# SAN FRANCISCO
# PLANNING DEPARTMENT

## Certificate of Determination
## EXEMPTION FROM ENVIRONMENTAL REVIEW

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| | |
|---|---|
| *Case No.:* | **2012.1025E** |
| *Project Address:* | **325 Fremont Street** |
| *Zoning:* | Rincon Hill Downtown Residential Mixed Use Zoning District<br>85/250-R Height and Bulk District |
| *Block/Lot:* | 3747/012, 013, and 014 |
| *Lot Size:* | 6,434 square feet |
| *Plan Area:* | Rincon Hill Plan |
| *Project Sponsor:* | Chaim Elkoby, Fremont 325 Development, LLC, (415) 989-1045, x1310 |
| *Staff Contact:* | Chris Espiritu, (415) 575-9022, Christopher.Espiritu@sfgov.org |

### PROJECT DESCRIPTION:

The project site, which is on the east side of Fremont Street between Folsom and Harrison streets, is in San Francisco's Rincon Hill neighborhood approximately two blocks north of Interstate 80. The project site is currently vacant; it was previously occupied by a pair of two-story office buildings, both of which have been demolished. Three separate lots comprise the project site, and these three lots would be merged into a single lot as part of the proposed project. The project sponsor proposes the construction of a 25-story, 250-foot-tall, approximately 142,465-gross-square-foot residential tower containing up to 125 dwelling units (50 two-bedroom units and 75 one-bedroom units and studios) and an underground garage with 41 parking spaces. The parking spaces would be located on two basement levels accessed

(Continued on next page.)

### EXEMPT STATUS:

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

### REMARKS:

(See next page.)

### DETERMINATION:

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

SARAH B. JONES
Environmental Review Officer

March 13, 2014
Date

cc: Chaim Elkoby, Project Sponsor; Supervisor Jane Kim, District 6; Ben Fu, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

by two car elevators. The vehicular entrance would be on Zeno Place, an alley at the rear of the project site. A total of 106 Class 1 bicycle parking spaces would be provided on the two basement levels and the ground floor, and 6 Class 2 bicycle parking spaces would be provided on the Fremont Street sidewalk in front of the project site. Other uses on the ground floor would include the residential lobby, a loading area, mechanical space, and a trash room. The loading area and trash room would be accessed from Zeno Place. Dwelling units would be on the second through twenty-fifth floors. Pedestrians would access the project site from Fremont Street. The proposed project includes approximately 2,700 square feet of common usable open space in the form of a roof terrace, while some of the dwelling units would have private balconies. The proposed project may include improvements to the segment of Zeno Place that runs from the project site to Folsom Street and improvements to the sidewalk along Fremont Street. Excavation to a depth of approximately 50 feet would be required for the garage and building foundation. It is anticipated that the proposed building would be supported by a reinforced concrete mat foundation; piles are not required but may be used.

There were two previous projects approved on the project site. In June 2000, the San Francisco Planning Commission (Planning Commission) approved a 21-story, 200-foot-tall building containing 51 dwelling units and 51 parking spaces.[1] In January 2005, the Planning Commission approved a 21-story, 200-foot-tall building containing 70 dwelling units and 70 parking spaces.[2] Neither of these projects was constructed, although a site permit for the January 2005 approval was issued and remains active.

**Project Approval**

The proposed 325 Fremont Street project would require the following approvals:

**Actions by the Planning Commission**

- Approval of an application for a Section 309.1 Rincon Hill Project Authorization. The proposed project requires exceptions for usable open space and dwelling unit exposure. Approval of the Section 309.1 Rincon Hill Project Authorization would constitute the approval action for the purpose of establishing the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.16 of the San Francisco Administrative Code.

**Actions by City Departments**

- Approval of site permit (*Planning Department, Department of Building Inspection*)
- Approval of grading and building permits (*Planning Department and Department of Building Inspection*)
- Approval of a stormwater control plan (*San Francisco Public Utilities Commission*)

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[1] San Francisco Planning Department, *325 Fremont Street Final Negative Declaration*, Case No. 99.414E, February 29, 2000, and San Francisco Planning Commission Motion No. 15086, adopted June 8, 2000. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[2] San Francisco Planning Department, *325 Fremont Street Addendum to Negative Declaration*, Case No. 1999.0414E, December 20, 2004, and San Francisco Planning Commission Motion No. 16935, adopted January 27, 2005. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

- Approval of project compliance with the Stormwater Control Guidelines (*Department of Public Works)*
- Approval of a three-lot merger (*Department of Public Works*)
- Approval of a condominium map (*Department of Public Works*)

## REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 325 Fremont Street project described above, and incorporates by reference information contained within the *Rincon Hill Plan Final EIR* (FEIR) (Planning Department Case No. 2000.1081E and State Clearinghouse No. 1984061912), which is the underlying EIR for the proposed 325 Fremont Street project. Project-specific studies summarized in this determination were prepared for the proposed project to determine if there would be any additional potentially significant impacts attributable to (i.e., "peculiar" to) the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. This determination does not identify new or additional information that would alter the conclusions of the FEIR. In addition, this determination identifies mitigation measures contained in the FEIR that would be applicable to the proposed project at 325 Fremont Street. Relevant information pertaining to prior environmental review conducted for the FEIR as well as an evaluation of potential environmental effects are provided in the Community Plan Exemption (CPE) Checklist for the proposed project.[3]

## BACKGROUND:

On May 5, 2005, the Planning Commission certified the FEIR for the *Rincon Hill Plan* (Case No. 2000.1081E; State Clearinghouse No. 1984061912).[4] The FEIR analyzed amendments to the

[3] The CPE Checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[4] San Francisco Planning Commission Motion No. 17007, adopted May 5, 2005. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

*San Francisco General Plan* (*General Plan*), the San Francisco Planning Code (Planning Code), and the Zoning Maps associated with the establishment of the *Rincon Hill Plan*. The FEIR analysis was based upon assumed development and activity that were anticipated to occur under the *Rincon Hill Plan*.

On August 2, 2005, the San Francisco Board of Supervisors (Board of Supervisors) adopted ordinances amending the *General Plan*, Planning Code, and Zoning Maps that constituted the "project" analyzed in the *Rincon Hill Plan FEIR*. On August 19, 2005, the Mayor signed the ordinances into law. These legislative amendments created new zoning controls to regulate development in what is envisioned to be a mixed-use neighborhood characterized by high-density, high-rise residential uses, reduced parking requirements, and public amenities, such as open spaces, bicycle parking, and streetscape improvements. As part of these legislative amendments, the 325 Fremont Street project site was rezoned from RC-4 (Residential-Commercial Combined, High Density) to RH-DTR (Rincon Hill Downtown Residential), and its height and bulk limits were reclassified from 200-R to 85/250-R. The *Rincon Hill Plan*, as evaluated in the FEIR and as adopted by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed 325 Fremont Street project.

Individual projects implemented under the *Rincon Hill Plan* undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development. If so, additional environmental review would be required. This determination concludes that the proposed project at 325 Fremont Street is consistent with and was encompassed within the analysis in the FEIR for the *Rincon Hill Plan*, and that the FEIR adequately described the impacts of the proposed 325 Fremont Street project and identified the necessary mitigation measures, as adapted for project-specific conditions described in this Certificate of Determination. The proposed project is in conformity with the *General Plan* and the *Rincon Hill Plan*, and complies with the provisions of the Planning Code.[5,6] Therefore the 325 Fremont Street project is consistent with the certified *Rincon Hill Plan FEIR*, its impacts are adequately addressed in the FEIR, and no further CEQA evaluation is necessary. In sum, the *Rincon Hill Plan FEIR* and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING:

The project site, which is on the east side of Fremont Street between Folsom and Harrison streets, is in Rincon Hill neighborhood approximately two blocks north of Interstate 80. The Rincon Hill neighborhood is currently undergoing a transformation from a neighborhood of predominantly low- and mid-rise industrial buildings to a mixed-use neighborhood that includes high-density, high-rise residential buildings. Existing uses near the project site include a two-story industrial building adjacent to and north of the project site (the E.M. O'Donnell Copper Works Building which is considered a potential historic resource), the Pacific Gas and Electric Company's Embarcadero Substation building on the southwest corner of Folsom and Fremont streets, and the temporary Transbay Terminal on the north side of Folsom Street. There is an 85-foot-tall, 88-unit building under construction at 333 Fremont Street,

[5] Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 325 Fremont Street, November 19, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[6] Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 325 Fremont Street, January 14, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

adjacent to and south of the project site. A 400-foot-tall, 332-unit building has been approved at 340 Fremont Street, across the street from the project site, and a 400-foot-tall, 432-unit building has been approved at 399 Fremont Street, one-half block south of the project site. The project site, similar to other parcels surrounding the project site, is zoned RH-DTR. The project site has a height and bulk limit of 85/250-R while surrounding parcels range from 85/200-R, 85/250-R, and 85/4500-R.

## POTENTIAL ENVIRONMENTAL EFFECTS:

The *Rincon Hill Plan FEIR* analyzed the following environmental topics: land use, plans, and policies; visual quality; transportation, circulation, and parking; population and housing; air quality; shadow; wind; hazardous materials; historical resources; hydrology and water quality; growth inducement; noise; utilities/public services; biology; geology/topography; water; and energy/natural resources. Significant and unavoidable impacts were identified for the following topics: cultural and paleontological resources (historic architectural resources) and transportation and circulation (traffic). The proposed project would not contribute to the historic architectural significant and unavoidable impact because the project would not involve the demolition of a historical resource. As for the significant and unavoidable impact related to traffic, the proposed project would not contribute significantly to the critical vehicle movements that operate poorly at nearby intersections.

The *Rincon Hill Plan FEIR* identified mitigation measures for the following topics: Noise (1), Transportation (C.1a, C.2b, and C.1c), Air Quality (E.1 and E.2), Wind (G.1), Hazardous Materials (H.1 and H.2), Historic Architectural Resources (I.2a, I.2b, I.2c, and I.2d), and Archaeological Resources (I.1).

As analyzed and discussed in the CPE Checklist, the following mitigation measures identified in the FEIR do not apply to the proposed project. Mitigation Measures C.1a, C.1b, and C.1c would not apply to the proposed project because they call for capital improvements to the public right-of-way that are associated with the implementation of the *Rincon Hill Plan* rather than a specific development project. Mitigation Measure E.1 has been superseded by the Construction Dust Control Ordinance and is not applicable to the proposed project. Mitigation Measure E.2 is not applicable to the proposed project because the proposed project would be below the BAAQMD's Air Quality Guidelines operational screening criteria for the "apartment, high-rise (510 units)" land use type.

With the adoption of Planning Code Section 825(d), Mitigation Measure G.1 was implemented by the City. The mitigation measure itself is not applicable to the proposed project, but the provisions of Section 825(d) are and the proposed project would comply with Section 825(d). Since the proposed project is subject to the Maher Ordinance, Mitigation Measure H.1 is not applicable to the proposed project. Mitigation Measures I.2a, I.2b, and I.2c are site-specific mitigation measures that apply to the development sites at 425 First Street, 347 Fremont Street, and 375 Fremont Street, and therefore are not applicable to the proposed project. Since the project site does not include a historic resource that would be demolished, Mitigation Measure I.2d, which requires a historic resource survey, is not applicable to the proposed project.

As discussed in the CPE Checklist, *Rincon Hill Plan FEIR* Mitigation Measures 1, H.2, and I.1 were determined to apply to the proposed project for the following reasons. The project requires excavation of up to 50 feet and therefore Mitigation Measure I.1 addressing potential impacts to archaeological resources is applicable. Since construction of the proposed project may include the use of piles and would likely require dewatering, Mitigation Measures 1 and H.2 addressing construction noise and

groundwater discharge, respectively, are applicable. Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures.

The proposed 325 Fremont Street project is in conformance with the height, use, and density for the site described in the FEIR and would represent a small part of the growth that was forecast for the Rincon Hill neighborhood in the FEIR. The proposed project would not result in any new or substantially more severe impacts than those identified in the FEIR. Implementation of Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR*, would adequately protect the adjacent historic resource, the E.M. O'Donnell Copper Works Building, from the vibration impacts associated with pile driving activities during construction. The average daily emissions from the proposed project's construction activities would be below the BAAQMD thresholds of significance for criteria air pollutants. Wind and shadow analyses demonstrated that the proposed project would not alter wind in a manner that substantially affects public areas or create new shadow that substantially affects outdoor recreation facilities or other public areas.

With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the FEIR.[7] In addition, and in accordance with the *Rincon Hill Plan FEIR*, the project sponsor has agreed to implement the following improvement measure addressing construction-related traffic congestion: *Rincon Hill Plan FEIR* Improvement Measure C.2.[8]

**Public Notice and Comment**

A "Notification of Project Receiving Environmental Review" was mailed on June 19, 2013 to adjacent occupants and owners of properties within 300 feet of the project site. Three members of the public requested copies of the Certificate of Determination when it is published, and one member of the public expressed concern over the loss of his view of the Bay Bridge from his residence. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Pursuant to Public Resources Code Section 21099(d), effective January 1, 2014, certain urban infill projects in transit priority areas do not need to be analyzed for their environmental impacts related to aesthetics. The proposed project meets the criteria set forth in Section 21099(d), and for this reason, the proposed project's effects on views are not discussed in the Certificate of Determination. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public.

**Conclusion**

The *Rincon Hill Plan FEIR* incorporated and adequately addressed all potential impacts of the proposed 325 Fremont Street project. As described above, the proposed 325 Fremont Street project would not have any project-specific significant adverse effects that are peculiar to the project or its site that were not examined in the *Rincon Hill Plan FEIR*, nor has any new or additional information come to light that would alter the conclusions of the *Rincon Hill Plan FEIR*. Thus, the proposed project would not have any new significant effects on the environment not previously identified in the *Rincon Hill Plan FEIR*, nor would any environmental impacts be substantially greater than described in the *Rincon Hill Plan FEIR*. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

[7] Please refer to the CPE Checklist for a complete discussion.

[8] The full text of this improvement measure is included in the MMRP.

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
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| **MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR** | | | | | |
| ***Cultural and Paleontological Resources*** | | | | | |
| Project Mitigation Measure 1 – Cultural and Paleontological Resources (Mitigation Measure I.1 in the *Rincon Hill Plan FEIR*)<br>All but approximately one-fifth of the Plan area has been the focus of some type of archaeological study. However, these studies vary greatly in their inclusion, adequacy, and specificity of discussion of the potential presence, identity, and significance of archaeological resources, prior soils disturbance, and evaluation of project effects. For this reason, these studies vary in their adequacy to serve as evaluations of potential effects on archaeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)). For the purposes of assessing potential effects to archaeological resources and the need for and appropriate type of mitigation in the Plan area, the principal value of the existing archaeological reports is the identification of potential archaeological resources and of research themes and questions, and of prior disturbance. The archaeological documentation record that has been prepared for the majority of the Plan area has shown that: prehistoric and historical archaeological resources are potentially present within the Plan area; in many cases the expected archaeological resources could contribute significant scientific/historical information that early, deeply buried prehistoric resources may be present; the soils-disturbing activities in the Plan area to date may not, in general, have significantly impaired the integrity of archaeological resources expected to be present; and even recent large-scale projects have resulted in less soils disturbance than anticipated in order to avoid remediation of contaminated soils. | Project sponsor. | Prior to completion of environmental review. | Prepare a PASS and, if necessary, an ARDTP. | Environmental Review Officer. | Considered complete after PASS and/or ARDTP has been finalized. |

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
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| Thus, based on prior archaeological documentation and the analysis of the Plan area, it can be concluded that significant archaeological resources that have not been substantially affected by prior disturbance may be present within the Plan area and that development pursuant to the proposed *Rincon Hill Plan* and accompanying rezoning has a greater potential to result in adverse effects to these resources than might occur under the existing zoning. Implementation of the following mitigation measures can reduce this potential adverse effect to a less-than-significant level. Since there is no physical project proposed other than surface-level streetscape and open space improvements, the evaluation of project-specific impacts can only occur at the time a development project is proposed, and in accord with these mitigation measures. | | | | | |
| The Plan area is subdivided into three archaeological mitigation zones (see Figure 61, p. 193) based on the potential for significant archaeological resources to be present within the site and/or the adequacy of previous archaeological documentation to assess this potential. For any project involving soils-disturbing activities (for example, excavation, grading, foundation work, piles, utilities installation, remediation of contaminated soils), responsibility for the mitigation of potential effects to archaeological resources shall be required based on the location of the project site. | | | | | |
| *PROJECTS LOCATED IN ARCHAEOLOGICAL MITIGATION ZONE 2 (AMZ-2)* | | | | | |
| AMZ-2 is those properties within the Plan area for which no archaeological assessment report has been prepared or for which the archaeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archaeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)). In the latter case, the existing archaeological documentation may lack site-specific identification of potential archaeological resources, a historical context or site history discussion, | | | | | |

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
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| an assessment of prior soils disturbance, an evaluation of eligibility to the California Register of Historical Resources (CRHR) of potential archaeological resources, or specific information about site occupants.<br><br>For projects proposed in AMZ-2, a Preliminary Archaeological Sensitivity Study must be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The Sensitivity Study should contain the following:<br><br>1) Determine the historical uses of the project site based on any previous archaeological documentation and Sanborn maps;<br><br>2) Determine types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);<br><br>3) Determine if 19th or 20th century soils-disturbing activities may have adversely affected the identified potential archaeological resources;<br><br>4) Assess potential project effects in relation to the depth of any identified potential archaeological resource;<br><br>5) Conclusion: assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and recommend appropriate action.<br><br>Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARDTP) shall be required to more definitively identify | | | | | |

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
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| the potential for CRHR-eligible archaeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less-than-significant level. The scope of the ARDTP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Bulletin No. 5.<br>The Planning Department determined that an ARDTP would be required for the proposed project, and an ARDTP was prepared. The ARDTP includes procedures for the identification, evaluation, and treatment of archaeological resources that may be discovered prior to or during construction of the proposed project. These procedures are set forth in Section 7, Archaeological Identification/Testing Plan, and Section 8, Archaeological Treatment Plan, of the ARDTP. These procedures are hereby incorporated into Project Mitigation Measure 1. | | | | | |
| ***Noise*** | | | | | |
| <u>Project Mitigation Measure 2 – Noise (Mitigation Measure 1 in the *Rincon Hill Plan Initial Study*)</u><br>For projects requiring pile driving, individual project sponsors would ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers should be used unless absolutely necessary. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed.<br>Construction noise is regulated by the San Francisco Noise Ordinance, Article 29 of the City Police Code. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a | Project sponsor and contractor. | During subsurface construction. | The project sponsor shall ensure that the contractor predrills holes for pile driving, avoids using impact pile drivers unless absolutely necessary, uses sonic or | Department of Public Works to monitor project contractor compliance. | Considered complete after construction activities have ended. |

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
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| distance of 100 feet from the source. Impact tools (jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. 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 five dBA at the project property line, unless a special permit is authorized by the Director of Public Works. | | | vibratory sheetpile drivers instead of impact drivers wherever sheetpiles are necessary, muffles both intake and exhaust on impact tools, and schedules pile driving activity consistent with the Noise Ordinance. | | |
| ***Hazards and Hazardous Materials*** | | | | | |
| <u>Project Mitigation Measure 3 – Hazards and Hazardous Materials (Mitigation Measure H.2 in the *Rincon Hill Plan FEIR*)</u><br>For any development project, if dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The BERM must be notified of projects necessitating dewatering. That office may require | Project sponsor and contractor. | Before and during construction activities. | If dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment / remediation consultant regarding treatment of pumped | Bureau of Environmental Regulation of the San Francisco Public Utilities Commission. | Considered complete after construction activities have ended. |

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM | | | | |
|---|---|---|---|---|---|
| | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
| water analysis before discharge.<br>If dewatering is necessary, groundwater pumped from the development site shall be retained in a holding tank to allow suspended particles to settle, if this is determined necessary by the BERM to reduce the amount of sediment entering the combined sewer system. The project sponsor shall require the general contractor to install and maintain sediment traps if determined necessary by the BERM. | | | groundwater prior to discharge into the combined sewer system. Any groundwater pumped from the project site shall be retained in a holding tank to allow suspended particles to settle to reduce the amount of sediment entering the combined sewer system. If necessary, the project sponsor shall require the general contractor to install and maintain sediment traps. | | |

| Adopted Improvement Measures | MONITORING AND REPORTING PROGRAM<br>Responsibility for Implementation | Schedule | Action | Monitoring/ Reporting Responsibility | Monitoring Schedule |
|---|---|---|---|---|---|
| **IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR** | | | | | |
| ***Transportation and Circulation*** | | | | | |
| Project Improvement Measure 1 – Transportation, Circulation, and Parking (Improvement Measure C.2 in the *Rincon Hill Plan FEIR*)<br>Construction contractor(s) for the individual development projects would need to meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, Muni, the Planning Department, and other city agencies to determine feasible measures to reduce traffic congestion, including any potential transit disruption and pedestrian circulation impacts, during construction of the project. In addition, the temporary parking demand by construction workers would need to be met on-site or within other off-site parking facilities, and the construction contractor(s) would need to determine the location of an off-site parking facility for construction workers during the construction period. | Project sponsor and contractor. | Before and during construction activities. | Construction contractor to meet with appropriate City agencies to determine feasible measures for reducing traffic congestion during the construction period. Construction contractor to provide temporary parking on-site or at off-site facilities during the construction period. | Department of Parking and Traffic, Fire Department, Muni, and Planning Department. | Considered complete after construction activities have ended. |

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# COMMUNITY PLAN EXEMPTION CHECKLIST

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| *Project Address:* | **325 Fremont Street** |
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| *Project Sponsor:* | Chaim Elkoby, Fremont 325 Development, LLC, (415) 989-1045, x1310 |
| *Staff Contact:* | Chris Espiritu, (415) 575-9022, Christopher.Espiritu@sfgov.org |

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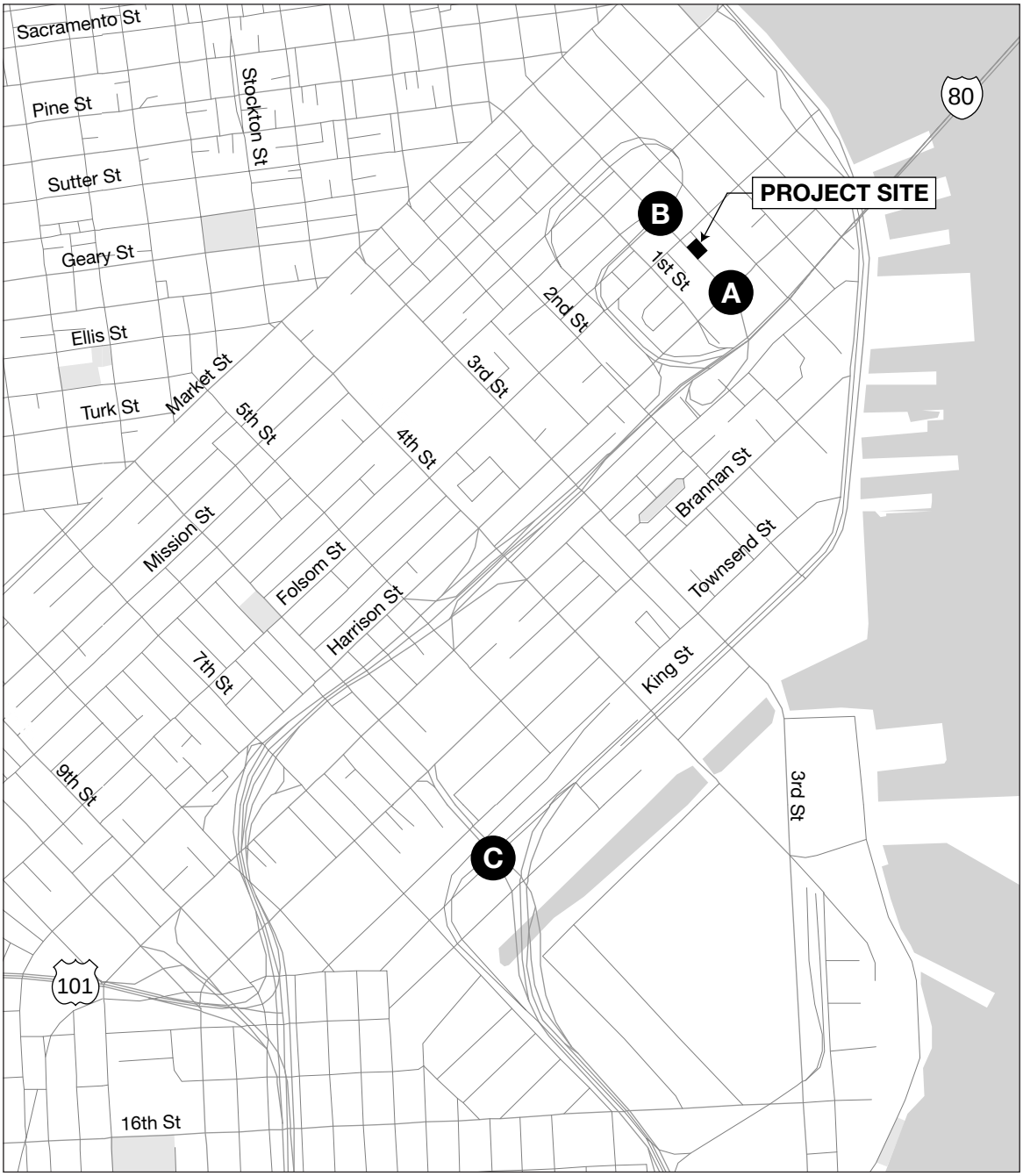
The project site, which is on the east side of Fremont Street between Folsom and Harrison streets, is in San Francisco's Rincon Hill neighborhood approximately two blocks north of Interstate 80. The project site is currently vacant; it was previously occupied by a pair of two-story office buildings, both of which have been demolished. Three separate lots comprise the project site, and these three lots would be merged into a single lot as part of the proposed project. The project sponsor proposes the construction of a 25-story, 250-foot-tall, approximately 142,465-gross-square-foot residential tower containing up to 125 dwelling units (50 two-bedroom units and 75 one-bedroom units and studios) and an underground garage with 41 parking spaces. The parking spaces would be located on two basement levels accessed by two car elevators. The vehicular entrance would be on Zeno Place, an alley at the rear of the project site. A total of 106 Class 1 bicycle parking spaces would be provided on the two basement levels and the ground floor, and 6 Class 2 bicycle parking spaces would be provided on the Fremont Street sidewalk in front of the project site. Other uses on the ground floor would include the residential lobby, a loading area, mechanical space, and a trash room. The loading area and trash room would be accessed from Zeno Place. Dwelling units would be on the second through twenty-fifth floors. Pedestrians would access the project site from Fremont Street. The proposed project includes approximately 2,700 square feet of common usable open space in the form of a roof terrace, while some of the dwelling units would have private balconies. The proposed project may include improvements to the segment of Zeno Place that runs from the project site to Folsom Street and improvements to the sidewalk along Fremont Street. Excavation to a depth of approximately 50 feet would be required for the garage and building foundation. It is anticipated that the proposed building would be supported by a reinforced concrete mat foundation. The project sponsor does not anticipate that piles will be required, but it is possible that piles may be needed.

Photosimulations showing views of the project site from three different locations (see Figure 1: Viewpoint Location Map, on p. 2) are presented on the following pages. Proposed views include nearby buildings proposed under the *Rincon Hill Plan*.




SOURCE: Turnstone Consulting

325 FREMONT STREET

**FIGURE 1: VIEWPOINT LOCATION MAP**


Existing


Proposed

SOURCE: Square One Productions

325 FREMONT STREET

**FIGURE 2: VIEW A - VIEW FROM FREMONT STREET, LOOKING NORTH**

Existing


Proposed

SOURCE: Square One Productions

325 FREMONT STREET

**FIGURE 3: VIEW B - VIEW FROM FREMONT STREET, LOOKING SOUTH**

Existing


Proposed

SOURCE: Square One Productions

325 FREMONT STREET

**FIGURE 4: VIEW C - VIEW FROM INTERSTATE 280, LOOKING NORTHEAST**

There were two previous projects approved on the project site. In June 2000, the San Francisco Planning Commission (Planning Commission) approved a 21-story, 200-foot-tall building containing 51 dwelling units and 51 parking spaces.[1] In January 2005, the Planning Commission approved a 21-story, 200-foot-tall building containing 70 dwelling units and 70 parking spaces.[2] Neither of these projects was constructed, although a site permit for the January 2005 approval was issued and remains active.

The proposed 325 Fremont Street project would require the following approvals:

**Actions by the Planning Commission**

- Approval of an application for a Section 309.1 Rincon Hill Project Authorization. The proposed project requires exceptions for usable open space and dwelling unit exposure. Approval of the Section 309.1 Rincon Hill Project Authorization would constitute the approval action for the purpose of establishing the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.16 of the San Francisco Administrative Code.

**Actions by City Departments**

- Approval of site permit (*Planning Department, Department of Building Inspection*)
- Approval of grading and building permits (*Planning Department and Department of Building Inspection*)
- Approval of a stormwater control plan (*San Francisco Public Utilities Commission*)
- Approval of project compliance with the Stormwater Control Guidelines (*Department of Public Works)*
- Approval of a three-lot merger (*Department of Public Works*)
- Approval of a condominium map (*Department of Public Works*)

## EVALUATION OF ENVIRONMENTAL EFFECTS:

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether such impacts are addressed in the applicable programmatic FEIR (PEIR)[3] for the *Rincon Hill Plan*. Items checked "Project-Specific Significant Impact Not Identified in PEIR" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR. Any impacts not identified in the PEIR are addressed in the CPE Checklist below.

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[1] San Francisco Planning Department, *325 Fremont Street Final Negative Declaration*, Case No. 99.414E, February 29, 2000, and San Francisco Planning Commission Motion No. 15086, adopted June 8, 2000. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[2] San Francisco Planning Department, *325 Fremont Street Addendum to Negative Declaration*, Case No. 1999.0414E, December 20, 2004, and San Francisco Planning Commission Motion No. 16935, adopted January 27, 2005. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[3] In this CPE Checklist, the acronyms FEIR and PEIR both refer to the *Rincon Hill Plan FEIR* and are used interchangeably.

Items checked "Significant Unavoidable Impact Identified in PEIR" identify topics for which a significant impact is identified in the PEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the PEIR. Mitigation measures identified in the PEIR are discussed under each topic area, and mitigation measures that are applicable to the proposed project are identified under each topic area and on pp. 52-55.

For any topic that was found to result in less-than-significant (LTS) impacts in the PEIR and for the proposed project, or would have no impacts, the topic is marked "No Significant Impact (Project or PEIR)" and is discussed in the CPE Checklist below.

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

The *Rincon Hill Plan* included a number of legislative amendments that increased height limits and eliminated residential density limits for the purpose of encouraging the continued development of Rincon Hill as a primarily residential neighborhood. The *Rincon Hill Plan FEIR* analyzed the land use impacts of these legislative amendments and the development that would result from these legislative amendments. The high-density, high-rise residential development under the *Rincon Hill Plan* would be compatible with existing residential development in the Rincon Hill neighborhood and with development projects that have been proposed, approved, or are under construction in the project vicinity, including the *Transit Center District Plan*.[4] Development under the *Rincon Hill Plan* would not physically divide an established community or have a substantial adverse impact on the character of the vicinity. Furthermore, the *Rincon Hill Plan FEIR* determined that the proposed rezoning would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the *Rincon Hill Plan FEIR* concluded that

[4] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, Cases No. 2007.0558E and 2008.0789E, certified May 24, 2012, and San Francisco Board of Supervisors, Ordinances No. 182-12, 183-12, 184-12, and 185-12, adopted July 31, 2012. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

implementation of the *Rincon Hill Plan* would not result in significant impacts related to land use and land use planning, and no mitigation measures were identified.[5]

The Rincon Hill neighborhood is currently undergoing a transformation from a neighborhood of predominantly low- and mid-rise industrial buildings to a mixed-use neighborhood that includes high-density, high-rise residential buildings. Existing uses near the project site include a two-story industrial building adjacent to and north of the project site, the Pacific Gas and Electric Company's Embarcadero Substation building on the southwest corner of Folsom and Fremont streets, and the temporary Transbay Terminal on the north side of Folsom Street. There is an 85-foot-tall, 88-unit building under construction at 333 Fremont Street, adjacent to and south of the project site. A 400-foot-tall, 332-unit building has been approved at 340 Fremont Street, across the street from the project site, and a 400-foot-tall, 432-unit building has been approved at 399 Fremont Street, one-half block south of the project site.

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. The proposed project would not construct a physical barrier to neighborhood access or remove an existing means of access. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalk adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. As a result, the proposed project would not physically divide an established community.

With the adoption of the *Rincon Hill Plan*, the project site was rezoned from RC-4 to RH-DTR, and the height and bulk limits were reclassified from 200-R to 85/250-R. The proposed project is in conformity with the *General Plan* and the *Rincon Hill Plan*, complies with the provisions of the Planning Code, including those in Section 270(e): Bulk Limits in Rincon Hill and South Beach DTR Districts, Section 295: Height Restrictions on Structures Shadowing Properties Under the Jurisdiction of the Recreation and Park Commission, and Section 825(d): Reduction of Ground-Level Wind Currents, and complies with the 250-foot height limit.[6, 7] As a result, the proposed project would not conflict with any land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The RH-DTR District is adjacent to the southern edge of San Francisco's downtown core and is generally bounded by Folsom Street on the north, The Embarcadero on the east, the Bay Bridge on the south, and Essex Street on the west. High-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Folsom Street is intended to develop as the neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are required on the ground floor. Individual townhouse

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[5] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 59-63.

[6] Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 325 Fremont Street, November 19, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[7] Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 325 Fremont Street, January 14, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

dwelling units with ground-floor entries that directly access the street are required on streets that will become primarily residential, including First, Fremont, Beale, Main, and Spear streets.[8]

The proposed project would introduce residential and parking uses to the vacant project site. These uses already exist elsewhere in the Rincon Hill neighborhood, so the proposed project would be compatible with the land use character of the project vicinity. The proposed project would not introduce any incompatible uses, such as industrial uses, to the project vicinity. Pursuant to Planning Code Section 827.47, there is no maximum density for residential uses on the project site. With a residential density of approximately one unit for every 50 square feet of lot area (125 units on a 6,434-square-foot lot), the proposed project would be consistent with the residential densities of other projects that have been proposed, approved, or are under construction in the project vicinity. The nearby projects at 340 Fremont Street and 399 Fremont Street have residential densities that are higher than one unit for every 100 square feet of lot area, and the project at 45 Lansing Street has a residential density that is higher than one unit for every 50 square feet of lot area. As a result, the proposed project would not have a substantial impact upon the existing character of the vicinity.

For these reasons, implementation of the proposed project would not result in significant impacts related to land use and land use planning, and no mitigation measures are necessary.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **2. AESTHETICS—Would the project:** | | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, development under the *Rincon Hill Plan* would result in substantial changes to the San Francisco skyline. The visual effects of this new development would be most noticeable in distant views of downtown San Francisco. When viewed at a distance from the east or the west, the concentration of new high-rise development in the Rincon Hill neighborhood would create an additional visual focal point to the south of the downtown core. When viewed at a distance from the

[8] San Francisco Planning Code Section 827.

north, development under the *Rincon Hill Plan* would be visible primarily from the upper floors of existing high-rise buildings in the downtown core and from elevated viewpoints such as Russian Hill and Telegraph Hill. Views from the south would be affected the most, because development under the *Rincon Hill Plan* would obstruct some views of downtown San Francisco. Shorter buildings would partially blend into the background created by existing high-rise buildings in the downtown core, but taller buildings, especially those constructed near the crest of Rincon Hill, would partially obstruct views of existing high-rise buildings in the downtown core. Development under the *Rincon Hill Plan* would preserve view corridors along existing streets, because construction would occur on development sites that are not within any public rights-of-way. Implementation of the *Rincon Hill Plan* would result in the removal of visual elements with neutral or low aesthetic value, such as surface parking lots and deteriorated buildings, and has the potential to enhance the visual quality of the Rincon Hill neighborhood through the development of new buildings, open spaces, and streetscape improvements. Development under the *Rincon Hill Plan* would generate additional light and glare but not in amounts that are uncommon or unexpected for a densely developed urban environment. Compliance with Planning Commission Resolution No. 9212, which prohibits the use of mirrored or reflective glass, would minimize glare. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to aesthetics.

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics in determining the significance of project impacts under CEQA.[9] The Planning Department acknowledges that aesthetic effects may be of interest to the public and the decision makers. Therefore, photosimulations showing views of the project site from three different locations are presented on pp. 3-5 of this CPE Checklist.

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[9] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 325 Fremont Street*, February 4, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| **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)? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

Implementation of the *Rincon Hill Plan* was expected to increase the supply of housing within the Rincon Hill neighborhood by 3,650 to 4,900 dwelling units and the residential population by 5,000 to 6,700 people. These increases in the housing supply and population are consistent with the growth projections for San Francisco developed by the Association of Bay Area Governments, which is the regional planning agency responsible for developing growth estimates for Bay Area cities and counties. The *Rincon Hill Plan* would not displace existing housing units or residents, because the potential development sites were not occupied by residential uses. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to population and housing, and no mitigation measures were identified.[10]

The proposed project would add up to 125 dwelling units and up to 175 residents to the Rincon Hill neighborhood, assuming an average household size of 1.4 persons per households as discussed in the *Rincon Hill Plan FEIR*.[11] The 125 new dwelling units would constitute 1.9 to 2.5 percent of the anticipated increase in the housing supply discussed above, and the 175 new residents would constitute 2.9 to 3.5 percent of the anticipated population growth discussed above. In addition, the proposed project would be consistent with more recent growth projections included in *Plan Bay Area*, a long-range land use and transportation plan for the nine-county Bay Area that covers the period from 2010 to 2040. Under *Plan Bay Area*, San Francisco is projected to add approximately 92,480 dwelling units and approximately 280,500 residents from 2010 to 2040.[12] The 125 new dwelling units and the 175 new residents that would be added by the proposed project would be consistent with the growth projections of *Plan Bay Area*. Since the growth in housing supply and population attributable to the proposed project would be consistent with the anticipated growth under the *Rincon Hill Plan* and *Plan Bay Area*, the proposed project would not directly induce substantial population growth. The proposed project is an urban infill development. As

[10] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 137-144.

[11] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 138.

[12] Association of Bay Area Governments and the Metropolitan Transportation Commission, *Plan Bay Area*, adopted July 18, 2013, p. 42.

a result, the proposed project would not indirectly induce substantial population growth through the construction of new, or extension of existing, roads or other infrastructure.

The proposed project would not generate substantial housing demand for future employees, because it does not include any office or retail space which would have employees who could need housing in San Francisco. In addition, the proposed project would not displace any existing housing units or residents, because the project site is currently vacant. Therefore, replacement housing would not need to be constructed.

For these reasons, implementation of the proposed project would not result in significant impacts related to population and housing, and no mitigation measures are necessary.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **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*? | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |

**Historic Architectural Resources**

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historic resources are buildings or structures that are listed, or eligible for listing, in the California Register of Historical Resources, or identified in a local register of historic resources, such as Articles 10 and 11 of the San Francisco Planning Code. As discussed in the *Rincon Hill Plan FEIR*, development anticipated under the *Rincon Hill Plan* would result in the demolition of historic resources. The Union Oil Company Building at 425 First Street would be demolished and replaced with a new building. In addition, buildings at 347 Fremont Street and 375 Fremont Street could be demolished and replaced with new buildings. Demolition of these two buildings, if it were to occur, would result in the loss of historic resources.[13] For these reasons, the *Rincon*

[13] Since the certification of the *Rincon Hill Plan FEIR* in May 2005, the buildings at 425 First Street, 347 Fremont Street, and 375 Fremont Street have been demolished.

*Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant and unavoidable impacts on historic architectural resources.[14] Mitigation measures identified in the *Rincon Hill Plan FEIR*, discussed below, would not reduce these impacts to less-than-significant levels. This impact was addressed in a Statement of Overriding Considerations with Findings and adopted as part of the *Rincon Hill Plan* approval on May 5, 2005.

Pursuant to Article 10 of the Planning Code and as shown on Zoning Map PD01, the vacant project site is not in an existing historic district and does not include any designated City landmarks or other historic resources. Pursuant to Article 11 of the Planning Code and as shown on Zoning Map PD01, the project site is not in an existing conservation district and does not include any Significant or Contributory Buildings. In addition, there are no proposed preservation districts that include the project site. The proposed project would not result in substantial adverse changes in the significance of a historic resource and would not contribute to the significant and unavoidable impacts identified in the *Rincon Hill Plan FEIR*.

The proposed project would be constructed next to the adjacent E.M. O'Donnell Copper Works Building, which was built in 1921 and is a potential historic resource under CEQA. Construction of the proposed project would involve the use of conventional equipment and methods, and vibration from construction activities has the potential to affect the E.M. O'Donnell Copper Works Building. The San Francisco Department of Building Inspection (DBI) is responsible for reviewing the building permit application to ensure that proposed construction activities comply with all applicable procedures and requirements and would not materially impair adjacent and/or nearby buildings. Please see Topic 6, Noise, on pp. 21-25 of this CPE Checklist, for additional information regarding potential vibration impacts caused by the construction of the proposed project. The proposed project could have an indirect impact on the E.M. O'Donnell Copper Works Building by altering the existing visual setting. However, the integrity and significance of this potential historic resource is not premised on an intact visual setting or a cohesive visual relationship with its surroundings. The visual setting of this potential historic resource has already been transformed by nearby development constructed during the past 50 years. Therefore, the proposed project would not impair the integrity of the potential historic resource's setting.

For these reasons, implementation of the proposed project would not result in significant impacts on historic architectural resources and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. No mitigation measures are necessary.

Mitigation Measures I.2a, I.2b, and I.2c, identified in the *Rincon Hill Plan FEIR*, are site-specific mitigation measures that apply to the development sites at 425 First Street, 347 Fremont Street, and 375 Fremont Street.[15] These mitigation measures are not applicable to the proposed project. For other development sites not covered by Mitigation Measures I.2a, I.2b, and I.2c, Mitigation Measure I.2d, identified in the *Rincon Hill Plan FEIR*, requires a project sponsor to conduct a Historic American Building Survey of any historic resource proposed for demolition prior to demolishing said historic resource.[16] Since the project site does not include a historic resource that would be demolished as part of the proposed project, Mitigation Measure I.2d is not applicable to the proposed project.

[14] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 203-205.
[15] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 231.
[16] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 232.

**Archaeological Resources**

As discussed in the *Rincon Hill Plan FEIR*, the soils underlying the Rincon Hill neighborhood potentially contain archaeological resources that date back to the 1850s. Development anticipated under the *Rincon Hill Plan* would include substantial excavation for underground parking garages, building foundations, and potential remediation of subsurface hazardous materials. Implementation of the *Rincon Hill Plan* could disturb archaeological resources, resulting in a potentially significant impact on archaeological resources. The *Rincon Hill Plan FEIR* identified Mitigation Measure I.1 to reduce this potentially significant impact to a less-than-significant level. Under this mitigation measure, any development project that involves soils-disturbing activities is required to mitigate potential impacts on archaeological resources based on its location in one of three archaeological mitigation zones identified in the *Rincon Hill Plan FEIR*.[17] For these reasons, the *Rincon Hill Plan FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant impacts on archaeological resources.

The three archaeological mitigation zones identified in the *Rincon Hill Plan FEIR* are defined by the potential for significant archaeological resources to be present. The Planning Department determined that the project site is in Archaeological Mitigation Zone 2.[18] Under Mitigation Measure I.1, identified in the *Rincon Hill Plan FEIR*, a Preliminary Archaeological Sensitivity Study (PASS) must be prepared for any development project that is in Archaeological Mitigation Zone 2, and the PASS shall:

- Determine the historical uses of the project site based on any previous archaeological documentation and Sanborn maps;
- Determine types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);
- Determine if 19th or 20th century soils-disturbing activities may have adversely affected the identified potential archaeological resources;
- Assess potential project effects in relation to the depth of any identified potential archaeological resource;
- Assess whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and recommend appropriate action.

Based on the PASS, the Environmental Review Officer shall determine if an Archaeological Research Design and Treatment Plan (ARDTP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the proposed project on archaeological resources to a less-than-significant level. Based upon Preliminary Archaeological Review by a staff archaeologist, prepared in lieu of the PASS, the Planning Department determined that an ARDTP would be required for the proposed project.[19]

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[17] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 227-231.

[18] San Francisco Planning Department, Preliminary Project Assessment, October 2, 2012, p. 2. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[19] Email from Don Lewis, San Francisco Planning Department, to Michael Li, Turnstone Consulting, July 22, 2013.

The ARDTP that was prepared for the proposed project concluded that the project site has low potential for containing prehistoric-period archaeological resources[20] but is highly sensitive for historic-period (1769 to the present day) archaeological resources.[21] The ARDTP presents approaches/methodologies for the identification/testing, evaluation, and treatment of archaeological resources that are discovered before and/or during construction of the proposed project.[22] The ARDTP also includes a monitoring program that may be necessary if the archaeological testing results indicate that there are specific areas of the project site that are moderately or highly sensitive for archaeological resources.[23] Finally, the ARDTP presents guiding principles and methods with which to evaluate and treat any unanticipated archaeological resources that may be discovered during construction of the proposed project.[24]

Implementation of Mitigation Measure I.1, identified in the *Rincon Hill Plan FEIR* and discussed above, as well as implementation of the procedures set forth in the ARDTP, would ensure that the proposed project would not cause a substantial adverse change in the significance of an archaeological resource, would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and would not disturb any human remains, including those interred outside of formal cemeteries. For these reasons, implementation of the proposed project, with mitigation, would not result in significant impacts on archaeological resources and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **5. TRANSPORTATION AND CIRCULATION—Would the project:** | | | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

[20] Sonoma State University Anthropological Studies Center, Archaeological Research Design and Treatment Plan, 325 Fremont Street Project, San Francisco, California (hereinafter "ARDTP"), December 2013, p. 43.

[21] ARDTP, pp. 44-45.

[22] ARDTP, pp. 73-86.

[23] ARDTP, p. 87.

[24] ARDTP, p. 88.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the residential population of the Rincon Hill neighborhood, thus increasing the number of daily person trips to and from the area. These net new person trips would be distributed among different modes of transportation, including automobile, transit, bicycle, and walking. The *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant traffic impacts on levels of service at nearby intersections but would not result in significant impacts on public transit, loading, or pedestrian and bicycle conditions.[25]

The *Rincon Hill Plan FEIR* identified three mitigation measures for addressing the significant traffic impacts on levels of service at nearby intersections and improving the operating conditions at those intersections. Mitigation Measures C.1a, C.1b, and C.1c are specific to three different intersections at Beale/Folsom, Main/Folsom, and Spear/Folsom, respectively. The mitigation measures call for specific configurations at each of these intersections (the number of westbound and eastbound lanes, the prohibition of left turns, the use of left- and right-turn pockets, etc.).[26]

Construction impacts on traffic and circulation are specific to individual development projects and are generally not considered significant due to their short-term, temporary nature. In order to minimize traffic congestion related to construction activities, the *Rincon Hill Plan FEIR* identified one improvement measure applicable to all future development projects in the Rincon Hill neighborhood. Improvement

[25] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 134.

[26] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 223.

Measure C.2 calls for construction contractors to meet with appropriate City agencies to determine feasible measures for reducing traffic congestion during construction periods. In order to meet the temporary parking demand from construction workers, Improvement Measure C.2 calls for construction contractors to provide parking either on-site or within other off-site parking facilities.[27]

As discussed under Project Description, on p. 6 of this CPE Checklist, two previous projects were approved on the project site, one in June 2000 and another in January 2005. A 2000 Final Negative Declaration determined that the June 2000 project would not result in any significant impacts on transportation and circulation. A 2004 Addendum to the 2000 Final Negative Declaration determined that the January 2005 project would not result in any significant impacts on transportation and circulation and that the findings of the 2000 Final Negative Declaration remain valid. A transportation assessment was prepared for the proposed project to determine if it would result in any significant impacts on transportation and circulation, and the results of that transportation assessment are summarized below.[28]

Implementation of the proposed project would generate new vehicle, transit, bicycle, and pedestrian trips, compared to existing conditions. As discussed below, these new trips would not result in significant impacts on or exceed the capacity of intersections, public transit services, or sidewalks. Implementation of the proposed project would not conflict with any applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system and would not conflict with adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Trip Generation

Implementation of the proposed project would result in the construction of a 25-story, 250-foot-tall, approximately 142,465-gross-square-foot residential tower containing up to 125 dwelling units and an underground garage with 41 parking spaces on a vacant site. The residential unit mix consists of 50 two-bedroom units and 75 one-bedroom units and studios.

Trip generation rates for the proposed project were calculated based on the methodology in the *San Francisco Transportation Impact Analysis Guidelines for Environmental Review*, dated October 2002. The proposed project would generate an estimated 1,063 new weekday daily person trips).[29] Of this total, 383 trips would be by automobile, 244 would be by transit, and 436 would be by walking or other modes (bicycle, motorcycle, or taxi).[30]

Traffic

During the weekday afternoon/evening (p.m.) peak hour, the proposed project would generate about 62 new vehicle trips. These new vehicle trips would not degrade the current levels of service (LOS) at nearby intersections such that they would change from LOS D or better to LOS E or LOS F or from LOS E to LOS F.[31] The intersection at Folsom and First streets currently operates at LOS E, but the proposed

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[27] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 224.

[28] LCW Consulting, 325 Fremont Street Project, Update to Transportation Assessment for Revised Project (hereinafter "Transportation Memo"), March 5, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[29] Transportation Memo, p. 5.

[30] Transportation Memo, Appendix C.

[31] Transportation Memo, p. 10.

project would not contribute any vehicle trips to the critical movements that operate poorly at this intersection.[32] The intersection at Harrison and First streets currently operates at LOS F, but the proposed project would not contribute significantly to the critical movement that operates poorly at this intersection.[33] For these reasons, implementation of the proposed project would not conflict with a congestion management plan, including level of service standards and travel demand measures.

Transit

The proposed project would generate about 42 new transit trips during the weekday p.m. peak hour. Of this total, 32 trips would be to and from destinations within San Francisco, and 10 would be to and from destinations outside of San Francisco. The addition of 32 trips would not exceed the capacity of local transit service, which would continue to operate at a level below the San Francisco Municipal Transportation Agency's capacity utilization standard of 85 percent. The addition of 10 trips would not exceed the capacity of regional transit service. This impact would be less than significant.[34]

Pedestrian

Although the proposed project would generate about 117 new pedestrian trips during the weekday p.m. peak hour, these new pedestrian trips could be accommodated by the existing sidewalks and crosswalks near the project site and would not substantially affect pedestrian flows. This impact would be less than significant.[35]

Bicycle

Since the project site is convenient bicycling distance from downtown San Francisco and major transit hubs, it is anticipated that a portion of the new person trips during the weekday p.m. peak hour would be made by bicycle. The proposed project would provide 106 Class 1 bicycle parking spaces and 6 Class 2 bicycle parking spaces in compliance with the requirements of Planning Code Section 155.2. Due to the limited number of on-site vehicle parking spaces and the location of the proposed project's driveway on Zeno Place, it is not anticipated that the new vehicle trips generated by the proposed project would result in substantial conflicts between vehicles and bicycles on Folsom Street or otherwise affect bicycle travel in the area. This impact would be less than significant.[36]

Loading

Pursuant to Planning Code Section 152.2, off-street freight loading spaces are not required, but may be provided, for residential uses in the RH-DTR District. The proposed project would not include an off-street loading space, but it would include a loading area at the rear of the building that could accommodate a 20-foot-long service vehicle. The proposed project's peak hour and average hour loading demand of less than one space would be accommodated by the proposed loading area. Garbage and recycling service would occur at the rear of the building, while residential move-in/move-out activities and larger deliveries would occur along the east side of Fremont Street adjacent to the project site and would be coordinated with building management and the appropriate City agencies. Since the proposed project's loading demand would be minimal and would be accommodated within the proposed loading

[32] Transportation Memo, p. 10.
[33] Transportation Memo, p. 10.
[34] Transportation Memo, pp. 13-16.
[35] Transportation Memo, p. 17.
[36] Transportation Memo, p. 18.

area or within on-street parking spaces along the east side of Fremont Street, this impact would be less than significant.[37]

Emergency Access

The proposed project would not change the travel lanes along Fremont Street, and emergency vehicle access to the project site would remain unchanged from existing conditions.[38] Implementation of the proposed project would not result in inadequate emergency vehicle access, and this impact would be less than significant.

Construction

The proposed project's construction activities would last approximately 28 months. Construction staging would occur primarily on the project site and is not expected to close any travel lanes on Fremont Street or Folsom Street. During the construction period, there would be a flow of construction-related trucks to and from the project site. Due to the slower movement and larger turning radii of trucks, the impact would be a temporary reduction in the capacities of local streets. Construction activities would generate construction worker trips to and from the project site and a temporary demand for parking and public transit. Construction workers would likely park their vehicles in nearby off-street parking facilities or in the proposed project's parking garage after it has been completed. The temporary demand for public transit would not exceed the capacity of local or regional transit services. Due to the temporary nature of the construction activities, the construction-related impacts on transportation and circulation would be less than significant.[39] Improvement Measure C.2, identified in the *Rincon Hill Plan FEIR* and discussed above, is applicable to the proposed project.

Parking

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics in determining the significance of project impacts under CEQA.[40] The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

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[37] Transportation Memo, pp. 19-20.

[38] Transportation Memo, p. 22.

[39] Transportation Memo, pp. 22-23.

[40] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 325 Fremont Street*, February 4, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" Policy and numerous *San Francisco General Plan* policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter, Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise, and pedestrian safety analyses, would reasonably address potential secondary effects.

Pursuant to Planning Code Section 151.1, off-street parking spaces are not required, but may be provided, for residential uses in the RH-DTR District. The proposed project would provide 40 spaces for the residential uses,[41] and it would generate a parking demand of 158 spaces, resulting in a parking shortfall of 118 spaces. The long-term residential parking demand generally occurs during the overnight hours. Residents would be able to park their vehicles on nearby streets as there is some availability of on-street parking in the project vicinity during the overnight hours. Although there are fewer on-street parking spaces available during the daytime, the project vicinity is well served by public transit and other modes of transportation, providing residents of and visitors to the project site with alternatives to driving. Given the residential nature of the proposed project and the limited number of parking spaces in the garage, minimal queuing for the garage is expected. Any queuing would be contained within Zeno Place and would not affect the travel lanes or bicycle lane on Folsom Street. For these reasons, the proposed

[41] The proposed project would provide a total of 41 parking spaces (40 residential spaces and 1 car-share space).

project's parking shortfall would not create hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.[42]

The proposed project would not alter the existing street grid, and therefore, would not increase hazards due to design features such as sharp curves or dangerous intersections.

The project site is approximately 11 miles north of San Francisco International Airport and approximately 10 miles northwest of Oakland International Airport. At a height of 250 feet, the proposed project is not tall enough to obstruct flight patterns to and from these airports. Implementation of the proposed project would not change existing air traffic patterns in a manner that would result in substantial safety risks.

For these reasons, implementation of the proposed project would not result in significant impacts related to transportation and circulation and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. No mitigation measures are necessary. Mitigation Measures C.1a, C.1b, and C.1c, identified in the *Rincon Hill Plan FEIR* and discussed above, are not applicable to the proposed project. Improvement Measure C.2, identified in the *Rincon Hill Plan FEIR* and discussed above, is applicable to the proposed project.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
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| **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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

[42] Transportation Memo, pp. 20-21.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
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| f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| g) Be substantially affected by existing noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, background noise levels in the Rincon Hill neighborhood are typical of most urban areas and dominated by vehicular traffic noise as well as activities associated with the high density of uses. Noises generated by residential and commercial uses are common and generally accepted in urban areas. Traffic noise generated on the Bay Bridge is the most pervasive noise source, with noise levels near the Bay Bridge and Interstate 80 exceeding established land use compatibility standards for housing.

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise.[43] These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable ambient 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 $L_{dn}$,[44,45] while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA $L_{dn}$.[46] Where ambient noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements is typically necessary before final review and approval, and new residences must include noise insulation features. In addition, Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development comply with San Francisco Building Code (Building Code) requirements and Title 24 standards regarding sound transmission for residences.

Noise from construction activities and from the operation of building equipment is regulated by the San Francisco Noise Ordinance (Noise Ordinance). Section 2907 of the Noise Ordinance requires that

[43] *San Francisco General Plan*. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise, http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm. Accessed January 7, 2014.

[44] 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 allows reporting the sound intensity numbers within a convenient range. 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 is expressed in units of A-weighted decibels (dBA).

[45] $L_{dn}$ is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.).

[46] The guidelines are based on maintaining an interior noise level of 45 dBA, $L_{dn}$, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

noise levels from any individual piece of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the San Francisco Department of Public Works (DPW) or DBI. Section 2908 of the Noise Ordinance prohibits construction between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project site's property line, unless a special permit is authorized by DPW or DBI. Section 2909 of the Noise Ordinance 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 source must not cause a noise level more than 5 dBA in excess of ambient noise levels; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient noise levels; for noise on public property, including streets, the limit is 10 dBA in excess of ambient noise levels. 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 (until 10:00 p.m.).

For all potential development that could occur under the *Rincon Hill Plan*, Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR*, requires piles to be pre-drilled whenever feasible and sonic or vibratory pile drivers to be used instead of impact pile drivers, unless impact pile drivers are absolutely necessary.[47] This mitigation measure would adequately protect the adjacent historic resource, the E.M. O'Donnell Copper Works Building, from vibration impacts associated with pile driving activities during construction. Based on required compliance with Title 24 standards and the provisions of the Noise Ordinance, along with implementation of Mitigation Measure 1, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant noise impacts.[48]

Some land uses, and their associated users, are considered more sensitive to ambient noise levels than others due to the types of activities typically involved with the land use and the amount of noise exposure (in terms of both exposure duration and insulation from noise). In general, occupants of residences, schools, daycare centers, hospitals, places of worship, and nursing homes are considered to be sensitive receptors (i.e., persons who are sensitive to noise based on their specific activities, age, health, etc.). The closest sensitive receptors to the project site are existing residential buildings at 345 Folsom Street (across Zeno Place from the project site) and 300 Beale Street (east of and on the same block as the project site). A residential building is currently under construction at 333 Fremont Street, adjacent to and south of the project site. There are two churches within 0.2 mile of the project site: Eucharist SF at 285 Main Street (0.1 mile northeast) and Epic Church at 543 Howard Street (0.2 mile west). Marin Day Schools operates three campuses near the project site. The campuses are at 342 Howard Street (0.1 mile northwest), 220 Spear Street (0.2 mile north), and 2 Harrison Street (0.2 mile northeast). There are two daycare centers within 0.25 mile of the project site: Bright Horizons at 221 Main Street (0.1 mile northeast) and Bright Horizons at 302 Second Street (0.25 mile southwest).

Site-specific background noise levels were measured and analyzed in detail for the proposed project, and an Environmental Noise Assessment documents the existing noise sources that contribute to the measured background ambient noise levels.[49] The noise monitoring survey at the project site occurred

[47] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 222, and Appendix A, p. 32.

[48] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 21-23.

[49] Brown-Buntin Associates, Environmental Noise Assessment, 325 Fremont Street Project, San Francisco, California, July 22, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

over a 24-hour period on Wednesday, June 19, 2013. The noise monitoring survey included both two long-term noise measurements and nine short-term measurements. Noise levels measured at the site were primarily influenced by nearby construction activity and vehicular traffic on Fremont Street and Folsom Street. Based on the results, the noise measurements recorded a day-night noise average of 69 to 71 dBA $L_{dn}$. The measurement locations were at the ground level of the Zeno Place frontage of the project site and on the roof of the eight-story residential building that is under construction on the adjacent site to the south at 333 Fremont Street. The noise levels measured during daytime hours were approximately 2 to 3 dB higher than what would be expected without nearby construction. Measured short-term daytime noise levels ($L_{eq}$)[50] were between 63 and 75 dBA depending on the proximity of construction activities or vehicular traffic.

To meet Title 24 noise insulation standards, the project sponsor has agreed to incorporate the following recommendations from the Environmental Noise Assessment into the project's design. The Environmental Noise Assessment recommends that the project sponsor use materials of construction, window assemblies and glazing, and architectural details having a minimum laboratory-tested Sound Transmission Class (STC) rating of 30. Windows having a minimum laboratory-tested STC rating of 30 are readily available from commercial window manufacturers. A typical glazing combination for an STC 30 window consists of a 5/8-inch insulated unit with two layers of 1/8-inch glass separated by a 3/8-inch airspace. Achieving the STC rating of 30 requires that it be possible for exterior windows and doors to remain closed for sound insulation, which means that air conditioning or mechanical ventilation must also be provided. Other glazing combinations could be utilized to achieve the same or better acoustical performance. This would create an interior noise environment of 41 dBA (71 - 30 = 41), which would ensure an interior noise environment of 45 dBA in habitable rooms as required by Title 24 and the Building Code. During the review of the building permit application, DBI will review the project plans for compliance with Title 24 standards and Building Code requirements.

Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project, traffic volumes would not double on area streets as a result of the proposed project. Therefore, operation of the proposed project would not cause a noticeable increase in ambient noise levels in the project vicinity.

Construction of the proposed project and related street and sidewalk improvements would temporarily increase noise in the vicinity. Construction equipment would generate noise and possibly groundborne vibration that could be considered an annoyance by occupants of nearby properties. Sources of vibration could include pile driving. The project sponsor does not anticipate that piles will be required, but it is possible that piles may be needed. Since construction of the proposed project may include the use of piles, Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR* and discussed above, is applicable to the proposed project. Construction noise and vibration would fluctuate depending on the construction phase, equipment type, duration of use, and distance between the source and the listener. Furthermore, construction noise and vibration would be intermittent and limited to the construction period of the proposed project. Compliance with Sections 2907 and 2908 of the Noise Ordinance, along with implementation of Mitigation Measure 1, would minimize noise and vibration from construction activities and reduce most potential construction noise and vibration impacts to a less-than-significant

[50] $L_{eq}$, or equivalent sound level, is the sound level that contains the same total energy as a time-varying signal over a given sample period. $L_{eq}$ is typically computed over 1-, 8-, and 24-hour sample periods.

level, including noise and vibration effects on residential uses in the immediate vicinity, which are considered sensitive receptors.

The proposed project would include mechanical equipment, such as heating and ventilation systems, that could produce operational noise. The operation of this mechanical equipment is subject to the requirements of Section 2909 of the Noise Ordinance, which are discussed above. The proposed project would comply with the requirements of Section 2909 by including acoustical construction improvements to limit operational sources of noise and achieve an interior day-night equivalent sound level of 45 dBA. Compliance with Section 2909 would minimize noise from building operations. Therefore, noise effects related to building operations would be less than significant.

As discussed above, the proposed project would not result in exposure of persons to or generation of noise levels in excess of standards established in the *General Plan*, Noise Ordinance, or applicable standards of other agencies, would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and would not result in a substantial permanent, temporary, or periodic increase in the ambient noise levels in the project vicinity. The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport, or in the vicinity of a private airstrip, so the proposed project would not expose people residing or working in the area to excessive noise levels. In addition, the residents of the proposed project would not be substantially affected by existing noise levels due to the implementation of Title 24 noise insulation standards.

For these reasons, implementation of the proposed project would not result in significant noise impacts and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. Since construction of the proposed project may include pile driving, Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR* and discussed above, is applicable to the proposed project.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
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| **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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ |

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ |

The *Rincon Hill Plan FEIR* identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The *Rincon Hill Plan FEIR* identified two mitigation measures that would reduce air quality impacts to less-than-significant levels.

*Rincon Hill Plan FEIR* Mitigation Measure E.1 requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. Subsequent to the certification of the *Rincon Hill Plan FEIR*, the Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI.

Also subsequent to the certification of the *Rincon Hill Plan FEIR*, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD *CEQA Air Quality Guidelines* (Air Quality Guidelines),[51] which provided new methodologies for analyzing air quality impacts, including construction activities. The Air Quality Guidelines provide screening criteria for determining whether a project's criteria air pollutant emissions may violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact.

For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("Air Pollutant Exposure Zones"). Air Pollutant Exposure Zones were identified based on two health-based criteria:

(1) Excess cancer risk from all sources > 100; and

(2) $PM_{2.5}$ concentrations from all sources including ambient >10μg/$m^3$.

[51] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

Sensitive receptors[52] within these Air Pollutant Exposure Zones are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these Air Pollutant Exposure Zones. These locations (i.e., within Air Pollutant Exposure Zones) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

Construction activities from the proposed project may result in dust, primarily from ground-disturbing activities, such as excavation. The proposed project would be subject to and would comply with the Construction Dust Control Ordinance. Therefore, Mitigation Measure E.1 is not applicable to the proposed project. Construction activities from the proposed project would also result in the emission of criteria air pollutants and DPM from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction would last approximately 28 months. Diesel-fueled construction equipment would be used on site and for delivering building supplies throughout the construction duration.

The project site is not located within an identified Air Pollutant Exposure Zone, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors' exposure to temporary and variable DPM emissions.[53] The excavation and removal of approximately 12,500 cubic yards of soil would exceed the BAAQMD's Air Quality Guidelines construction screening criterion of 10,000 cubic yards. Thus, quantification of construction-related criteria air pollutant emissions is required for the proposed project. As shown in Table 1: Estimated Average Daily Construction Emissions of the Proposed Project, the average daily emissions from the proposed project's construction activities would be below the BAAQMD thresholds of significance for criteria air pollutants.[54]

**Table 1: Estimated Average Daily Construction Emissions of the Proposed Project**

| | Projected Emissions (Pounds per Day)[1] | | | |
|---|---|---|---|---|
| | **ROG** | **$NO_x$** | **$PM_{10}$** | **$PM_{2.5}$** |
| Average Daily Emissions | 4.23 | 41.74 | 2.09 | 0.39 |
| BAAQMD Threshold | 54 | 54 | 82 | 54 |

*Note*:
[1] Emission factors were generated by CalEEMod model for San Francisco County.

*Source*: Aspen Environmental Group, December 2013

*Rincon Hill Plan FEIR* Mitigation Measure E.2 requires project sponsors to implement various transportation control measures (TCMs) to reduce the rate of increase in the number of passenger vehicle

[52] The BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: (1) residential dwellings, including apartments, houses, condominiums, (2) schools, colleges, and universities, (3) daycares, (4) hospitals, and (5) senior care facilities. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, p. 12.

[53] California Code of Regulations, Title 13, Division 3, Chapter 10, Section 2485.

[54] Aspen Environmental Group, Air Quality Technical Memo, 325 Fremont Street Project, December 10, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

trips and vehicle miles traveled, thus reducing the operational air quality impacts from implementation of the *Rincon Hill Plan*.[55] The TCMs include, but are not limited to, program-level measures such as establishing carpool/vanpool services, providing locker and shower facilities for employees who bicycle or walk to work, and providing services (ATMs, childcare, dry cleaners, etc.) to employees at or near their places of employment.

The proposed project would include new sensitive receptors in the form of residential uses, but the project site is not within an identified Air Pollutant Exposure Zone. The proposed project would not be a major source of TACs that pose a significant health impact, because it would not be served by at least 100 trucks per day or 40 refrigerated trucks per day, and it would not generate more than 10,000 vehicle trips per day or 1,000 truck trips per day. The proposed project would include a new stationary source (one backup diesel generator) that would emit TACs during its infrequent and intermittent periods of operation. However, new stationary diesel engines are required to comply with BAAQMD Regulation 2, Rule 5: New Source Review for Toxic Air Contaminants. Regulation 2, Rule 5 requires new sources that result in an excess cancer risk greater than one in one million and/or a chronic hazard index greater than 0.20 to implement the best available control technology to reduce emissions. For these reasons, the ambient health risk to sensitive receptors from air pollutants, including DPM and TACs, is not considered substantial.

The proposed project would result in an increase in operational-related criteria air pollutants including from the generation of daily vehicle trips and energy demand. The proposed project meets the screening criteria provided in the BAAQMD's Air Quality Guidelines for operational-related criteria air pollutants.

For the above reasons, the proposed project would not result in significant impacts related to air quality and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. No mitigation measures are necessary. Mitigation Measure E.1, identified in the *Rincon Hill Plan FEIR* and discussed above, has been superseded by the Construction Dust Control Ordinance and is not applicable to the proposed project. Mitigation Measure E.2, identified in the *Rincon Hill Plan FEIR* and discussed above, is not applicable to the proposed project, because the proposed project would be below the BAAQMD's Air Quality Guidelines operational screening criteria for the "apartment, high-rise (510 units)" land use type.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **8. GREENHOUSE GAS EMISSIONS—Would the project:** | | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

[55] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 225-226.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

**Rincon Hill Plan FEIR**

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The *Rincon Hill Plan FEIR* was certified in 2005 and, therefore, did not analyze the effects of GHG emissions. In addition, the BAAQMD, the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (Air Basin), has prepared guidelines that provide methodologies for analyzing air quality impacts under CEQA, including the impact of GHG emissions. The following analysis is based on BAAQMD's guidelines for analyzing GHG emissions and incorporates amendments to the CEQA guidelines relating to GHGs. As discussed below, the proposed project would not result in any new significant environmental impacts related to GHG emissions.

**Background**

The primary GHGs are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), ozone, and water vapor.[56] Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere are naturally occurring, $CO_2$, $CH_4$, and $N_2O$ are largely emitted from human activities, accelerating the rate at which these compounds occur within the earth's atmosphere. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. GHGs are typically reported in "carbon dioxide-equivalent" measures ($CO_2E$).[57]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, already occur and will only become more frequent and costly.[58] Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.[59, 60]

[56] Additionally, although not a GHG, black carbon is also recognized as substantial contributor to global climate change.

[57] 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.

[58] California Climate Change Portal. Available online at: http://www.climatechange.ca.gov. Accessed January 7, 2014.

[59] *Ibid*.

The California Air Resources Board (ARB) estimated that in 2010, California produced about 452 million gross metric tons of $CO_2E$ ($MTCO_2E$).[61] The ARB found that transportation is the source of 38 percent of the state's GHG emissions, followed by electricity generation (both in-state generation and out-of-state imported electricity) at 21 percent and industrial sources at 19 percent. Commercial and residential fuel use (primarily for heating) accounted for 10 percent of GHG emissions.[62] In San Francisco, on-road transportation (vehicles on highways, city streets and other paved roads) and natural gas (consumption for residential, commercial, and industrial use) sectors were the two largest sources of GHG emissions, accounting for 40 percent (2.1 million $MTCO_2E$) and 29 percent (1.5 million $MTCO_2E$), respectively, of San Francisco's 5.3 million $MTCO_2E$ emitted in 2010. Electricity consumption (residential, commercial, municipal buildings and BART and Muni transportation systems) accounts for approximately 25 percent (1.3 million $MTCO_2E$) of San Francisco's GHG emissions.[63]

**Regulatory Setting**

Statewide GHG reduction targets are identified in Executive Order S-3-05 and Assembly Bill 32 (AB 32, also known as the Global Warming Solutions Act). Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million $MTCO_2E$); by 2020, reduce emissions to 1990 levels (estimated at 427 million $MTCO_2E$); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 million $MTCO_2E$). As discussed above, California produced about 452 million $MTCO_2E$ in 2010, thereby meeting the 2010 target date to reduce GHG emissions to 2000 levels. AB 32 requires ARB to develop and implement a plan, known as the Scoping Plan, which sets emission limits and identifies regulations and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In order to meet the goals of AB 32, California must reduce its GHG emissions by 30 percent below projected 2020 business-as-usual emissions levels, about 15 percent from 2008 levels.[64] The Scoping Plan estimates a reduction of 174 million $MTCO_2E$ from the transportation, energy, agriculture, forestry, and high global warming potential sectors (see Table 2: GHG Reductions from the AB 32 Scoping Plan Sectors).

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[60] California Energy Commission, California Climate Change Center, *Our Changing Climate 2012*, July 2012. Available online at: http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf. Accessed January 7, 2014.

[61] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2010— by Category as Defined in the Scoping Plan." Available online at: http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf. Accessed January 7, 2014.

[62] *Ibid*.

[63] San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgrefe, San Francisco Planning Department. June 7, 2013.

[64] ARB, "California's Climate Plan: Fact Sheet." Available online at http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed January 7, 2014.

**Table 2: GHG Reductions from the AB 32 Scoping Plan Sectors**[65]

| GHG Reduction Measures By Sector | GHG Reductions (million MT $CO_2E$) |
|---|---|
| Transportation Sector | 62.3 |
| Electricity and Natural Gas | 49.7 |
| Industry | 1.4 |
| Landfill Methane Control Measure (Discrete Early Action) | 1 |
| Forestry | 5 |
| High Global Warming Potential GHGs | 20.2 |
| Additional Reductions Needed to Achieve the GHG Cap | 34.4 |
| **Total Reductions Counted Toward 2020 Target** | **174** |
| **Other Recommended Measures** | |
| Government Operations | 1-2 |
| Agriculture- Methane Capture at Large Dairies | 1 |
| Methane Capture at Large Dairies | 1 |
| Additional GHG Reduction Measures | |
| Water | 4.8 |
| Green Buildings | 26 |
| High Recycling/ Zero Waste<br>• Commercial Recycling<br>• Composting<br>• Anaerobic Digestion<br>• Extended Producer Responsibility<br>• Environmentally Preferable Purchasing | 9 |
| **Total Reductions from Other Measures** | **41.8-42.8** |
| Note:<br>$MTCO_2E$ = metric tons of $CO_2E$ (carbon dioxide equivalent) | |

The Scoping Plan is currently undergoing an update that will define ARB's climate change priorities for the next five years and lay the groundwork to reach post-2020 goals as set forth in EO S-3-05. The update will highlight California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the original Scoping Plan (2008).

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 requires regional transportation plans developed by each of the state's 18 Metropolitan Planning Organizations (MPOs) to incorporate a "sustainable communities strategy" (SCS) in each regional transportation plan that will achieve GHG emission reduction targets set by ARB. The Metropolitan Transportation Commission's 2013 Regional Transportation Plan, *Plan Bay Area* (adopted in July 2013), is the region's first plan subject to SB 375. Implementation of *Plan Bay Area* is estimated to result in a 6.3 percent reduction in transportation-related per-capita $CO_2$ emissions by 2035 when compared to 2005 per capita emissions.[66]

[65] *Ibid*.

[66] "Summary of Major Revisions and Corrections to the Draft Plan Bay Area." July 18, 2013. Metropolitan Transportation Commission. Available online at: http://onebayarea.org/pdf/Summary_of_Major_Revisions_and_Corrections_Web.pdf. Accessed January 7, 2014.

In addition to statewide GHG reduction efforts, the BAAQMD's *Clean Air Plan*, adopted in 2010, includes a goal of reducing GHG emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2035. In compliance with the *Clean Air Plan*, the BAAQMD issued CEQA Air Quality Guidelines, providing guidance to local agencies when reviewing projects in the Air Basin that are subject to CEQA. The BAAQMD advises that local agencies may consider adopting a Qualified Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which a project complies with a Qualified Greenhouse Gas Reduction Strategy.[67]

In response, San Francisco prepared *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy),[68] which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with the BAAQMD's guidelines. As identified in the GHG Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

In reviewing the GHG Reduction Strategy, the BAAQMD concluded that the strategy meets the criteria outlined in their guidelines and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the state's AB 32 goals, and also serve as a model from which other communities can learn."[69] San Francisco's collective actions, policies and programs have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's *Clean Air Plan*, Executive Order S-3-05, and AB 32.[70, 71] Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

**No Project-Specific Significant Impact**

The proposed project would contribute to the cumulative effects of climate change by emitting GHGs during its construction and operational phases. Construction of the proposed project is estimated at

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[67] BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2012, pp. 4-7 to 4-10. Available online at http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en. Accessed January 7, 2014.

[68] San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. The final document is available online at http://www.sf-planning.org/index.aspx?page=2627. Accessed January 7, 2014.

[69] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: http://www.sf-planning.org/index.aspx?page=2627. Accessed January 7, 2014.

[70] San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgrefe, San Francisco Planning Department. June 7, 2013.

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

approximately 28 months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would be subject to and required to comply with several San Francisco policies adopted to reduce GHG emissions as outlined in the GHG Checklist.[72] The GHG Checklist policies that are applicable to the proposed project include the Commuter Benefits Ordinance, Emergency Ride Home Program, bicycle parking requirements, Street Tree Planting Requirements for New Construction, Mandatory Recycling and Composting Ordinance, SF Green Building Requirements for Energy Efficiency, and Stormwater Management.

These policies, as outlined in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, meet the CEQA qualitative analysis (CEQA Guidelines Section 15064(a)(2)) and BAAQMD requirements for a GHG Reduction Strategy. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy.[73] Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **9. WIND AND SHADOW—Would the project:** | | | | | | |
| a) Alter wind in a manner that substantially affects public areas? | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ |
| b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

**Wind**

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to alter wind in a manner that substantially affects public areas. The *Rincon Hill Plan FEIR* analyzed the wind impacts from potential development that could occur under the *Rincon Hill Plan*. The analysis of the *Rincon Hill Plan* was based on specific project designs where such information was available and on massing models where no specific project had been proposed. Development anticipated under the *Rincon Hill Plan* was found to have the potential to create new exceedances of the wind hazard criterion established in the Planning Code. Since

[72] Greenhouse Gas Analysis: Compliance Checklist (hereinafter "GHG Checklist"), September 9, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[73] GHG Checklist.

development projects that create new exceedances of the wind hazard criterion cannot be approved, new exceedances must be eliminated through design modifications or the implementation of wind reduction measures (i.e., the installation of landscaping, trellises, windscreens, etc.). In order to ensure that implementation of the *Rincon Hill Plan* would not result in significant wind impacts, Mitigation Measure G.1, identified in the *Rincon Hill Plan FEIR*, requires the City to adopt Planning Code controls on wind speeds for the RH-DTR District that are, at a minimum, functionally equivalent to the controls contained in Planning Code Sections 148 and 249.1(a)(3).[74] A legislative amendment was adopted to add Section 825(d) to the Planning Code, which establishes regulations related to ground-level wind currents in the RH-DTR District. Each development project proposed under the *Rincon Hill Plan* is required to comply with the provisions of Planning Code Section 825(d). The potential wind impacts of each individual project would have to be assessed, and if it is determined that any individual project would result in exceedances of the wind hazard criterion, design modifications or wind reduction measures would have to be implemented to eliminate those exceedances. For these reasons, the *Rincon Hill Plan FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant wind impacts.[75]

At a height of 250 feet, the proposed project is taller than the assumed development of 200 feet for the project site that was analyzed at a project level in the *Rincon Hill Plan FEIR* and taller than the 200-foot-tall January 2005 project that was approved on the project site. The proposed 250-foot-tall project was evaluated for its potential wind impacts. A wind consultant, RWDI, reviewed the wind tunnel test results for the January 2005 project that was approved on the project site as well as the plans for the proposed project and other nearby projects that have been approved or are under construction. RWDI concluded that, partly due to the increased wind sheltering provided by new high-rise buildings west and northwest of the project site, the additional height of the proposed project would not result in substantial changes to ground-level wind conditions and would not create new exceedances of the wind hazard criterion established in Planning Code Section 825(d).[76] Therefore, the proposed project would not alter wind in a manner that would substantially affect public areas.

For these reasons, implementation of the proposed project would not result in significant wind impacts and would not contribute to the significant impacts identified in the Rincon Hill Plan FEIR. No mitigation measures are necessary. With the adoption of Planning Code Section 825(d), Mitigation Measure G.1 from the *Rincon Hill Plan FEIR* was implemented by the City. The mitigation measure itself is not applicable to the proposed project, but the provisions of Section 825(d) are. As discussed above, the proposed project would comply with the provisions of Section 825(d).

**Shadow**

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to cast net new shadow in a manner that substantially affects outdoor recreation facilities and other public areas. The *Rincon Hill Plan FEIR* analyzed the shadow impacts from potential development that could occur under the *Rincon Hill Plan*.

[74] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

[75] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 177-179.

[76] RWDI, 325 Fremont Street Pedestrian Wind Assessment, August 15, 2013. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2012.1025E.

The analysis of the *Rincon Hill Plan* was based on specific project designs where such information was available and on massing models where no specific project had been proposed. Development anticipated under the *Rincon Hill Plan* would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission, but it would cast net new shadow on other public open spaces,[77] privately owned publicly accessible open spaces (POPOs), and public sidewalks. This net new shadow would not be in excess of what is common and generally expected in densely developed urban environments. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant shadow impacts, and no mitigation measures were identified.[78]

In 1984, San Francisco voters approved an initiative known as "Proposition K, The Sunlight Ordinance," which was codified in 1985 as Planning Code Section 295. Section 295 prohibits the approval of "any structure that would cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission" unless the Planning Commission, with review and comment by the Recreation and Park Commission, has found that the shadows cast by a proposed project would not have an adverse impact on the use of the property. Section 295 does not apply to structures that do not exceed 40 feet in height. The period analyzed is from the first hour after sunrise until the last hour before sunset. As discussed below, the proposed project complies with the provisions of Section 295.

At a height of 250 feet, the proposed project is taller than the assumed development of 200 feet for the project site that was analyzed at a project level in the *Rincon Hill Plan FEIR* and taller than the 200-foot-tall January 2005 project that was approved on the project site. The Planning Department generated a shadow fan[79] and determined that the proposed 250-foot-tall project would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission, thereby complying with the provisions of Section 295.[80] A more detailed shadow analysis conducted by CADP Associates determined that the proposed 250-foot-tall project would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission or on other public open spaces such as Rincon Park and the Embarcadero Promenade.[81, 82] Although shadow from the proposed project could reach Rincon Park and the Embarcadero Promenade in the late afternoon or early evening throughout the year, the shadow from the proposed project would be masked by existing shadows cast by other buildings or blocked by existing buildings located between the project site and these two open spaces.

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[77] Other public open spaces are those that are under the jurisdiction of public agencies other than the Recreation and Park Commission, such as the Port of San Francisco.

[78] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 160-174.

[79] A shadow fan is a diagram that shows the maximum potential reach of project shadow, without accounting for intervening buildings that could block the shadow, over the course of an entire year (from one hour after sunrise until one hour before sunset on each day of the year) in relation to the locations of nearby open spaces, recreation facilities, and parks.

[80] San Francisco Planning Department, Preliminary Project Assessment, October 2, 2012, p. 5, and shadow fan, October 2, 2012. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[81] CADP Associates, Shadow Calculations for Rincon Park and Shadow Diagrams, September 2013. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[82] The shadow analysis was based on a 250-foot-tall building with a 25-foot-tall mechanical penthouse and architectural screen, resulting in an overall building height of 275 feet.

Shadow from the proposed project has the potential to reach POPOs to the west of the project site (235 Second Street) and to the northwest of the project site (100 First Street, 199 Fremont Street, 301 Howard Street, 400 Howard Street, 405 Howard Street, 500 Howard Street). The proposed project has the potential to shadow the POPOs to the west and northwest in the morning throughout the year. Given that all of these POPOs are already shadowed by existing high-rise buildings, any net new shadow cast by the proposed project would be small in area and brief in duration. The net new project shadow would not preclude the use of these POPOs, because these POPOs can continue to be used even if they are shadowed, although they may be less pleasant without sunlight.

The proposed project would cast net new shadow on public sidewalks in the project vicinity at certain times of day throughout the year. The net new shadow would fall on sidewalks to the west in the morning, to the north during the middle of the day, and to the east in the late afternoon and early evening. Many of the sidewalks in the project vicinity are already shadowed for portions of the day by densely developed multi-story buildings, and net new project shadow would be transitory in nature and would not substantially affect the use of the sidewalks. Overall, the proposed project would not increase the amount of shadow on the sidewalks above levels that are common and generally expected in densely developed urban environments.

In summary, the proposed project would add net new shadow to portions of adjacent and/or nearby properties, sidewalks, streets, and POPOs. The proposed project would not be substantially taller than existing and approved high-rise buildings in the vicinity, and the height and configuration of existing buildings surrounding the project site would minimize the amount of net new project shadow. As a result, the net new project shadow would not be considered substantial and would not increase the total amount of shadow in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of San Francisco, the loss of sunlight on private properties or residences is rarely considered to be a significant environmental impact under CEQA.

For these reasons, implementation of the proposed project would not result in significant shadow impacts, and no mitigation measures are necessary.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
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| **10. RECREATION—Would the project:** | | | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
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| c) Physically degrade existing recreational resources? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the demand for recreation facilities. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing recreation facilities). The added growth and increased demand for recreation facilities would be consistent with planned service levels and capacity. In addition, the *Rincon Hill Plan* requires developers to provide one square foot of public open space for every 50 square feet of nonresidential use. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on recreation facilities, and no mitigation measures were identified.[83]

As discussed under Topic 3, Population and Housing, of this CPE Checklist, pp. 11-12, the proposed project is expected to contribute up to 3.5 percent of the population growth anticipated in the neighborhood under the *Rincon Hill Plan*. This population growth would generate an increase in demand for recreation facilities, but this additional demand would not exceed the existing and planned capacity discussed in the *Rincon Hill Plan FEIR*. The recreation facilities closest to the project site are Rincon Park and the Embarcadero Promenade, approximately 0.3 mile northeast of the project site. Rincon Park is an approximately 2.7-acre landscaped park that is used for both active and passive recreation. The Embarcadero Promenade is a 3-mile-long waterfront pedestrian promenade that extends from Fisherman's Wharf to China Basin. It includes public art installations and seating areas at various locations, and it is used for both active and passive recreation. More distant recreation facilities include South Park (approximately 0.4 mile south) and Yerba Buena Gardens (approximately 0.5 mile southwest). South Park is a two-block-long park that is landscaped with grass and small shrubs. Amenities include benches, tables, and two children's play areas that include swings and play structures. Yerba Buena Gardens is a 5.5-acre public open space that includes benches, berms/terraces, the Martin Luther King, Jr. Memorial Fountain and Waterfall, pedestrian walkways, and public art. Yerba Buena Gardens is used for passive recreation and for hosting civic and cultural events. There is also a 130,000-square-foot open space on the roof of the Moscone Convention Center, which is on the block south of Yerba Buena Gardens. The use of recreation facilities and resources would not increase such that substantial physical deterioration or degradation would occur or be accelerated. The proposed project would not include recreation facilities or require the construction or expansion of recreation facilities that might have adverse physical effects on the environment. For these reasons, implementation of the proposed project would not result in significant impacts on recreation facilities, and no mitigation measures are necessary.

[83] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
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| **11. UTILITIES AND SERVICE SYSTEMS—Would the project:** | | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR,* implementation of the *Rincon Hill Plan* would increase the demand for utilities, including electricity, garbage/recycling, wastewater treatment, and water supply. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing utilities). The added growth and increased demand for utilities would be consistent with planned service levels and capacity, and new utility infrastructure or facilities would not need to be constructed to accommodate the increased demand. Each development project proposed under the *Rincon Hill Plan* would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, the *Rincon Hill Plan FEIR* concluded

that implementation of the *Rincon Hill Plan* would not result in significant impacts on utilities and service systems, and no mitigation measures were identified.[84]

As discussed under Topic 3, Population and Housing, of this CPE Checklist, pp. 11-12, the proposed project is expected to contribute up to 3.5 percent of the population growth that was anticipated in the neighborhood under the *Rincon Hill Plan*. This population growth from the proposed project would generate an increase in demand for utilities, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan FEIR*. In addition, no new utility infrastructure or facilities would need to be constructed. The proposed project would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, implementation of the proposed project would not result in significant impacts on utilities and service systems, and no mitigation measures are necessary.

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| **12. 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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the demand for public services, including libraries, schools, police protection, and fire protection. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing public services). The added growth and increased demand for public services would be consistent with planned service levels and capacity, and new facilities would not need to be constructed to accommodate the increased demand. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on public services, and no mitigation measures were identified.[85]

As discussed under Topic 3, Population and Housing, of this CPE Checklist, pp. 11-12, the proposed project is expected to contribute up to 3.5 percent of the population growth that was anticipated in the neighborhood under the *Rincon Hill Plan*. This population growth would generate an increase in demand

[84] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

[85] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

for public services, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan FEIR*. In addition, no new facilities would need to be constructed in order to maintain acceptable service ratios, response times, or other performance objectives for any public services. For these reasons, implementation of the proposed project would not result in significant impacts on public services, and no mitigation measures are necessary.

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| **13. 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? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Rincon Hill neighborhood that could be affected by the development anticipated under the *Rincon Hill Plan*. In addition, development envisioned under the *Rincon Hill Plan* would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on biological resources, and no mitigation measures were identified.[86]

The project site is currently vacant; it was previously occupied by a pair of two-story office buildings, both of which have been demolished. There are no candidate, sensitive, or special-status species, riparian habitat, or wetlands on the project site, so implementation of the proposed project would not adversely affect a candidate, sensitive, or special-status species, a riparian habitat, or wetlands.

San Francisco is located within the Pacific Flyway, a major north-south route of travel for migratory birds along the western portion of the Americas, extending from Alaska to Patagonia, Argentina. Every year, migratory birds travel some or all of this distance in the spring and autumn, following food sources, heading to and from breeding grounds, or traveling to and from overwintering sites. High-rise buildings are potential obstacles that can injure or kill birds in the event of a collision, and bird strikes are a leading cause of worldwide declines in bird populations.

Planning Code Section 139, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes. This ordinance focuses on location-specific hazards and building feature-related hazards. Location-specific hazards apply to buildings in, or within 300 feet of and having a direct line of sight to, an Urban Bird Refuge, which is defined as an open space "two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water." The project site is not in or within 300 feet of an Urban Bird Refuge, so the standards related to location-specific hazards are not applicable to the proposed project. Feature-related hazards, which can occur on buildings anywhere in San Francisco, are defined as freestanding glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments of 24 square feet or larger. The proposed project would comply with the feature-related standards of Planning Code Section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards. As a result, the proposed project would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

There are no existing trees or other vegetation on the project site that would need to be removed as part of the proposed project. Implementation of the proposed project would include the planting of five street trees along Fremont Street in front of the project site, in compliance with the provisions of the San Francisco Green Landscape Ordinance. As a result, the proposed project would not conflict with any local policies or ordinances that protect biological resources.

The project site is not within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, state, or regional habitat conservation plan. As a result, the proposed project would not conflict with the provisions of any such plan.

[86] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 25.

For these reasons, implementation of the proposed project would not result in significant impacts on biological resources, and no mitigation measures are necessary.

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| **14. GEOLOGY AND SOILS—Would the project:** | | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| iv) Landslides? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Change substantially the topography or any unique geologic or physical features of the site? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood is underlain by bedrock. Like the entire San Francisco Bay Area, the Rincon Hill neighborhood is subject to ground shaking during an earthquake, and portions of the Rincon Hill neighborhood are in or adjacent to an area of liquefaction

potential and an area susceptible to landslides. DBI is the agency responsible for ensuring project compliance with the seismic safety standards of the Building Code and for assessing potential risks from geologic hazards. Each development project proposed under the *Rincon Hill Plan* is required to comply with the seismic safety standards of the Building Code. In addition, a geotechnical report is required for each development project that is in an area of liquefaction potential or an area susceptible to landslides. The purpose of the geotechnical report is to assess the geologic hazards of a particular site and provide recommendations for reducing potential damage from those hazards. DBI will review each building permit application and geotechnical report. Based on these requirements, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to geology and soils, and no mitigation measures were identified.

A geotechnical investigation[87] of the project site determined that the subsurface conditions underlying the project site consist of silt, sand, clay, and bedrock.[88] The geotechnical report recommends that the proposed project be supported on a reinforced concrete mat foundation.[89] Piles are not required but may be used.

There are no known active earthquake faults that run underneath the project site or in the vicinity. The closest active faults to the project site are the San Andreas Fault (approximately 8 miles southwest) and the Hayward Fault (approximately 10 miles northeast). Like the entire San Francisco Bay Area, the project site is subject to ground shaking during an earthquake. As shown on Map 4, Seismic Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not in a liquefaction zone or a landslide zone.[90] The proposed project would be required to comply with the seismic safety standards of the Building Code. As part of its review of the building permit application for the proposed project, DBI will consider the information in the geotechnical report and determine the necessary engineering and design features for reducing potential damage from geologic hazards and events. Based on required compliance with the seismic safety standards of the Building Code, implementation of the proposed project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death, due to fault rupture, strong seismic ground shaking, liquefaction, or landslides.

The project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the proposed project. As discussed above, the project site is not in a liquefaction zone or a landslide zone. Since the potential for liquefaction is low, the potential for other geologic hazards associated with liquefaction, such as lateral spreading, subsidence, or collapse, is low.[91]

The proposed project would not create substantial risks to life or property by being located on expansive soils. As part of the geotechnical investigation of the project site, soil samples up to a depth of 111 feet

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[87] Treadwell & Rollo, Updated Geotechnical Investigation, 325 Fremont Street (hereinafter "Updated Geotechnical Investigation"), September 4, 2013. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[88] Updated Geotechnical Investigation, p. 5.

[89] Updated Geotechnical Investigation, pp. 17-18.

[90] San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 13. Available online at http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf. Accessed January 7, 2014.

[91] Updated Geotechnical Investigation, p. 10.

were collected through exploratory borings at three different locations on the project site. The samples revealed that there are no expansive soils underlying the project site.[92]

The project site is covered by an impervious surface, so implementation of the proposed project would not result in soil erosion or the loss of topsoil. The proposed project would not include the use of septic tanks or alternative wastewater disposal systems, and there is no topography or unique geologic or physical features on the project site that could be altered by implementation of the proposed project.

For these reasons, implementation of the proposed project would not result in significant impacts related to geology and soils, and no mitigation measures are necessary.

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| **15. HYDROLOGY AND WATER QUALITY—Would the project:** | | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

[92] Updated Geotechnical Investigation, p. 5.

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| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood has been developed for more than 100 years, so the entire area is essentially covered by impervious surfaces (paved roads, sidewalks, buildings, and/or vacant lots that were previously developed). Surface runoff in the Rincon Hill neighborhood flows into the City's combined stormwater/sewer system instead of draining directly into San Francisco Bay. As a result, new urban infill development in the Rincon Hill neighborhood would not alter drainage and runoff patterns, deplete groundwater supplies, or result in erosion, siltation, or flooding. Based on required compliance with various regulations related to water conservation, wastewater discharge and treatment, and the use of recycled water, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on hydrology and water quality, and no mitigation measures were identified.[93]

As outlined in the GHG Checklist that is discussed under Topic 8, Greenhouse Gas Emissions, of this CPE Checklist, pp. 28-33, the proposed project would comply with Leadership in Energy and Environmental Design (LEED) standards and local ordinance requirements related to water conservation. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. Since the project site and the vicinity are covered by impervious surfaces, the proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into San Francisco Bay. In addition, the project sponsor would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The SWPPP would specify best management practices and erosion and sedimentation control measures to prevent sedimentation from entering the City's combined stormwater/sewer system. As a result, the proposed project would not

[93] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 214-220, and Appendix A, pp. 27-28.

violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

The project site is not in a designated flood zone, so the proposed project would not place housing within a 100-year flood hazard area, would not impede or redirect flood flows in a 100-year flood hazard area, and would not 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. As shown on Map 5, Tsunami Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not within a tsunami hazard zone.[94] As a result, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.

Some CEQA documents for development projects in downtown San Francisco evaluate impacts related to sea level rise. The San Francisco Bay Conservation and Development Commission, which regulates development within 100 feet of the San Francisco Bay shoreline, has developed maps identifying shoreline areas that are vulnerable to sea level rise. These maps assume a forecast of 16 inches of sea level rise by 2050 and 55 inches by 2100. The project site is approximately 0.3 mile inland from the shoreline, and it would not be in the inundation zone for sea level rise of 16 inches by 2050 or 55 inches by 2100.[95, 96] Therefore, the proposed project would not expose people or structures to impacts related to sea level rise.

For these reasons, implementation of the proposed project would not result in significant impacts on hydrology and water quality, and no mitigation measures are necessary.

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| **16. HAZARDS AND HAZARDOUS MATERIALS—Would the project:** | | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

[94] San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 15. Available online at http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf. Accessed January 7, 2014.

[95] San Francisco Bay Conservation and Development Commission, 16-Inch Sea Level Rise by Mid-Century, Central Bay. Available online at http://www.bcdc.ca.gov/planning/climate_change/maps/16/cbay.pdf. Accessed January 7, 2014.

[96] San Francisco Bay Conservation and Development Commission, 55-Inch Sea Level Rise by End of Century, Central Bay. Available online at http://www.bcdc.ca.gov/planning/climate_change/maps/55/cbay.pdf. Accessed January 7, 2014.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

As discussed in the *Rincon Hill Plan FEIR*, environmental impacts related to hazards and hazardous materials are primarily associated with construction activities. Construction workers could be exposed to contaminated soil or groundwater during the excavation phase of a project. If contaminated groundwater is not properly treated, it could result in adverse downstream impacts on the City's combined stormwater/sewer system. In addition, construction workers and members of the public could be exposed to airborne contaminates such as asbestos, lead paint, or PCBs during the demolition phase of a project. Potentially significant impacts related to hazards and hazardous materials are precluded by required compliance with local, state, and federal regulations. These regulations include abatement procedures for asbestos, lead paint, and PCBs.

The *Rincon Hill Plan FEIR* identified a significant impact from the release of contaminated soil during the construction of subsequent projects within the *Rincon Hill Plan* area and identified two mitigation measures to reduce these impacts to less-than-significant levels:[97]

**Mitigation Measure H.1**

For any development project in a site not covered by the Maher Ordinance (Article 20 of the Public Works Code and Article 22 of the Health Code), the project sponsor shall perform and submit to the City a Phase I environmental site assessment. If warranted by the Phase I study,

[97] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

and in consultation with the Department of Public Health (DPH), Environmental Health Section, the project sponsor shall prepare a Phase II environmental assessment that includes sampling of, as determined necessary by DPH, soil and/or groundwater. If soil and/or groundwater contamination is discovered in the Phase II assessment, the project sponsor shall, as required by DPH, enter into a voluntary cleanup agreement with DPH, complete and implement a Site Mitigation Plan that is approved by DPH, prepare and implement a Site Health and Safety Plan, and, if required, record a deed restriction limiting the site to future use compatible with remaining hazards, if any.

**Mitigation Measure H.2**

For any development project, if dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The BERM must be notified of projects necessitating dewatering. That office may require water analysis before discharge.

If dewatering is necessary, groundwater pumped from the development site shall be retained in a holding tank to allow suspended particles to settle, if this is determined necessary by the BERM to reduce the amount of sediment entering the combined sewer system. The project sponsor shall require the general contractor to install and maintain sediment traps if determined necessary by the BERM.

Based on required compliance with federal, state, and local regulations, along with implementation of Mitigation Measures H.1 and H.2, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to hazards and hazardous materials.[98]

After the *Rincon Hill Plan FEIR* was published, the Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the San Francisco Department of Public Health and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Planning Department has determined that the project site is known or suspected to contain contaminated soil and/or groundwater.[99] Therefore, the proposed project is subject to the provisions of the Maher Ordinance. The project site thus underwent an ESA to document the historic use of the site and to determine if there are any recognized environmental conditions[100] on the site. The use of

[98] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 182-185, and Appendix A, pp. 29-31.

[99] San Francisco Planning Department, Expanded Maher Area Map, September 2013. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf. Accessed January 7, 2014.

[100] A recognized environmental condition is the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a

the project site has evolved from the late 1800s until the present day: residential from the late 1800s until the early 1900s; a pattern shop, an oil marketing and manufacturing shop, and offices from the 1930s until the 1950s; and a display manufacturing facility, a warehouse, and offices from the 1960s onward.[101] The existing buildings on the project site were demolished in 2012. The ESA revealed evidence that the soil under the project site contains elevated levels of lead at concentrations exceeding State of California hazardous waste criteria.[102] As a result of these findings, a soil management plan (SMP) and a health and safety plan (HASP) will be required prior to construction.[103] The SMP provides measures to address the long-term environmental or health and safety risks caused by the presence of hazardous materials in the soil. The HASP outlines proper soil handling procedures and health and safety requirements to minimize the exposure of workers and the public to hazardous materials during construction. Compliance with the Maher Ordinance, which includes implementation of the SMP and the HASP, would ensure that the proposed project would not create a significant hazard to the public or the environment.

The proposed project is residential in nature, and therefore the use of chemicals and other hazardous materials would be limited to small quantities of common household items. There are no buildings containing asbestos or lead paint on the project site that would need to be demolished as part of the proposed project. As a result, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Marin Day Schools operates three campuses near the project site. The campuses are at 342 Howard Street (0.1 mile northwest), 220 Spear Street (0.2 mile north), and 2 Harrison Street (0.2 mile northeast). As discussed above, the proposed project would include the use of small quantities of common household items. There would be no hazardous emissions from the proposed project, and no acutely hazardous materials, substances, or waste would be handled at the project site.

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport, or in the vicinity of a private airstrip. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area.

In San Francisco, fire safety is ensured through the provisions of the Building Code and the San Francisco Fire Code. During the review of the building permit application, DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety, which may include the development of an emergency procedure manual or an exit drill plan for the residents of the proposed project. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

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release of any hazardous substances or petroleum products into structures on the site or into the ground, groundwater, or surface water of the site.

[101] Treadwell and Rollo, Phase I Environmental Site Assessment, 325 Fremont Street, San Francisco, California (hereinafter "ESA"), May 8, 2013, pp. 12-13. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1025E.

[102] ESA, pp. 12-13.

[103] ESA, p. 13.

For these reasons, implementation of the proposed project, with mitigation, would not result in significant impacts related to hazards and hazardous materials and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. Since the proposed project is subject to the Maher Ordinance, Mitigation Measure H.1, identified in the *Rincon Hill Plan FEIR* and discussed above, is not applicable to the proposed project. Mitigation Measure H.2, identified in the *Rincon Hill Plan FEIR* and discussed above, is applicable to the proposed project.

| *Topics:* | *Project-Specific Significant Impact Not Identified in PEIR* | *Significant Unavoidable Impact Identified in PEIR* | *Mitigation Identified in PEIR* | *PEIR Mitigation Applies to Project* | *PEIR Mitigation Does Not Apply to Project* | *No Significant Impact (Project or PEIR)* |
|---|---|---|---|---|---|---|
| **17. MINERAL AND ENERGY RESOURCES—Would the project:** | | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

In California, energy consumption in buildings is regulated by Title 24 of the California Code of Regulations. Title 24 includes standards that regulate energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings. In San Francisco, documentation demonstrating compliance with Title 24 standards is required to be submitted with a building permit application. Compliance with Title 24 standards is enforced by the DBI. Each development project proposed under the *Rincon Hill Plan* is required to comply with current state and local regulations related to energy consumption, including Title 24. Based on required compliance with state and local regulations, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on mineral and energy resources, and no mitigation measures were identified.[104]

The proposed project would comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance and would be built to LEED standards. In addition, the project site is not designated as an area of significant mineral deposits or as a locally important mineral resource recovery site. The proposed project would not result in the loss of mineral resources that are of value to the region or the residents of the state, would not result in the loss of availability of a locally important mineral resource recovery site, and would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner. For these reasons, implementation of the

[104] San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 28.

proposed project would not result in significant impacts on mineral and energy resources, and no mitigation measures are necessary.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| **18. AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.**—Would the project:** | | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ |

The *Rincon Hill Plan FEIR* did not discuss impacts on agriculture and forest resources that could result from implementation of the *Rincon Hill Plan*, because there are no agriculture or forest resources in the area covered by the *Rincon Hill Plan*.

The project site does not contain agricultural uses, forest land, or timberland, and it is not zoned for such uses. The proposed project would not convert farmland to non-agricultural use and would not convert forest land or timberland to non-forest use. For these reasons, implementation of the proposed project would have no impacts on agriculture or forest resources, and no mitigation measures are necessary.

| Topics: | Project-Specific Significant Impact Not Identified in PEIR | Significant Unavoidable Impact Identified in PEIR | Mitigation Identified in PEIR | PEIR Mitigation Applies to Project | PEIR Mitigation Does Not Apply to Project | No Significant Impact (Project or PEIR) |
|---|---|---|---|---|---|---|
| **19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:** | | | | | | |
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |
| c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☒ | ☒ | ☐ | ☐ |

As discussed in this CPE Checklist, the proposed project would not result in new environmental effects that are peculiar to the proposed project, or effects of greater severity than were already analyzed and disclosed in the *Rincon Hill Plan FEIR*. The proposed project would not 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, eliminate important examples of the major periods of California history or prehistory, or have environmental effects that would cause substantial adverse effects on human beings. In addition, the proposed project would not contribute to the significant unavoidable impacts on traffic or historic architectural resources identified in Sections III.C and III.H of the *Rincon Hill Plan FEIR*, respectively.

**Mitigation Measures**

The following mitigation measures were identified in the *Rincon Hill Plan FEIR* for implementation as part of the *Rincon Hill Plan*. The project sponsor has agreed to implement these mitigation measures as part of the proposed project at 325 Fremont Street:

Project Mitigation Measure 1 – Cultural and Paleontological Resources (Mitigation Measure I.1 in the *Rincon Hill Plan FEIR*)

All but approximately one-fifth of the Plan area [the area covered by the *Rincon Hill Plan*] has been the focus of some type of archaeological study. However, these studies vary greatly in their inclusion, adequacy, and specificity of discussion of the potential presence, identity, and significance of archaeological resources, prior soils disturbance, and evaluation of project effects. For this reason, these studies vary in their adequacy to serve as evaluations of potential effects on archaeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)). For the purposes of assessing potential effects to archaeological resources and the need for and appropriate type of mitigation in the Plan area, the principal value of the existing archaeological reports is the identification of potential archaeological resources and of research themes and questions, and of prior disturbance. The archaeological documentation record that has been prepared for the majority of the Plan area has shown that: prehistoric and historical archaeological resources are potentially present within the Plan area; in many cases the expected archaeological resources could contribute significant scientific/historical information that early, deeply buried prehistoric resources may be present; the soils-disturbing activities in the Plan area to date may not, in general, have significantly impaired the integrity of archaeological resources expected to be present; and even recent large-scale projects have resulted in less soils disturbance than anticipated in order to avoid remediation of contaminated soils.

Thus, based on prior archaeological documentation and the analysis of the Plan area, it can be concluded that significant archaeological resources that have not been substantially affected by prior disturbance may be present within the Plan area and that development pursuant to the proposed *Rincon Hill Plan* and accompanying rezoning has a greater potential to result in adverse effects to these resources than might occur under the existing zoning. Implementation of the following mitigation measures can reduce this potential adverse effect to a less-than-significant level. Since there is no physical project proposed other than surface-level streetscape and open space improvements, the evaluation of project-specific impacts can only occur at the time a development project is proposed, and in accord with these mitigation measures.

The Plan area is subdivided into three archaeological mitigation zones (see Figure 61, p. 193) based on the potential for significant archaeological resources to be present within the site and/or the adequacy of previous archaeological documentation to assess this potential. For any project involving soils-disturbing activities (for example, excavation, grading, foundation work, piles, utilities installation, remediation of contaminated soils), responsibility for the mitigation of potential effects to archaeological resources shall be required based on the location of the project site.

*PROJECTS LOCATED IN ARCHAEOLOGICAL MITIGATION ZONE 2 (AMZ-2)*

AMZ-2 is those properties within the Plan area for which no archaeological assessment report has been prepared or for which the archaeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archaeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)). In the latter case, the existing archaeological documentation may lack site-specific identification of potential archaeological resources, a historical context or site history discussion, an assessment of prior soils disturbance, an evaluation of eligibility to the California Register of Historical Resources (CRHR) of potential archaeological resources, or specific information about site occupants.

For projects proposed in AMZ-2, a Preliminary Archaeological Sensitivity Study must be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The Sensitivity Study should contain the following:

1) Determine the historical uses of the project site based on any previous archaeological documentation and Sanborn maps;
2) Determine types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);
3) Determine if 19th or 20th century soils-disturbing activities may have adversely affected the identified potential archaeological resources;
4) Assess potential project effects in relation to the depth of any identified potential archaeological resource;
5) Conclusion: assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and recommend appropriate action.

Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARDTP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less-than-significant level. The scope of the ARDTP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Bulletin No. 5.

The Planning Department determined that an ARDTP would be required for the proposed project, and an ARDTP was prepared. The ARDTP includes procedures for the identification, evaluation, and treatment of archaeological resources that may be discovered prior to or during construction of the proposed project. These procedures are set forth in Section 7, Archaeological Identification/Testing Plan, and Section 8, Archaeological Treatment Plan, of the ARDTP. These procedures are hereby incorporated into Project Mitigation Measure 1.

Project Mitigation Measure 2 – Noise (Mitigation Measure 1 in the *Rincon Hill Plan Initial Study*)

For projects requiring pile driving, individual project sponsors would ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers should be used unless absolutely necessary. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed.

Construction noise is regulated by the San Francisco Noise Ordinance, Article 29 of the City Police Code. 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 and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. 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 five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

Project Mitigation Measure 3 – Hazards and Hazardous Materials (Mitigation Measure H.2 in the *Rincon Hill Plan FEIR*)

For any development project, if dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The BERM must be notified of projects necessitating dewatering. That office may require water analysis before discharge.

If dewatering is necessary, groundwater pumped from the development site shall be retained in a holding tank to allow suspended particles to settle, if this is determined necessary by the BERM to reduce the amount of sediment entering the combined sewer system. The project sponsor shall require the general contractor to install and maintain sediment traps if determined necessary by the BERM.

**Improvement Measures**

The following improvement measure was identified in the *Rincon Hill Plan FEIR* for implementation as part of the *Rincon Hill Plan*. The project sponsor has agreed to implement this improvement measure as part of the proposed project at 325 Fremont Street:

Project Improvement Measure 1 – Transportation, Circulation, and Parking (Improvement Measure C.2 in the *Rincon Hill Plan FEIR*)

Construction contractor(s) for the individual development projects would need to meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, Muni, the Planning Department, and other city agencies to determine feasible measures to reduce traffic congestion, including any potential transit disruption and pedestrian circulation impacts, during construction of the project. In addition, the temporary parking demand by construction workers would need to be met on-site or within other off-site parking facilities, and the construction contractor(s) would need to determine the location of an off-site parking facility for construction workers during the construction period.

**Conclusion**

The *Rincon Hill Plan FEIR* incorporated and adequately addressed all potential impacts of the proposed 325 Fremont Street project, with the exception of impacts related to greenhouse gas emissions and agriculture and forest resources. At the time that the *Rincon Hill Plan FEIR* was published, greenhouse gas emissions was not a required topic of analysis under CEQA. The *Rincon Hill Plan FEIR* did not discuss impacts on agriculture and forest resources, because there are no agriculture or forest resources in the area covered by the *Rincon Hill Plan*. The Community Plan Exemption Checklist adequately discusses both of these topics. As discussed in this Community Plan Exemption Checklist, the 325 Fremont Street project would not have any additional or peculiar significant adverse effects that were not examined in the *Rincon Hill Plan FEIR*, nor has any new or additional information come to light that would alter the conclusions of the FEIR. Thus, the proposed project would not have any new significant or peculiar effects on the environment that were not previously identified in the *Rincon Hill Plan FEIR*, nor would

any environmental impacts be substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

## DETERMINATION:

On the basis of this review, it can be determined that:

☒ The proposed project qualifies for consideration of a Community Plan Exemption based on the applicable General Plan and zoning requirements; **AND**

☒ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

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

DATE March 13, 2014