strong shaking. Strong shaking during an earthquake can result in ground failure associated with soil liquefaction, lateral spreading, and cyclic densification.

The Community Safety Element of the *General Plan* contains maps that indicate areas of the City where one or more geologic hazards exist. Maps 2 and 3 in the Community Safety Element of the *General Plan* show the intensity of ground shaking in San Francisco from two of the most probable earthquakes, one of magnitude 7.1 on the San Andreas Fault and one of magnitude 7.1 on the northern segment of the Hayward fault. The project site is in a Seismic Hazards Study Zone designated by the California Division of Mines and Geology as an area subject to “non-structural” damage from seismic groundshaking along both the Peninsula segment of the San Andreas Fault and the Northern segment of the Hayward fault. The project site is not in an area subject to landslide, seiche, or tsunami run-up or reservoir hazards (Maps 5, 6, and 7 in the Community Safety Element).⁵⁴

The project site is located within an area delineated by the California Division of Mines and Geology as historically or potentially subject to liquefaction.^{55,56} The Department of Building Inspection (DBI), in its review of the building permit application, has required the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act, which the project sponsor has obtained.⁵⁷ This report assesses the nature and severity of the hazard(s) on the site and recommends project design and construction features, summarized below, that would reduce the hazard(s).

No earthquake faults or other geologic hazards preclude or severely constrain the project. The guideline recommendations of the geotechnical report and conclusions would be considered in project planning, budgeting, and for the plan, design and construction phases.

The planned basement expansion would be in proximity of groundwater and would encounter sands, though moderately dense, in the excavation, bordered by existing adjoining building foundations (presumed footings).

⁵⁴ City and County of San Francisco, *Community Safety Element, San Francisco General Plan*, April 1997, Maps 2-7.

⁵⁵ Map 4 of the Community Safety Element.

⁵⁶ As defined by the State of California Seismic Hazard Zones, City and County of San Francisco Official Map (November 17, 2001).

⁵⁷ AllWest Geoscience, *Geotechnical Engineering Investigation and Recommendations Report: New Six Story with Multi-Units Basement, 870 Harrison St., San Francisco, California*, December 2, 2008. This reports is in Project File No. 2006.0430E and available for public review at the Planning Department, 1650 Mission Street, Fourth floor, San Francisco.

The geotechnical report indicates that shoring and staging of the basement excavation would be a critical part of this project. The report presents guidelines and geotechnical requirements; however, the selection, details, specifications and plans should be submitted by the project sponsor for review by the project geotechnical and structural engineering consultants.

The report indicates that groundwater control would be required, for construction and for permanent design. Foundation installation should anticipate encountering groundwater, and the report addresses the potential settlement and subsidence impacts of this dewatering. Based on this discussion, the report determined that a pre-construction survey should be undertaken to establish baseline conditions, and monitoring of adjacent buildings and the public right-of-way for potential settlement should be undertaken daily during excavation and construction and weekly following construction.⁵⁸ The DPW would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, groundwater recharge would be used to halt this settlement. The project sponsor would delay construction if necessary. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor.

Expansive soils should not be an issue, because the site is underlain predominately by sand.

The report indicates that the most appropriate and suitable foundation to mitigate the potential liquidation hazard is a driven-pile foundation, seemed into the deep, very dense sands. A mat foundation may be considered, if the structural engineer is able to properly design to account for the anticipated levels of loading and settlements.

A critical design requirement is that the building foundation must be self sustaining and not rely on adjoining foundations or ground on private property for stability and support during a major earthquake event. The design safeguards of adjoining buildings are unknown and shall not be relied upon.

The project sponsor has agreed to follow the recommendations of the geotechnical report in constructing the proposed project.

The site-specific geotechnical analysis has been prepared for the proposed project and will be reviewed by the DBI. In addition, the DBI will review final building plans for the proposed project prior to issuance of a site permit. In reviewing the final building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for development. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspector's working knowledge of areas of special geologic concern. During the DBI's review of building permit for the site, they could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Potential damage to structures from geologic hazards

⁵⁸ AllWest Geoscience, op cit, page 21.

would be mitigated through the DBI review of the building permit application and implementation of the Building Code. For all of the above reasons, the proposed project would not result in significant impacts related to geology, topography, seismic or soil hazards, either individually or cumulatively.

E-14. Hydrology and Water Quality

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
14. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is completely covered by impervious surfaces; the proposed project would therefore not increase the amount of runoff from the project site, nor redirect runoff flows. The project site is not in an area subject to tsunami run up, or reservoir inundation hazards (Maps 6, and 7 in the *General Plan* Community Safety Element).

Water Quality

The proposed project would not substantially degrade water quality or contaminate a public water supply. Groundwater is not used for drinking water supply in the City and County of San Francisco. Stormwater and wastewater from the proposed project would continue to flow into the city's combined sewer system and be treated at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge standards contained in the City's National Pollutant Discharge Elimination System (NPDES) permit for the plant. During operations and construction, the proposed project would be required to comply with all local wastewater discharge and water quality requirements. Therefore, the proposed project would not substantially degrade water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The proposed project falls within an area in the City prone to flooding during storms, especially where ground stories are located below an elevation of 0.0 City Datum or, more importantly, below the hydraulic grade line or water level of the sewer.

The City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements are referred to the San Francisco Public Utilities Commission (SFPUC) for a determination of whether the project would result in ground-level flooding during storms. The side sewer connection permits for these projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency. The SFPUC and/or its delegate (SFDPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt. The permit applicant shall refer to SFPUC requirements for information required for the review of projects in flood-prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

As required, the sponsor for the proposed project would coordinate a review with SFPUC in order to determine if the project would result in ground-level flooding during storms and will incorporate any

required design measures, as applicable. Therefore, the project would result in less-than-significant impact on wastewater systems.

Groundwater Resources

The project proposes excavation to 10-12 feet for the below-grade parking garage. The geotechnical report prepared by AllWest Geoscience, Inc., recommends excavation to at least 12 feet for the below grade parking garage.⁵⁹ A previous geotechnical report was prepared by Frank Lee and Associates in February 2007.⁶⁰ This geotechnical investigation of the site included subsurface exploration with two exploratory test borings drilled to a maximum depth of 25.5 feet in front of the existing building, on the east and west sides of the parking area. Although groundwater was encountered at a depth of about 5 feet in both locations, the report noted that groundwater levels fluctuate seasonally and annually. Because excavation would occur to a depth of 10-12 feet, groundwater would be encountered during construction, and dewatering would be required. The December 2, 2008 geotechnical report recommends permanent groundwater control devices be designed and installed.

Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The Bureau of Systems Planning, Environment, and Compliance of the SFPUC must be notified of projects necessitating dewatering, and may require water quality analysis before discharge. The subsurface investigation conducted for the proposed project collected four groundwater samples⁶¹ for testing, and found no contamination.⁶² As discussed above under Topic 13, Geology and Soils, the December 2, 2008 geotechnical report advises that a pre-construction settlement survey and subsequent monitoring be done to monitor any movement or settlement of surrounding buildings and adjacent streets. The DPW would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence, and if unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement.

Erosion

As noted above, the entirety of the project site is covered with impervious surfaces and the proposed project would not substantially change the amount of impervious surface area, other than to slightly reduce it through the introduction of street trees along the site frontage. There would therefore be no

⁵⁹ AllWest Geoscience, Inc., op cit.

⁶⁰ Frank Lee and Associates. *Soils and Foundations Investigation, Proposed Five-Story Mixed Use Building, 870 Harrison Street, San Francisco, California*. February 14, 2007. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

⁶¹ Environmental Risk Specialties, *Subsurface Investigation Report*, March 18, 2009, page 2. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

⁶² Ibid, page 9.

potential for an increase in the quantity and rate of storm water runoff from the site resulting from the proposed project. Stormwater runoff would continue to drain to the city's combined storm and sanitary sewer system. Therefore, the proposed project would not significantly affect surface water or groundwater quality, nor cause substantial flooding or erosion.

During construction of the proposed project, there would be a potential for erosion and transportation of soil particles during site preparation, excavation, foundation pouring, and construction of the building shell. Once entrained in surface water runoff, sediment and other pollutants could leave the construction site and ultimately be released into San Francisco Bay. As discussed above, stormwater runoff from project construction would drain into the combined sewer and stormwater system and be treated at the Southeast Water Pollution Control Plant. Pursuant to *Building Code* Chapter 33 (Excavation and Grading) and the City's NPDES permit, the project sponsor would be required to implement measures to reduce potential construction-related erosion. Therefore, the proposed project would not substantially degrade water quality.

Flood Hazards

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a one percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area ("SFHA").

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco's geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2009, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).⁶³ On June 10, 2008, legislation was introduced at the San Francisco Board of

⁶³ City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008

Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map.

According to the preliminary map, the project site is not located within a flood zone designated on the City's interim floodplain map. Therefore, the project would result in less than significant impacts related to placement of a PDR and residential building within a 100-year flood zone.

Based on the information presented above, the proposed project would not have significant water quality, groundwater, flooding, or erosion impacts nor be at risk from dam or levee failure or from seiche, tsunami, or mudflow inundation.

E-15. Hazards and Hazardous Material

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</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"/>	<input 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 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 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"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area or near a private airstrip and therefore, topics 15e and 15f are not applicable to the proposed project.

During operation, the proposed residential project would likely utilize small quantities of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants for routine household purposes. Such products are labeled to inform users of risks and to instruct them in proper handling methods. Most of these materials are consumed through use, resulting in little waste. Therefore, the proposed project's residential uses would not emit or handle hazardous or acutely hazardous materials in excess of the routine uses indicated above.

A Phase I Environmental Site Assessment (ESA) was prepared for the project site.⁶⁴ An ESA assesses possible environmental concerns related to on-site or nearby chemical use, storage, handling, spillage, and/or on-site disposal, with particular focus on potential degradation of soil or groundwater quality. The ESA also reviews the land use history of the project site and operating practices at or near the site to assess potential hazards from reported chemical releases on nearby properties and the potential migration of chemicals, contaminants, and toxics onto the project site. The findings of the ESA are summarized below. A subsequent subsurface investigation was conducted,⁶⁵ the results of which are also included below.

⁶⁴ AEI Consultants, *Phase I Environmental Site Assessment – 870 Harrison Street, San Francisco, California, 94107*, October 7, 2005. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.

⁶⁵ Environmental Risk Specialties, op cit.

Project Site

Early *Sanborn Fire Insurance Maps* from 1889 indicate the project site was developed with the Chris Harley Co. Junk & Rag Depot and a 3-flat residential building. Surrounding properties were similarly developed with a mixture of residential and commercial properties, including stores, a hay barn on the adjacent parcel at 852 Harrison Street, and the Whittier Public School further to the east, at 812 Harrison Street. By the time of the 1904 Sanborn map, the project site had been redeveloped with a Salvation Army dormitory equipped with a dining room and a furniture repair shop. Several surrounding properties had been redeveloped from residential to stores and other commercial properties, and some former residential properties had become vacant lots. The former hay barn had become a feed store at 890 Harrison Street. The 1904 map also indicated that the former Whittier Public School was now the Lincoln School, at 824 Harrison Street.

The project site had again been transformed by the time of the 1913 Sanborn map, when the property appeared vacant. The surrounding properties also reflected changes, with the former feed store now a machine warehouse, and an auto garage and gas station occupying the corner of Harrison and Fifth Streets. However, the project site and all surrounding properties remained unchanged 36 years later, as shown on the 1949 Sanborn map. The 1970 Sanborn map shows the site developed with a photo supply store. Two commercial properties—a parking lot and a gas station—are located west of the site, while an insecticide manufacturing facility is located immediately north of the site, on Clara Street. To the east are a silk screen processing facility at 850 Harrison, an auto parking lot and repair shop at 848 Harrison, a print shop at 836 Harrison, and the Lincoln Public School at 824 Harrison.

The 1984 Sanborn map indicates no change to the project site since the 1970 map, but the properties east of the site have been redeveloped into a sign painting shop at 880 Harrison and the former gas station has become a commercial property with an adjacent parking lot. The Lincoln School has been redeveloped into the Filipino Educational Center. No changes have occurred to the project site or surrounding properties as depicted on the 1988 and 1990 Sanborn maps.

Based on a review of city directories, printing and photo developing operations have been occurring on the project site since about 1976. The most recent business that operated at the site, Robyn Color Lab Inc., is registered with the Hazardous Materials Unified Program Agency (HMUPA) of the San Francisco Environmental Health Management Department as a Minimal Quantity Generator of hazardous waste, generating less than 5 tons of waste per year. Robyn Color Lab is permitted by HMUPA to store on site 428 gallons of hazardous materials and 1,050 cubic feet of compressed gas used for purposes of photo development, processing, and printing. The lab generates about 180 gallons of hazardous waste each year, which is hauled offsite by a registered hazardous waste hauler. The facility's non-hazardous liquid waste is legally discharged into the City's combined sewer/stormwater system. The HMUPA's records did not list any hazardous materials violations by Robyn Color Lab.

Hazardous Substance Releases

Government records and databases relating to hazardous materials list potential sources of hazardous substances in areas, and are used in part, to assess the risk of encountering soil and/or groundwater contamination during the development of a project site. These records include regulatory lists of properties where unauthorized releases of hazardous materials have occurred, and properties where hazardous materials are currently generated or stored. The records include those of the San Francisco Fire Department (SFFD) and the Local Oversight Program (LOP) of the San Francisco Environmental Health Management Department. The project site is not listed in regulatory agency databases for hazardous material historical releases or storage, nor were there local release or storage files with the SFFD. However, files at the LOP indicate that petroleum hydrocarbons were detected to the east of the project in 1999 at the General Engineering and Machine Works at 840 Harrison Street. Groundwater contamination with 54,000 parts per billion (ppb) total petroleum hydrocarbons as gasoline (TPH-g), 3,800 ppb benzene, 8,400 ppb toluene, and 11,000 ppb xylene was recorded at the site. Soil sampling and groundwater monitoring of the site are ongoing. Due to the proximity of this site and its upgradient location from the project, the ESA concluded that any contamination resulting from gasoline leakage at the General Engineering and Machine Works is likely to have adversely affected the project site.

The LOP records also indicate groundwater contamination to the west of the site, at the former Arco Service Station at 400 Fifth Street (at Harrison Street), the site of three former underground storage tanks (USTs). Concentrations of 430 ppb of benzene, 120 ppb of toluene, 330 ppb of ethylene, and 2,400 ppb of xylene were recorded in 2005, and remediation of the site was proposed. The ESA concluded that contaminants from this site were also likely to have migrated onto the project site.

There are two properties within one-eighth of a mile with documented releases of hazardous materials, including metals and petroleum hydrocarbons. The property at 858-860 Folsom Street, historically used as an elevator repair shop, is documented to have contaminated soils. Clean up of this site is underway under the supervision of the California Department of Toxic Substances Control. Because the property is down-gradient about 0.12 mile from the project site, it is not likely to adversely affect the project site. Site screening of the Roto Metals site at 980-982 Harrison Street, approximately 0.18 mile from the project, indicated a need for further investigation. The ESA concluded that the site does not pose a threat to the project site due to its cross-gradient location in relation to the project site.

Another eleven sites of current or former leaking underground storage tanks are located within one-eighth of a mile of the project. Two of the sites include the former Arco Service Station and General Engineering and Machine Works discussed above. Eight of the sites were granted closure status in the 1990s and are not expected to represent a significant environmental concern at the project site. The remaining property at 300 Fifth Street, the site of a waste oil leak discovered in 1987, is unlikely to pose a threat to the project site due to its cross-gradient location.

During the ESA site visit, hazardous materials related to the Robyn Color Lab's photo processing operations were observed and the Material Safety Data Sheets (MSDSs) for those materials were

reviewed. The MSDSs identified ammonium acetate, ammonium bromide, ammonium hydroxide, ammonium nitrate, ammonium bisulfite, ammonium thiosulfite, formaldehyde, urea formaldehyde, ethylene diamine teraacetic acid (EDTA), ferric ammonium EDTA, silver-halide-based imaging products, and other chemicals in use at the site. No significant staining, spillage, leaks, or other evidence of recognized environmental conditions associated with the use or storage of hazardous materials was found at the project site. A floor drain, sump, and sump pump were all observed to be clean and in apparent good working order. The proposed project would include the demolition of the existing building, requiring the appropriate removal of all hazardous materials and hazardous waste currently stored on the property. The proposed development of residential units would include the use of typical household purpose hazardous materials, such as cleaners and disinfectants.

The ESA indicates that known hazardous materials release sites that have adversely affected groundwater quality are located in close proximity to the project site, including a site located 0.12 miles upgradient of the project. There is therefore the potential for one or more of these hazardous materials release sites to have affected soil and/or groundwater quality at the project site with elevated concentrations of petroleum hydrocarbons.

Since construction of the proposed project could result in exposure of workers to hazardous concentrations of petroleum hydrocarbons or other hazardous materials, soil excavated during the proposed project construction has been tested for metals and petroleum hydrocarbons for proper handling for reuse or disposal, as reported in a Subsurface Investigation Report.⁶⁶ The subsurface investigation, under the direction of DPH,⁶⁷ consisted of advancing eight exploratory soil borings to depths ranging from 6.0 to 12.0 feet below ground surface (bgs), logging encountered soils, collecting representative soil samples from the borings, and analyzing the samples for suspect constituents of concern as volatile organic compounds (VOCs), total lead, total extractable petroleum hydrocarbons (TEPH), and the 17 California Assessment Manual (CAM 17) metals.⁶⁸ Lead levels ranged from 1.6 to 10,500 ppm, and the borings that tested at hazardous levels (above 1,000 ppm) were three borings beneath the existing building. No other materials tested at hazardous levels.⁶⁹

Therefore, **Mitigation Measure 4** has been included to address the need for a mitigation plan and handling/hauling/disposal plan that would remediate the soil on the project site to residential levels. With the implementation of **Mitigation Measure 4** the proposed construction would not have the potential to pose a direct (through soil remediation) or indirect (through transport of contaminated soils of accidental release) public health hazard to the surrounding neighborhood and would mitigate this impact to a less-than- significant level.

⁶⁶ Environmental Risk Specialties, op cit.

⁶⁷ Rhajiv Bhatia, MD, MPH, letter to Sean Sullivan, project sponsor, *Subject: Mixed Use Development, 870 Harrison Street, San Francisco, EHS-HWU Case Number 678*, March 26, 2009. This document is on file and available for public review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2006.0430E.-

⁶⁸ Environmental Risk Specialties, op cit.

⁶⁹ Ibid, page 8.

Asbestos

Due to the age of the existing building, built in approximately 1952, asbestos-containing building materials (ACBM) may be encountered during the proposed demolition of the building. The ESA noted that the suspect ACBM in the building's drywall, acoustical ceiling tiles, and vinyl floor tiles appeared to be in good condition, but that friable asbestos could be released during building demolition, posing a potential health threat to workers and the public. Prior to any demolition, these ACBM must be removed in accordance with local and state regulations, BAAQMD, California Occupational Safety and Health Administration (CAL OSHA), and California Department of Health Services (DHS) requirements.

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or asbestos abatement work. The notification must include the names and addresses of the operations and the names and addresses of persons responsible; location and description of the structure to be demolished/altered, including size, age, and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or asbestos abatement work; nature of the planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received. Any ACBM disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

The local office of the State Occupational Safety and Health Administration must also be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos related work involving 100 sq.ft. or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California Law, the DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures established as part of the permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Lead-Based Paint

Similar to ACBM, the age of the existing building on the project site indicates that both interior and exterior paints may contain lead. Any construction activity that would disturb building areas containing lead-based paint, whether deteriorated or intact, must be conducted in compliance with Section 3407 of the *San Francisco Building Code (Building Code)*, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building, or the interior of an occupied building, built prior to or on December 31, 1978, Section 3407 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Section 3407 of the *Building Code* contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Residential Lead-Based Paint Hazards), and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for project site signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide the Director of the DBI with written notice that describes the address and location of the proposed project; the nature and approximate square footage of the painted surface being disturbed and/or removed; whether the responsible party has reason to know or presume that lead-based paint is present; the methods and tools for paint disturbance and/or removal; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential; whether it is owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include: a Post Sign notifying the public of restricted access to work area, a Notice to Residential Occupants, Availability of Pamphlet related to protection from lead in the home, and Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by the DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures, established by the *Building Code*, would ensure that potential impacts associated with lead-based paint disturbance during construction activities for the proposed project would be reduced to a less-than-significant level.

Other Potential Hazardous Building Materials

In addition to asbestos containing building materials and lead-based paint, hazardous polychlorinated biphenyls (PCBs) were frequently used in fluorescent light fixtures manufactured prior to 1978. The ESA did not perform an evaluation of the fluorescent light fixtures in the existing building. Although newer light fixtures would not contain PCB ballasts, for purposes of this analysis, it must be assumed that PCBs are present in the fluorescent light fixtures in the building. Fluorescent light bulbs are also regulated for mercury content for the purpose of disposal. Inadvertent release of such materials during building demolition could expose construction workers, occupants, or visitors to these substances and could result in various adverse health effects if exposure were of sufficient quantity. Although abatement or notification programs such as those described above for asbestos and lead-based paint have not been adopted for PCB and mercury testing and cleanup, items containing these or other toxic substances that are intended for disposal must be managed as hazardous waste and handled in accordance with Occupational Safety and Health Administration (OSHA) worker protection requirements. Nonetheless, potential impacts associated with encountering PCBs, mercury, lead or other hazardous substances in building materials would be considered a potentially significant impact. Hazardous building materials sampling and abatement pursuant to existing regulations prior to renovation work, as described in **Mitigation Measure 5**, would reduce potential impacts associated with PCBs, mercury, lead, and other toxic building substances in structures to a less-than-significant level. With **Mitigation Measure 5** implemented, the proposed project would not have the potential to pose a direct (through material removal, if required) or indirect (through transport of materials or accidental release) public health hazard to the surrounding neighborhood.

Emergency Response Plans

The proposed infill development project would not interfere with emergency response or evacuation plans. Occupants of the proposed building would incrementally contribute to potential congestion if an emergency evacuation of the South of Market neighborhood were required. The project sponsor would develop an evacuation and emergency response plan, as required, to be reviewed by the Office of Emergency Services, to ensure coordination between citywide and site-specific emergency planning.

Fire Hazards

San Francisco ensures fire safety primarily through provisions of the *Building and Fire Codes* and requires new buildings and additions to meet these standards. The SFFD and the DBI would ensure conformance with these provisions, including emergency exit requirements, the development of an emergency procedure manual and an exit drill plan, through the review of the proposed project's plans. With these requirements, potential fire hazards would not be considered a significant impact.

Conclusion

Regulations and procedures that are already established as part of the building permit review process as well as **Mitigation Measures 4** and **5** would reduce potential public health and safety hazards to a less-than-significant level.

E-16. Mineral and Energy Resources

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES—					
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ and thus the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. There are no operational mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project.

New buildings in San Francisco are required to conform to energy conservation standards specified by Title 24 of the California Code of Regulations. Documentation showing compliance with these standards is submitted with the application for the building permit. Additionally, the project must comply with the City's Green Building Ordinance which requires energy efficiency 14-15 percent beyond Title 24 and calls for a 20 percent reduction in potable water use. Title 24 and the Green Building Ordinance are enforced by the Department of Building Inspection. Because the proposed project would meet current state and local codes concerning energy consumption and would therefore not cause a wasteful use of energy, effects related to energy consumption would not be considered significant.

E-17. Agricultural Resources

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE RESOURCES					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located within an urbanized area of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as "Urban and Built-up Land" (Department of Conservation, 2002). Because the site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland.

E-18. Mandatory Findings of Significance

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE—					
Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) The proposed project would include the demolition of an existing two-story retail building and construction of a six-story mixed-use building with 26 residential units and either approximately 4,050 or 2,560 sq.ft. of ground-floor PDR space. The proposed project also includes the construction of a below-grade parking garage. As discussed in Topic 12: Biological Resources, the project site is located in a fully developed urban area and would not significantly affect biological resources. As discussed in Topic 4: Cultural Resources, the existing building on-site is not an historical resources and staff review indicated no adverse affects to adjacent historical resources are anticipated. The proposed project would require excavation 10-12 feet below ground surface. It is possible that excavation could have potentially significant impacts to below ground archeological and paleontological resources. The proposed project has incorporated **Mitigation measures 1 and 6** to reduce this potential impact to a less than significant level.

b) The proposed development and any surrounding development would be anticipated to add activity to the project vicinity. However, cumulative impacts of the proposed project or its temporary effects of its construction would not be cumulatively significant.

c) The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) and Topic 1 (Land Use and Land Use Planning) would be generally consistent with local land use and zoning requirements. **Mitigation measures 2-5**, contained in Section F below, have been incorporated into the proposed project to address construction related potential hazardous materials issues to reduce these potential impacts to a less-than-significant level.

Neighborhood Notice

A Notification of Project Receiving Environmental Review (Neighborhood Notice) was sent out on June 2, 2006, to the owners of properties within 300 feet, adjacent occupants of the project site and interested parties. Members of the public expressed concern about the proposed project as it relates to the adequacy of existing public open space and parks to serve increased residential development, the amount of proposed parking, the proposed height and unit mix. Discussions have been included or added to the appropriate sections of the Initial Study to address these concerns. No significant adverse environmental impacts associated with issues of concern have been identified. Comments that do not pertain to physical

environmental issues and comments regarding the merits of the proposed project were not addressed and are more appropriately directed to the decision-makers. The decision to approve or disapprove a proposed project is independent of the environmental review process. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project could have a significant effect on the environment.

F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

Mitigation Measure 1: Archeological Resources (Archeological Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological

consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- b. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the

pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human

remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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.

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 Major Environmental Analysis division of the Planning Department shall receive 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure 2: Construction Noise (Pile Driving)

Should pile driving be required, the following measures shall be implemented to reduce daytime noise impacts from construction:

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- Construction activities are limited to daytime hours only.

Mitigation Measure 3: Construction Noise (Pile Driving)

Should pile driving be required for building construction, the project sponsor will require that the project contractor pre-drill holes (if feasible and based on the soil conditions) for piles to the maximum feasible depth. The project sponsor shall also require that contractors schedule pile driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance and in consultation with the Director of Public Works, to disturb the fewest people. At least 48 hours prior to pile-driving activities, the project sponsor shall notify building owners and occupants within 200 feet of the project site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of such activities.

Mitigation Measure 4: Hazards (Contaminated Soil)

Step 1: Preparation of Site Mitigation Plan:

DPH has determined that the soils on the project site are contaminated with lead at or above potentially hazardous levels, and DPH has determined that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of lead on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 2: Handling, Hauling, and Disposal of Contaminated Soils

(a) specific work practices: The construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA metal, or petroleum hydrocarbon, or volatile organic compounds, safe work practices) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where metal, or petroleum hydrocarbon, or volatile organic compound-contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste-hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 3: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure 5: Other Hazardous Building Materials (PCBs, Mercury, Lead, and others)

The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. Any hazardous building materials discovered during surveys would be abated according to federal, state, and local laws and regulations.

Mitigation Measure 6: Paleontological Resources

In the unlikely event that excavation for the proposed project uncovers any vertebrate remains, construction activities shall stop immediately until such remains are recovered. The project sponsor shall set aside any discovered vertebrate remains and contact a professional paleontologist to evaluate the find for possible salvage.

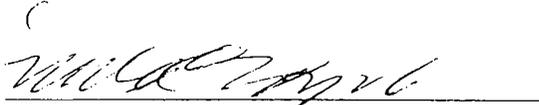
G. DETERMINATION

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

DATE

May 21, 2009



Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning

H. INITIAL STUDY PREPARERS

Initial Study Authors

Planning Department, City and County of San Francisco
Major Environmental Analysis
1650 Mission Street, Suite 400
San Francisco, CA 94103

Environmental Review Officer: William C. Wycko

Project Supervisor: Nannie Turrell

Project Coordinator: Jessica Range

Neighborhood Planner: Erika Jackson

Initial Study Consultants (Prime Consultant)

During Associates
120 Montgomery Street, Suite 2290
San Francisco, CA 94104

Project Director: Stu During

Environmental Planner: Doug Herring

Project Coordinator: Morgan Gillespie

Sanborn Map*

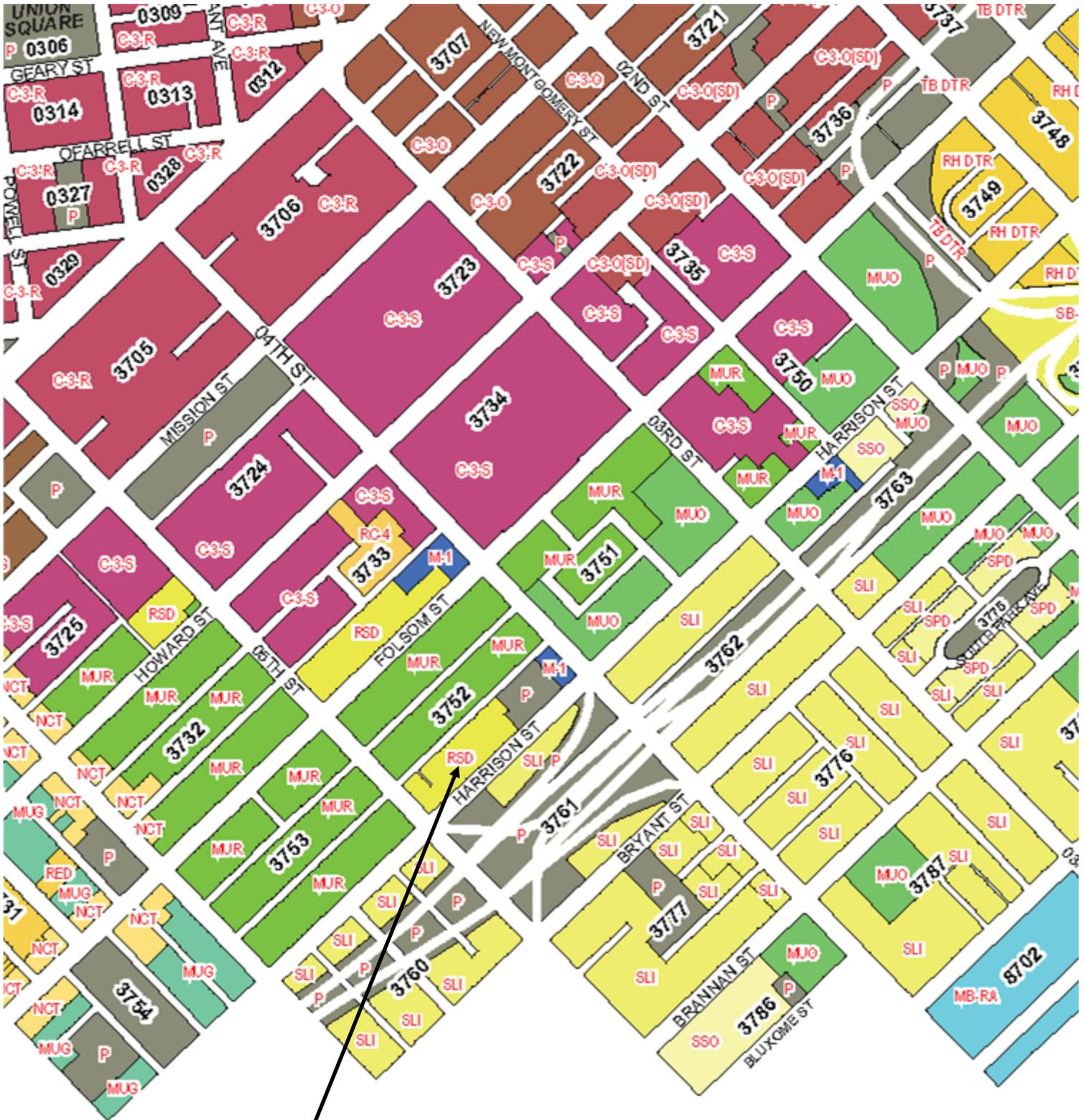


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2012.0150C
870 Harrison Street
3752 / 019

Zoning Map



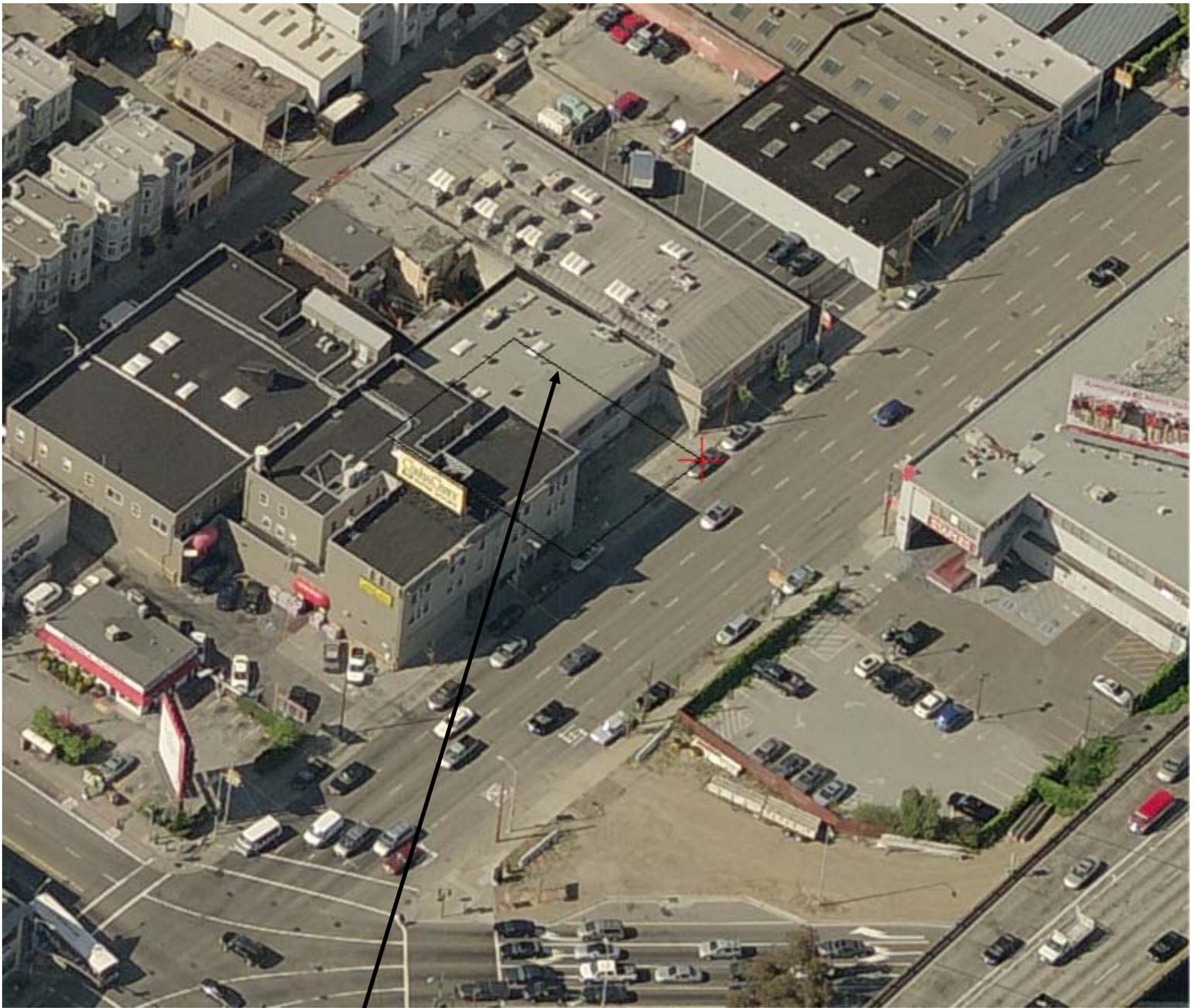
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2012.0150C
870 Harrison Street
3752 / 019

Aerial Photograph

Looking North



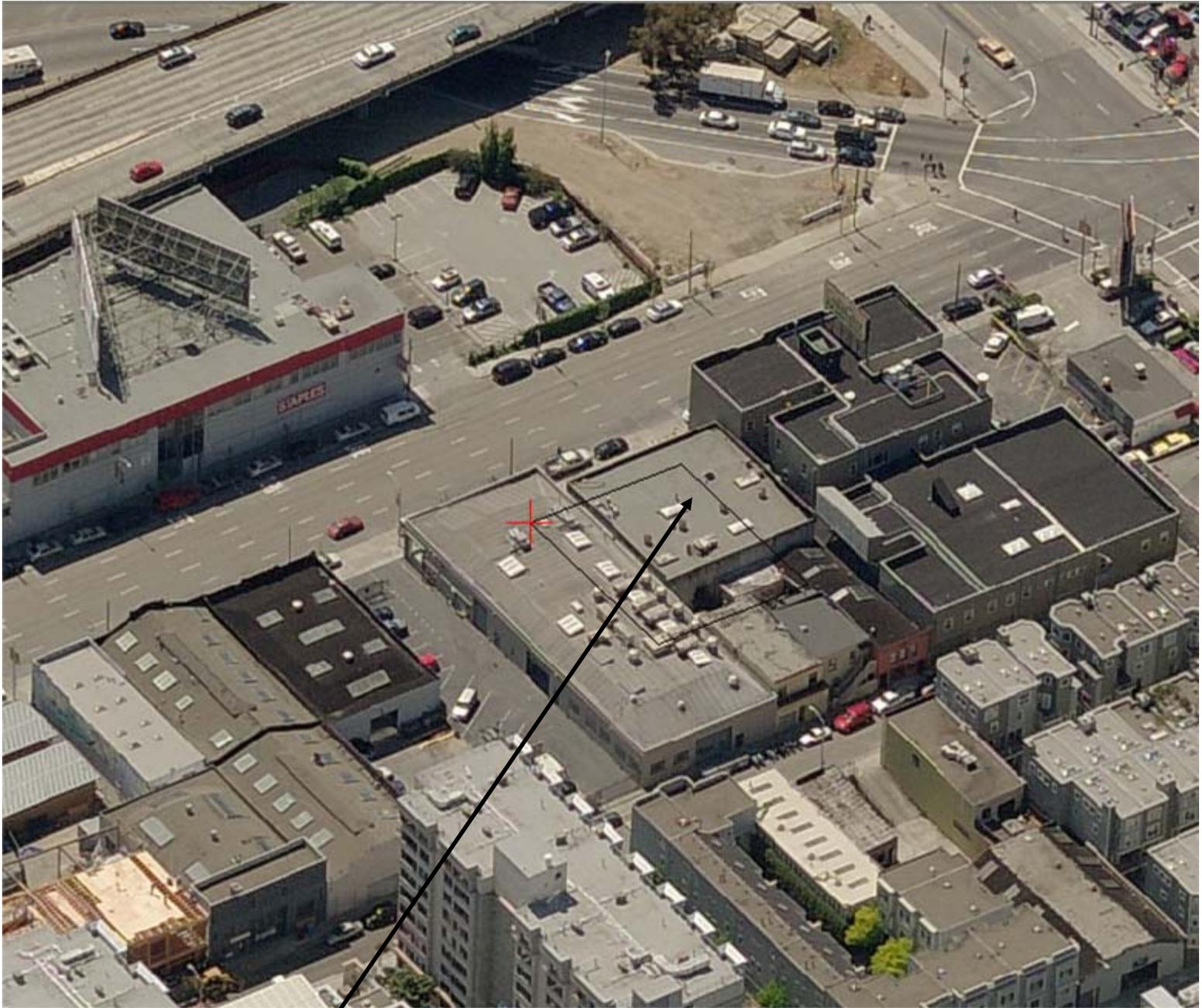
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2012.0150C
870 Harrison Street
3752 / 019

Aerial Photograph

Looking South



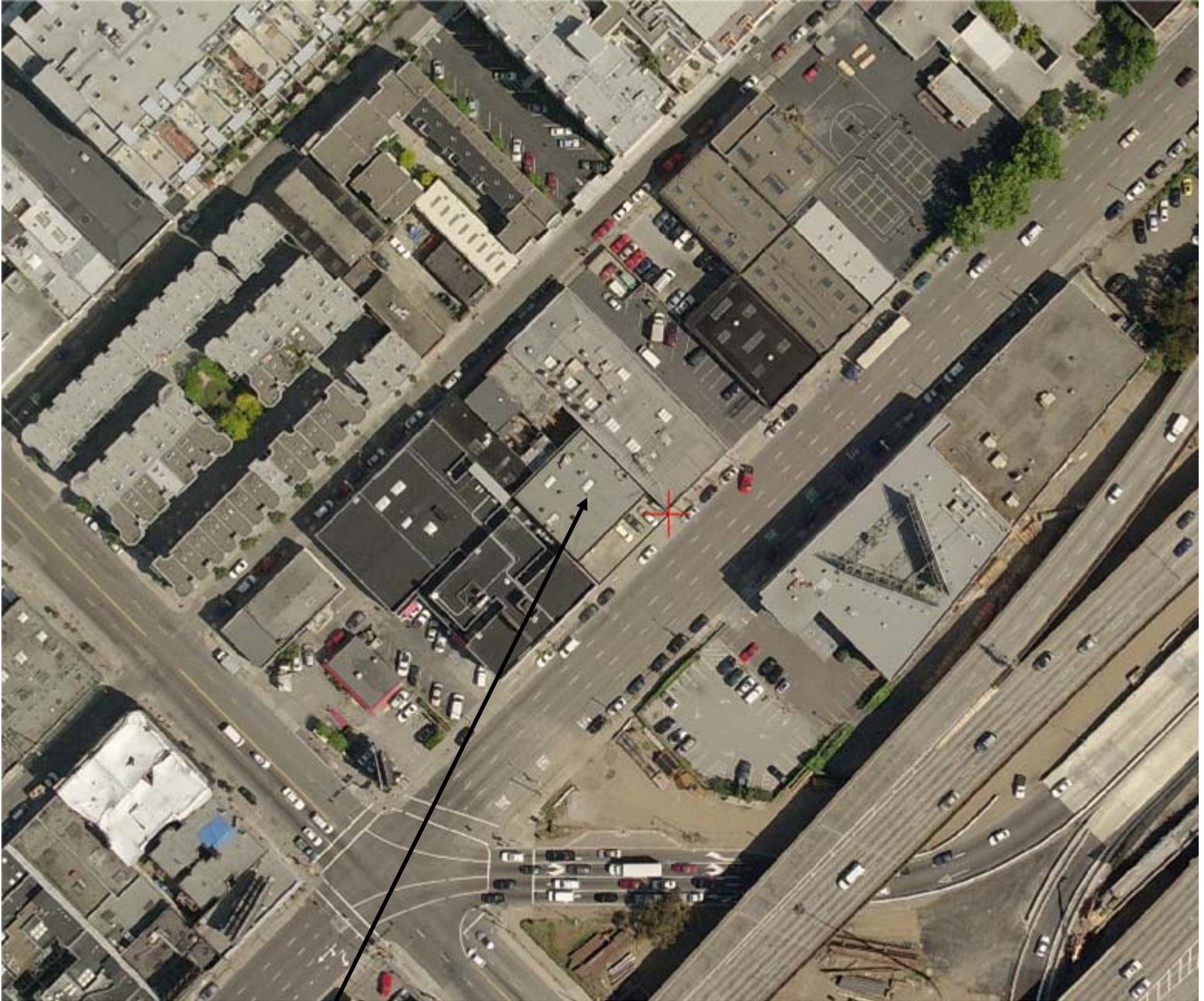
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2012.0150C
870 Harrison Street
3752 / 019

Aerial Photograph

Site View



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2012.0150C
870 Harrison Street
3752 / 019

**Before the
San Francisco Planning Commission**

**PROJECT SPONSOR'S SUBMITTAL IN SUPPORT OF
TIME EXTENSION FOR CONDITIONAL USE APPROVAL**

PLANNING CODE SECTION 303(e)

FOR

**Property Located at 870 Harrison Street
Block 3752, Lot 19**

**Project Sponsor:
870 Harrison Street, LLC**

Planning Department Case No. 2006.0430C

**Approval Granted: June 18, 2009
Application for Time Extension Filed: February 16, 2012
Hearing Date: May 10, 2012**

Attorneys for Project Sponsor:



One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

APPLICATION FOR TIME EXTENSION

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A. INTRODUCTION

870 Harrison Street, LLC (“Owner”) is the owner of the approved project located at 870 Harrison Street, Block 3752/Lot 19 (“Project Site”), for construction of a mixed-use development with up to 26 residential dwelling units, approximately 2,324 square feet of PDR space, and up to 16 (including 1 tandem) off-street parking spaces (“Project”). The approved Project is located on the north side of Harrison Street between Fourth and Fifth Streets, within the RSD Zoning District, and the 40-X/85-B height and bulk district.

On June 18, 2009, the San Francisco Planning Commission approved the Project by a vote of 5-0 with two absences, pursuant to Motion No. 17906 (“Approval Motion”) attached as **Exhibit A**.

The Approval Motion contained a condition to commence construction within 3 years of project approval. This has not been feasible due to the economic recession. Accordingly, the Project Sponsor submits this application (“Application”) pursuant to Planning Code Section 303(e) to obtain an extension of time of an additional 3 years for the Project.

B. SITE INFORMATION

Street Address: 870 Harrison Street
Cross Streets: Fourth and Fifth Streets
Assessor’s Block/Lot: 3752/19
Zoning District: RSD
Height/Bulk District: 40-X/85-B
Site Size: 5,844 square feet
Dimensions: Approximately 85 feet x 68.75 feet
Existing Improvements: 2-story commercial building

C. PROJECT SUMMARY

Proposed Use: Mixed-use residential building with 26 residential units, ground floor PDR space, and 16 off-street parking spaces.
Affordable Housing: Four onsite BMR units

Building Height: 65 feet

Gross Square Footage: Approximately 18,734 square feet of residential (with up to 26 units); approximately 2,324 square feet of retail/commercial; approx. 5,245 square feet of parking area (with up to 16 spaces (including 1 tandem)); and approximately 3,526 square feet of common areas (including stairs, corridors and lobby areas)

Number of Stories: 6 stories

Open Space: Approximately 1,405 square feet of common open space, and private open space in the form of private decks for 26 units (all units).

D. PROPOSED ACTION

Owner seeks amendment of performance Condition No. 19 of Planning Commission Motion No. 17906 in order to allow an additional three years to obtain a site permit. The requested extension will help to mitigate economic issues and market conditions caused by the recession.

In the absence of the requested extension of time, the city will lose 26 residential units, including four onsite BMR units, as well as 2,324 square feet of PDR space.

E. MASTER PLAN PRIORITY POLICIES

Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this Conditional Use application are consistent with each of these policies as follows:

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

The site was formerly used as a photo enlargement shop. The proposed building would create 2,324 square feet of PDR space along with 26 residential units.

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

The Project currently does not contain housing. The Project conserves and enhances neighborhood character by providing a quality new residential building in a residentially zoned neighborhood.

3. That the City's Supply Of Affordable Housing Be Preserved And Enhanced

The Project will further this priority policy by creating four new affordable housing units, within the Project itself .

4. That Commuter Traffic Not Impede MUNI Transit Service Or Overburden Our Streets or Neighborhood Parking

The Project is too small to impede Muni transit service or overburden streets or parking. Current policy in San Francisco encourages transit first and discourages off-street parking.

5. That A Diverse Economic Base Be Maintained By Protecting Our Industrial And Service Sectors From Displacement Due To Commercial Office Development, and That Future Opportunities for Resident Employment and Ownership in These Sectors Be Enhanced

The Project does not involve any commercial office development.

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

7. That Landmarks And Historic Buildings Be Preserved

The existing building at the Project Site was built in 1952 and has no landmark or historical status.

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

The Project will not adversely affect any parks or open space. There are no parks or open space on the subject or adjacent blocks.

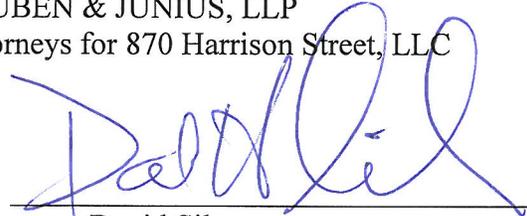
F. CONCLUSION

The Project satisfies all of the criteria of the Planning Code and the Master Plan for approval of a Conditional Use Authorization to extend time. The need for a time extension was caused by the economic recession and was not due to any action or inaction on the part of the Owner. The Project will provide up to 26 units of much needed housing for San Francisco, including 4 onsite affordable housing units. The proposal furthers the objectives and policies of the City's Master Plan and will be a positive addition to the neighborhood.

Accordingly, we respectfully request approval of a time extension to obtain the site permit.

Respectfully,

REUBEN & JUNIUS, LLP
Attorneys for 870 Harrison Street, LLC



By:

David Silverman

Dated: April 16, 2012

LIST OF EXHIBITS

Exhibit A – Project Approval Motion No. 17906 dated June 18, 2009

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Market & Octavia Fee (Sec. 326)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

1850 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 17906

HEARING DATE: JUNE 18, 2009

Date: June 11, 2009
Case No.: 2006.0430C
Project Address: 870 HARRISON STREET
Zoning: RSD (Residential/Service Mixed Used District)
 40-X / 85-B Height and Bulk District
 Youth and Family Special Use District
Block/Lot: 3752 / 019
Project Sponsor: Sean Sullivan, 870 Harrison Street, LLC
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfpov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303 TO DEMOLISH AN EXISTING VACANT TWO-STORY INDUSTRIAL BUILDING AND CONSTRUCT A SIX-STORY, 65-FOOT-TALL MIXED-USE BUILDING CONTAINING UP TO 26 DWELLING UNITS AND PRODUCTION DISTRIBUTION AND REPAIR (PDR) SPACE PURSUANT TO PLANNING CODE SECTION 263.11, AND TO CONSTRUCT A COMMUNITY RESIDENTIAL AUTOMOBILE PARKING GARAGE PURSUANT TO PLANNING CODE SECTIONS 157 AND 815.26. THE PROPOSED PROJECT IS LOCATED WITHIN SAN FRANCISCO'S SOUTH OF MARKET AREA (SOMA) AND WITHIN THE WEST SOMA PLANNING AREA. THE PROJECT SITE IS WITHIN THE RESIDENTIAL SERVICE DISTRICT (RSD), A 40-X/85-B HEIGHT AND BULK DISTRICT, AND THE YOUTH AND FAMILY SPECIAL USE DISTRICT; AND ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 14, 2006, Sean Sullivan of 870 Harrison Street, LLC (Project Sponsor), filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile

Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.

On June 18, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0430C.

The San Francisco Planning Department (hereinafter "Department") adopted the Amended Final Mitigated Negative Declaration (hereinafter "FMND") for the Project as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2006.0430C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Harrison Street, on the block bounded by Clara Street to the north, Harrison Street to the south, Fourth Street to the east, and Fifth Street to the west, in the heart of San Francisco's South of Market neighborhood and within the Western Soma Planning Area. The 5,844-sq.ft. site (Block 3752, Lot 019) contains a 6,120-sq.ft., two-story industrial building. The site is located within an RSD (Residential/Service Mixed Use) Zoning District and is within a 40-X/85-B Height and Bulk District (40-foot base height to 85-foot height limit; maximum length of 110 feet and maximum diagonal dimension of 125 feet for buildings above 50 feet). The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights. The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep.
3. **Surrounding Properties and Neighborhood.** The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial,

light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store and associated surface parking lot. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, housing an automotive repair facility at 846 Harrison Street and the Club Sportiva classic car club at 840 Harrison Street. A two-story building at 836 Harrison is occupied by office uses. Approximately one-third of the block is occupied by the Filipino Education Center at 820 Harrison Street. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street. This two-story building and the associated parking lot are the only uses on the block on the south side of Harrison Street; vacant triangular lots defined by Interstate 80 (I-80) freeway ramps occupy both ends of the block. Looking at the larger context of the surrounding neighborhood, there are other residential buildings in the vicinity that are 65 feet or taller including two 10 story buildings on Clara Street behind the project site, an 8 story building at Clara Street and 4th Street, and a 5 story building on Shipley Street.

4. **Project Description.** The proposed project is to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space, and a Residential Community Parking Garage. The approximately 26,385-square-foot building would provide approximately 2,324 square feet of PDR space to accommodate a 25 percent rear yard at the ground floor. The project also includes a subterranean parking garage with 12 residential parking spaces, one commercial parking space, one van-accessible parking space, two car share parking spaces, and eight bicycle spaces. The second through sixth floors would contain 26 dwelling units, including 18 one-bedroom units and eight two-bedroom units, ranging in size from 535 to 870 square feet. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa planning area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.
5. **Public Comment.** The Department has received 2 letters from the public regarding this case. In general the letters are in opposition to the proposed project, stating concerns about the project including height compatibility, appropriateness of adding dense residential to a commercial corridor, project outreach, consistency with the General Plan, affordability, environmental concerns regarding the project's proximity to the freeway, and blight.
6. **Planning Code Compliance – RSD Zoning District:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Height.** In the 40-X/85-B Height and Bulk District height exemptions above the 40 foot base height to a maximum of 85 feet may be approved in accordance with the Conditional Use

procedures and criteria provided in Section 303 and the following criteria and conditions pursuant to Planning Code Section 263.11:

The Project is proposing a height of 65 feet.

1. Reduction of Shadows on Certain Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space

A Shadow Study prepared by Adam Noble for the Project indicates that the Project will cast a shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space. The attached Shadow Analysis Memo examines these shadow impacts as well as impacts on adjacent residential properties identified in Section 263.11(b)(2) and recommends the Planning Commission find that the impacts are not adverse. See attached Shadow Analysis Memo.

2. Reduction of Ground Level Wind Currents

The Amended Final Mitigated Negative Declaration adopted June 15, 2009 concluded that the Proposed Project would have a less than significant effect on wind patterns in the Project area.

3. Construction of Live/Work Units Above the 40 Foot Base Height Limit

No Live/Work units are proposed in the project.

4. Affordability

The Project Sponsor is proposing 4 on site Below Market Rate (BMR) units, equaling 17% of the total number of units. The minimum requirement for this project under Planning Code Section 315 is 3 BMR units, equaling 12% of the total number of units. The Project Sponsor is providing 4 on site BMR units in accord with Planning Department recommendation to require Project Sponsors with projects filed prior to July 18, 2006 to provide BMR units equal to 17% of total units for projects seeking Conditional Use authorization under this Planning Code Section.

- B. **Bulk.** In the 40-X/85-B Height and Bulk District, buildings taller than 40 feet must comply with the 'B' bulk controls per Planning Code Section 270 which limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The Project is proposing a structure of 65 feet in height, exceeding the height limit of 40 feet under the 40-X Height and Bulk District and triggering the bulk limitations under the 'B' Bulk District. The 'B' Bulk District limits the maximum length of a structure to 110 feet and the maximum diagonal dimension to 125 feet. The Project is proposing a structure with a length of 63.75 feet and a diagonal dimension of approximately 94 feet.

- C. **Residential Density.** Planning Code Section §15.03 limits residential density to 1 dwelling unit per 200 square feet of lot area for projects less than 40 feet in height. For projects above

40 feet in height, density is to be determined as part of the Conditional Use authorization process.

The Project proposes 26 dwelling units in a 65 foot structure on a 5,844 square foot lot, resulting in a density of 1 dwelling unit per 225 square feet of lot area. The Project proposal is less dense than what Section 815.03 allows for projects less than 40 feet in height.

- D. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134 requires a rear yard of 25% of lot depth at the lowest level containing a dwelling unit for RSD Zoning Districts.

The Proposed Project provides a 21.25 foot rear yard at grade. The proposed rear yard complies both with Planning Code Section 134 and Planning Commission Resolution 17707 policy regarding rear yards at grade in the Western Soma SUD.

- E. **Usable Open Space.** Usable open space is required for dwelling units in all zoning districts. Planning Code Section 135(d) requires 36 square feet of open space per unit if private and 48 square feet per unit if common for projects in the RSD.

The proposal includes one roof deck and an accessible rear yard at grade. The project meets the criterion for common usable open space as it provides 2,865 square feet of usable open space, far in excess of the minimum required 936 square feet.

- F. **Off-Street Parking.** Planning Code Section 151 requires a minimum of one off-street parking space per four dwelling units in the RSD District.

Seven off-street parking spaces are required under Planning Code Section 151. The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement garage. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). The Project Sponsor is seeking Conditional Use to construct a Residential Community Automobile Parking Garage pursuant to Planning Code Section 815.26.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that every dwelling unit in every use district is required to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All units in the Project face either Harrison Street, or the code complying rear yard.

- H. **Inclusionary Housing.** Projects proposing 5 or more dwelling units are required to comply with the inclusionary housing ordinance set forth in Planning Code Section 315. The specific requirement depends upon the entitlements being sought, the date the required applications were filed, and whether the Below-Market-Rate (BMR) units are being provided on-site or off-site or through the payment of an in-lieu fee. Additionally, Section 315.4(c) states that in general, affordable units shall be comparable in number of bedrooms, exterior appearance, and overall quality of construction to market-rate units in the principal project.

The on-site BMR unit requirement under Planning Code Section 315 is 12% as the first development application was submitted prior to July 18, 2006 and the project is seeking Conditional Use authorization. For the Proposed Project the minimum requirement would be 3 BMR units. The Project Sponsor is proposing 4 BMR units (17%) to meet the requirements under Planning Code Section 263.11 as well as the Department recommendation regarding Conditional Use authorization under Planning Code Section 263.11.

- I. **Street Trees.** Section 143 requires a minimum of one street tree for each 20 feet of frontage along a street or alley.

The Proposed Project is required to provide 3 street trees along the Harrison Street frontage. The Project proposes 4 street trees, in excess of the minimum requirement.

- J. **Shadow.** Planning Code Section 295 prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

A Shadow Analysis was conducted based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The Analysis indicated that there is no shadow impact from the subject property on any property protected by the Ordinance.

- K. **Bicycle Parking.** Planning Code Section 155.2 requires private garages to provide at least six bicycle parking spaces, regardless of the size of the garage. Planning Code Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units.

The Project includes a private garage with 16 off-street parking spaces and 26 dwelling units. The Proposed Project provides 15 bicycle parking spaces in the basement garage that are accessible through the residential lobby on Harrison Street and garage entrance on Harrison Street. This exceeds the required 13 bicycle parking spaces.

7. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor

shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

8. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it creates 26 new dwelling units and approximately 2,650 gross square feet of PDR space as an infill development within an established urban area. The dwelling unit mix addresses the need for two bedroom units as 8, or 31%, of the total units are two bedroom units. Providing 5 stories of residential units above the ground floor PDR uses is generally compatible with the surrounding uses and the building's mass and scale are also in general harmony with the residential buildings in the immediate vicinity. The Proposed Project will provide its required affordable housing on-site, will provide PDR opportunities for the immediate neighborhood and will create pedestrian-oriented streetscapes along Harrison Street, all amounting to a desirable development for the area.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project's mixed use location lends to the appropriateness of a 5 story mixed used development. The Project's scale is consistent with buildings in the immediate vicinity. The structure is situated on the front of the lot so as to provide the open area facing the existing midblock open space pattern, thereby contributing to access to light, air and views to and from the site.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will provide 16 off-street parking spaces in the basement garage. This amount is at a ratio of 0.5 off-street parking spaces per dwelling unit. The project minimizes the number of curb

cuts to two 10 foot curb cuts on Harrison Street and eliminates the existing 40 foot wide curb cut on Harrison Street, thereby addressing concerns of pedestrian/automobile impacts upon Harrison Street.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project includes residential dwelling units and ground floor PDR units, which are not anticipated to generate any noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project provides an adequate mix of private and common usable open spaces and will address lighting and signage issues in an attractive manner. No loading areas are required or provided. A total of 4 street trees will be located along the Harrison Street frontage, softening the pedestrian experience and adding an integral "green" improvement.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code or is seeking Conditional Use authorization and is consistent with objectives and policies of the General Plan as detailed below.

- 9. **Parking Exceeding Accessory Amounts.** Pursuant to Planning Code Section 157, in considering any application for Conditional Use authorization for parking where the amount of parking exceeds the amount classified as accessory parking in Planning Code Section 204.5, the Planning Commission shall apply the following criteria, in addition to those stated in Planning Code Section 303(c):

- A. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). This is an amount that is necessary for the Proposed Project given the existing transit infrastructure and urban fabric in the vicinity. The existing transit, while present but not in overwhelming amounts, is less accessible than in other central city locations due to the lengths of street blocks in the South of Market Area, creating a situation where transit users would

travel greater distances than their counterparts in other central city locations. Furthermore, a project was recently approved in the area with additional parking at the request of neighborhood residents.

- B. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.

The Proposed Project will provide two of the proposed 16 off-street parking spaces as voluntary car share spaces.

- C. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

No unnecessary demolition of sound structures is proposed. Owing in part to an off-street parking to dwelling unit ratio of less than 1, contribution to traffic congestion is not expected. Disruption of or conflict with transit service is not anticipated.

- D. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

The off-street parking is proposed to serve the residents of the 26 dwelling units in the Proposed Project and the PDR space on the ground floor. The nature of the car share programs is to allow for short term use by members of the organization.

- E. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

The off-street parking is proposed to serve the residents of the 26 dwelling units and the PDR space on the ground floor. Any off-street parking not used by the residents can be made available to the general public and the car share spaces are also available for use by members of the car share program.

10. **Western Soma Planning Process.** Early in the application process, the project sponsor met individually with representatives of the Western Soma Task Force. Initial concerns raised included formula retail controls, affordable units, parking, height limit, air quality in relation to the proximity to the freeway, at grade rear yard, and design. Additionally, the project sponsor held a Community Outreach Meeting combined with the Soma Leadership Council in April 2007 to address concerns by the neighbors and council members.

11. **Resolution No. 17707.** On October 2, 2008, the Planning Commission adopted Resolution No. 17707, modifying the existing PDR loss and replacement policies for the Western Soma SUD and clarifying the 1:1 replacement policies throughout the greater Eastern Neighborhood Plan Areas. Additionally, the policy allows for minor reductions to the required PDR replacement when reductions result in a 25% of lot depth rear yard at grade. The proposed project is generally

consistent with this policy as it replaces the entire ground floor with PDR space excluding the area used for circulation and the at grade rear yard.

12. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING

Objectives and Policies – 2004 Housing Element

Housing Supply

OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Proposed Project seeks to develop 26 dwelling units on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. There are a number of residential and commercial/light industrial uses surrounding the project site; however in general the area is transitioning toward having more residential uses.

Housing Affordability

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Choice

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project is in the immediate vicinity of the Gene Friend/SOMA Recreation Center, the Victoria Manalo Draves Park and seven Muni bus lines. The Project itself will provide a generous amount of open space as well as the 2,650 gross square feet of PDR space that can serve the immediate neighborhood.

Regional and State Housing Needs

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Proposed Project will site 26 dwelling units on an infill site within an established neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation and commercial/retail locations.

RECREATION AND OPEN SPACE

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Proposed Project will provide private usable outdoor open space in the form of private decks, a rooftop deck, and a common rear yard at grade.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Proposed Project includes the addition of 4 street trees along Harrison Streets. While there are no existing pedestrian-oriented building frontages to preserve, the Project will replace a two story industrial building with a large front setback with new pedestrian-oriented building frontages on each street.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.4:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The Proposed Project will provide 16 off-street parking spaces. The Proposed Project is served by the following several MUNI lines.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folson Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. The Proposed Project blends well with the immediate area as it is of comparable height and displays a contemporary architectural style. The massing generally compliments the bulk and scale of newly constructed residential buildings in the vicinity, with a ground floor commercial component.

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project site is currently vacant, underutilized and provides little benefit to the surrounding neighborhood. The Project is a mixed-use development that includes 2,650 gross square feet of ground floor PDR space that can house neighborhood serving uses. Additionally, the 26 dwelling units will house new neighborhood residents to patronize existing commercial establishments in the area.

SOUTH OF MARKET AREA PLAN

Objectives and Policies

Business Activity

OBJECTIVE 1:

PROTECT EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETAIL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES AND FACILITATE THEIR EXPANSION.

Policy 1.4:

Provide sufficient land and building area to accommodate the reasonable growth and expansion of the South of Market's diverse economic activities.

Policy 1.5:

Locate uses in areas according to a generalized land use plan shown on Map 2. The proposed generalized land use plan shown on Map 2 would carry out the foregoing policies and the housing policies below and would establish coherent land use districts accommodating existing activities as well as facilitating the growth of new, compatible activities.

The Proposed Project is a mixed-use development comparable to other residential and mixed use structures along Harrison Street. The site is located in an area that the generalized land use map outlines as suitable for residential and PDR uses.

Residential Activity

OBJECTIVE 3:

ENCOURAGE THE DEVELOPMENT OF NEW HOUSING, PARTICULARLY AFFORDABLE HOUSING.

Policy 3.1:

Increase the supply of housing without adversely affecting the scale, density, and architectural character of existing residential or mixed use neighborhoods or displacing light industrial and/or business service activities.

Policy 3.4:

Encourage high density, predominantly residential mixed-use development on vacant parcels between Stevenson, Harrison, Sixth and Fourth Streets.

The Proposed Project will add 26 dwelling units and 2,650 gross square feet of commercial space on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. Surrounding the project site are a number of residential and commercial/light industrial uses. The Proposed Project will display a contemporary architectural design style. The site is within the area bounded by Stevenson, Harrison, Sixth and Fourth Streets.

13. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No retail uses exist on the property. The Proposed Project will provide 2,650 gross square feet of PDR space that can serve as neighborhood retail and that can enhance opportunities for resident employment.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Proposed Project does not remove any existing housing. Its uses, size, scale, and design are consistent with the surrounding neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this project. The Proposed Project will create 4 on-site affordable dwelling units.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is proposing off-street parking in amounts prescribed within the current zoning district. There are several MUNI lines that all have stops or run within one block of the Proposed Project. It is presumable that the employees of the PDR space will commute by transit thereby mitigating possible impacts on street parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Proposed Project will not displace or negatively affect any currently active service or industry establishment.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Proposed Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings occupy the Proposed Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Proposed Project will have no negative impact on existing parks and public open spaces as demonstrated by the shadow fan analysis conducted.

14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

15. Findings under the California Environmental Quality Act (CEQA).

- A. The Planning Department finalized the Amended Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department (Department) in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

- B. The Planning Commission hereby adopts the FMND and finds the project will not have a significant impact on the environment with the adoption of the mitigation measures.

- C. In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31, the Department and the Planning Commission have reviewed and considered the information contained in the FMND and all information pertaining to the project in the Department's case file.

- D. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.

- E. The proposed Project as reflected in Application No. 2006.0430C is consistent with the project as described in the FMND and would not result in any significant impacts not identified in the FMND nor cause significant effects identified in the FMND to be substantially more severe.

16. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FMND and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
17. Potential Environmental Impacts Mitigated To Less Than Significant. With the implementation of the mitigation measures required in Exhibit C, environmental impacts to archeological resources and testing, construction noise and pile driving, hazards and contaminated soil, hazardous building materials, and paleontological resources resulting from the Project would be reduced to a less than significant level as described in the FMND.
18. The Commission finds that granting authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

Motion No. 17906
Hearing Date: June 18, 2009

CASE NO 2006.0430C
870 Harrison Street

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2006.0430C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17855. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 18, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, and Sugaya

NAYS: None

ABSENT: Commissioners Lee and Olague

ADOPTED: June 18, 2009

Exhibit A

Conditions of Approval

General Conditions

1. This authorization is for a Conditional Use Authorization under Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District, in general conformance with plans filed with the Application dated May 28, 2006, and stamped "EXHIBIT B" included in the docket for Case No. 2006.0430C, reviewed and approved by the Commission on June 18, 2009.
2. The project shall include off-street parking in an amount not to exceed 16 spaces. Of the off-street parking provided, at least two spaces shall be off street car-share parking spaces.
3. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit. All affordable dwelling units shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space.
4. Ground level storefronts in general conformity with Exhibit A shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The property owner shall ensure that this condition of approval is incorporated into all commercial leases.
5. Covenants, conditions and restrictions approved by the Planning Department shall be imposed upon the project units to restrict use to occupancy for permanent residents and to preclude time-share ownership or occupancy. No residential units shall be used as hotel units, as defined in Section 203.8 of the San Francisco Housing Code.

6. The Project Sponsor shall ensure that initial sales of more than two dwelling units to any one entity if not for owner occupancy, will be for residential rental purposes for rental periods of not less than one month.
7. The at grade rear yard provided at a depth of 21.25 feet shall not be covered in any type of impervious surface material.
8. No self storage use is allowed to operate in the proposed ground floor tenant space.
9. The project sponsor will continue to work with Planning Department staff regarding the design and materials on the front façade.

Affordable Units

10. The Project Sponsor shall designate a total of 4 units (all two bedroom units) as affordable (Below Market Rate (BMR)) units. These units will be constructed on-site and represent 17% of the 26 dwelling units in the project.
11. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Requirement").
 - A. The BMR unit(s) shall be designated on the building plans prior to approval of any building permit. The BMR unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
 - B. If the units in the building are offered for sale, the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the Median Income for the City and County of San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the lifetime of the project.
 - C. The Applicant shall administer the marketing and reporting procedures, including the payment of administrative fees to the monitoring agency if such fees are authorized by ordinance, according to the procedures established in the Procedures Manual or as otherwise provided by law.
 - D. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these

Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.

- E. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall have designated the BMR units in accordance with Items a, b and c above.
- F. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR units.

Performance

- 12. Prior to the issuance of any building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- 13. Prior to the issuance of the first certificate of occupancy for the Project, all relevant fees required by Planning Code Section 315 shall be paid.
- 14. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
- 15. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
- 16. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.

Monitoring and Violation

- 17. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.

18. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
19. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

Mitigation and Improvement Measures

The following mitigation measures, all of which are necessary to avoid potential significant effects of the Project, have been adopted by the Project Sponsor.

20. Conditions Related to Construction Monitoring and Mitigation.

All conditions in the Mitigation Monitoring and Reporting Program, attached as Exhibit C, as developed as part of the Mitigated Negative Declaration (Case No. 2005.0876E), shall be conditions of this conditional use authorization by reference.

21. Mitigation Measure 1: Archeological Resources (Archeological Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- b. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the

encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The

agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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.

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 Major Environmental Analysis division of the Planning Department shall receive 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

22. Mitigation Measure 2: Construction Noise (Pile Driving)

Should pile driving be required, the following measures shall be implemented to reduce daytime noise impacts from construction:

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- Construction activities are limited to daytime hours only.

23. Mitigation Measure 3: Construction Noise (Pile Driving)

Should pile driving be required for building construction, the project sponsor will require that the project contractor pre-drill holes (if feasible and based on the soil conditions) for piles to the maximum feasible depth. The project sponsor shall also require that contractors schedule pile driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance and in consultation with the Director of Public Works, to disturb the fewest people. At least 48 hours prior to pile-driving activities, the project sponsor shall notify building owners and occupants within 200 feet of the project site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of such activities.

24. Mitigation Measure 4: Hazards (Contaminated Soil)

Step 1: Preparation of Site Mitigation Plan:

DPH has determined that the soils on the project site are contaminated with lead at or above potentially hazardous levels, and DPH has determined that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of lead on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 2: Handling, Hauling, and Disposal of Contaminated Soils

(a) specific work practices: The construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA metal, or petroleum hydrocarbon, or volatile organic compounds, safe work practices) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where metal, or petroleum hydrocarbon, or volatile organic compound-contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste-hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 3: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

25. Mitigation Measure 5: Other Hazardous Building Materials (PCBs, Mercury, Lead, and others)

The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. Any hazardous building materials discovered during surveys would be abated according to federal, state, and local laws and regulations.

26. **Mitigation Measure 6: Paleontological Resources**

In the unlikely event that excavation for the proposed project uncovers any vertebrate remains, construction activities shall stop immediately until such remains are recovered. The project sponsor shall set aside any discovered vertebrate remains and contact a professional paleontologist to evaluate the find for possible salvage.

Revisions	By
1	03/06/07 ML
2	07/16/07 ML
3	12/26/07 ML
4	1/30/09 ML
5	3/25/09 ML
6	5/12/09 ML
7	10/20/09 ML

DRAWING INDEX

- A0 COVER SHEET/ SITE/ ROOF PLAN
- A1 BASEMENT/ GARAGE PLAN
- A1.1 GROUND FLOOR PLAN
- A2 SECOND FLOOR PLAN
- A3 THIRD FLOOR PLAN
- A4 FOURTH FLOOR PLAN
- A5 FIFTH FLOOR PLAN
- A6 SIXTH FLOOR PLAN
- A7 HARRISON ST. ELEVATION
- A8 REAR ELEVATION
- A9 EAST SIDE ELEVATIONS
- A10 WEST SIDE ELEVATIONS
- A11 SECTION



1327 mason st.
san francisco
california 94133
t 415 674 9100
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PLANNING DEPARTMENT NOTES

PROJECT LOCATION:
NORTH SIDE OF HARRISON STREET BETWEEN 4TH AND 5TH STREETS.

ZONING DISTRICT:
RSD

PROPOSED BUILDING USE:
26 RESIDENTIAL UNITS OVER GROUND FLOOR P.D.R SPACE AND UNDERGROUND PARKING GARAGE.

BUILDING HEIGHT LIMIT:
40-X/85-B

RESIDENTIAL DENSITY:
1 UNIT PER EACH 200 SQ. FT. OF LOT AREA FOR AN RSD MIXED USE DISTRICT.
LOT AREA = 5,843 SQ.FT. / 200 SQ.FT.
= 29 UNITS ALLOWED, 26 UNITS PROPOSED.

SETBACKS:
25% (1,461 S.F.) REAR YARD REQUIRED AT FIRST LEVEL OF RESIDENTIAL OCCUPANCY, 1,461 S.F. REAR YARD PROVIDED AT GRADE.

USABLE OPEN SPACE:
36 S.F. PRIVATE OR 48 S.F. COMMON (1.33 X PRIVATE) USABLE OPEN SPACE REQUIRED PER UNIT.
26 UNITS REQUIRE 48 S.F EACH OF SHARED USABLE OPEN SPACE.
26 X 48 = 1,248 S.F. REQUIRED. ONE COMMON ROOF DECK PROVIDED @ 1,405 S.F., THEREFORE BUILDING COMPLIES.

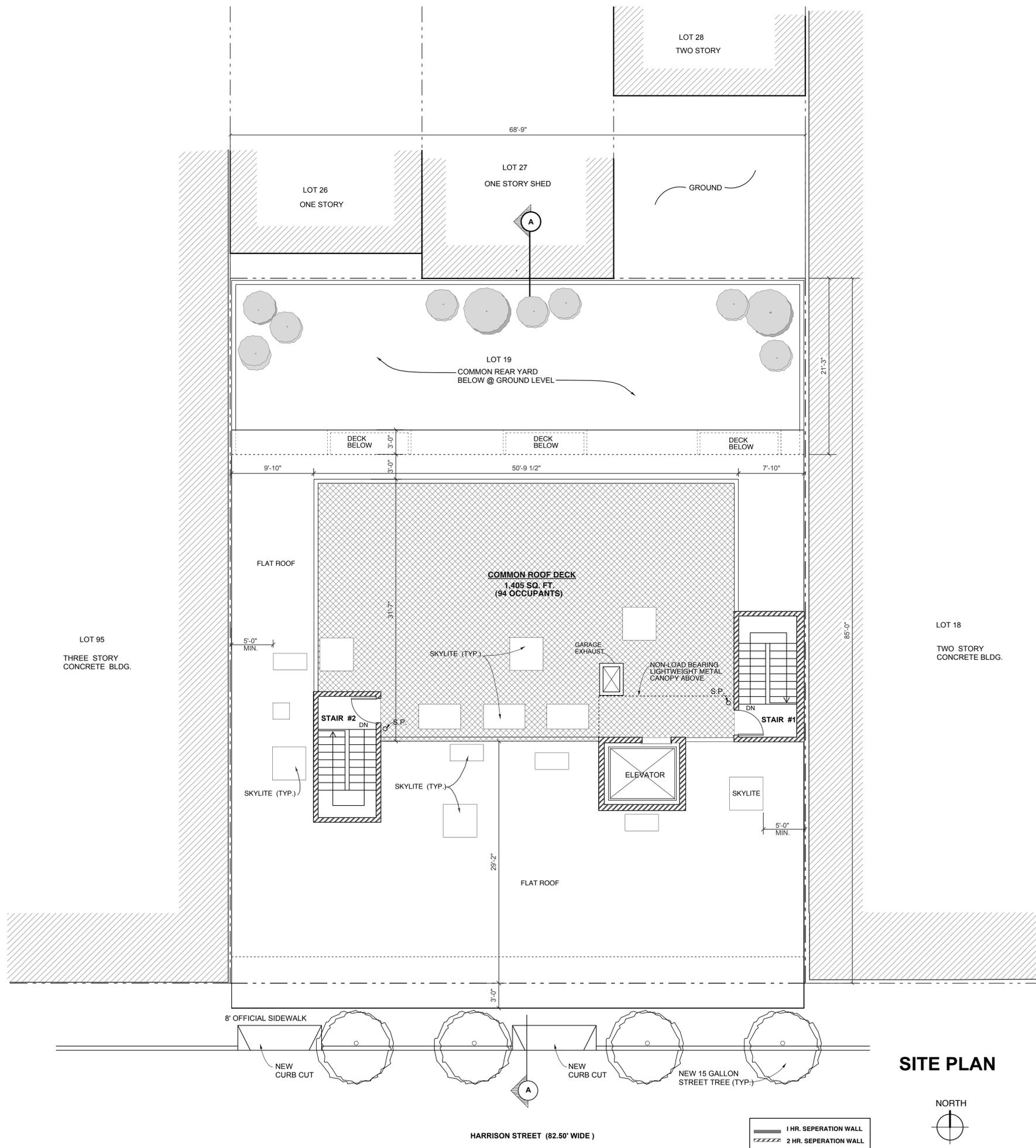
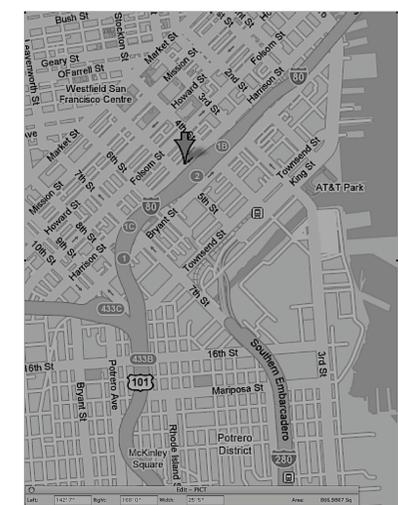
PARKING REQUIRED:
ONE SPACE PER 4 DWELLING UNIT REQUIRED FOR RESIDENTIAL USES IN AN RSD DISTRICT. NO PARKING SPACES REQUIRED FOR PDR AREA OF 4,050 S.F. PER SEC. 151.
7 TOTAL RESIDENTIAL SPACES REQUIRED, 13 SPACES PROPOSED.
0 TOTAL CARSHARE SPACES REQUIRED, 2 SPACES PROPOSED.
0 TOTAL P.D.R SPACES REQUIRED, 1 SPACE PROPOSED.
16 TOTAL SPACES PROPOSED PER CONDITIONAL USE FOR ADDITIONAL PARKING.

BUILDING AREA CALCULATIONS:	N.S.F	G.S.F
P.D.R	= 2,324 N.S.F.	= 2,448 G.S.F.
PARKING GARAGE	=5,000 N.S.F.	= 5,245 G.S.F.
LOBBY/STAIRS/CORRIDORS	= 3,774 N.S.F.	= 3,977 G.S.F.
26 DWELLING UNITS	=17,087 N.S.F.	=18,623 G.S.F.
BUILDING TOTAL	=28,185 N.S.F.	=30,293 G.S.F.

SCOPE OF WORK

DEMOLITION OF EXISTING STRUCTURE AND NEW CONSTRUCTION OF MIXED USE BUILDING, CONTAINING A TOTAL OF 26 RESIDENTIAL UNITS ON FIVE LEVELS, OVER GROUND FLOOR P.D.R SPACE AND UNDERGROUND PARKING GARAGE.

LOCATION MAP



SITE PLAN

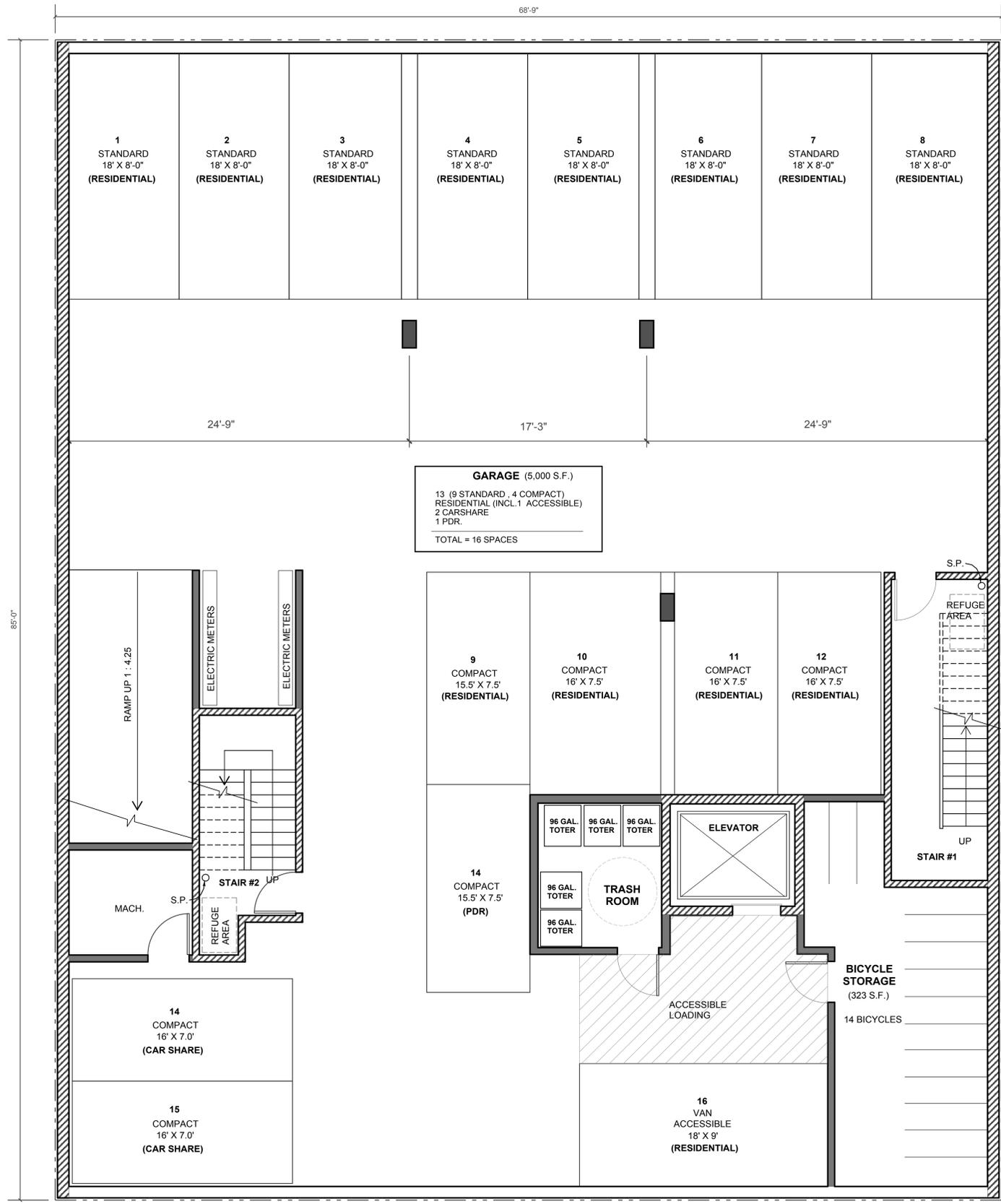


COVER SHEET/
SITE/ ROOF PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

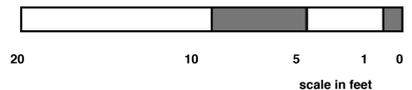
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A0



GARAGE (5,000 S.F.)
 13 (9 STANDARD, 4 COMPACT)
 RESIDENTIAL (INCL. 1 ACCESSIBLE)
 2 CARSHARE
 1 PDR.
 TOTAL = 16 SPACES

— 1 HR. SEPERATION WALL
 - - - 2 HR. SEPERATION WALL



BASEMENT / GARAGE PLAN



Revisions	By
3	12/26/07 ML
4	1/30/09 ML
5	3/25/09 ML
6	5/12/09 ML
7	10/20/09 ML

LEAVITT
 architecture

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 t 415 674 9100
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BASEMENT / GARAGE

870 HARRISON STREET RESIDENCES
 BLOCK 3752 LOT 19
 SAN FRANCISCO, CA

DATE: 28 MAY 2006
 SCALE: 1/4"=1'-0"
 DRAWN: ML
 SHEET:

A1

Revisions	By
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2	07/16/07 ML
3	12/26/07 ML
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5	3/25/09 ML
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7	10/20/09 ML

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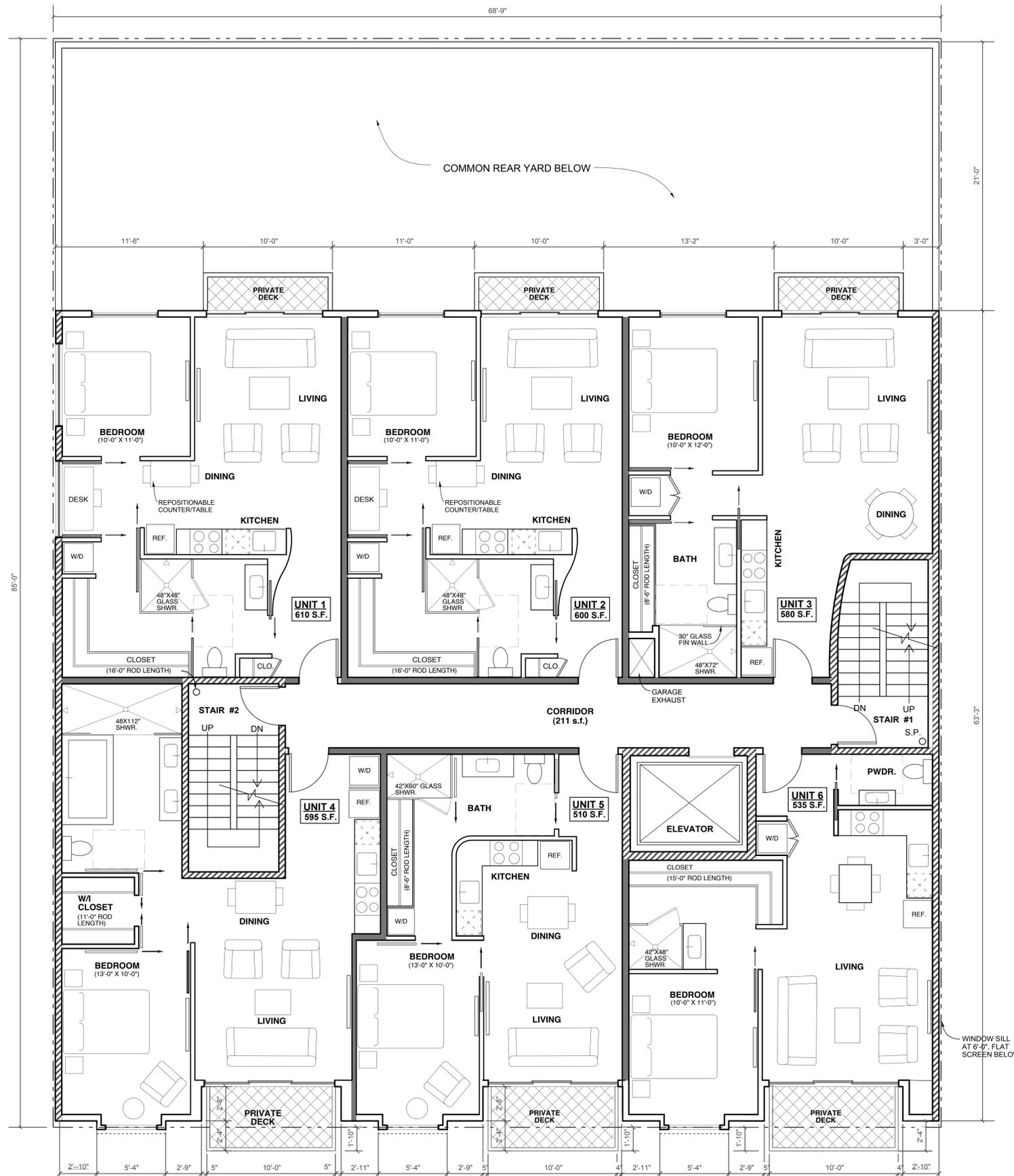
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SECOND FLOOR PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 28 MAY, 2006
SCALE: 1/4"=1'-0"
DRAWN: ML
SHEET:

A2



SECOND FLOOR PLAN



Revisions	By
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2	07/16/07 ML
3	12/26/07 ML
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5	3/25/09 ML
6	5/12/09 ML
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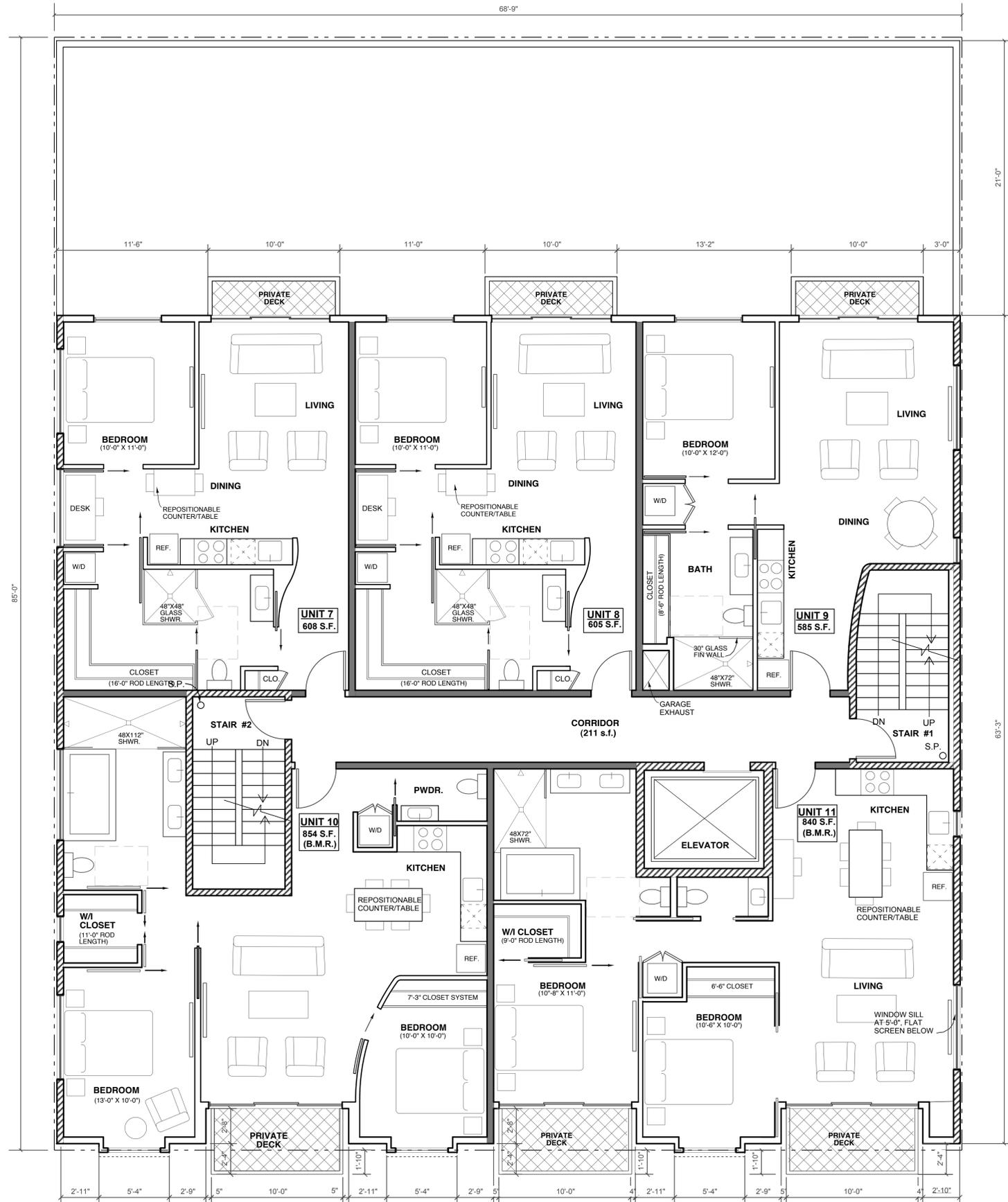
1327 mason st.
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t 415 674 9100
f 415 674 9101

THIRD FLOOR PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 28 MAY, 2006
SCALE: 1/4"=1'-0"
DRAWN: ML
SHEET:

A3



THIRD FLOOR PLAN



Revisions	By
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2	07/16/07 ML
3	12/26/07 ML
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5	3/25/09 ML
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7	10/20/09 ML

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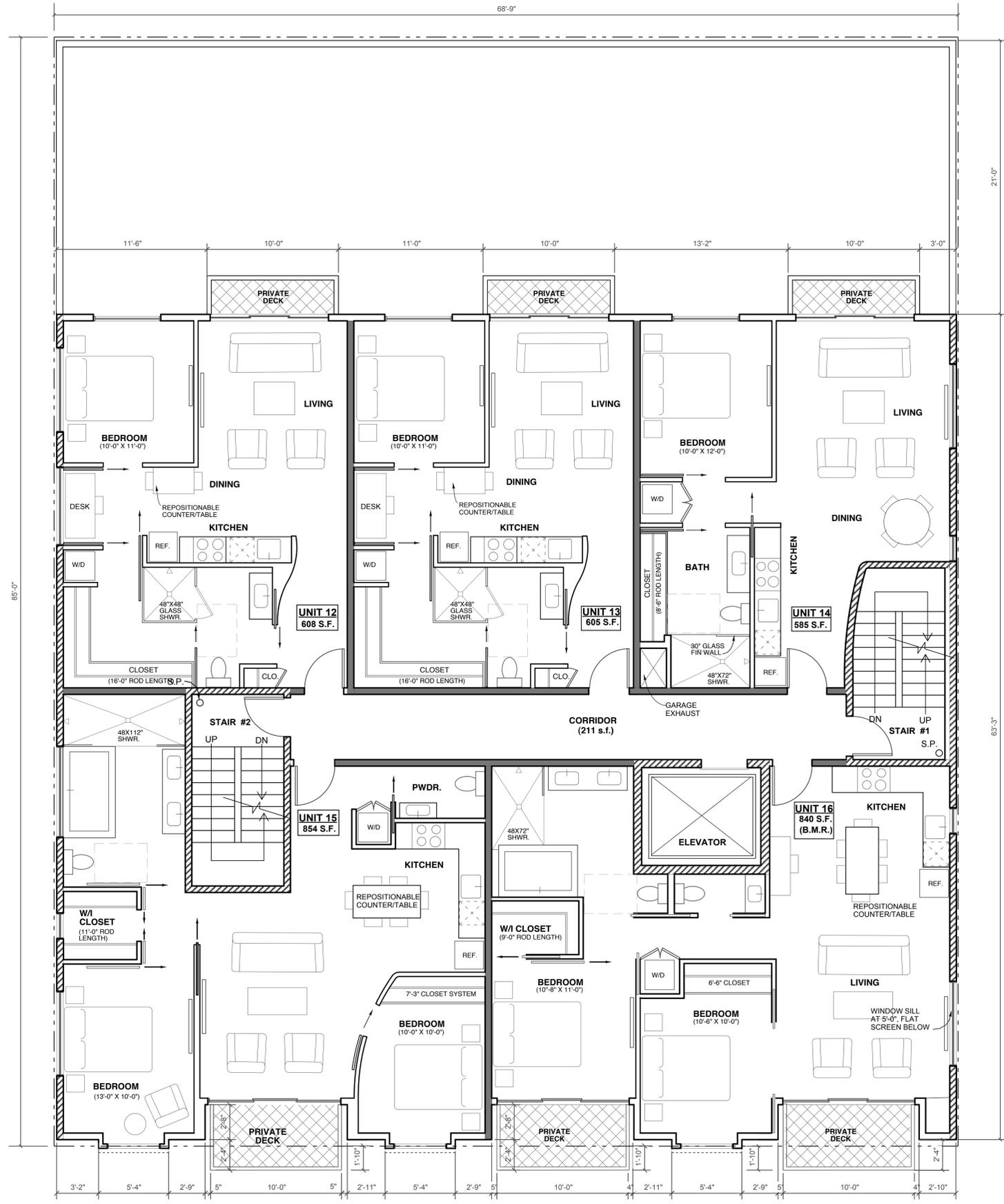
1327 mason st.
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f 415 674 9101

FOURTH FLOOR PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 28 MAY, 2006
SCALE: 1/4"=1'-0"
DRAWN: ML
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A4



FOURTH FLOOR PLAN



Revisions	By
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2	07/16/07 ML
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5	3/25/09 ML
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7	10/20/09 ML

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Architecture

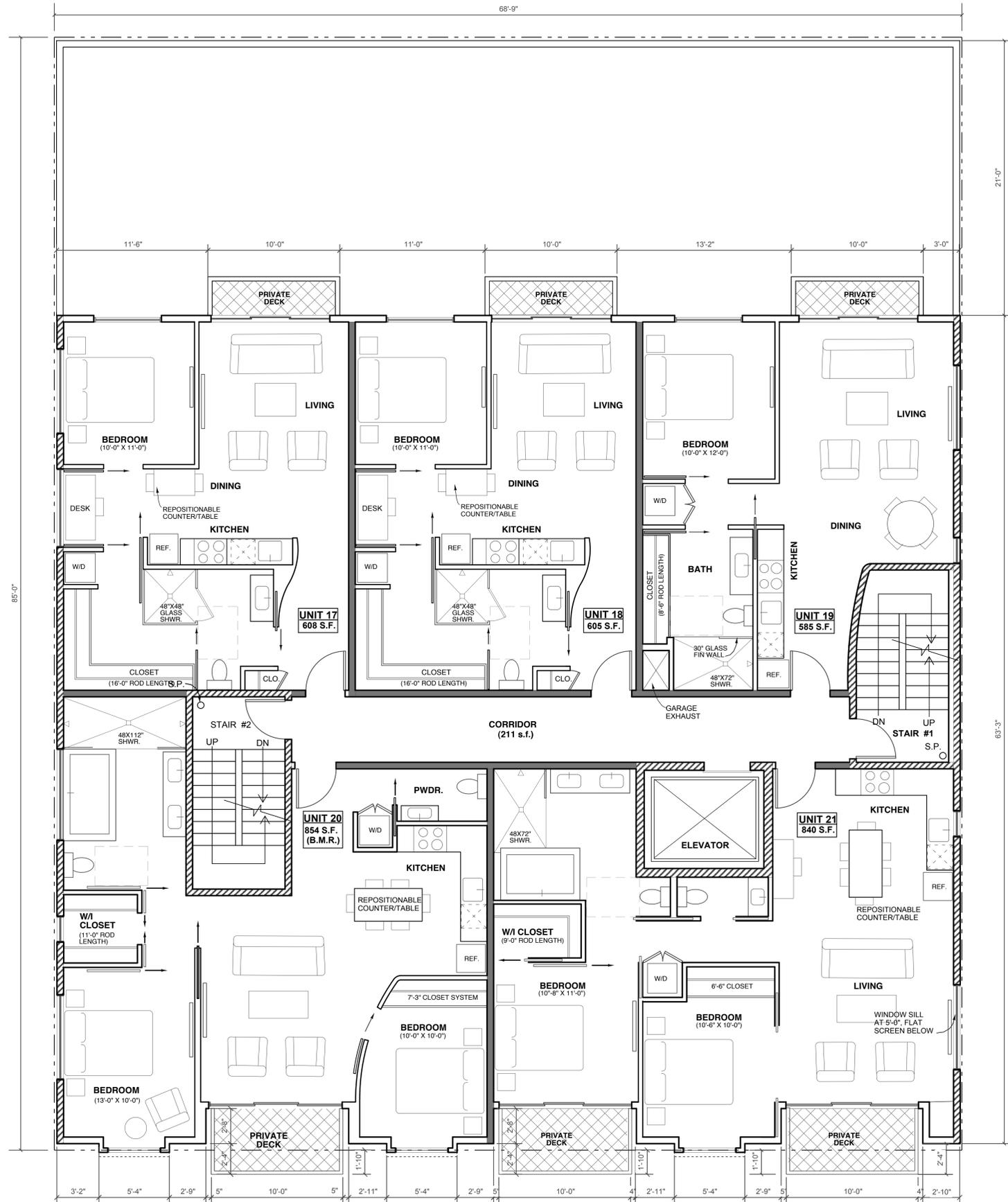
1327 mason st.
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t 415 674 9100
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FIFTH FLOOR PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 28 MAY, 2006
SCALE: 1/4"=1'-0"
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A5



FIFTH FLOOR PLAN



Revisions	By
1	03/06/07 ML
2	07/16/07 ML
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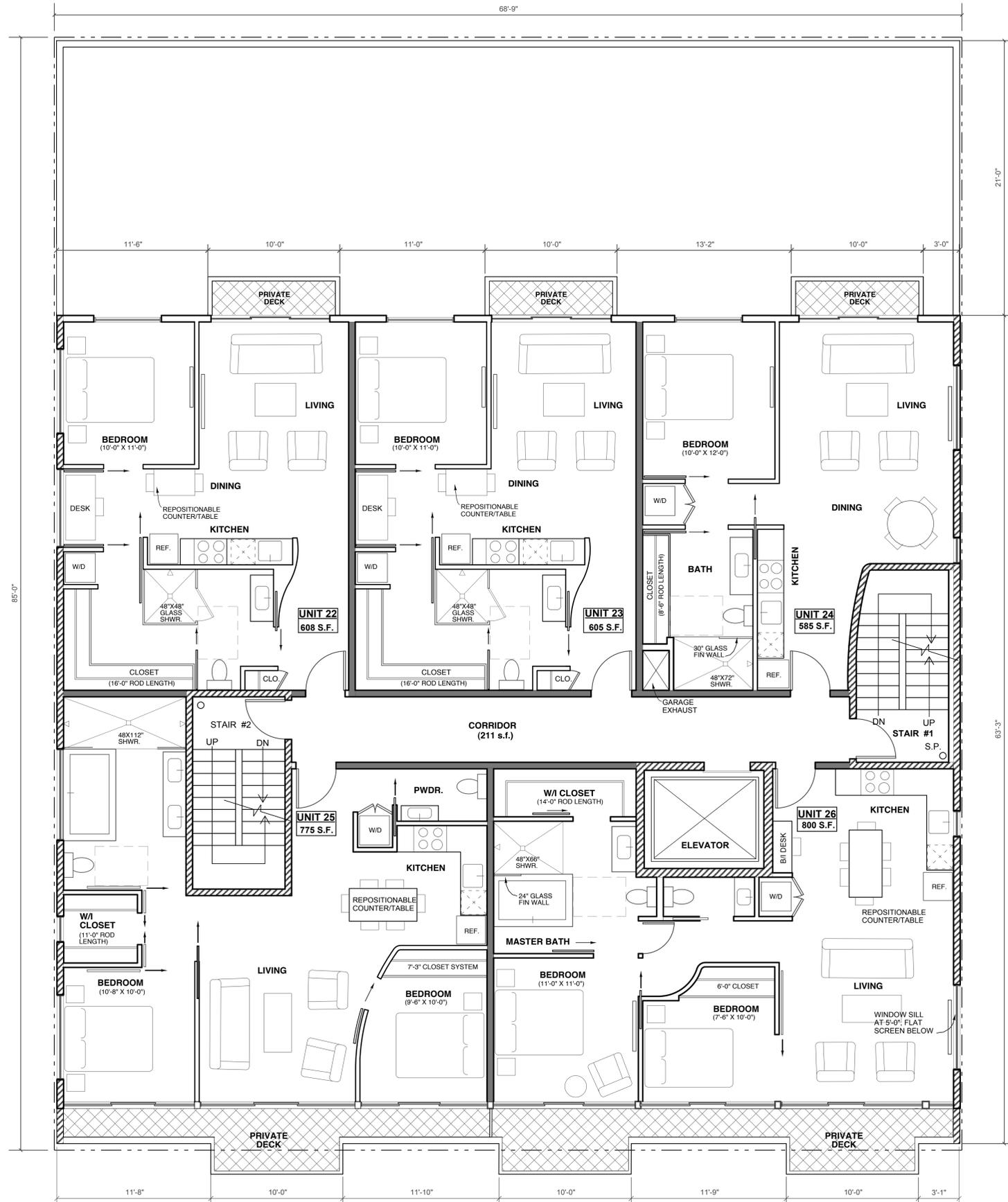
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SIXTH FLOOR PLAN

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 17 SEPT. 2009
SCALE: 1/4"=1'-0"
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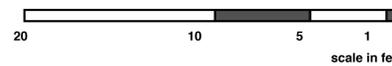
SIXTH FLOOR PLAN



Revisions	By
1	03/06/07 ML
2	07/16/07 ML
4	1/30/09 ML
5	3/25/09 ML



HARRISON STREET ELEVATION



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**HARRISON ST.
ELEVATION**

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 14 FEB 2006
SCALE: 1/4"=1'-0"
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SHEET:

A7

Revisions	By
1	03/06/07 ML
2	07/16/07 ML
4	1/30/09 ML
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6	5/12/09 ML
7	10/20/09 ML

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**REAR
ELEVATION**

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

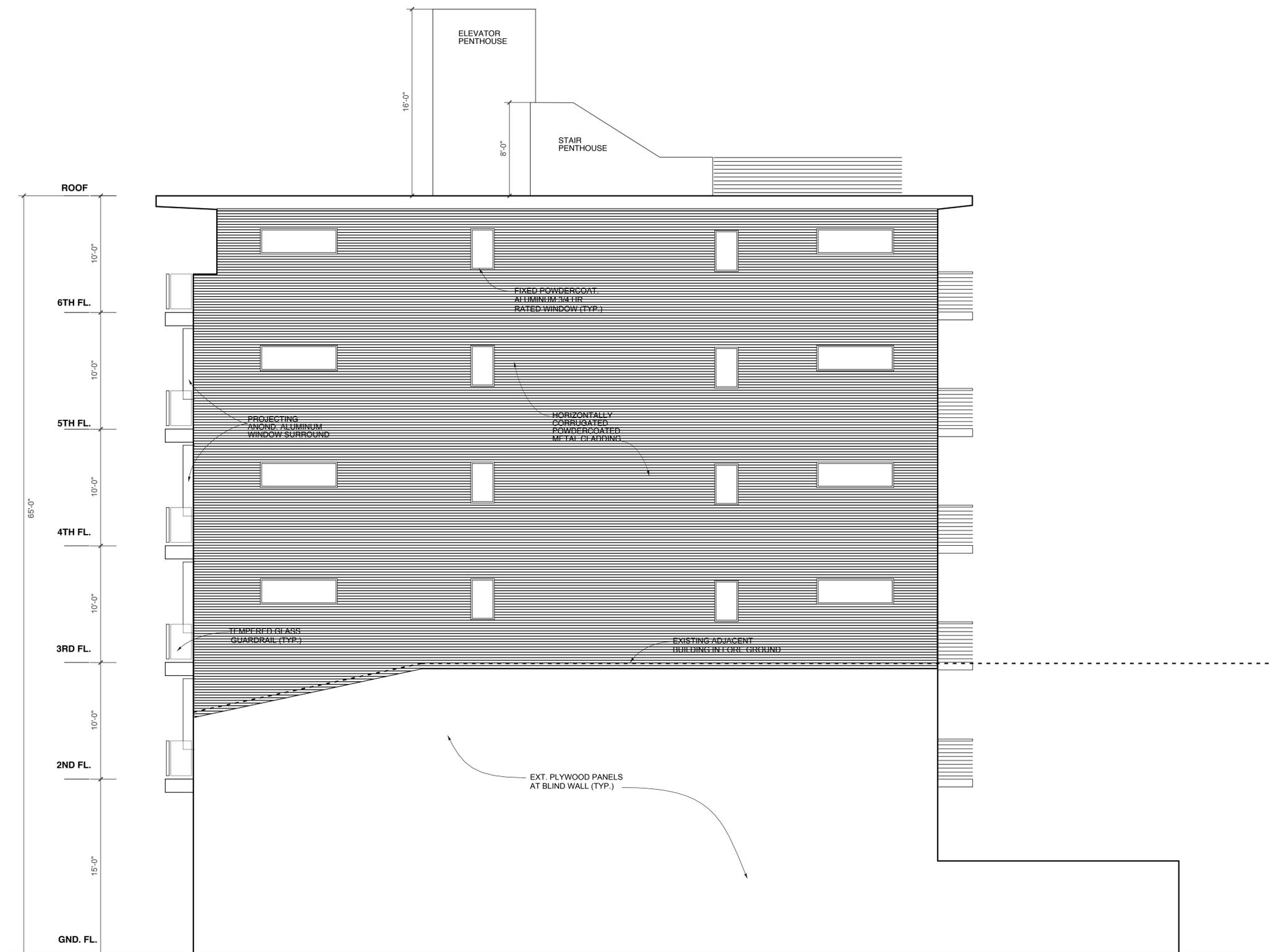
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REAR ELEVATION

Revisions	By
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2	07/16/07 ML
4	1/30/09 ML
5	3/25/09 ML
6	5/12/09 ML
7	10/20/09 ML



EAST SIDE ELEVATION



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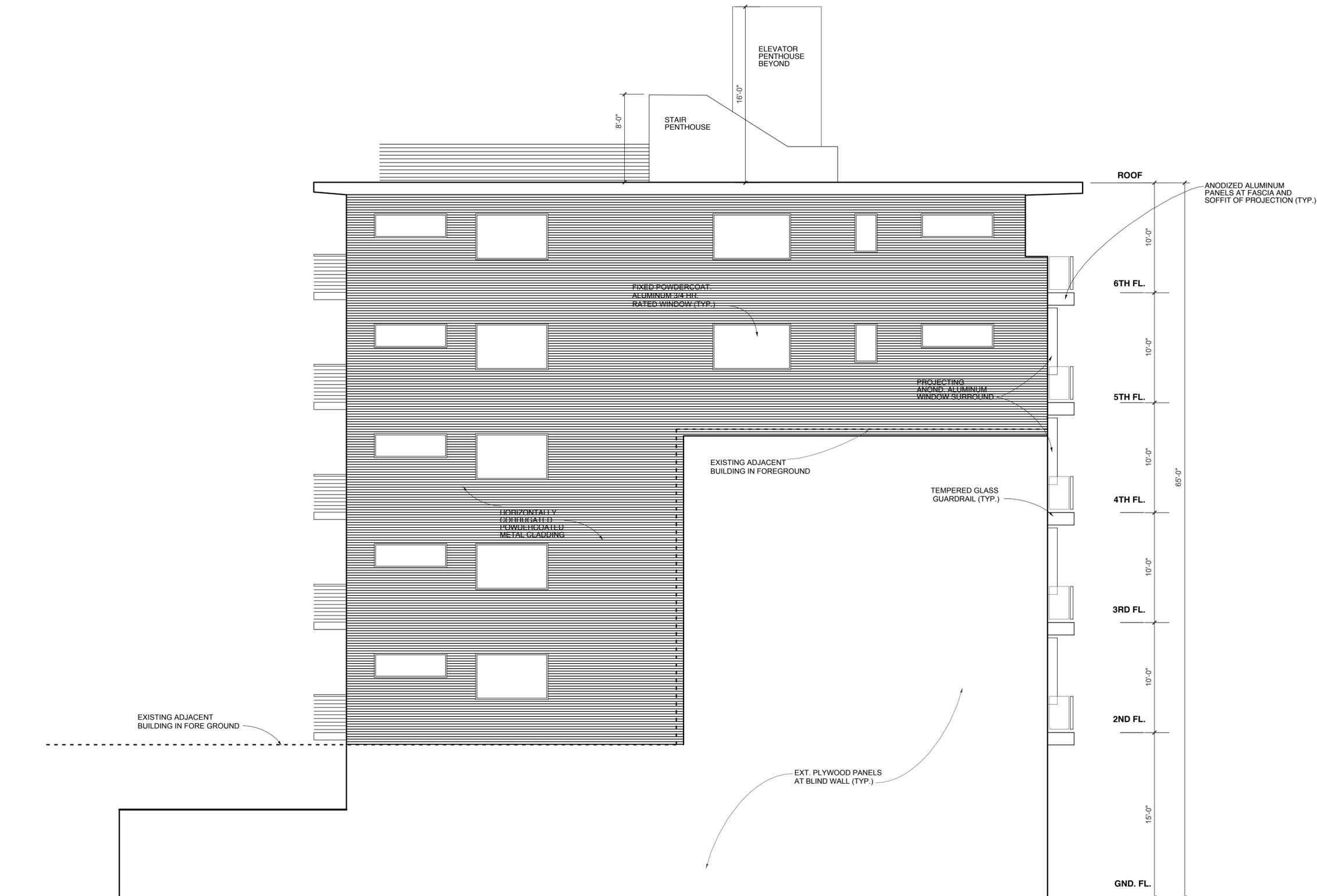
**EAST SIDE
ELEVATION**

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 14 FEB 2006
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A9

Revisions	By
1	03/06/07 ML
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6	5/12/09 ML
7	10/20/09 ML



WEST SIDE ELEVATION



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f 415 674 9101

**WEST SIDE
ELEVATION**

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 14 FEB 2006
SCALE: 1/4"=1'-0"
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A10

Revisions	By
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3	12/26/07 ML
4	1/30/09 ML
5	3/25/09 ML
6	5/12/09 ML

KEY:	
	1 HR. SEPERATION WALL
	2 HR. SEPERATION WALL

LEAVITT
architecture

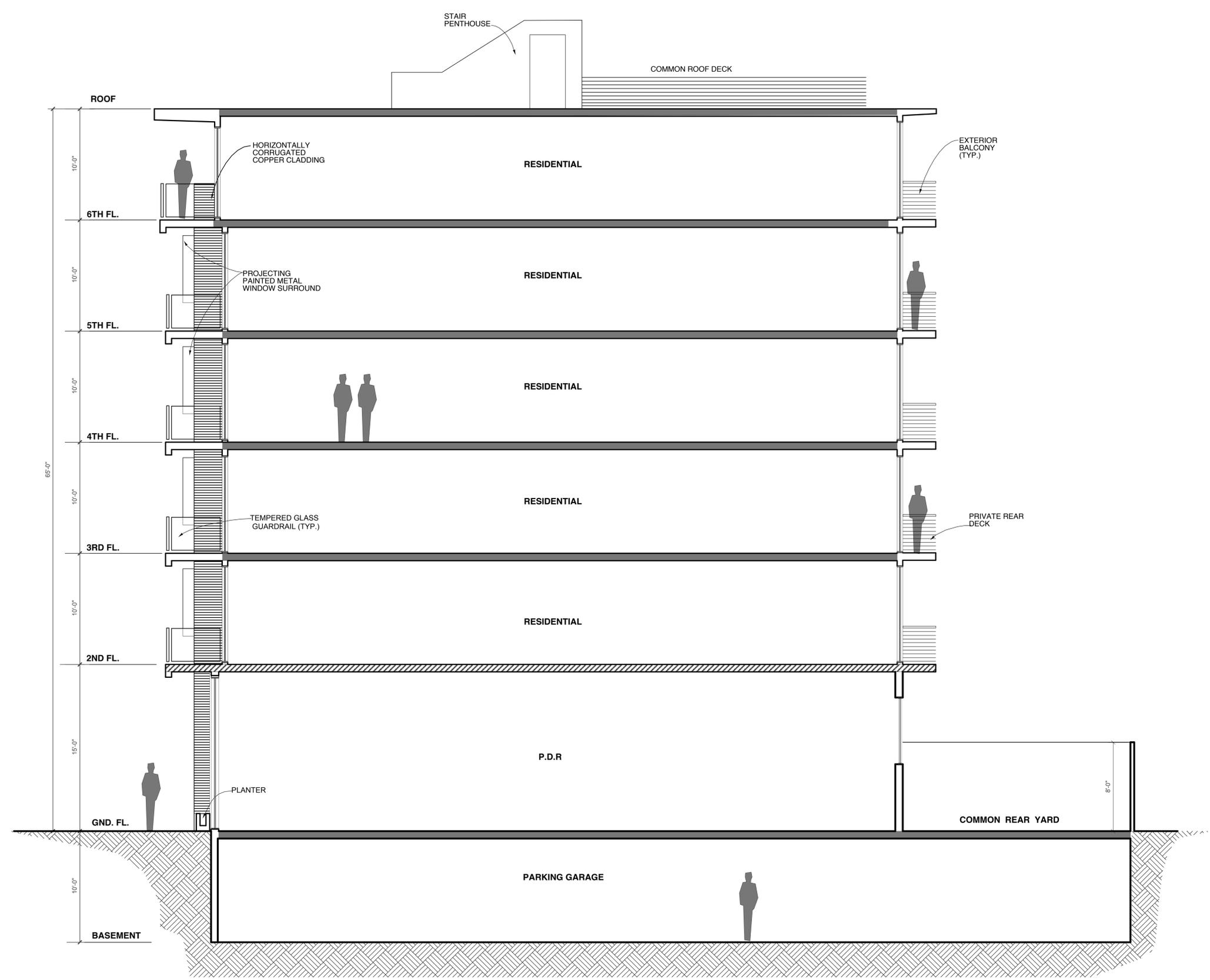
1327 mason st.
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california 94133
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SECTION A-A

870 HARRISON STREET RESIDENCES
BLOCK 3752 LOT 19
SAN FRANCISCO, CA

DATE: 14 FEB 2006
SCALE: 1/4"=1'-0"
DRAWN: ML
SHEET:

A11



SECTION A-A



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Market & Octavia Fee (Sec. 326)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 17906

HEARING DATE: JUNE 18, 2009

Date: June 11, 2009
Case No.: **2006.0430C**
Project Address: **870 HARRISON STREET**
Zoning: RSD (Residential/Service Mixed Used District)
 40-X / 85-B Height and Bulk District
 Youth and Family Special Use District
Block/Lot: 3752 / 019
Project Sponsor: Sean Sullivan, 870 Harrison Street, LLC
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303 TO DEMOLISH AN EXISTING VACANT TWO-STORY INDUSTRIAL BUILDING AND CONSTRUCT A SIX-STORY, 65-FOOT-TALL MIXED-USE BUILDING CONTAINING UP TO 26 DWELLING UNITS AND PRODUCTION DISTRIBUTION AND REPAIR (PDR) SPACE PURSUANT TO PLANNING CODE SECTION 263.11, AND TO CONSTRUCT A COMMUNITY RESIDENTIAL AUTOMOBILE PARKING GARAGE PURSUANT TO PLANNING CODE SECTIONS 157 AND 815.26. THE PROPOSED PROJECT IS LOCATED WITHIN SAN FRANCISCO'S SOUTH OF MARKET AREA (SOMA) AND WITHIN THE WEST SOMA PLANNING AREA. THE PROJECT SITE IS WITHIN THE RESIDENTIAL SERVICE DISTRICT (RSD), A 40-X/85-B HEIGHT AND BULK DISTRICT, AND THE YOUTH AND FAMILY SPECIAL USE DISTRICT; AND ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 14, 2006, Sean Sullivan of 870 Harrison Street, LLC (Project Sponsor), filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile

Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.

On June 18, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0430C.

The San Francisco Planning Department (hereinafter "Department") adopted the Amended Final Mitigated Negative Declaration (hereinafter "FMND") for the Project as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2006.0430C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Harrison Street, on the block bounded by Clara Street to the north, Harrison Street to the south, Fourth Street to the east, and Fifth Street to the west, in the heart of San Francisco's South of Market neighborhood and within the Western Soma Planning Area. The 5,844-sq.ft. site (Block 3752, Lot 019) contains a 6,120-sq.ft., two-story industrial building. The site is located within an RSD (Residential/Service Mixed Use) Zoning District and is within a 40-X/85-B Height and Bulk District (40-foot base height to 85-foot height limit; maximum length of 110 feet and maximum diagonal dimension of 125 feet for buildings above 50 feet). The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights. The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep.
3. **Surrounding Properties and Neighborhood.** The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial,

light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store and associated surface parking lot. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, housing an automotive repair facility at 846 Harrison Street and the Club Sportiva classic car club at 840 Harrison Street. A two-story building at 836 Harrison is occupied by office uses. Approximately one-third of the block is occupied by the Filipino Education Center at 820 Harrison Street. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street. This two-story building and the associated parking lot are the only uses on the block on the south side of Harrison Street; vacant triangular lots defined by Interstate 80 (I-80) freeway ramps occupy both ends of the block. Looking at the larger context of the surrounding neighborhood, there are other residential buildings in the vicinity that are 65 feet or taller including two 10 story buildings on Clara Street behind the project site, an 8 story building at Clara Street and 4th Street, and a 5 story building on Shipley Street.

4. **Project Description.** The proposed project is to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space, and a Residential Community Parking Garage. The approximately 26,385-square-foot building would provide approximately 2,324 square feet of PDR space to accommodate a 25 percent rear yard at the ground floor. The project also includes a subterranean parking garage with 12 residential parking spaces, one commercial parking space, one van-accessible parking space, two car share parking spaces, and eight bicycle spaces. The second through sixth floors would contain 26 dwelling units, including 18 one-bedroom units and eight two-bedroom units, ranging in size from 535 to 870 square feet. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa planning area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.
5. **Public Comment.** The Department has received 2 letters from the public regarding this case. In general the letters are in opposition to the proposed project, stating concerns about the project including height compatibility, appropriateness of adding dense residential to a commercial corridor, project outreach, consistency with the General Plan, affordability, environmental concerns regarding the project's proximity to the freeway, and blight.
6. **Planning Code Compliance – RSD Zoning District:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Height.** In the 40-X/85-B Height and Bulk District height exemptions above the 40 foot base height to a maximum of 85 feet may be approved in accordance with the Conditional Use

procedures and criteria provided in Section 303 and the following criteria and conditions pursuant to Planning Code Section 263.11:

The Project is proposing a height of 65 feet.

1. Reduction of Shadows on Certain Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space

A Shadow Study prepared by Adam Noble for the Project indicates that the Project will cast a shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space. The attached Shadow Analysis Memo examines these shadow impacts as well as impacts on adjacent residential properties identified in Section 263.11(b)(2) and recommends the Planning Commission find that the impacts are not adverse. See attached Shadow Analysis Memo.

2. Reduction of Ground Level Wind Currents

The Amended Final Mitigated Negative Declaration adopted June 15, 2009 concluded that the Proposed Project would have a less than significant effect on wind patterns in the Project area.

3. Construction of Live/Work Units Above the 40 Foot Base Height Limit

No Live/Work units are proposed in the project.

4. Affordability

The Project Sponsor is proposing 4 on site Below Market Rate (BMR) units, equaling 17% of the total number of units. The minimum requirement for this project under Planning Code Section 315 is 3 BMR units, equaling 12% of the total number of units. The Project Sponsor is providing 4 on site BMR units in accord with Planning Department recommendation to require Project Sponsors with projects filed prior to July 18, 2006 to provide BMR units equal to 17% of total units for projects seeking Conditional Use authorization under this Planning Code Section.

- B. **Bulk.** In the 40-X/85-B Height and Bulk District, buildings taller than 40 feet must comply with the 'B' bulk controls per Planning Code Section 270 which limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The Project is proposing a structure of 65 feet in height, exceeding the height limit of 40 feet under the 40-X Height and Bulk District and triggering the bulk limitations under the 'B' Bulk District. The 'B' Bulk District limits the maximum length of a structure to 110 feet and the maximum diagonal dimension to 125 feet. The Project is proposing a structure with a length of 63.75 feet and a diagonal dimension of approximately 94 feet.

- C. **Residential Density.** Planning Code Section 815.03 limits residential density to 1 dwelling unit per 200 square feet of lot area for projects less than 40 feet in height. For projects above

40 feet in height, density is to be determined as part of the Conditional Use authorization process.

The Project proposes 26 dwelling units in a 65 foot structure on a 5,844 square foot lot, resulting in a density of 1 dwelling unit per 225 square feet of lot area. The Project proposal is less dense than what Section 815.03 allows for projects less than 40 feet in height.

- D. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134 requires a rear yard of 25% of lot depth at the lowest level containing a dwelling unit for RSD Zoning Districts.

The Proposed Project provides a 21.25 foot rear yard at grade. The proposed rear yard complies both with Planning Code Section 134 and Planning Commission Resolution 17707 policy regarding rear yards at grade in the Western Soma SUD.

- E. **Usable Open Space.** Usable open space is required for dwelling units in all zoning districts. Planning Code Section 135(d) requires 36 square feet of open space per unit if private and 48 square feet per unit if common for projects in the RSD.

The proposal includes one roof deck and an accessible rear yard at grade. The project meets the criterion for common usable open space as it provides 2,865 square feet of usable open space, far in excess of the minimum required 936 square feet.

- F. **Off-Street Parking.** Planning Code Section 151 requires a minimum of one off-street parking space per four dwelling units in the RSD District.

Seven off-street parking spaces are required under Planning Code Section 151. The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement garage. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). The Project Sponsor is seeking Conditional Use to construct a Residential Community Automobile Parking Garage pursuant to Planning Code Section 815.26.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that every dwelling unit in every use district is required to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All units in the Project face either Harrison Street, or the code complying rear yard.

- H. **Inclusionary Housing.** Projects proposing 5 or more dwelling units are required to comply with the inclusionary housing ordinance set forth in Planning Code Section 315. The specific requirement depends upon the entitlements being sought, the date the required applications were filed, and whether the Below-Market-Rate (BMR) units are being provided on-site or off-site or through the payment of an in-lieu fee. Additionally, Section 315.4(c) states that in general, affordable units shall be comparable in number of bedrooms, exterior appearance, and overall quality of construction to market-rate units in the principal project.

The on-site BMR unit requirement under Planning Code Section 315 is 12% as the first development application was submitted prior to July 18, 2006 and the project is seeking Conditional Use authorization. For the Proposed Project the minimum requirement would be 3 BMR units. The Project Sponsor is proposing 4 BMR units (17%) to meet the requirements under Planning Code Section 263.11 as well as the Department recommendation regarding Conditional Use authorization under Planning Code Section 263.11.

- I. **Street Trees.** Section 143 requires a minimum of one street tree for each 20 feet of frontage along a street or alley.

The Proposed Project is required to provide 3 street trees along the Harrison Street frontage. The Project proposes 4 street trees, in excess of the minimum requirement.

- J. **Shadow.** Planning Code Section 295 prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

A Shadow Analysis was conducted based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The Analysis indicated that there is no shadow impact from the subject property on any property protected by the Ordinance.

- K. **Bicycle Parking.** Planning Code Section 155.2 requires private garages to provide at least six bicycle parking spaces, regardless of the size of the garage. Planning Code Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units.

The Project includes a private garage with 16 off-street parking spaces and 26 dwelling units. The Proposed Project provides 15 bicycle parking spaces in the basement garage that are accessible through the residential lobby on Harrison Street and garage entrance on Harrison Street. This exceeds the required 13 bicycle parking spaces.

7. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor

shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it creates 26 new dwelling units and approximately 2,650 gross square feet of PDR space as an infill development within an established urban area. The dwelling unit mix addresses the need for two bedroom units as 8, or 31%, of the total units are two bedroom units. Providing 5 stories of residential units above the ground floor PDR uses is generally compatible with the surrounding uses and the building's mass and scale are also in general harmony with the residential buildings in the immediate vicinity. The Proposed Project will provide its required affordable housing on-site, will provide PDR opportunities for the immediate neighborhood and will create pedestrian-oriented streetscapes along Harrison Street, all amounting to a desirable development for the area.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project's mixed use location lends to the appropriateness of a 5 story mixed used development. The Project's scale is consistent with buildings in the immediate vicinity. The structure is situated on the front of the lot so as to provide the open area facing the existing midblock open space pattern, thereby contributing to access to light, air and views to and from the site.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will provide 16 off-street parking spaces in the basement garage. This amount is at a ratio of 0.5 off-street parking spaces per dwelling unit. The project minimizes the number of curb

cuts to two 10 foot curb cuts on Harrison Street and eliminates the existing 40 foot wide curb cut on Harrison Street, thereby addressing concerns of pedestrian/automobile impacts upon Harrison Street.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project includes residential dwelling units and ground floor PDR units, which are not anticipated to generate any noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project provides an adequate mix of private and common usable open spaces and will address lighting and signage issues in an attractive manner. No loading areas are required or provided. A total of 4 street trees will be located along the Harrison Street frontage, softening the pedestrian experience and adding an integral "green" improvement.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code or is seeking Conditional Use authorization and is consistent with objectives and policies of the General Plan as detailed below.

- 9. **Parking Exceeding Accessory Amounts.** Pursuant to Planning Code Section 157, in considering any application for Conditional Use authorization for parking where the amount of parking exceeds the amount classified as accessory parking in Planning Code Section 204.5, the Planning Commission shall apply the following criteria, in addition to those stated in Planning Code Section 303(c):

- A. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). This is an amount that is necessary for the Proposed Project given the existing transit infrastructure and urban fabric in the vicinity. The existing transit, while present but not in overwhelming amounts, is less accessible than in other central city locations due to the lengths of street blocks in the South of Market Area, creating a situation where transit users would

travel greater distances than their counterparts in other central city locations. Furthermore, a project was recently approved in the area with additional parking at the request of neighborhood residents.

- B. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.

The Proposed Project will provide two of the proposed 16 off-street parking spaces as voluntary car share spaces.

- C. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

No unnecessary demolition of sound structures is proposed. Owing in part to an off-street parking to dwelling unit ratio of less than 1, contribution to traffic congestion is not expected. Disruption of or conflict with transit service is not anticipated.

- D. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

The off-street parking is proposed to serve the residents of the 26 dwelling units in the Proposed Project and the PDR space on the ground floor. The nature of the car share programs is to allow for short term use by members of the organization.

- E. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

The off-street parking is proposed to serve the residents of the 26 dwelling units and the PDR space on the ground floor. Any off-street parking not used by the residents can be made available to the general public and the car share spaces are also available for use by members of the car share program.

10. **Western Soma Planning Process.** Early in the application process, the project sponsor met individually with representatives of the Western Soma Task Force. Initial concerns raised included formula retail controls, affordable units, parking, height limit, air quality in relation to the proximity to the freeway, at grade rear yard, and design. Additionally, the project sponsor held a Community Outreach Meeting combined with the Soma Leadership Council in April 2007 to address concerns by the neighbors and council members.

11. **Resolution No. 17707.** On October 2, 2008, the Planning Commission adopted Resolution No. 17707, modifying the existing PDR loss and replacement policies for the Western Soma SUD and clarifying the 1:1 replacement policies throughout the greater Eastern Neighborhood Plan Areas. Additionally, the policy allows for minor reductions to the required PDR replacement when reductions result in a 25% of lot depth rear yard at grade. The proposed project is generally

consistent with this policy as it replaces the entire ground floor with PDR space excluding the area used for circulation and the at grade rear yard.

12. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING

Objectives and Policies – 2004 Housing Element

Housing Supply

OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Proposed Project seeks to develop 26 dwelling units on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. There are a number of residential and commercial/light industrial uses surrounding the project site; however in general the area is transitioning toward having more residential uses.

Housing Affordability

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Choice

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project is in the immediate vicinity of the Gene Friend/SOMA Recreation Center, the Victoria Manalo Draves Park and seven Muni bus lines. The Project itself will provide a generous amount of open space as well as the 2,650 gross square feet of PDR space that can serve the immediate neighborhood.

Regional and State Housing Needs

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Proposed Project will site 26 dwelling units on an infill site within an established neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation and commercial/retail locations.

RECREATION AND OPEN SPACE

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Proposed Project will provide private usable outdoor open space in the form of private decks, a rooftop deck, and a common rear yard at grade.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Proposed Project includes the addition of 4 street trees along Harrison Streets. While there are no existing pedestrian-oriented building frontages to preserve, the Project will replace a two story industrial building with a large front setback with new pedestrian-oriented building frontages on each street.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.4:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The Proposed Project will provide 16 off-street parking spaces. The Proposed Project is served by the following several MUNI lines.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. The Proposed Project blends well with the immediate area as it is of comparable height and displays a contemporary architectural style. The massing generally compliments the bulk and scale of newly constructed residential buildings in the vicinity, with a ground floor commercial component.

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project site is currently vacant, underutilized and provides little benefit to the surrounding neighborhood. The Project is a mixed-use development that includes 2,650 gross square feet of ground floor PDR space that can house neighborhood serving uses. Additionally, the 26 dwelling units will house new neighborhood residents to patronize existing commercial establishments in the area.

SOUTH OF MARKET AREA PLAN

Objectives and Policies

Business Activity

OBJECTIVE 1:

PROTECT EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETAIL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES AND FACILITATE THEIR EXPANSION.

Policy 1.4:

Provide sufficient land and building area to accommodate the reasonable growth and expansion of the South of Market's diverse economic activities.

Policy 1.5:

Locate uses in areas according to a generalized land use plan shown on Map 2. The proposed generalized land use plan shown on Map 2 would carry out the foregoing policies and the housing policies below and would establish coherent land use districts accommodating existing activities as well as facilitating the growth of new, compatible activities.

The Proposed Project is a mixed-use development comparable to other residential and mixed use structures along Harrison Street. The site is located in an area that the generalized land use map outlines as suitable for residential and PDR uses.

Residential Activity

OBJECTIVE 3:

ENCOURAGE THE DEVELOPMENT OF NEW HOUSING, PARTICULARLY AFFORDABLE HOUSING.

Policy 3.1:

Increase the supply of housing without adversely affecting the scale, density, and architectural character of existing residential or mixed use neighborhoods or displacing light industrial and/or business service activities.

Policy 3.4:

Encourage high density, predominantly residential mixed-use development on vacant parcels between Stevenson, Harrison, Sixth and Fourth Streets.

The Proposed Project will add 26 dwelling units and 2,650 gross square feet of commercial space on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. Surrounding the project site are a number of residential and commercial/light industrial uses. The Proposed Project will display a contemporary architectural design style. The site is within the area bounded by Stevenson, Harrison, Sixth and Fourth Streets.

13. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No retail uses exist on the property. The Proposed Project will provide 2,650 gross square feet of PDR space that can serve as neighborhood retail and that can enhance opportunities for resident employment.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Proposed Project does not remove any existing housing. Its uses, size, scale, and design are consistent with the surrounding neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this project. The Proposed Project will create 4 on-site affordable dwelling units.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is proposing off-street parking in amounts prescribed within the current zoning district. There are several MUNI lines that all have stops or run within one block of the Proposed Project. It is presumable that the employees of the PDR space will commute by transit thereby mitigating possible impacts on street parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Proposed Project will not displace or negatively affect any currently active service or industry establishment.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Proposed Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings occupy the Proposed Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Proposed Project will have no negative impact on existing parks and public open spaces as demonstrated by the shadow fan analysis conducted.

14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

15. Findings under the California Environmental Quality Act (CEQA).

- A. The Planning Department finalized the Amended Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department (Department) in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

- B. The Planning Commission hereby adopts the FMND and finds the project will not have a significant impact on the environment with the adoption of the mitigation measures.

- C. In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31, the Department and the Planning Commission have reviewed and considered the information contained in the FMND and all information pertaining to the project in the Department's case file.

- D. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.

- E. The proposed Project as reflected in Application No. 2006.0430C is consistent with the project as described in the FMND and would not result in any significant impacts not identified in the FMND nor cause significant effects identified in the FMND to be substantially more severe.

16. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FMND and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
17. Potential Environmental Impacts Mitigated To Less Than Significant. With the implementation of the mitigation measures required in Exhibit C, environmental impacts to archeological resources and testing, construction noise and pile driving, hazards and contaminated soil, hazardous building materials, and paleontological resources resulting from the Project would be reduced to a less than significant level as described in the FMND.
18. The Commission finds that granting authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2006.0430C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17855. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 18, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, and Sugaya

NAYS: None

ABSENT: Commissioners Lee and Olague

ADOPTED: June 18, 2009

Exhibit A

Conditions of Approval

General Conditions

1. This authorization is for a Conditional Use Authorization under Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District, in general conformance with plans filed with the Application dated May 28, 2006, and stamped "EXHIBIT B" included in the docket for **Case No. 2006.0430C**, reviewed and approved by the Commission on June 18, 2009.
2. The project shall include off-street parking in an amount not to exceed 16 spaces. Of the off-street parking provided, at least two spaces shall be off street car-share parking spaces.
3. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit. All affordable dwelling units shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space.
4. Ground level storefronts in general conformity with Exhibit A shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The property owner shall ensure that this condition of approval is incorporated into all commercial leases.
5. Covenants, conditions and restrictions approved by the Planning Department shall be imposed upon the project units to restrict use to occupancy for permanent residents and to preclude time-share ownership or occupancy. No residential units shall be used as hotel units, as defined in Section 203.8 of the San Francisco Housing Code.

6. The Project Sponsor shall ensure that initial sales of more than two dwelling units to any one entity if not for owner occupancy, will be for residential rental purposes for rental periods of not less than one month.
7. The at grade rear yard provided at a depth of 21.25 feet shall not be covered in any type of impervious surface material.
8. No self storage use is allowed to operate in the proposed ground floor tenant space.
9. The project sponsor will continue to work with Planning Department staff regarding the design and materials on the front façade.

Affordable Units

10. The Project Sponsor shall designate a total of 4 units (all two bedroom units) as affordable (Below Market Rate (BMR)) units. These units will be constructed on-site and represent 17% of the 26 dwelling units in the project.
11. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Requirement").
 - A. The BMR unit(s) shall be designated on the building plans prior to approval of any building permit. The BMR unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
 - B. If the units in the building are offered for sale, the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the Median Income for the City and County of San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the lifetime of the project.
 - C. The Applicant shall administer the marketing and reporting procedures, including the payment of administrative fees to the monitoring agency if such fees are authorized by ordinance, according to the procedures established in the Procedures Manual or as otherwise provided by law.
 - D. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these

Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.

- E. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall have designated the BMR units in accordance with Items a, b and c above.
- F. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR units.

Performance

- 12. Prior to the issuance of any building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- 13. Prior to the issuance of the first certificate of occupancy for the Project, all relevant fees required by Planning Code Section 315 shall be paid.
- 14. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
- 15. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
- 16. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.

Monitoring and Violation

- 17. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.

18. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
19. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

Mitigation and Improvement Measures

The following mitigation measures, all of which are necessary to avoid potential significant effects of the Project, have been adopted by the Project Sponsor.

20. Conditions Related to Construction Monitoring and Mitigation.

All conditions in the Mitigation Monitoring and Reporting Program, attached as Exhibit C, as developed as part of the Mitigated Negative Declaration (Case No. 2005.0876E), shall be conditions of this conditional use authorization by reference.

21. Mitigation Measure 1: Archeological Resources (Archeological Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- b. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the

encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The

agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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.

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 Major Environmental Analysis division of the Planning Department shall receive 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

22. Mitigation Measure 2: Construction Noise (Pile Driving)

Should pile driving be required, the following measures shall be implemented to reduce daytime noise impacts from construction:

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- Construction activities are limited to daytime hours only.

23. Mitigation Measure 3: Construction Noise (Pile Driving)

Should pile driving be required for building construction, the project sponsor will require that the project contractor pre-drill holes (if feasible and based on the soil conditions) for piles to the maximum feasible depth. The project sponsor shall also require that contractors schedule pile driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance and in consultation with the Director of Public Works, to disturb the fewest people. At least 48 hours prior to pile-driving activities, the project sponsor shall notify building owners and occupants within 200 feet of the project site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of such activities.

24. Mitigation Measure 4: Hazards (Contaminated Soil)

Step 1: Preparation of Site Mitigation Plan:

DPH has determined that the soils on the project site are contaminated with lead at or above potentially hazardous levels, and DPH has determined that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of lead on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 2: Handling, Hauling, and Disposal of Contaminated Soils

(a) specific work practices: The construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA metal, or petroleum hydrocarbon, or volatile organic compounds, safe work practices) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where metal, or petroleum hydrocarbon, or volatile organic compound-contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste-hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 3: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

25. Mitigation Measure 5: Other Hazardous Building Materials (PCBs, Mercury, Lead, and others)

The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. Any hazardous building materials discovered during surveys would be abated according to federal, state, and local laws and regulations.

26. Mitigation Measure 6: Paleontological Resources

In the unlikely event that excavation for the proposed project uncovers any vertebrate remains, construction activities shall stop immediately until such remains are recovered. The project sponsor shall set aside any discovered vertebrate remains and contact a professional paleontologist to evaluate the find for possible salvage.

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