SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	2008.0801E
Project Title:	41 Tehama Street
Zoning/Plan Area:	Transit Center District Plan C-3-O (SD) (Downtown Office Special Development) District 360-S Height and Bulk District
Block/Lot:	3736/Lots 74, 75, 76, 77, and 78A
Lot Size:	19,275 square feet
Project Sponsor	Bob Tandler, Tehama Partners LLC represented by Fritzi Realty (415) 771-0741
Staff Contact:	Jessica Range – (415) 575-9018 Jessica.Range@sfgov.org

PROJECT DESCRIPTION:

The project sponsor, Tehama Partners LLC represented by Fritzi Realty, proposes to demolish an existing 400-square-foot, one-story maintenance storage shed and surface parking lot and construct a 32-story, approximately 342-foot-tall (including 24-foot-tall mechanical penthouse) tower with 325 residential units (351,345 gross square feet of residential and associated uses).

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

Please see page 23.

DETERMINATION:

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

Bill Wycko
Environmental Review Officer

March 13, 2012
Date

cc: Bob Tandler, Project Sponsor
Jessica Range, Environmental Planning Division
Tina Tam, Preservation Planner
Kevin Guy, Neighborhood Planning Division
Supervisor Kim, District Six
Virna Byrd, M.D.F.
Distribution List

PROJECT DESCRIPTION (Continued):

The proposed residential tower would contain 4,225 square feet of residential amenities (conference and business center, multipurpose room, fitness center, and rooftop club room), a 4,460-square-foot open space plaza on the ground floor, two private open space terraces for residential use (one located on Level 3 and one located on Level 31) totaling 5,870 square feet, a 57,927-square-foot, 241 off-street parking spaces (valet parking) and two car-share parking spaces totaling 243 spaces in three below-ground levels, and 104 bicycle spaces. Access to the parking garage would be from Tehama Street. The project would also provide approximately 3,960 square feet of private open space in the form of residential balconies for 110 of the units (36 square feet per unit). Open space for the remaining 215 units would be provided through the private, publicly accessible open space plaza on the ground floor and the common open space terraces for the residents.

The project site is located at 41 Tehama Street (Assessor's Block 3736, Lots 74, 75, 76, 77, and 78A) in the Financial District, in the northeast quadrant of San Francisco (see **Figure 1: Project Site Location** and **Figure 2: Project Site Plan**). The project site is generally level and rectangular in shape, measuring about 257 feet along Tehama Street and 75 feet in depth, totaling approximately 19,300 square feet.

The site is currently fully developed, consisting primarily of an asphalt-paved 80-space parking lot (which can accommodate up to approximately 106 valet-parked vehicles) and a one-story 400-square-foot structure used as a maintenance storage shed for the valet parking office. The existing building, built in 1959, is composed of a concrete block and a wood-frame structure and was formerly used as an auto repair business. The project site occupies a portion of the block bounded by Tehama Street to the north, First Street to the east, Clementina Street to the south, and Second Street to the west.

In 2006, the Planning Department prepared a mitigated negative declaration for a smaller proposal on the project site. That proposal was the subject of an appeal before the Planning Commission.[1] Since then, the Planning Department has rezoned the subject property as part of the Transit Center District Plan (TCDP). The TCDP, approved August 8, 2012, establishes new planning policies and land use controls, allowing for taller building heights on the project site.

The proposed project would include 325 residential units consisting of studios, junior one-bedroom, one-bedroom, and two-bedroom units (see **Figure 3: Proposed North and South Elevations, Figure 4: Proposed West and East Elevations, Figure 5: Proposed North-South Section,** and **Figure 6: Proposed West-East Section**). In compliance with Section 415 of the San Francisco Planning Code (Planning Code), 15 percent (or 49 residential units) would be affordable.[2]

[1] The environmental evaluation for the previous proposal on the subject property, Planning Department Case File No. 2004.0803E is on file and available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

[2] Section 415 of the Planning Code requires that developments of five units or more provide 15 percent of their units as affordable units to low- to moderate-income households in San Francisco.



Figure 1 – Project Site Location
Sources: City and County of San Francisco, AECOM 2012



Figure 2 – Project Site Plan
Source: Arquitectonica 2012

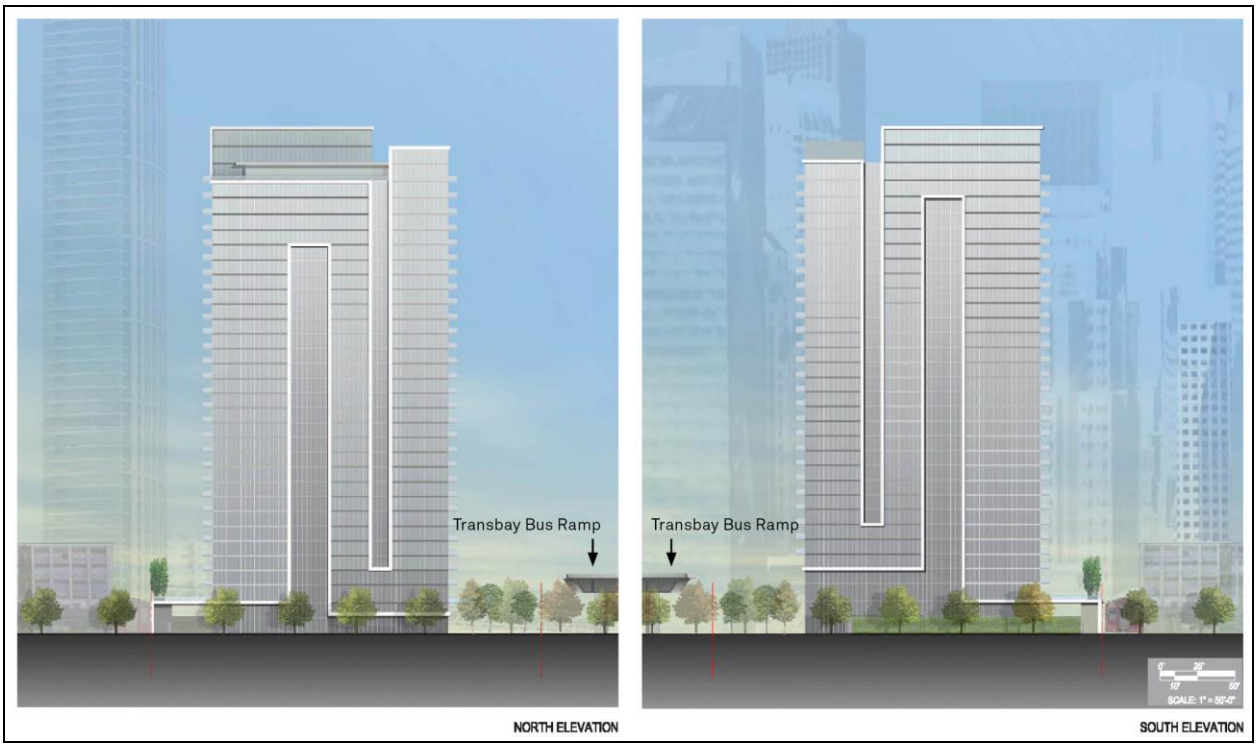


Figure 3 – Proposed North and South Elevations
Source: Arquitectonica 2010



Figure 4 – Proposed West and East Elevations
Source: Arquitectonica 2010

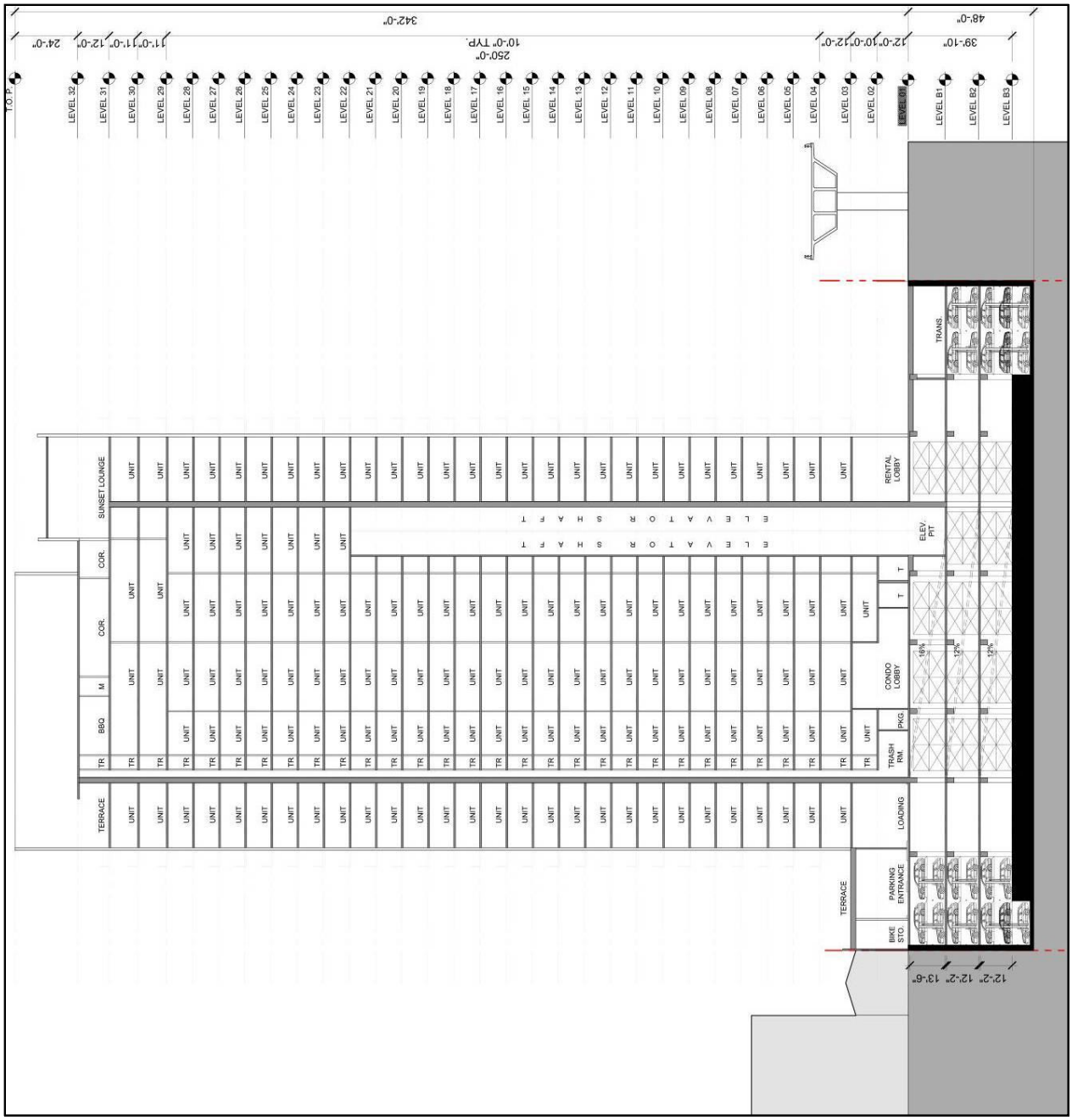


Figure 5 – Proposed North-South Section
Source: Arquitectonica 2011

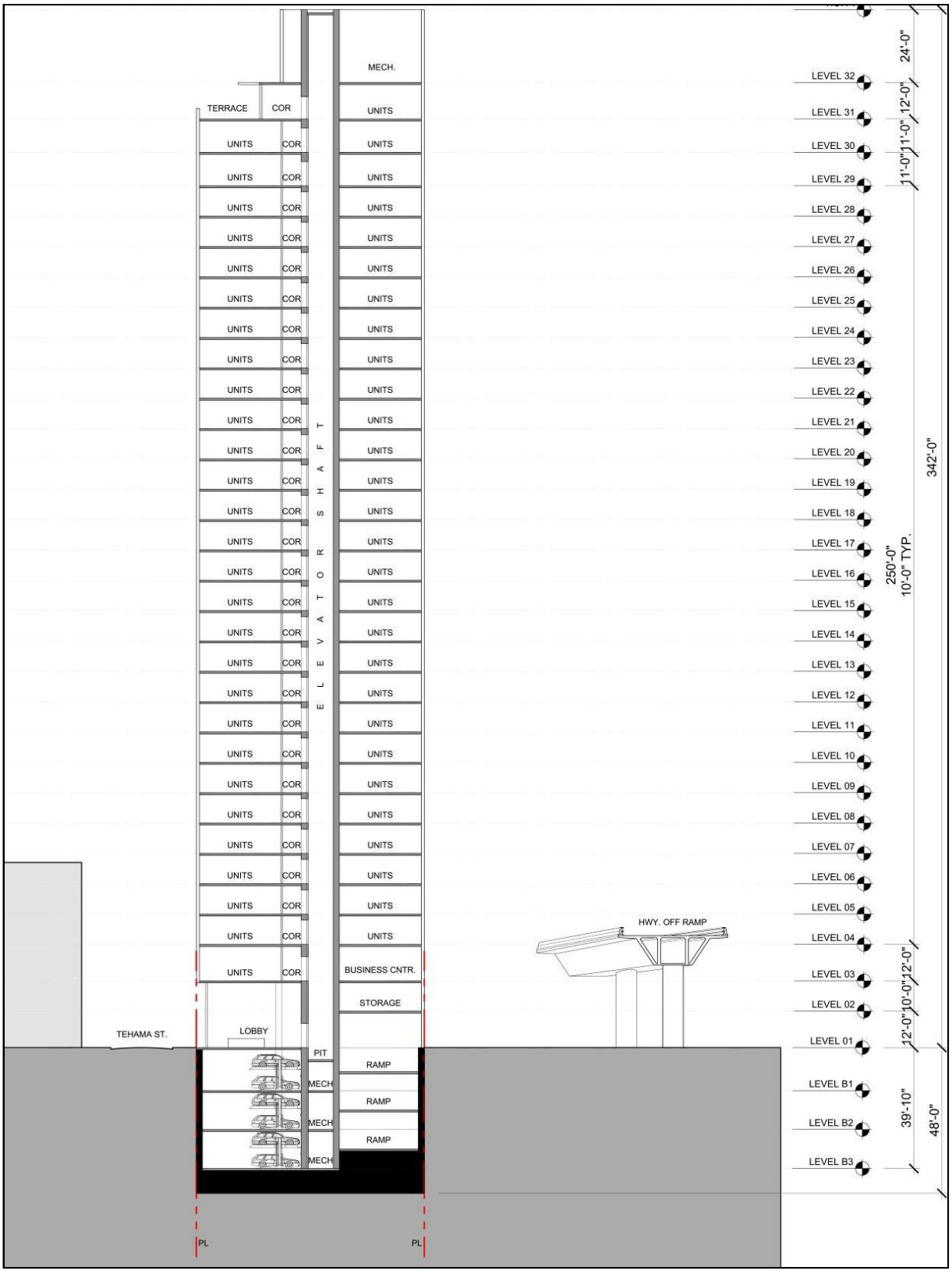


Figure 6 – Proposed West-East Section
Source: Arquitectonica 2011

A total of 14,280 square feet of open space would be required at the project site. According to Planning Code Section 135, residential open space requirements for the proposed project would be 36 square feet of private open space per unit, with a ratio of 1.33 of common usable open space—or about 48 square feet[3]—for each residential unit that may be substituted for private open space. Approximately 110 of the 325 residential units would have an average of 36 square feet of usable open space in the form of private balconies, for a total of 3,960 square feet. The remaining 215 units would require 10,320 square feet[4] of open space. The proposed project would meet this requirement by providing approximately 5,870 square feet of common open space divided between two terraces (Level 3 and Level 31) for the on-site residents, and approximately 4,460 square feet of privately owned, publicly accessible open space in the form of a plaza that would be located on the west side of Level 1. In total, the proposed project would provide 14,290 square feet of open space, which would exceed the provision of open space required by Planning Code Section 135.

Street trees and sidewalk improvements are proposed along Tehama Street. No trees exist on the project site or on the adjacent parcels. The proposed project would include planting of street trees along the south side of Tehama Street as part of the overall pedestrian streetscape development in conjunction with the TCDP. The 4,460-square-foot plaza at Level 1 would be hardscaped; seating areas and other street furniture would be determined in coordination with the design process and development of Oscar Park as part of the Transbay Redevelopment Plan.

Approximately 57,927 square feet of parking would be provided in three levels (Levels B1, B2, and B3) beneath the project site up to a maximum depth of approximately 48 feet below grade. Level B1 would contain 60 parking spaces for residential parking use (**Figure 7: Proposed Level B1 Floor Plan**). Level B2 would contain 80 parking spaces, and Level B3 would contain 101 parking spaces. **Figure 8: Proposed Level B2 Floor Plan** and **Figure 9: Proposed Level B3 Floor Plan** depict the basement parking on Levels B2 and B3, respectively. These basement levels would include a total of approximately 241 off-street parking spaces (tandem and stacked parking). Two car-share spaces would be provided. In addition to the parking spaces, the basement levels would include mechanical, electrical, elevator, storage, and other uses.

Figure 10: Proposed Level 1 (Ground Level) illustrates entrances and other features of Level 1 in the proposed residential tower. The first floor of the proposed tower would provide the ground-level main entrance and would contain the lobby, management office, bicycle storage, mail room for package pick-ups/drop-offs, space for trash and recycling removal, storage, stairway access, loading docks, parking garage entry, valet station, potential retail, and art space for use by the residents. Approximately 4,460 square feet of privately owned, publicly accessible open space in the form of a plaza would be located on the west side of Level 1. The off-street loading dock would contain two loading spaces, one 25 feet long and the other 35 feet long.

[3] 36 square feet multiplied by a 1.33 ratio to obtain the common usable open space area requirement.
[4] 194 units multiplied by 48 square feet because common open space would be substituted for private open space for these units.

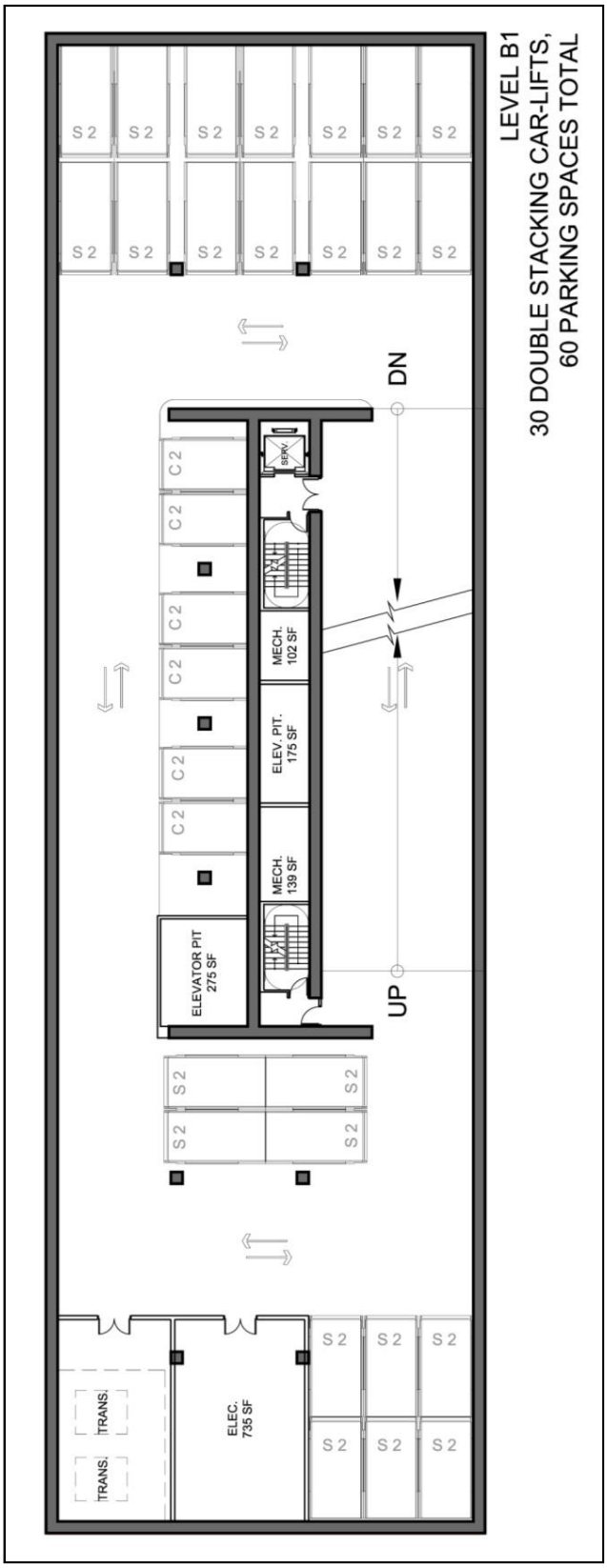


Figure 7 – Proposed Level B1 Floor Plan
Source: Arquitectonica 2012

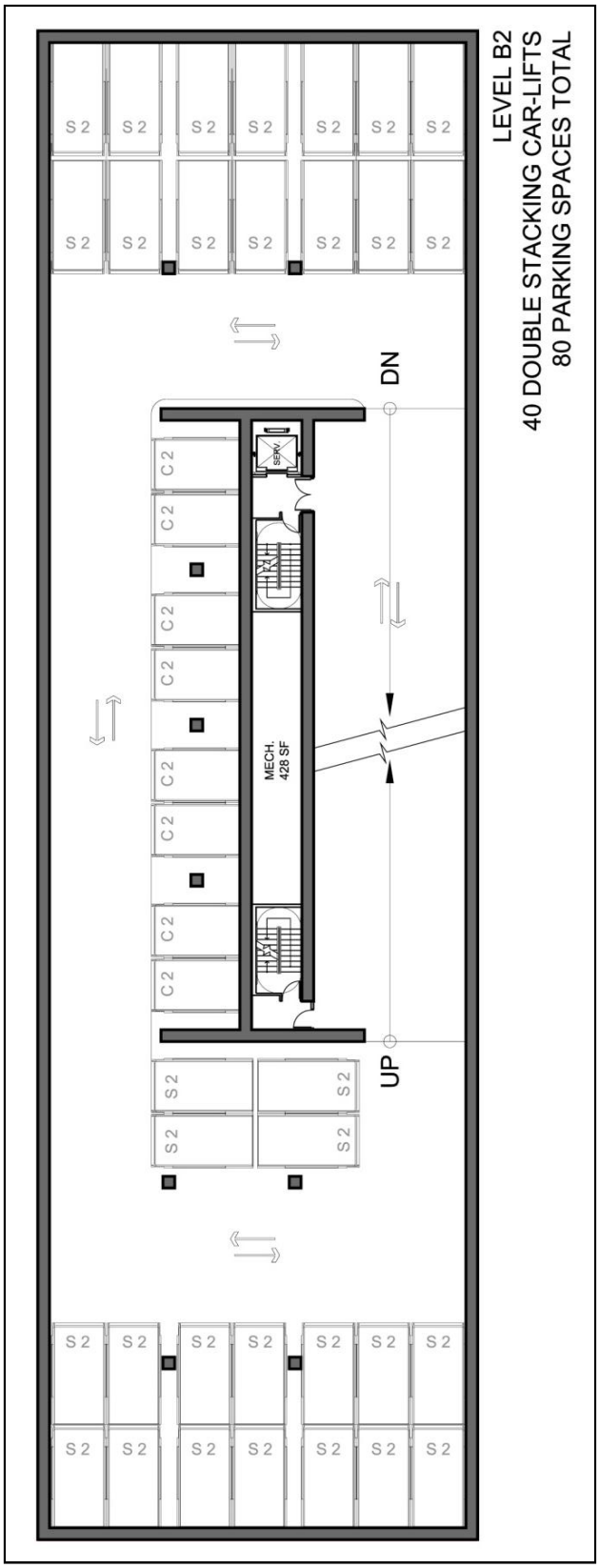


Figure 8 – Proposed Level B2 Floor Plan
Source: Arquitectonica 2012

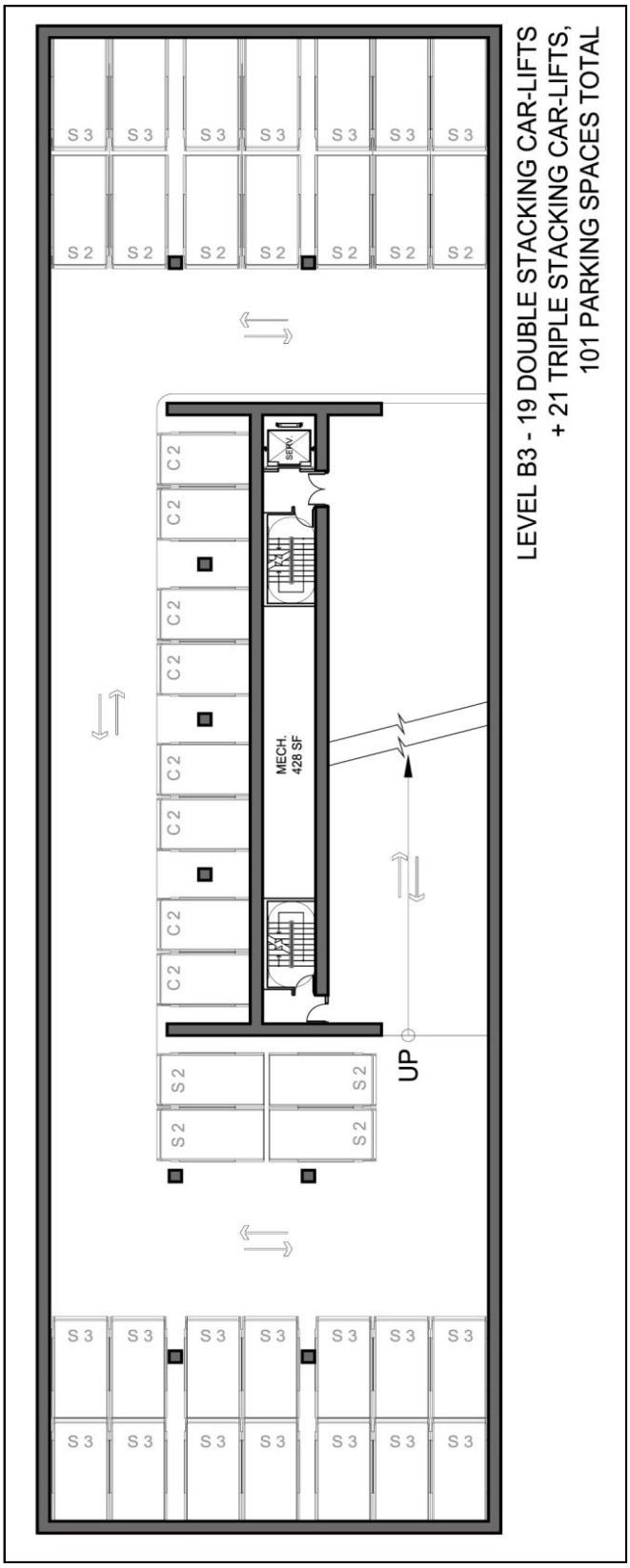


Figure 9 – Proposed Level B3 Floor Plan
Source: Arquitectonica 2012

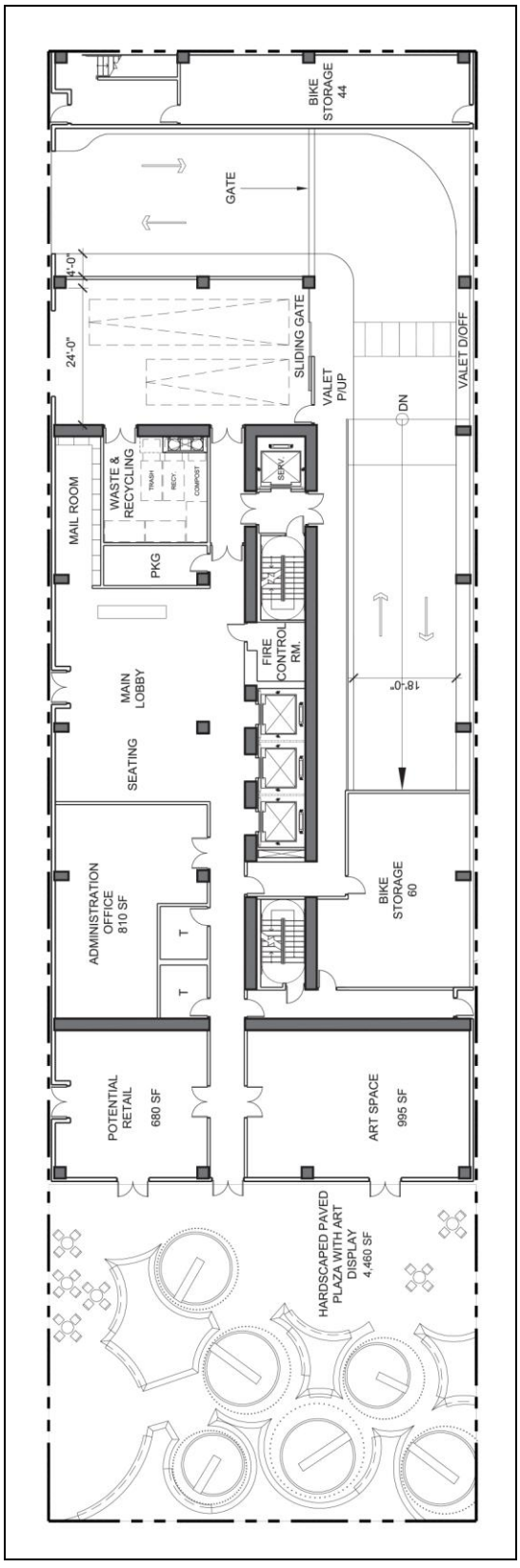


Figure 10 – Proposed Level 1 (Ground Level)
Source: Arquitectonica 2012

The project proposes to provide 104 bicycle spaces on Level 1 of the proposed tower (60 spaces along the south side and 44 spaces along the east side of the building). Access to the bicycle spaces on Level 1 would be provided via the building lobby or secondary entrances providing dedicated access. The 104 bicycle spaces would meet the bicycle space requirements of Planning Code Section 155.5. Level 2 would provide additional storage and eight residential units (**Figure 11: Proposed Level 2 Floor Plan**). Level 3 would accommodate nine residential units, a fitness center, a 2,900-square-foot outdoor public terrace, and potential amenity space associated with the terrace (**Figure 12: Proposed Level 3 Floor Plan**).

Levels 4 through 21 would be entirely residential in use. The typical tower floor plans for the lower levels would accommodate approximately 12 residential units per level (**Figure 13: Proposed Typical Tower Mid Floor Plan [Levels 4 through 21]**).

Levels 22 through 28 would be entirely residential in use. The typical tower mid-floor plans would accommodate 10 units on each floor (**Figure 14: Proposed Typical Tower Upper Floor Plan [Levels 22 through 28]**).

Levels 29 and 30 would accommodate eight residential units on each floor (**Figure 15: Proposed Levels 29 and 30 Floor Plan**). Level 31 would accommodate four residential units, the 2,970-square-foot rooftop terrace, and a 900-square-foot lounge (**Figure 16: Proposed Level 31 Floor Plan [Roof Terrace Level]**). The rooftop terrace would be located approximately 306 feet above grade on the north and northeast portions of the tower overlooking Tehama Street, and would have a solid wall around its exterior boundary for security purposes.

The roof level (Level 32) would contain the mechanical equipment, elevator machine room, and other rooftop equipment (**Figure 17: Proposed Roof Plan**). A 24-foot-tall mechanical penthouse would extend above Level 32, bringing the height of the tower to 342 feet.[5]

The proposed tower would be set back approximately 59 feet at Level 1 (ground level) from the western property line of the project site. The vacant space created by this 59-foot setback would be occupied by the 4,460-square-foot common open space plaza. The proposed tower would be built to the property lines on the north, south, and east sides at Level 1. At Level 3, the northeastern and southeastern corners of the building would be recessed about 36 feet from the eastern property line of the project site. The 2,900-square-foot open space terrace on Level 3 created by this setback would be accessible to all building residents. Levels 4 through 30 would be set back 59 and 38 feet from the western and eastern property lines of the project site, respectively. At Level 31, the northern and northeastern portion of the building would be recessed about 26 feet from the northern property line, along Tehama Street. The 2,970-square-foot open space terrace on Level 31 created by this setback would be accessible to all building residents.

[5] The proposed tower would extend to a height of 318 feet as measured pursuant to Planning Code Section 102.12. The absolute height of the proposed tower would be 342 feet, which would include the 24-foot-tall mechanical penthouse.

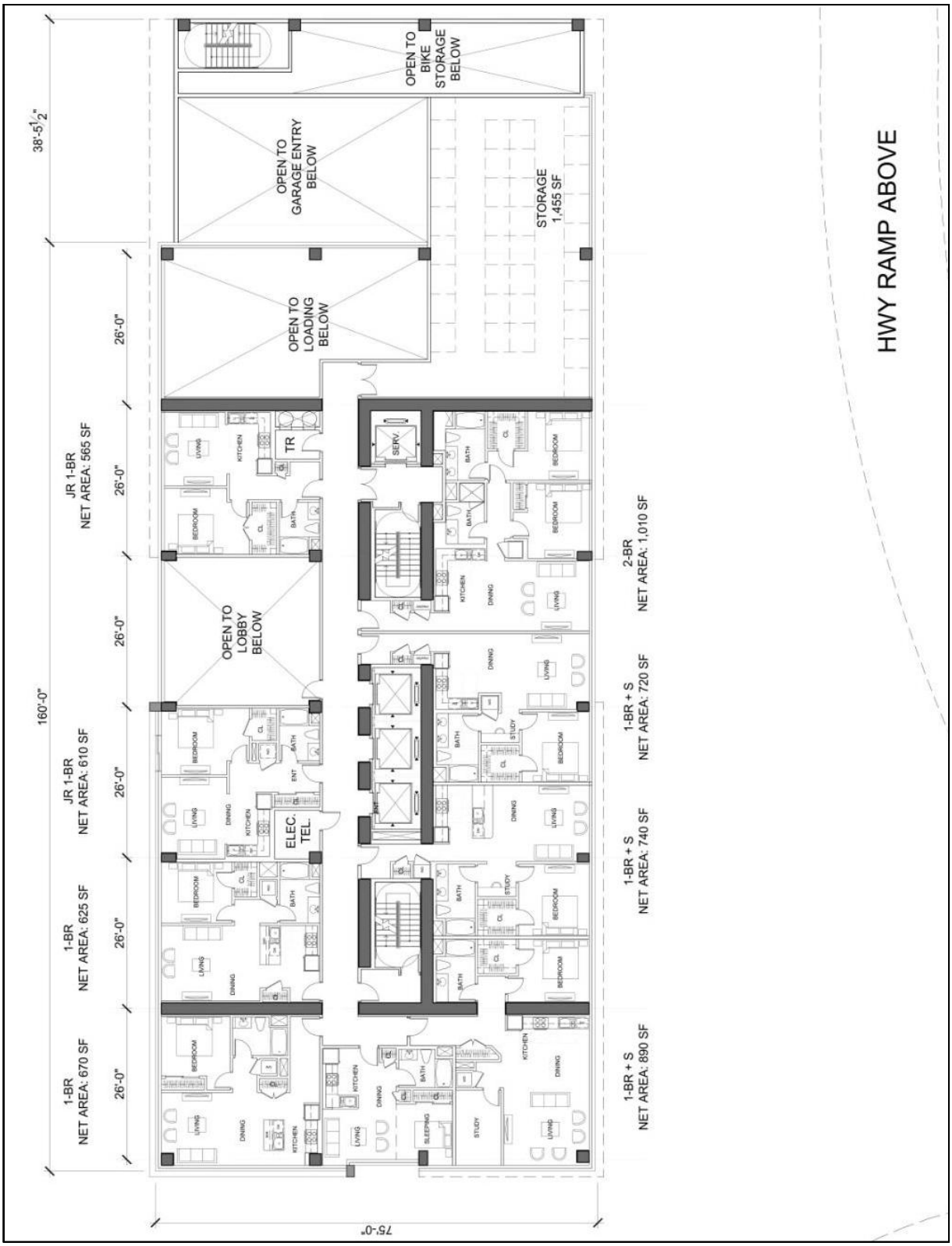


Figure 11 – Proposed Level 2 Floor Plan
Source: Arquitectonica 2011

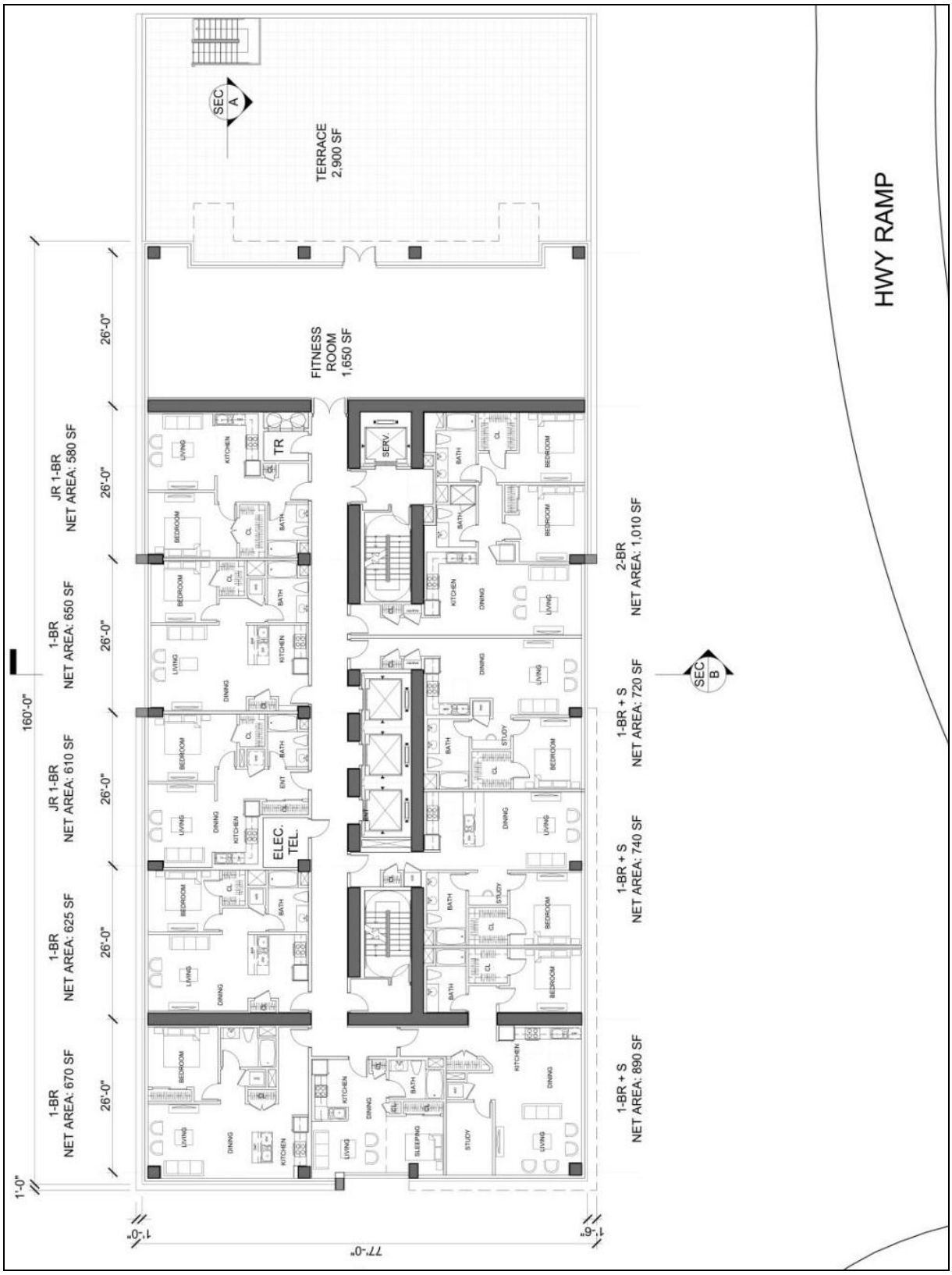


Figure 12 – Proposed Level 3 Floor Plan
Source: Arquitectonica 2011

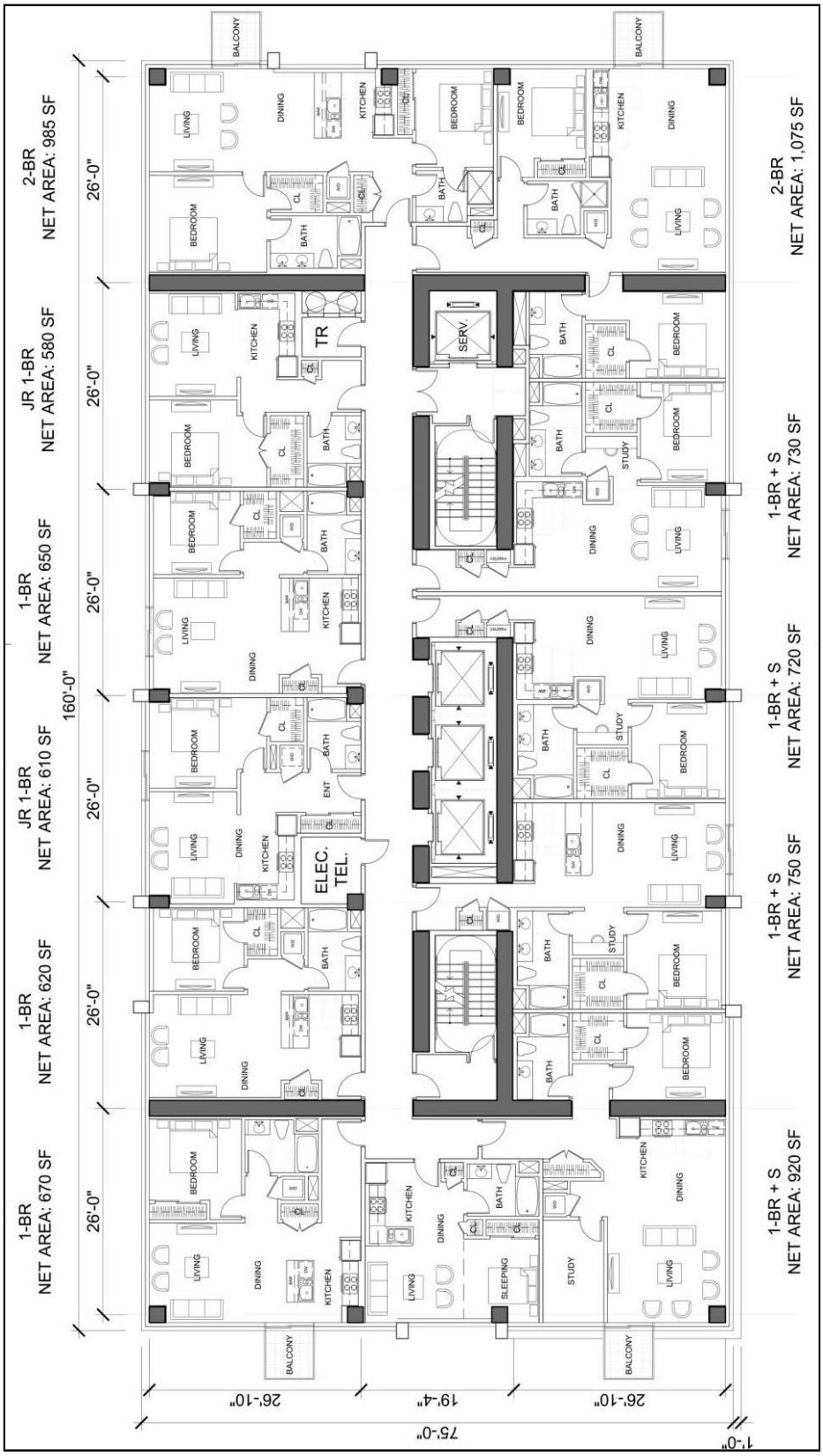


Figure 13 – Proposed Typical Tower Mid Floor Plan (Levels 4 through 21)
Source: Arquitectonica 2011

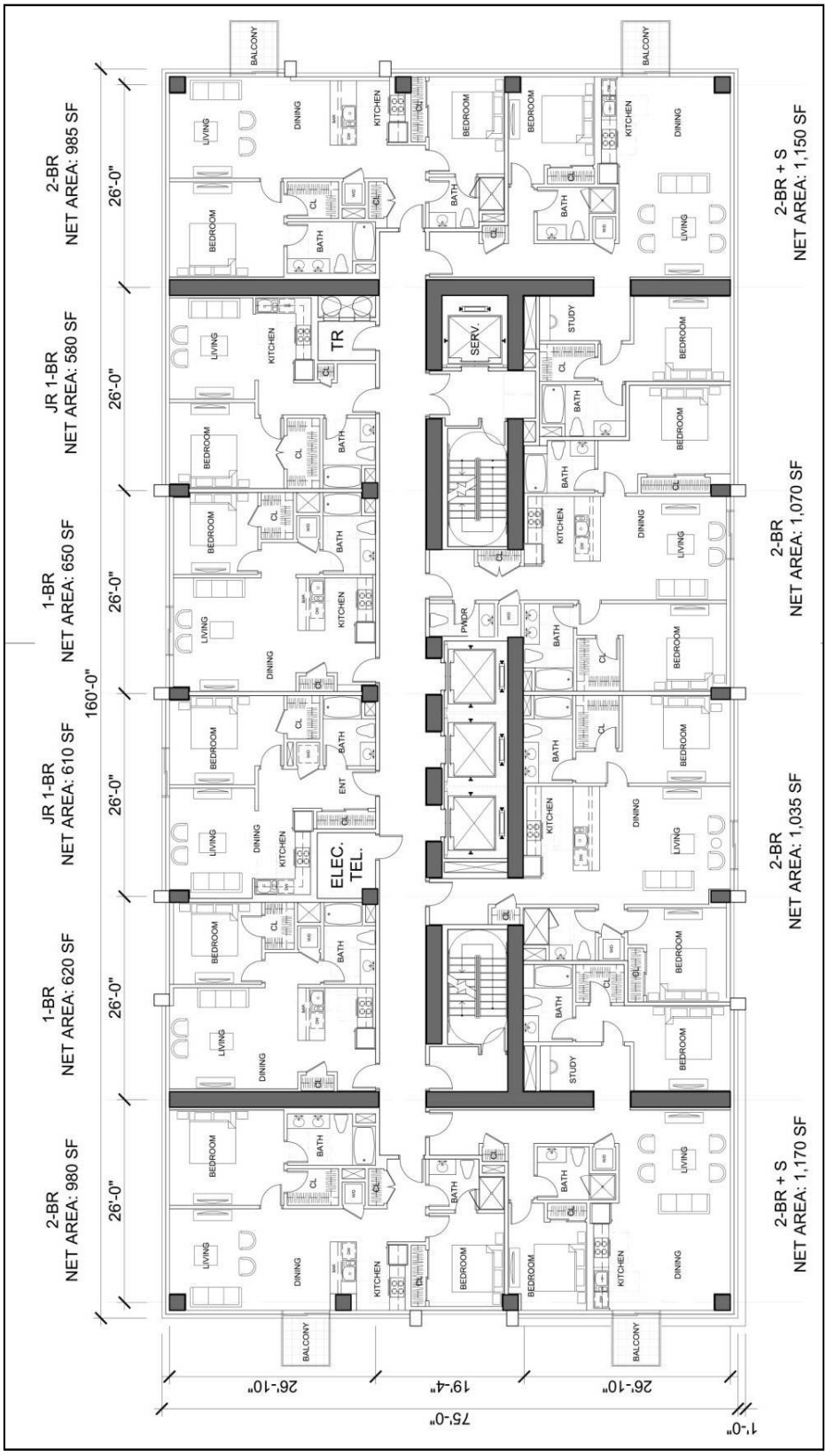


Figure 14 – Proposed Typical Tower Upper Floor Plan (Levels 22 through 28)
Source: Arquitectonica 2011

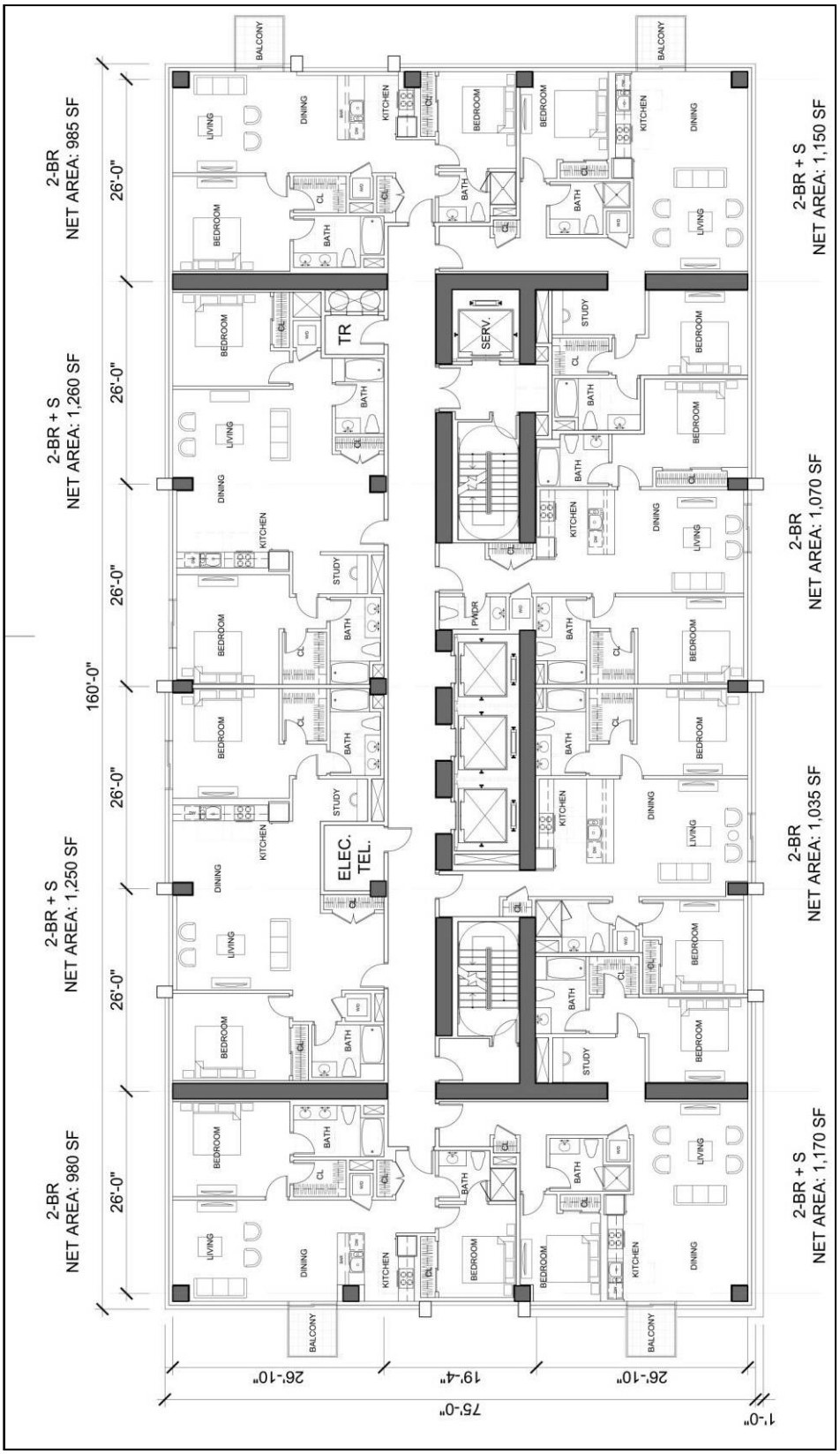


Figure 15 – Proposed Levels 29 and 30 Floor Plan
Source: Arquitectonica 2011

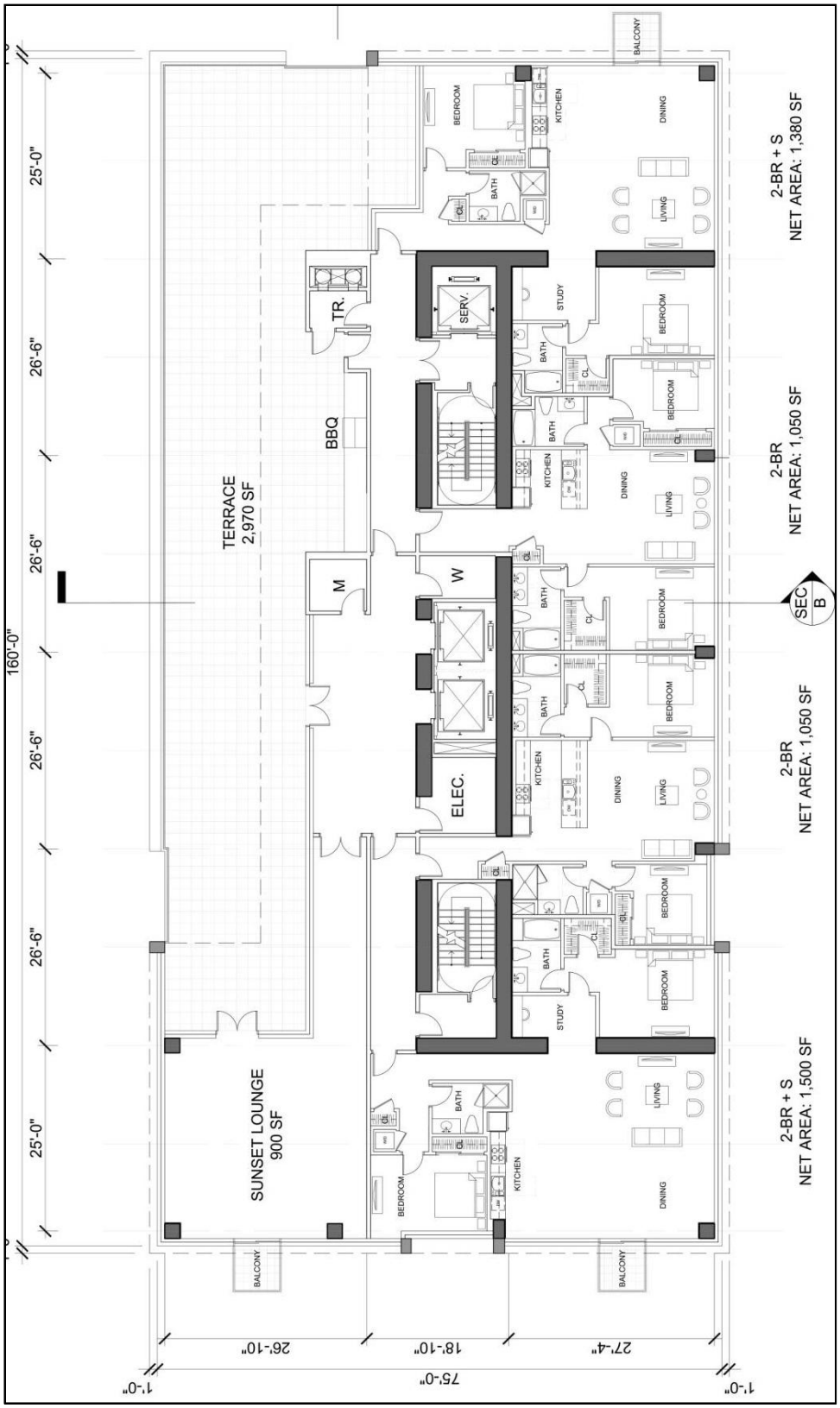


Figure 16 – Proposed Level 31 Floor Plan (Roof Terrace Level)
Source: Arquitectonica 2011

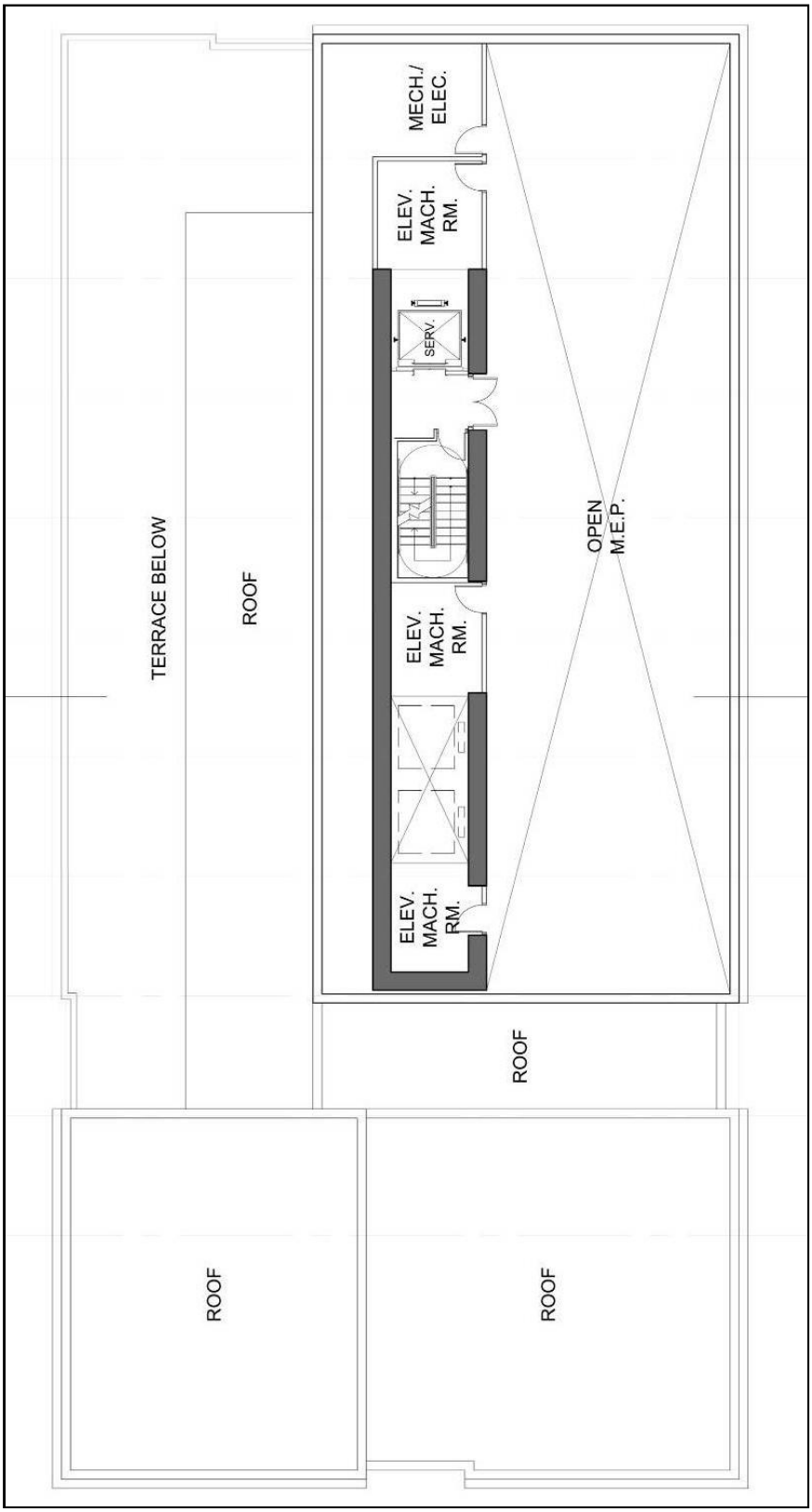


Figure 17 – Proposed Roof Plan
Source: Arquitectonica 2010

Site access would be provided on Tehama Street only. Vehicular access to the project site for the parking garage would be provided on the south side of Tehama Street by a curb cut approximately 230 feet east of Second Street. The garage driveway would be left-turn inbound/left-turn outbound accessible only because Tehama Street is a one-way westbound roadway and the project site is located on the south side of the street. The proposed project would provide an off-street loading dock with two loading spaces, one 25 feet long and the other 35 feet long. Vehicular access to the project site for the loading docks would be provided on Tehama Street by a curb cut approximately 10 feet west of the garage driveway. To access the dock, loading vehicles would need to drive past the dock and back into the loading spaces. Pedestrian access to the building would be provided along the south side of Tehama Street through a lobby and from the proposed ground-level plaza (see Figure 10).

The proposed tower would be constructed to the standards required for a Leadership in Energy Efficient Design (LEED®) Gold rating or better.[6] The proposed tower's exterior design would be primarily composed of metal and glass, but may include other elements as well. Exterior building elements would include stacked balconies with recessed alcoves. The first 60 feet of the proposed building façade as well as any feature related bird strike hazards (as defined in Planning Code Section 139 and including, but not limited to, free standing glass walls and balconies), would include bird safe glazing treatments.

The proposed project would be constructed atop a concrete mat foundation, which would support the building without the need for pile driving. Excavation for the below-grade parking levels would require removal of approximately 35,000 cubic yards of soil, and would extend to a maximum finished depth of about 48 feet below grade.

Project construction is anticipated to take approximately 24 months, with a construction cost estimated at $90 million.

APPROVALS

The following project approvals would be required from the San Francisco Planning Commission: (1) exceptions from bulk (Planning Code Section 270), separation of towers (Planning Code Section 132.1[c]), rear yard (Planning Code Section 134), reduction of ground-level wind currents (Planning Code Section 148), and limitations on residential accessory off-street parking (Planning Code Section 151.1); and (2) a variance for dwelling unit exposure (Planning Code Section 140). These approvals are discussed below.

Bulk limits for base, lower, and upper towers are set forth in the San Francisco Planning Code Section 270(d). Controls for the "-S" bulk district allow for the following: up to 160 feet in plan dimension and up to 190 feet in diagonal dimension for portions of the building above 50 feet and 130 feet in plan dimension and up to 160 feet in diagonal dimension for portions of the building above 220 feet in height. The proposed project would comply with the bulk controls for the lower tower, but would exceed controls for the upper tower. An exception is required because the proposed upper tower would exceed the maximum allowable plan and diagonal dimension under the applicable "-S" bulk district controls.

[6] A green building standard set by the U.S. Green Building Council.

The upper tower would have a 160-foot plan dimension and a 177-foot diagonal dimension above 220 feet, which would exceed both the maximum allowable plan and diagonal dimensions by about 30 feet and 17 feet, respectively. The project would require an exception to bulk controls pursuant to Planning Code Section 309 provided there are compensating factors. Exceptions to the bulk limits may be approved provided that at least one of the criteria specified in Planning Code Section 272 (Bulk Limits: Special Exceptions in C-3 Districts) are met. The criteria may include development of a building where: a distinctly better design is achieved than would be possible with strict adherence to the bulk limits; the functional requirements make such a deviation necessary; the added bulk does not significantly affect light and air to adjacent buildings; the appearance of bulk is reduced to the extent feasible by means of materials or variations in planes; it is compatible with the character of the surrounding area; or the exceptions to bulk limits shall not result in a building of greater total gross floor area than would be permitted if the bulk limits were met.

No parking minimum exists within the C-3-O District; however, off-street accessory parking is principally permitted at a ratio of one space for each four dwelling units. Planning Code Section 151.1(f) establishes maximum amounts of parking permitted as an accessory use for dwelling units in the C-3 District: up to 0.75 car per dwelling unit may be permitted, or up to one car per dwelling unit for units with at least two bedrooms and 1,000 square feet of floor area, subject to review by the Planning Commission. Based on this requirement, the proposed project would be permitted "as of right" up to 169 spaces, and permitted with Planning Commission approval up to 269 parking spaces. The proposed project would contain 325 residential units, thus allowing for a maximum of 244 off-street parking spaces.[7] The proposed project would include a total of approximately 241 off-street accessory parking spaces and two car share parking spaces, totaling 243 parking spaces, so no exceptions to the Planning Code would be required; however, the Planning Commission would be required to make special findings under Section 151.1(f) to grant approval of parking spaces in excess of the 169 spaces permitted as of right.

Section 155.5 of the Planning Code requires that projects exceeding 50 dwelling units provide 25 Class 1 bicycle spaces, plus one Class 1 bicycle space for every four dwelling units over 50. Based on this requirement, the proposed project would be required to provide a minimum of 94 bicycle parking spaces. The proposed project would provide 104 bicycle spaces on Level 1 of the parking garage, thus meeting the requirements of Section 155.5 of the Planning Code.

According to Planning Code Section 132.1(c), buildings within the "-S" bulk districts must provide a minimum setback of 15 feet from the interior property lines that do not abut a public street and from the centerlines of abutting streets. This setback increases along a sloping line for building heights above 300 feet. For the project site, this setback begins at a height of approximately 44 feet. The proposed project would require exceptions from applicable Section 132.1(c) separation-of-tower requirements.

[7] 325 residential units multiplied by 0.75 parking space per unit equals 244 parking spaces, subject to the criteria and procedures of Planning code Section 151.1(f).

Within C-3 districts, Section 134 of the Planning Code requires that a rear yard be provided that is equal to 25 percent of the depth of the lot at the lowest level story that contains a dwelling unit and at each succeeding level. To comply with these requirements, a rear yard measuring approximately 19 feet deep would be required. The project does not propose a rear yard and therefore would require an exception from the rear-yard requirements of Section 134(d) pursuant to Planning Code Section 309.

Buildings within C-3 districts must be shaped to avoid increases in ground-level wind currents beyond the specified "comfort criteria" in Planning Code Section 148, and must also eliminate preexisting exceedances to meet the criteria. A wind study has been prepared, as required by Planning Code Section 148. The study concluded that although the proposed project would not increase ground-level wind currents beyond the comfort criteria, it also would not eliminate existing wind exceedances, and would therefore require a Planning Code Section 309 exception to Section 148 requirements. The wind study and compliance with Planning Code Section 148 are discussed further on page 77 of this Certificate of Determination.

Planning Code Section 140 governs the light and air access requirements for proposed residential uses and requires that at least one room of all dwelling units face onto a public street, rear yard, or other open area on the project site that meets minimum requirements for area and horizontal dimensions. Under the proposed project, three residential units would not meet the requirements of Section 140. Therefore, a variance from Section 140's dwelling-unit exposure requirements would be required.

REMARKS (Continued):

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects which are consistent with the development density established by a community plan for which an Environmental Impact Report was certified shall not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic, plan area EIR. The Planning Department reviewed the proposed project for consistency with the TCDP and for the potential for the proposed project to result in significant impacts not identified in the Transit Center District Plan and Transit Tower Environmental Impact Report ("TCDP FEIR" or "FEIR") certified on May 24, 2012.[8]

This determination evaluates the potential project-specific environmental effects unique to the project at 41 Tehama Street as described above, and incorporates by reference information contained within the TCDP FEIR (Case Nos. 2007.0558E and 2008.0789E; State Clearinghouse No. 2008072073). Project-specific analysis summarized in this determination was prepared to determine if there would be significant impacts attributable to the proposed project. These studies examined the project's potential environmental effects on historic resources, noise, wind, shadow, geology, and hazardous materials.

[8] San Francisco Planning Department, Community Plan Exemption Checklist, 41 Tehama Street, November 8, 2012. This document is included as Attachment A. This document is also on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

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. The project-level analysis, as discussed in this determination, does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies mitigation measures contained in the TCDP FEIR that would be applicable to the proposed project at 41 Tehama Street. Relevant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects.

BACKGROUND

In 2006, a Mayor's Interagency Working Group published a report calling for the City to undertake further land use studies around the Transit Center to investigate whether building densities and heights could be increased further in recognition of the transit investment, and whether such growth could be leveraged to generate substantial new revenues to help fund the full Transit Center project, including the Downtown Rail Extension.

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

The Plan supports and builds on the Downtown Plan's vision for the area around the Transbay Transit Center as the heart of the new downtown. The Plan area consists of approximately 145 acres in the southern portion of the downtown Financial District, roughly bounded by Market Street, Steuart Street, Folsom Street, and a line to the east of Third Street. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes adjustments to this specific subarea based on the current understanding of issues and constraints facing the area, particularly in light of the Transit Center project.

The Plan rezones the Plan area (except most public (P) districts, with the exception of the Transit Tower site, and Redevelopment Plan Zone 1) to C-3-O (SD). The Plan establishes new planning policies and controls for land use; urban form, including building height and design; street network modifications/public realm improvements; historic preservation; and district sustainability, including enhancement of green building standards in the district, among other features. The Plan also allows for height limit increases in subareas composed of multiple parcels or blocks within the Plan area.

On May 24, 2012, the San Francisco Planning Commission certified the TCDP FEIR.[9] The TCDP FEIR analyzed amendments to the Planning Code, zoning maps, and amendment of the San Francisco General Plan (General Plan). The analysis in the TCDP FEIR was based on an assumed development and activity that were anticipated to occur under the Plan.

Subsequent to certification of the TCDP FEIR, the Board of Supervisors approved, and on August 8, 2012 the Mayor signed into law, revisions to the Planning Code, zoning maps, and General Plan that constituted the "project" analyzed in the TCDP FEIR. The legislation created new zoning controls that allow for increased office space, limit noncommercial development, and encourage diversity of businesses on the ground floor.

Individual projects located within the Plan area that are consistent with the TCDP and satisfy the requirements of the San Francisco General Plan and Planning Code will 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, and to determine if additional environmental review is required. This determination concludes that the proposed residential project at 41 Tehama Street is consistent with, and was encompassed within, the analysis in the TCDP FEIR. This determination also finds that the TCDP FEIR adequately anticipated and described the impacts of the proposed 41 Tehama Street Project, and identified mitigation measures applicable to the 41 Tehama Street Project. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation for the 41 Tehama Street Project is necessary.

POTENTIAL ENVIRONMENTAL EFFECTS

The FEIR included analyses of environmental issues including land use; plans and policies; aesthetics; population, housing, business activity, and employment; cultural resources; transportation; noise; air quality; greenhouse gas emissions; wind; shadow; recreation and public space; utilities and service systems; public services; biological resources; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forestry resources. The proposed 41 Tehama Street Project is in conformance with the height, use, and density of the site described in the TCDP FEIR and would represent a small portion of the growth that was forecasted for the Plan. Thus, the project analyzed in the TCDP FEIR considered the incremental impacts of the proposed 41 Tehama Street Project. As a result, the proposed project, would not result in any new or substantially more severe impacts than were identified in the TCDP FEIR. Topics for which the TCDP FEIR identified a significant program-level impact are addressed in this Certificate of Determination, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[10] The following discussion demonstrates that the proposed 41 Tehama

[9] San Francisco Planning Department. 2012. Transit Center District Plan and Transit Tower Environmental Impact Report (Case No. 2007.0558E and 2008.0789E; State Clearinghouse No. 2008072073). Certified May 24, 2012. San Francisco, CA (TCDP FEIR). This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[10] San Francisco Planning Department. November 8, 2012. Community Plan Exemption Checklist, 41 Tehama Street. This document is included as Attachment A. This document is also on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

Street Project would not result in significant impacts beyond those analyzed in the TCDP FEIR, including project-specific impacts related to aesthetics, cultural resources, transportation and circulation, noise, air quality, wind, shadow, biological resources, and hazards and hazardous materials.

AESTHETICS

The TCDP FEIR identified significant unavoidable impacts related to altering public views of the Plan area from key long-range vantage points, as well as the cumulative impact of altering the visual character of greater downtown San Francisco and altering public views of and through the greater downtown area, specifically from Twin Peaks and Portola Drive. These impacts were addressed in a Statement of Overriding Considerations with findings and adopted as part of TCDP approval on May 24, 2012. No mitigation measures related to aesthetics were identified in the TCDP FEIR.

VISUAL CHARACTER

In allowing greater development intensity on vacant and underutilized parcels, several with new high-rise buildings, the TCDP would reshape the built form of the Plan area, creating a concentration of very tall buildings in the vicinity of the new Transit Center and symbolically shifting the focus of downtown San Francisco. Under the Plan, heights on the downtown skyline would transition from the Transit Tower as the tallest feature to the gradually shorter forms in the surrounding area. When combined with other foreseeable projects proposed or under construction nearby, the proposed project would add to the alteration of the existing visual character of northeast San Francisco and would modify the views of the project vicinity currently experienced by the public. Implementation of both the TCDP and other proposed nearby projects would introduce approximately a dozen new high-rises to northeastern San Francisco, intensifying the overall look and feel of this area. As described in the TCDP FEIR, the development of certain vacant parcels and surface parking lots, the anticipated provision of new open space(s), and areawide streetscaping improvements could enhance the visual quality of the area.[11] The FEIR determined that, while development under the Plan would result in noticeable changes to the existing visual character, these changes would not necessarily be considered adverse, as they would serve to intensify the existing pattern of closely spaced high-rise buildings that is characteristic of the San Francisco Financial District and concluded that the Plan would result in a less-than-significant impact on visual character. (Also see cumulative discussion below.)

The proposed project would eliminate the existing surface parking lot and maintenance building currently located on the project site, replacing those features with a high-rise residential building that is substantially taller than most existing development along this portion of Tehama Street. Changes to the site that would be visible from the public right-of-way would include the new residential tower, the ground-level plaza, and entrance to the garage/valet area. The Plan area's assumed development height limit for the 41 Tehama Street site as described in the TCDP is 360 feet.

[11] San Francisco Planning Department. 2012. Transit Center District Plan and Transit Tower Environmental Impact Report (Case No. 2007.0558E and 2008.0789E; State Clearinghouse No. 2008072073). Certified May 24, 2012. San Francisco, CA (TCDP DEIR). Page 108. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

The proposed tower would be 342 feet high and would therefore conform to the height and scale as analyzed in the TCDP FEIR. The project would also comply with Planning Code Section 141, which requires that rooftop mechanical equipment be screened so as not to be visible from any point at or below the roof level of the subject building. Roof screening may be visible from higher elevations, but it would be consistent with surrounding urban development. Consistent with the FEIR's conclusion, the proposed project would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the project site or its surroundings.

SCENIC RESOURCES

The TCDP FEIR did not identify substantial adverse effects on visual or scenic resources from short-range and mid-range viewpoints. Although some historic architectural resources would be adversely affected by development (see discussion under "Cultural Resources"), the TCDP FEIR did not determine that Plan implementation would result in a substantial disruption of the existing built environment. The project site, at 41 Tehama Street, does not contain any scenic resources such as large native trees, rock outcroppings, or other features of the built or natural environment. No natural scenic resources would be affected. Accordingly, the proposed project would result in less-than-significant impacts on scenic resources.

VIEWS (SHORT-RANGE AND MID-RANGE VANTAGE POINTS)

The FEIR concluded that although implementation of the Plan would result in changes within the Plan area that could alter the way it is perceived from certain public vantage points, it would not have a substantial adverse effect on publicly accessible views of and through the project vicinity from short-range and mid-range viewpoints.

Project-specific visual simulations illustrating changes to the urban form that would occur as a result of the proposed project were prepared to determine the project's visual impacts. Simulations of the proposed project and simulations of the proposed project plus cumulative conditions present the height and general massing of proposed and potential allowable development, but do not illustrate fenestration or cladding materials, other than the current design of the proposed project. Within the cumulative simulation figures, the blue color represents development sites within the Plan area, other sites for which applications have been filed, and opportunity sites with no application filed. Green indicates anticipated cumulative development on sites outside of the Plan area. Gray represents projects that have been approved at either a programmatic or project level, both on Rincon Hill and in the Transbay Redevelopment Area, along Folsom Street. Two long-range views from the TCDP FEIR were selected (Twin Peaks and Interstate 280 (I-280)/Sixth Street) to determine whether the proposed project would contribute to significant aesthetic impacts identified in the TCDP FEIR.

Views from the vicinity of the project site are limited to shorter-range views, such as streetscapes, building architectural elements, and intermittent street-level views into the alleyways. The existing view along Tehama Street between First and Second Streets is dominated by low- to mid-height commercial development and surface parking lots.

Figures 18 through 22 show existing conditions plus the proposed project. Short-Range View 1 (Figure 18) illustrates views looking north from the Interstate 80 (I-80) Fremont Street off-ramp toward the project site. This perspective provides a short-range view of the relatively flat topography and predominantly developed area, which includes the project site. From this vantage point, the proposed project's rectilinear form would be clearly visible and would constitute a major visual feature. This view already contains several towers that are visible from this vantage point; however, the proposed project would further fill in the gap of the horizon. This would not constitute a demonstrable adverse change to the visual character because existing views from this perspective are composed primarily of mid- and high-rise buildings of similar materials. No bay views, views of major open spaces, or other important scenic views would be obstructed.

Short-Range View 2 (Figure 19) illustrates views looking toward the project site on Tehama Street from near First Street. Although the new building would add a vertical element to this view, such a change would not be considered adverse because no scenic views would be blocked. The building would fill in more than 50 percent of the gap in the horizon that is currently experienced, but this would not constitute a demonstrable adverse change to the views of the project site. No scenic public views or vistas would be blocked.

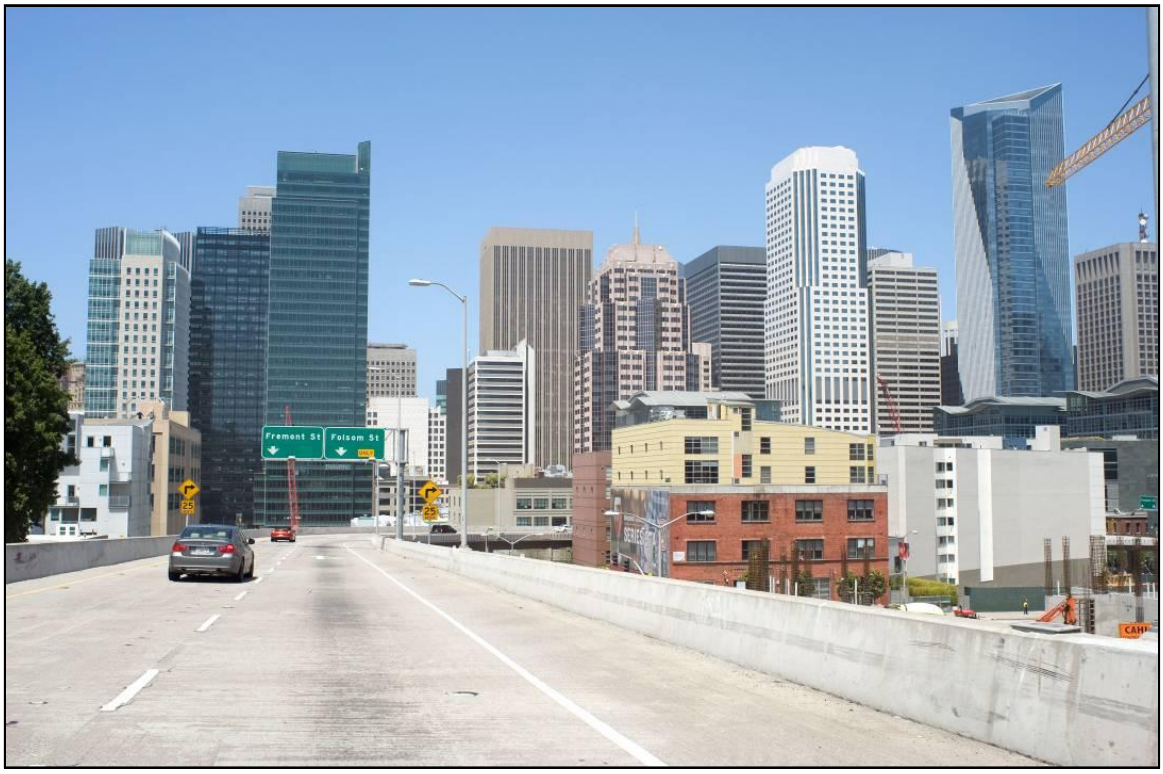
Short-Range View 3 (Figure 20) illustrates views looking east toward the project site on Tehama Street from near Second Street. The building would fill in most of the gap in the horizon that is currently experienced to the east of the existing tree. The proposed project would result in visual changes to the project site from construction of a 342-foot tall building. As shown in Short-Range View 3, the Transbay Bus Ramp, which is currently under construction, would cross over Tehama Street, also obstructing part of the view east to the site. No scenic public views or vistas would be blocked. This visual change would not be considered a demonstrable adverse aesthetic impact.

As discussed above, the proposed project would not result in a substantial adverse effect on scenic vistas from short-range vantage points.

VIEWS (LONG-RANGE VANTAGE POINTS)

The TCDP FEIR identified a significant unavoidable impact from key long-range vantage points from Portola Drive and Twin Peaks. These areas offer iconic long-range views of the downtown skyline. Buildings in the Plan area would alter views of major features, including San Francisco Bay, the Bay Bridge, the East Bay hills, and Yerba Buena Island, when seen from Portola Drive and Twin Peaks.

Existing



Existing plus Project

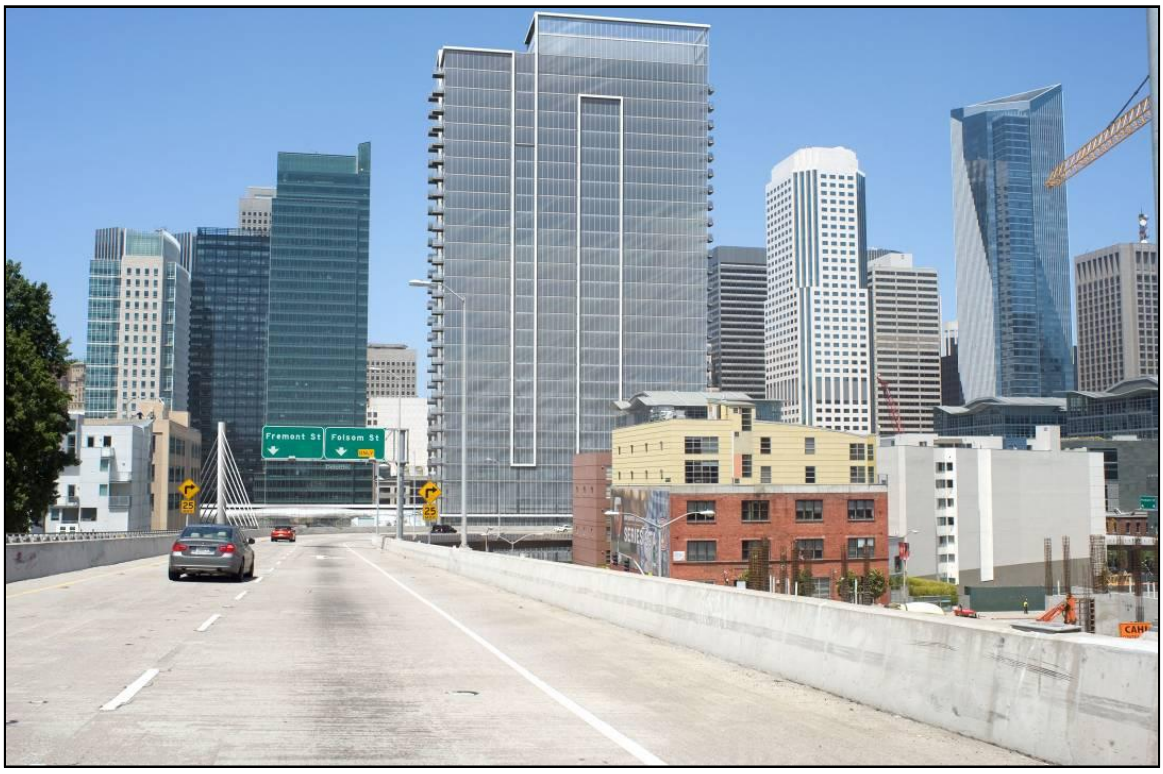


Figure 18 – Short-Range View 1: Looking North from Fremont Street Off-Ramp
Source: Square One Productions 2012

Existing



Existing plus Project



Figure 19 – Short-Range View 2: Looking West from Tehama Street
Source: Square One Productions 2012

Existing



Existing plus Project

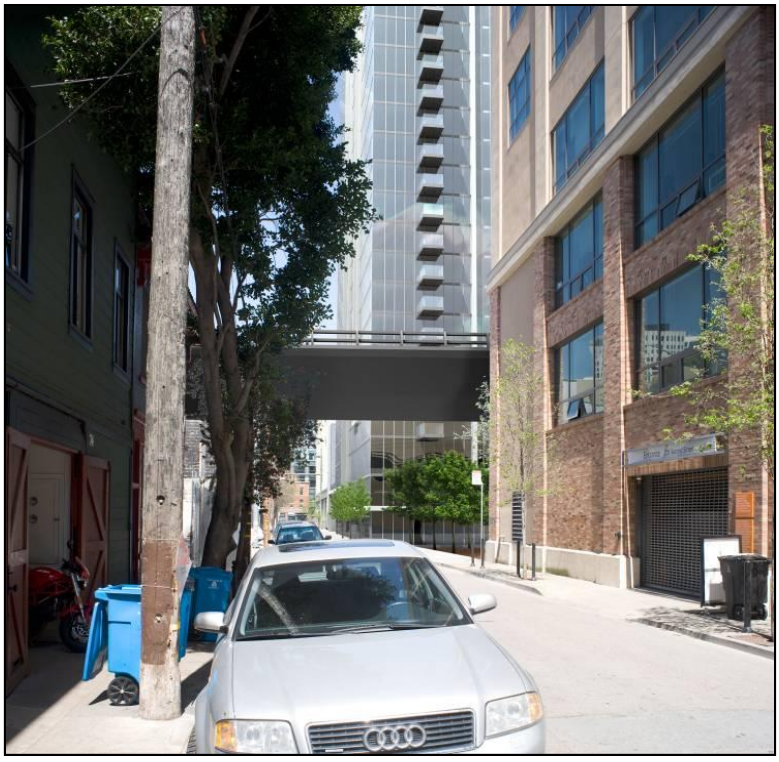


Figure 20 – Short-Range View 3: Looking East from Tehama Street
Source: Square One Productions 2012

Existing



Existing plus Project

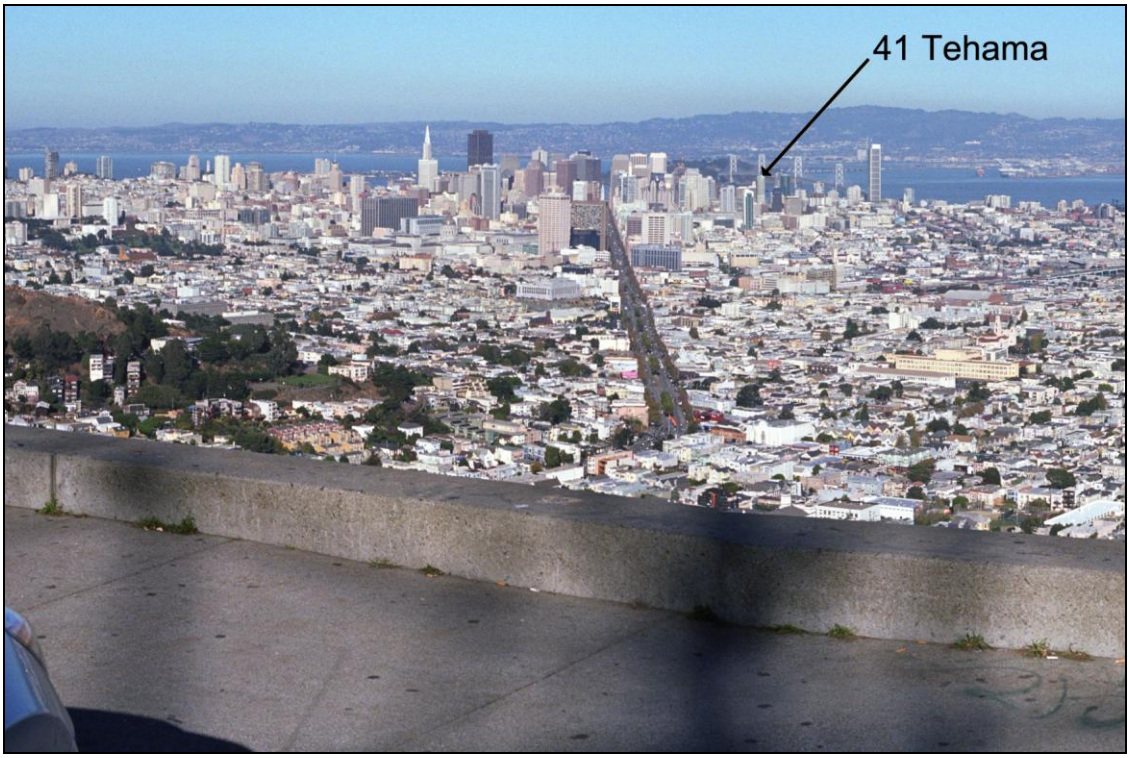


Figure 21 – Long-Range View 4: Looking East from Twin Peaks
Source: Square One Productions 2012

Existing



Existing plus Project

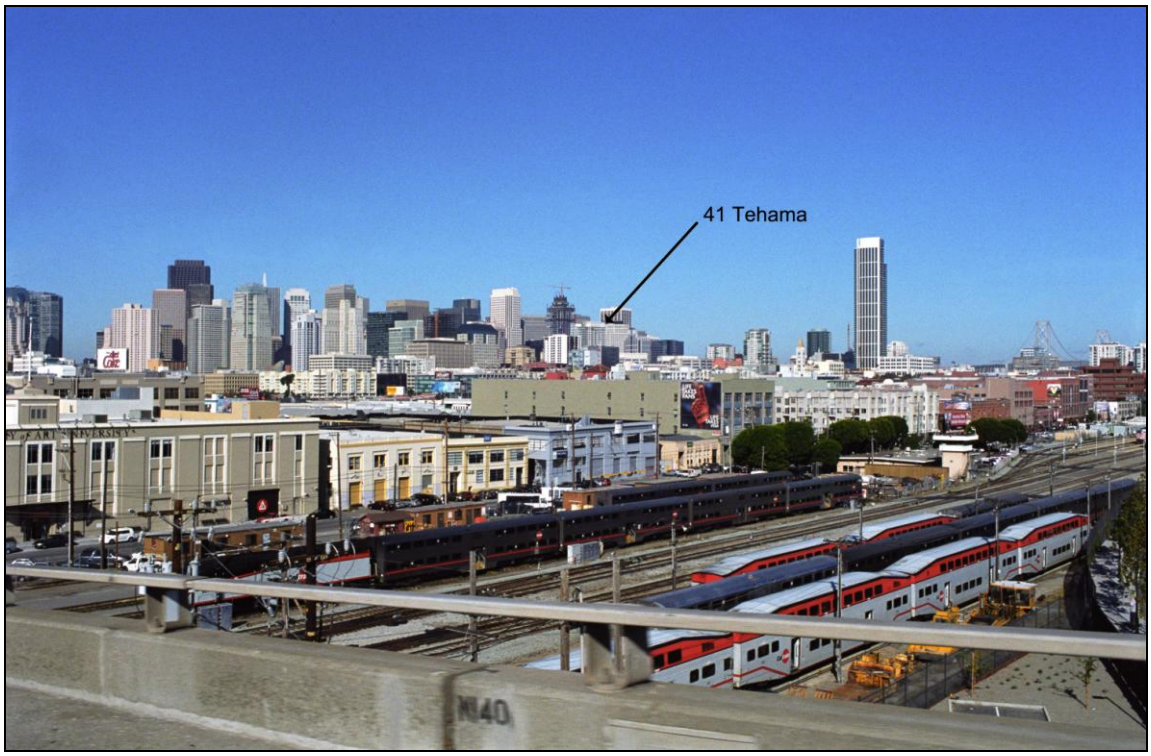


Figure 22 – Long-Range View 5: Looking Northeast from I-280 at Sixth Street
Source: Square One Productions 2012

Although buildings in the Plan area would be "adequately spaced and slender to ensure that they are set apart from the overall physical form of the downtown and allow some views of the city, hills, the Bay Bridge, and other elements to permeate through the district,"[12] full buildout of the TCDP would at least partially obscure and/or overwhelm views of the Bay Bridge, Yerba Buena Island, and the East Bay hills. Because the reduction in prominence of important visual features would occur in a manner that could be considered inconsistent with the direction of the Urban Design Element in the General Plan, the TCDP FEIR conservatively considered the impact to be significant and unavoidable.

As discussed above, project specific visual simulations of the proposed project and the proposed project plus cumulative conditions were prepared to determine the project's contribution to significant visual impacts from long-range vantage points that were identified in the TCDP FEIR. Long-Range View 4 (Figure 21) illustrates views from Twin Peaks toward the project site, looking east. This perspective encompasses a long-range view of downtown San Francisco, the Bay Bridge, and Yerba Buena Island. The proposed project would be nearly imperceptible from long-range vantage points from Twin Peaks. The overall character of tapering dense development would not be substantially altered. The proposed project would not block or substantially degrade any scenic views from Twin Peaks.

Long-Range View 5 (Figure 22) illustrates views from I-280 at Sixth Street toward the project site, looking northeast. This perspective encompasses a long-range view of downtown San Francisco and the Bay Bridge, with the Fourth and King Street Caltrain tracks in the foreground. As shown in Long-Range View 5, the proposed project would be a small component of the view from I-280 at Sixth. The overall character of tapering dense development in the downtown skyline would not be substantially altered. The proposed project would not block or substantially degrade any scenic view from this perspective.

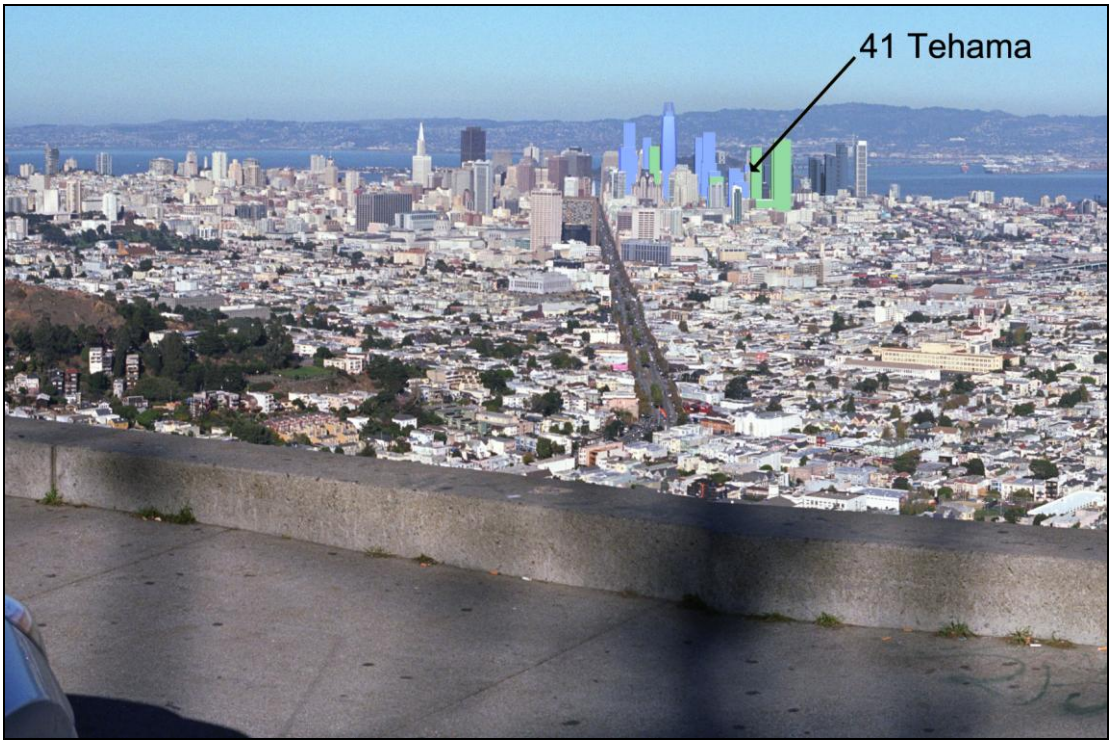
As discussed above, the proposed project would not result in a substantial adverse effect on scenic vistas from long-range vantage points.

CUMULATIVE EFFECTS (VIEWS FROM LONG-RANGE VANTAGE POINTS)

The TCDP FEIR identified a significant unavoidable cumulative impact related to aesthetics. The TCDP, in combination with the Transit Tower and other foreseeable projects, would alter the visual character of greater downtown San Francisco and would alter views of and through the greater downtown area, but would not adversely affect scenic resources or substantially increase light and glare. As discussed above, from these central vantage points views of San Francisco Bay, the Bay Bridge, and Yerba Buena Island would be overwhelmed and potentially obscured by buildings in the Plan area. Policy established through the General Plan recognizes that such an outcome would be adverse; for this reason, the TCDP FEIR conservatively considered the impact to be significant and unavoidable. Cumulative Long-Range Views 4 and 5 (**Figure 23: Cumulative Long-Range Views 4 and 5**) illustrates the cumulative scenario of the Plan area, including the proposed project. As shown in Long-Range View 4, the proposed project would be nearly imperceptible from vantage points at Twin Peaks.

[12] Text accompanying Policy 3.5 of the General Plan's Urban Design Element.

Project plus Cumulative from Long-Range View 4 (Looking East from Twin Peaks)



Project plus Cumulative from Long-Range View 5 (Looking Northeast from I-280 at Sixth Street)

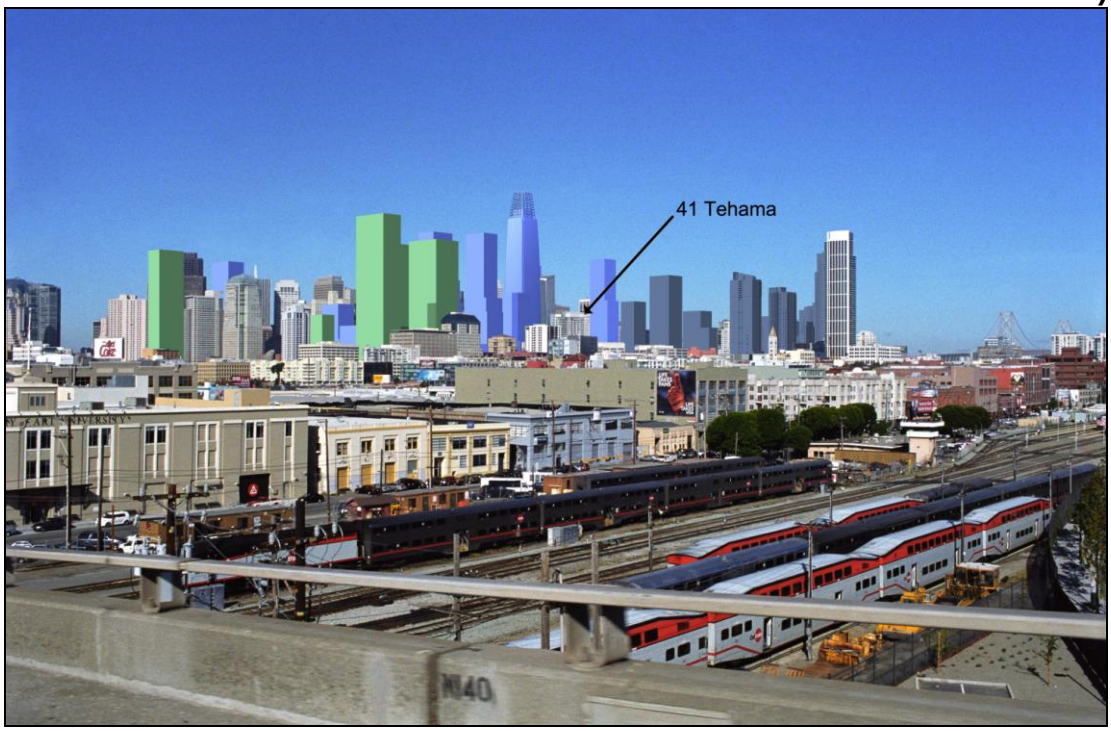


Figure 23 – Cumulative Long-Range Views 4 and 5
Source: Square One Productions 2012

Cumulative Long-Range Views 4 and 5 (Figure 23) illustrates the cumulative scenario of the Plan area, including the proposed project. The northeasterly views of the Plan area from I-280 at Sixth Street would be altered to a relatively greater extent than more distant views as a result of implementation of the TCDP. As described in the TCDP FEIR, from this location the new buildings would largely redefine the skyline. These buildings would visually predominate, thus substantially reducing the visual prominence of the One Rincon structure. Still, the separate mound of Rincon Hill, emphasizing the height of the hill, would be apparent in both views.[13]

Virtually all of the proposed and potential new high-rises would be visible from I-280 at Sixth Street, transforming the appearance of the northern Financial District and northern part of the Plan area from an environment in which buildings share a similar range of height and present a "benched" skyline into one with a distinct high point in the Transit Tower and a gradual scaling down in surrounding areas. In combination, these buildings would block some views of a portion of the sky and would block some other buildings that currently can be viewed from this freeway segment. As shown in Figure 23, the proposed project would be a small component of the view from I-280 at Sixth Street. With implementation of the TCDP, the views would contain features similar to those visible in existing views of the Plan area, namely high-rise buildings that vary in height and massing and are arranged in clusters. No scenic views would be obscured from this viewpoint.

As discussed above, the proposed project would be nearly imperceptible from long-range vantage points and would not contribute to significant and unavoidable cumulative aesthetic impacts.

LIGHT AND GLARE

As with individual development projects pursuant to the Plan, the proposed project would generate additional night lighting, but the change in lighting conditions is not anticipated to be substantial or adverse in the context of the existing densely populated Downtown. The proposed project would not result in obtrusive light or glare that would adversely affect views or substantially affect other properties. Consistent with the findings in the FEIR, the proposed project would have a less-than-significant impact with respect to light and glare.

CONCLUSION

Although the proposed project would change the visual appearance of the site, it would not substantially degrade its visual character or quality as analyzed in the TCDP FEIR. The proposed project would be consistent with the TCDP FEIR's analysis of the development of vacant parcels and surface parking lots, anticipated addition of open space(s), and streetscape improvements that would enhance the visual quality of the Plan area.

By definition, design and aesthetics are subjective and open to interpretation by decision-makers and members of the public. A proposed project would therefore be considered to have a significant adverse

[13] TCDP DEIR, page 139.

effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would be visible from residential and office buildings near the project site. Some reduced or modified private views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of private views would not constitute a significant impact under CEQA.

As analyzed in the TCDP FEIR, although the TCDP would cause visual changes to the Plan area from the construction of new buildings, the adaptive reuse of historically significant buildings, and an overall intensification of urban uses, such changes would not necessarily be considered adverse. The proposed urban design controls included in the TCDP, and those previously included in the Rincon Hill Area Plan and the Transbay Redevelopment Plan, would maximize retention of existing views and encourage slender towers by requiring minimum tower-separation distances and square-footage reductions in the towers' upper levels. Overall, the development program envisioned under the TCDP, in combination with other nearby plans and projects, would continue to represent the existing character of this general area of San Francisco. The proposed tower would be 342 feet high, 58 feet less than the assumption made in the TCDP FEIR for the 41 Tehama Street site, and would therefore conform to the scale analyzed in the TCDP FEIR. The proposed project specifically would not affect scenic vistas or scenic resources, would not degrade the visual character of the neighborhood, and would not create a new source of light or glare. Thus, the project would have no significant impacts related to aesthetics, individually or cumulatively, and no mitigation is necessary.

CULTURAL RESOURCES

ARCHEOLOGICAL RESOURCES

The TCDP FEIR identified a potentially significant impact to archeological resources and identified *Mitigation Measure M-CP-1: Subsequent Archeological Testing Program* that would reduce impacts on archeological resources to a less-than-significant level. In accordance with the TCDP FEIR's requirements, the project sponsor has agreed to implement **Project Mitigation Measure M-CP-1**, page 40.

The project site has been analyzed in previous archaeological documents and is within a recorded archeological site (CA-SFR-151/H)[14] which contains historical and prehistoric archeological remains.[15] The archeological site (CA-SFR-151/H), as recorded, encompasses an area larger than the block bounded by Tehama, Howard, First, and Second Streets and includes several National Register of Historic Places (NRHP)-eligible archeological features.[16]

Previous archeological investigations within this block were undertaken in conjunction with Caltrans seismic retrofit of the West Approach of the Bay Bridge. These investigations were guided by an archeological research

[14] Meyer, Michael D. and Thomas Martin. 2003. Site Record for CA-AFR-151/H.

[15] Kajankoski, Philip. October 31, 2008. Supplemental Record to Site Record for CA-SFR-151/H.

[16] Praetzellis, Mary et al. 2009. South of Market: Historical Archaeology of 3 San Francisco Neighborhoods The San Francisco-Oakland Bay Bridge West Approach Project. Vol. 1 & 2.

design[17] which was stipulated in a Programmatic Agreement, executed in compliance with Section 106 of the National Historic Preservation Act (NHPA). At the time that the initial environmental evaluation was filed for the project site, the project sponsor was required[18] to have prepared by a qualified archeological consultant an Addendum[19] to the 2000 Archeological Research Design and Treatment Plan (AARDTP).

The project site is also within the Transit Center District Plan Area for which an archeological research design and treatment plan[20] (ARDTP) was prepared using a landscape geoarcheological approach whose methodology required field archeological corings. Because it represents a higher-order archeological assessment (in part, due to its incorporation of a broad-based geoarcheological landscape approach analysis and on-site corings), the archeological research design[21] prepared for the Transit Center District Plan supersedes and replaces the 2005 AARDTP with respect to the CEQA evaluation of this proposed project.

Archeological corings undertaken within the project site for the ARDTP have indicated the presence of a prehistoric shell midden deposit in one coring and evidence of a disturbed or secondarily deposited prehistoric shell midden in another coring. The intact midden deposit was located approximately 11.5 feet bgs and was radiocarbon dated at 1035 cal Before Present (BP).[22] The site record for SFR-151/H was supplemented at that time to include the discovery of the prehistoric shell midden deposit.

With respect to the current archeological context of the prehistoric midden deposit within the project site, in 2010 the California State Historic Preservation Officer (SHPO) concurred with a designation of a NRHP-eligible prehistoric shell midden archeological district in SOMA, "Prehistoric Native American Shell Middens on Mission Bay, San Francisco Archeological District." (PNASMB Archeological District). The shell midden district was determined to be NRHP-eligible under Criterion D (information) but also under Criterion A based on the traditional significance of the midden site to Indigenous peoples (Native Americans). As new prehistoric sites are discovered in eastern SOMA, such as the midden deposit (CA-SFR-151/H) within the project site, they are to be evaluated as contributors or non-contributors to the archeological district.

The secondary or disturbed shell midden deposit identified within the project site must be treated as having potential significance under CEQA, inasmuch as the draft Preservation Element of the General Plan states that "All Indigenous archeological sites in San Francisco shall be treated as having prima facie significant archeological value" including "re-deposited or disturbed prehistoric deposits" until demonstrated otherwise.

Finally, any historical archeological identification and evaluation efforts to be undertaken for the proposed project should take into account historical archeological field investigation results and the final historical

---

17 Ziesing, Grace H. et al. July 2000. San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan.

18 Dean, Randall. May 16, 2005. Memorandum to Art Aquilar. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

19 Pastron, Allen, G. et al. June 2005. Addendum Archaeological Research Design and Treatment Plan 41 Tehama Street Project.

20 Byrd, Brian F. et al. February 2010. Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area.

21 Ibid.

22 cal BP = calibrated years before the present

archeological interpretive study that address the most recently encountered historical archeological deposits present in CA-SFR-151/H.

Excavation for the proposed project would result in disturbance and removal of existing soils to a depth of up to as much as 48 feet below ground surface (bgs). This would include excavation for three levels of sub-grade parking garage and a mat foundation. Geoarcheological investigations undertaken within the project site identified an intact prehistoric shell midden deposit 11.5-11.8 feet bgs and the upper surface of the Colma Formation at a depth of 12.5 to 14.4 feet bgs. The upper three feet (approximately) of the Colma Formation is considered to be sensitive for the presence of prehistoric deposits. Based on current soils sampling, archeological deposits within the project site may be expected to be found at depths no greater than approximately 17.5 feet bgs. Because the Colma Formation served as the ground surface for much of the period of human occupation, which in the case of San Francisco is at least 6,000 B.P., it represents a cultural basement, that is the upper level of Colma Formation is the greatest depth at which any archeological remains can be expected to be present. The Transit Center District Plan ARDTP identifies the specific geologic units (Late Holocene sand dune and upper Colma Formation deposits) within the project site which are archeologically sensitive. Disturbed prehistoric midden was found within the project site within the upper portions of native sand dune deposits at 4.9 – 8.5 feet bgs. In addition, significant historical archeological features may be present within the project site below or in the lower portions of artificial fill deposits within the site which range from 5 to 8.5 feet bgs.

In compliance with *Mitigation Measure M-CP-1* in the TCDP FEIR, the project sponsor has agreed to implement Project Mitigation Measure M-CP-1. Implementing Project Mitigation Measure M-CP-1 would reduce potential impacts from project-related excavation of potentially NRHP- and California Register of Historical Resources (CRHR)–eligible prehistoric shell midden deposits documented on the project site. Project Mitigation Measure M-CP-1 would require that the project sponsor implement an archeological data recovery plan prepared by a Planning Department–qualified archeological consultant and approved by the Planning Department's archeologist. In addition, prehistoric and historical archeological deposits may be present up to a depth of 17.5 feet bgs, thus requiring additional identification efforts, including an archeological coring program. The archeological data recovery plan and test plan (for archeological coring) would be consistent with the requirements of the TCDP ARDTP and would ensure that potential effects on archeological deposits eligible under Evaluation Criterion D/4 (scientific information value) of the NRHP/CRHR would be reduced to a less-than-significant level.

The prehistoric shell midden deposit (CA-SFR-151/H) site is additionally to be evaluated as a contributor to the prehistoric shell midden archeological district in the South of Market neighborhood, determined to be NRHP-eligible under Evaluation Criteria A and D. Although data recovery is the appropriate treatment option for sites significant under Criterion D, appropriate treatment options under Criterion A are interpretive products that will "inform the public about Ohlone history, lifeways, and culture." Implementing the interpretive program under Project Mitigation Measure M-CP-1 would reduce potential impacts to prehistoric archeological deposits eligible under Evaluation Criterion A/1 of the

NRHP/CRHR (having traditional, ancestral, and symbolic significance to Native Americans/Ohlone peoples) to a less-than-significant level.

Project Mitigation Measure M-CP-1 Archeological Resources (Mitigation Measure M-CP-1 of the TCDP FEIR):

When a project is to be developed within the Transit Center District Plan Area, it will be subject to preliminary archeological review by the Planning Department archeologist. This in-house review will assess whether there are gaps in the necessary background information needed to make an informed archaeological sensitivity assessment. This assessment will be based upon the information presented in the Transit Center District Plan Archeological Research Design and Treatment Plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area*, *San Francisco*, *California*, February 2010), as well as any more recent investigations that may be relevant. If data gaps are identified, then additional investigations, such as historic archival research or geoarcheological coring, may be required to provide sufficiently detailed information to make an archeological sensitivity assessment.

If the project site is considered to be archeologically sensitive and based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the Planning Department ("Department") pool of qualified archaeological consultants as provided by the Department archeologist. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5(a)-(c).

Archeological Testing Program

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

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

A) The proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program

If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological consultant shall prepare an archeological monitoring plan (AMP):

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

- Archeological monitoring shall conform to the requirements of the final AMP reviewed and approved by the ERO;

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

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

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

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

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

Archeological Data Recovery Program

The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely

affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (State CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report

The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and

describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Interpretation

The project sponsor shall conduct a public outreach process under the auspices of the Planning Department with locally affiliated Native American (Ohlone) group(s) or individual(s) recognized by the State NAHC with the goal informing the general public about Ohlone history, lifeways, and culture. Based on input from the public outreach process, the project sponsor shall include permanent on-site interpretative exhibits or artwork, or production of an interpretive webpage hosted on the website of the Society of California Archaeology, or other treatment options developed during the public outreach process and determined appropriate, in consultation with the ERO.

PALEONTOLOGICAL RESOURCES

As stated in the FEIR, there are no known paleontological resources in the Plan area. As explained in the CPE Checklist (Attachment A), "Geology and Soils" section, the site-specific geotechnical report indicated the presence of 4–6 feet of fill at the surface, consisting of loose to medium-dense sand and silty sand, most likely placed during the post-1906 earthquake leveling process.[23] The geotechnical report also identified the following soils beneath the fill: dune sand (8–14 feet thick), medium-stiff to stiff sandy clay (2–7 feet thick), medium-dense to very dense sand of the Colma Formation (borings in the vicinity indicate that the dense layer extends to depths of 80 feet below the existing ground surface), and stiff marine clay that extends to depths of about 130–170 feet.[24] Sand does not typically contain paleontological resources, and the marine deposits are considered relatively young in age and therefore unlikely to contain rare or important fossils.

[23] Treadwell and Rollo. April 27, 2010. Revised Geotechnical Report, 41 Tehama Street, San Francisco, California. Page 4. This document is on file and available for review as part of Case No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[24] Ibid., page 5.

HISTORIC ARCHITECTURAL RESOURCES[25]

The TCDP FEIR identified significant and unavoidable impacts on historic architectural resources—direct and indirect impacts on individual historical resources and on proposed conservation or historic districts in the Plan area and/or their contributing buildings. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of TCDP approval on May 24, 2012. The TCDP FEIR identified mitigation measures (*Mitigation Measure M-CP-3a: HABS/HAER Documentation, Mitigation Measure M-CP-3b: Public Interpretive Displays, Mitigation Measure M-CP-3c: Relocation of Historical Resource, Mitigation Measure M-CP-3d: Salvage of Historic Resources, Mitigation Measure M-CP-5a: Construction Best Practices for Historical Resources, and Mitigation Measure M-CP-5b: Construction Monitoring Program for Historical Resources)* that could reduce the nature or the degree of the impact on potential historic resources and districts; however, the TCDP FEIR determined that the impact of subsequent projects on historic resources would be significant and unavoidable. *Mitigation Measures M-CP-3a, M-CP-3b, M-CP-3c,* and *M-CP-3d* of the TCDP FEIR do not apply to the proposed project because it would not result in direct significant impacts to historical resources, as discussed below.

On-Site Impacts

The proposed project would result in removal of the parking area and existing structure at the property on 41 Tehama Street. There is no preexisting historic rating or survey information for the building on the project site, which, according to San Francisco County Assessor and construction permit records, was constructed in 1959.[26] The subject property does not appear to be eligible for listing in the CRHR as either an individual resource or a contributing building within a historic district. A Historic Resource Evaluation Response (HRER) prepared for the proposed project determined that the existing building on the project site is not associated with any event that made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States; is not associated with any person who made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States; does not embody the distinctive characteristics of a type, period, region, or method of construction or represent the work of a master or possess high artistic values; and is not likely to yield information important to a better understanding of prehistory or history.[27] Therefore, the existing building on the project site is not considered an historic resource and demolition of this building would not result in significant impacts to an historic resource.

Off-Site Impacts to Historic Buildings

The project site is located in an area that contains off-site historical resources, including several individual historic buildings and contributors to two identified and/or proposed historic districts. The individual historic building that is located nearest to the project site is the Phillips & Van Orden Building at 234-246 First Street. The Phillips & Van Orden Building is located to the east of the project site on the subject

[25] San Francisco Planning Department. February 15, 2011. Historic Resource Evaluation Response: 41 Tehama Street. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[26] Ibid., page 1.

[27] Ibid., page 3.

block, and is separated from the project site by a 25-foot-wide lot (currently occupied by 19 Tehama). In 1995 and 1997 the Planning Department determined the Phillips & Van Orden Building eligible for listing in the NRHP,[28] and in 2008, the San Francisco Landmarks Preservation Advisory Board, as part of the findings of the completed Transbay Survey, determined the building eligible for listing in the CRHR.[29] The Transbay Survey Update prepared in 2010 indicates that the Phillips & Van Orden Building continues to be eligible for listing in the NRHP.[30] However, only the unadorned rear (western) elevation of this five-story building faces the project site; the front (eastern) and Tehama Street side (northern) elevations of the building, which contain the building's characteristic architectural features, face away from the project site. The proposed project would not result in a physical alteration to the Phillips & Van Orden Building. The proposed project would be a high-rise and contemporary in design, and thus different from the Phillips & Van Orden Building; however, the area around the Phillips & Van Orden Building already includes several high-rise and/or contemporary buildings that do not affect the significance of this historic building.[31] Other individual historic buildings located in the area of the project site (but farther away from the project site than the Phillips & Van Orden Building) include 231-235 First Street, 72 Tehama Street, 78-80 Tehama Street, 530-534 Folsom Street, and 572-576 Folsom Street. However, all of these individual historic buildings are separated from the project site by intervening streets, viaducts (which are being replaced), and/or other buildings, as well as by distance, and these buildings are all oriented away from the project site. In addition, the proposed project would not involve the physical alteration of any of these individual historic buildings. Therefore, the HRER determined that the proposed project does not have the potential to significantly affect off-site individual historic buildings.[32]

The TCDP FEIR identified a potentially significant impact related to damage to historic architectural resources from construction activity vibration in the Plan area. TCDP FEIR *Mitigation Measure M-CP-5a: Construction Best Practices for Historical Resources* and *Mitigation Measure M-CP-5b: Construction Monitoring Program for Historical Resources* were both identified to reduce construction-related vibration impacts on nearby buildings to a less-than-significant level.

A Noise Technical Memorandum was prepared for the proposed project to determine whether the proposed project would result in significant noise impacts.[33] This memorandum included an assessment of construction noise and vibration impacts to off-site buildings. As discussed further on page 68, construction of the proposed project is anticipated to exceed the commonly accepted vibratory standard

---

28 Ibid., page 4.

29 Kelley & VerPlanck Historical Resources Group. June 9, 2008. Transit Center District Survey.

30 Carey & Co. March 23, 2010. Transbay Center Survey, San Francisco, California, DPR 523B Forms. Page 6. This report was reviewed by the Historic Preservation Commission at the February 1, 2012 adoption hearing. The Historic Preservation Commission's case report files for Case No. 2007.0558! include the Carey & Co. survey report, DPR forms for 57 individual properties, and maps of the surveyed historic districts, which are collectively referred to as the Transit Center District Historic Resource Survey Update, or more briefly as the "Transbay Survey Update." This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

31 San Francisco Planning Department. February 15, 2011. Historic Resource Evaluation Response: 41 Tehama Street. Page 5.

32 Ibid., page 6.

33 AECOM. April 13, 2012. 41 Tehama Technical Noise Memorandum. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

of 0.2 inches per second peak particle velocity (in./sec PPV). Construction vibration would have the greatest impact on adjacent properties, namely the adjacent building at 19 Tehama Street. However, this building is not an historic resource. The Noise Technical Memorandum concluded that based on the type of equipment, including trucks that would be used at the project site, vibration levels would not be expected to exceed 0.089 in/sec PPV at nearby older structures. However, to ensure that project construction activities do not damage the Phillips & Van Orden Building, and in compliance with *Mitigation Measure M-CP-5a* and *M-CP-5b* of the TCDP FEIR, the project sponsor has agreed to implement **Project Mitigation Measures M-CP-2** and **M-CP-3**. With implementation of Project Mitigation Measures M-CP-2 and M-CP-3, the proposed project would result in less than significant impacts to nearby off-site historic resources.

Project Mitigation Measure M-CP-2 Construction Best Practices for Historical Resources (Mitigation Measure M-CP-5a of the TCDP FEIR):

The project sponsor shall incorporate into construction specifications for the 41 Tehama Street project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historical resource(s) within 125 feet, as identified by the Planning Department; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.

Project Mitigation Measure M-CP-3 Construction Monitoring Program (Mitigation Measure M-CP-5b of the TCDP FEIR):

The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of historical resource(s) identified by the Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 in/sec PPV). To ensure that vibration levels do not exceed the established standard, the project sponsor shall

monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.

Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.

Off-Site Impacts to Historic Districts

In 2008, as part of the findings of the completed Transbay Survey, the San Francisco Landmarks Preservation Advisory Board determined the New Montgomery, Second Street, and Mission Street district eligible for listing in the CRHR. As defined in 2008, contributing buildings of the historic district were located across Tehama Street (the southern boundary of the historic district), northwest of the project site. The project site is not located within the historic district and only the rear elevations of contributing buildings in the district face the project site.

In February 2012, the Historic Preservation Commission adopted the 2010 Transbay Survey Update, which includes a revision to the boundary of the historic district that reduces the size of the district.[34] The 2010 Transbay Survey Update indicates that the buildings located directly across Tehama Street from the project site are no longer included within the district boundaries, and are ineligible as contributors and as individual historic buildings.[35] The revised boundary runs along Howard Street instead of Tehama Street, and begins southeast of the viaduct structure. Thus, an entire block (bounded by Tehama Street, the viaduct, Howard Street, and Second Street) provides a visual buffer between the historic district and the project site. The proposed project would not involve any physical alterations to the identified contributing buildings or to any property located within the historic district. Although the proposed project would be a high-rise and contemporary in design, and thus different from the character of the historic district, the area around the historic district already includes several high-rise and/or contemporary buildings that do not affect the significance of the historic district. Therefore, the proposed project would not adversely impact the significance of this historic district.

In addition, the 2010 Transbay Survey Update proposed the Tehama Street Historic District, containing five parcels and three contributing buildings, located on the block to the north across Tehama Street on the other side of the viaduct from the project site.[36] A similar analysis regarding potential adverse impacts of the proposed project on the New Montgomery, Second Street, and Mission Street district may also be applied to the proposed Tehama Street Historic District. The project site is not located within the proposed historic district. The proposed project would not involve the physical alteration of contributing buildings or any property located within the proposed historic district. In addition, the new building

[34] Carey & Co. March 23, 2010. Transbay Center Survey, San Francisco, California, DPR 523B Forms.
[35] Ibid., page 8.
[36] Ibid., page 9.

would be visually separated from the district by the viaduct. The HRER determined that the proposed project's contemporary design would not substantially impair this proposed historic district.[37] Therefore, the proposed project would not have the potential for significant adverse effects on off-site historic districts. As a result, the proposed project would have a less-than-significant impact on historic resources.

CONCLUSION

In accordance with the TCDP FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measures M-CP-1, M-CP-2, and M-CP-3. Implementation of these mitigation measures would reduce impacts from project-related excavation on the potentially NRHP- and CRHR-eligible prehistoric shell midden deposits, and construction-related vibration impacts on nearby off-site historic resources to a less-than-significant level.

TRANSPORTATION AND CIRCULATION

The TCDP FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on transportation and circulation. The TCDP FEIR studied 62 intersections and provided data for existing conditions, projected 2030 conditions without Plan implementation, and projected 2030 conditions with Plan implementation.[38] A project-specific Transportation Impact Study (TIS), the *41 Tehama Transportation Impact Study*, *Case No. 2008.0803!*, was completed, analyzing 11 intersections for existing, existing plus project, and 2030 cumulative conditions for weekday peak hours.[39]

The TCDP FEIR identified 23 transportation mitigation measures, including implementation of traffic management strategies, and traffic and transit improvements. Even with mitigation, however, the TCDP FEIR anticipated that the significant adverse impacts on certain local intersections and transit, pedestrian, loading, construction, and cumulative impacts could not be fully mitigated. Thus, the TCDP FEIR found these impacts to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of TCDP approval on May 24, 2012.

TRIP GENERATION

Trip generation of the proposed project was calculated using the same methodology used in the travel demand analysis for the TCDP TIS, which consisted of using a modified *2002 Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines) approach that incorporates additional data from the Resident Travel Behavior Survey,[40] the Institute of Transportation Engineers' *Trip Generation*, and outputs from the San Francisco County Transportation Authority model herein referred to as the "SF Model."[41] The proposed project would result in the removal of the existing surface parking lot, and construction of a 32-story building consisting of 325 residential dwelling units and 241 off-street parking spaces. The proposed project would

---

37 San Francisco Planning Department. February 15, 2011. Historic Resource Evaluation Response: 41 Tehama Street. Page 6.

38 TCDP DEIR, pages 283–284.

39 AECOM. September 10, 2012. 41 Tehama Street Transportation Impact Study. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

40 Godbe Research. November 2008. 2008 Resident Travel Behavior Survey (Phase 1) Topline Report. This document is on file and available for review as part of Case File No. 2007.0558! at 1650 Mission Street, Suite 400, San Francisco, CA

41 AECOM. September 10, 2012. page 36.

generate approximately 355 person-trips during the weekday a.m. peak hour, of which 99 would be vehicle trips, 124 would be transit trips, 81 would be pedestrian trips, and 30 would be other trips, including bicycle trips. The proposed project would generate approximately 350 person-trips during the weekday p.m. peak hour, of which 87 would be vehicle trips, 128 would be transit trips, 91 would be pedestrian trips, and 27 would be other trips, including bicycle trips.

The proposed project would result in the rerouting of the existing trips that currently use the parking lot on the project site. Therefore, new vehicle-trips generated by the proposed project would be considered all new trips (i.e., a credit was not taken for the displacement of current uses on the site).[42]

TRAFFIC

As noted above, zoning changes studied in the TCDP FEIR anticipated significant impacts on traffic. The project-level analysis for the 41 Tehama Street Project determined that the three intersections assessed during the weekday a.m. peak hour would continue to operate at acceptable conditions (Level of Service [LOS] D or better) with the addition of project-generated traffic.[43] The First Street/Tehama Street intersection would improve slightly with the proposed project because of the reassignment of vehicles that currently use the on-site parking lot (which would be displaced by the proposed project).[44]

Eleven intersections were assessed for the weekday p.m. peak hour. During the weekday p.m. peak hour, the First Street/Howard Street intersection would worsen from LOS E to LOS F with the project, which would result in a significant impact. In addition, the First Street/Market Street, First Street/Mission Street, and Second Street/Harrison Street intersections would all continue to operate at unacceptable LOS E conditions. All remaining (seven) study intersections would continue to operate at acceptable conditions (LOS D or better) during the weekday p.m. peak hour. At some locations, the average delay per vehicle would be somewhat lower under Existing plus Project Conditions than under Existing Conditions as a result of the rerouting of traffic with the removal of the existing parking lot on the project site.

A review of the proposed project's contribution to intersection critical movements was conducted at the three locations that would operate at unacceptable LOS E under both Existing Conditions and Existing plus Project Conditions to determine whether the proposed project would make a significant contribution to failing conditions. This analysis of the project's contribution determined that the proposed project would not make a significant contribution to conditions at First Street/Market Street, First Street/Mission Street, and Second Street/Harrison Street.[45] The proposed project would result in significant intersection impacts at First Street/Howard Street during the weekday p.m. peak hour by increasing traffic volumes and delays. The TCDP FEIR determined traffic impacts at the intersection of First Street/Howard Street to be significant and identified *TCDP FEIR Mitigation Measure M-TR-1m: Downtown Traffic Signal Study*, which identifies the need for the San Francisco Municipal Transportation Agency (SFMTA) to conduct a study of Downtown-area traffic signal

[42] Ibid., page 41.
[43] Ibid., page 45.
[44] Ibid., page 45.
[45] Ibid., page 46.

systems to optimize traffic flow and minimize traffic delays. However, because it could not be determined with certainty that this analysis would reduce intersection impacts to less than significant, the TCDP FEIR concluded this impact to be significant and unavoidable. The proposed project's impact at this location could be mitigated with signal timing optimization; however, this would require further evaluation by the SFMTA. Optimizing the signal timing plan at this intersection by increasing the length of the signal cycle would improve intersection operations to acceptable conditions (LOS D or better); however signal optimization would require signal coordination with adjacent nearby intersections along both First Street and Howard Street, which may actually operate worse at longer cycle lengths than at the existing 60-second cycle lengths. In compliance with the *TCDP FEIR Mitigation Measure M-TR-1m: Downtown Traffic Signal Study*, the project sponsor has agreed to implement **Project Mitigation Measure M-TR-1**, below. Project Mitigation Measure M-TR-1 would require further evaluation by the SFMTA and because the outcome of such a study is unknown, it cannot be determined with certainty that this mitigation measure would eliminate intersection impacts at First Street/Howard Street. Therefore, consistent with the TCDP FEIR's conclusion regarding the First Street/Howard Street intersection, the impact of the proposed project on this intersection would remain significant and unavoidable.[46] Alternative mitigation would require substantial additional lane capacity on the southbound First Street approach, which would require eliminating on-street parking spaces or the southbound transit-only lane, resulting in impacts on transit operations and pedestrian safety. As a result, this mitigation measure was considered infeasible..

> **Project Mitigation Measure M-TR-1 Project Sponsor Participates in a Downtown-area Traffic Signal Study (Mitigation Measure M-TR-1m of the TCDP FEIR):**
>
> The project sponsor shall participate in a study of Downtown-area traffic signals encompassing the TCDP Plan Area, should such a study be undertaken by the SFMTA.

The 2030 Cumulative Conditions analysis for the proposed project is consistent with the TCDP TIS approach.[47] All 11 study intersections for the weekday a.m. and p.m. peak hours would operate at unacceptable LOS E or LOS F conditions, with the exception of the First Street/Tehama Street intersection. The proposed project would not directly cause any of the study intersections to fail; the poor performance at these locations is primarily a result of background traffic growth from regional and local development, combined with major changes that reduce roadway capacity, such as construction of the Second Street bike lanes and implementation of the TCDP's Public Realm Plan. However, the addition of project-generated traffic would exacerbate poor operations at these intersections.

Significant impacts identified under Existing plus Project Conditions are also considered impacts under Cumulative Conditions. Because the proposed project would result in a significant impact at First

[47] The approach for 2030 Cumulative Conditions is consistent with the TCDP TIS, in which the land use programs associated with these development sites were input into the SF Model, and the resulting output was used to develop background increases in traffic volumes and transit ridership.

[47] The approach for 2030 Cumulative Conditions is consistent with the TCDP TIS, in which the land use programs associated with these development sites were input into the SF Model, and the resulting output was used to develop background increases in traffic volumes and transit ridership.

Street/Howard Street under Existing plus Project Conditions, the proposed project would also contribute to a significant cumulative impact at this location under 2030 Cumulative Conditions.[48] To determine whether the proposed project would make a significant contribution to a cumulative intersection impact at the remaining locations, a review of the project's contribution to LOS E or LOS F critical movements at LOS E or LOS F intersections was conducted.

Overall, the proposed project would contribute to a significant cumulative traffic impact at First Street/Howard Street and Second Street/Tehama Street. At all other intersections projected to operate at unacceptable conditions under 2030 Cumulative Conditions, project-related traffic would not represent a considerable contribution to traffic volumes on poorly performing critical movements. Therefore, the proposed project would not be considered to result in significant impacts at any of these locations.

As discussed above, due to the uncertainty of whether Project Mitigation Measure M-TR-1 would eliminate the project's intersection impact at First Street/Howard Street and because no other feasible mitigation measures have been identified for this intersection, the proposed project's impact at First Street/Howard Street remains significant and unavoidable. The impact of the proposed project at Second Street/Tehama Street could be mitigated with restriction of the eastbound and westbound left-turn movements during a.m. and p.m. peak hours. As specified in the TCDP FEIR in *Mitigation Measure M-TR-1k*, **Project Mitigation Measure M-TR-2**, below, has been included in the proposed project. Implementing this measure would divert approximately 76 vehicles during the weekday a.m. peak hour (60 making the westbound left-turn movement and 16 making the eastbound left-turn movement) and 143 vehicles during the weekday p.m. peak hour (100 making the westbound left-turn movement and 43 making the eastbound left-turn movement).

> **Project Mitigation Measure M-TR-2 Second Street/Tehama Street Restriping and Optimization (Mitigation Measure M-TR-1k of the TCDP FEIR):**
>
> To minimize cumulative traffic impacts at the intersection of Second Street/Tehama Street, the project sponsor shall propose to the SFMTA the prohibition of eastbound and westbound left turns from Tehama Street during the a.m. and p.m. peak hours. The project sponsor shall be responsible for funding the signage associated with the prohibition.

Implementing Project Mitigation Measure M-TR-2 would improve Second Street/Tehama Street operations during the a.m. and p.m. peak hours to less-than-significant conditions (LOS D or better). However, this mitigation measure would require further evaluation by SFMTA regarding the effects on areawide traffic circulation and traffic volumes along area roadways. Therefore, the feasibility of this mitigation measure is uncertain, and the impact would remain significant and unavoidable, consistent with the findings in the TCDP FEIR.[49]

[48] AECOM. September 10, 2012. page 70.

[49] TCDP DEIR, page 294.

TRANSIT

The TCDP FEIR identified a significant and unavoidable impact related to the degradation of local (SFMTA or Muni) and regional transit service. The TCDP FEIR identified the following transit mitigation measures: *M-TR-3a: Installation and Operation of Transit-Only and Transit Queue-Jump Lanes, M-TR-3b: Exclusive Muni Use of Mission Street Boarding Islands, M-TR-3c: Transit Improvements on Plan Area Streets, M-TR-3d: Increased Funding to Offset Transit Delays, and M-TR-3e: Increased Funding of Regional Transit.* The TCDP FEIR concluded transit impacts to be significant and unavoidable because the feasibility and effectiveness of these mitigation measures are uncertain.

The proposed project at 41 Tehama Street would generate approximately 123 transit trips during the a.m. peak hour (0 inbound and 124 outbound) and 128 transit trips during the p.m. peak hour (83 inbound and 45 outbound). Although the project site is located in downtown San Francisco, the proposed project would consist exclusively of residential uses, and therefore is not expected to generate any inbound trips during the weekday a.m. peak hour. The project would generate outbound trips during the weekday a.m. peak hour, but those trips would be traveling in the reverse peak (i.e., noncommute) direction and would not affect the weekday a.m. peak-hour local and regional screenlines. The proposed project would generate approximately 83 inbound local transit and 19 inbound regional transit trips during the p.m. peak hour. However, these riders would be spread across all Muni and regional operators in their reverse-peak direction. The 41 Tehama TIS concluded that the proposed project would not result in a significant impact on ridership and capacity utilization for local and regional transit operators.[50]

The proposed project would not be expected to result in increased occupancy or expansion of use at the project site beyond what was analyzed in the TCDP FEIR, and thus would not generate transit trips beyond what was assumed in the analysis. No transit impacts are anticipated to occur as a result of the proposed project, and the transit mitigation measures identified in the TCDP FEIR (listed above) would therefore not be applicable to the proposed project.

CIRCULATION AND ACCESS

The TCDP FEIR identified significant impacts associated with circulation and access, specifically with regard to project-specific pedestrian safety and freight loading facilities. The TCDP FEIR included *Mitigation Measures M-TR-5: Garage/Loading Dock Attendance* and *M-TR-7a: Loading Dock Management*, but because it could not be stated with certainty that these mitigation measures would reduce project-specific impacts of subsequent projects within the Plan Area to less than significant, the TCDP FEIR identified impacts to pedestrian safety and loading as significant and unavoidable. TCDP FEIR Mitigation Measure M-TR-5 requires that where warranted by site specific conditions, the project sponsor of a development project in the Plan Area shall ensure that the building management employs attendants for the project's parking garage and/or loading dock, as applicable. The role of the attendant would be to direct vehicles entering and exiting the building to avoid any safety-related conflicts during the a.m. and p.m. peak periods. This mitigation measure also requires the project sponsor to install audible and/or visual

[50] Ibid., pages 50–53.

warning devices to alert pedestrians of outbound vehicles from parking garages and/or loading docks. *TCDP FEIR Mitigation Measure M-TR-7a* requires that project sponsors prepare a loading plan to ensure that trucks are efficiently and safely accommodated. A project-specific analysis of circulation and access is provided below, with additional analysis related to pedestrian safety and freight loading on pages 57 and 59.

Vehicle access to the project site would be from Tehama Street. At the southbound right-turn from First Street to Tehama Street, potential vehicle delays would decrease during the weekday a.m. peak hour with the proposed project because the existing surface parking lot on the project site would be displaced. During the weekday p.m. peak hour, the proposed project would result in an increase of only 55 vehicles, which would have a minimal effect on delays (the average delay per vehicle would be unchanged with the project).

At the exit of Tehama Street to Second Street, the proposed project would result in an increase in 87 vehicles during the weekday a.m. peak hour and would reduce traffic volumes during the weekday p.m. peak hour because of the elimination of the existing surface parking lot on the project site. As a result, delays for exiting vehicles would increase under Existing plus Project Conditions in the weekday a.m. peak hour, but the westbound approach would continue to operate acceptably. The proposed project would include an on-site, off-street loading dock with space for two vehicles. The proposed project's parking would be operated by a valet service. The proposed valet station would be located in the below-grade parking garage, about 75 feet in from the street. With this distance, three or four vehicles would be able to queue at the valet without spilling back onto Tehama Street. If queues were to extend past this length, they could delay traffic flows along Tehama Street. Given the anticipated volume of inbound vehicles during peak-activity periods (up to 59 vehicles during the weekday p.m. peak hour), the proposed valet staffing plan would be able to accommodate this demand. However, to ensure pedestrian safety and efficient use of loading facilities, and in compliance with *TCDP FEIR Mitigation Measures M-TR-5 and M-TR 7a,* the project sponsor has agreed to implement **Project Mitigation Measure M-TR-3**, below, which would reduce potentially adverse conditions for vehicle circulation and access.

> **Project Mitigation Measure M-TR-3 Circulation and Access for Pedestrian Safety and Efficient Loading (Mitigation Measures M-TR-5 and M-TR-7a of the TCDP FEIR):**
>
> To reduce the potential for disruptions to Tehama Street traffic from trucks entering and exiting the loading dock, the project sponsor shall implement the following mitigation measure:
>
> - Limit the hours that longer trucks (greater than 25 feet) are permitted to access the loading dock to non-peak times (such as between 9:00 a.m. and 4:00 p.m., or between 8:00 p.m. and 6:00 a.m.).
>
> - Provide building personnel (such as a valet attendant or a loading dock manager) to assist trucks backing into the loading spaces and to hold pedestrians out of the line of travel.

- Install audio and/or visual warning devices, or comparably effective warning devices as approved by the Planning Department and/or the Sustainable Streets Division of the SFMTA.

If unconstrained parking demand were to exceed the operational capacity of the valet parking, recurring queues could occur at the project driveway. To avoid this situation, the following mitigation measure is proposed.

- It shall be the responsibility of the owner/operator of the parking facility to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alleyway, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

  If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue. Suggested abatement methods include but are not limited to employment of additional valet attendants; redesign of the parking facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; implementation of travel demand management strategies such as additional bicycle parking and resident shuttles; and/or implementation of parking demand management strategies such as a time-of-day parking surcharge.

  If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the property owner in writing. The owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant shall submit a report to the Planning Department for review. The Planning Department shall determine whether or not a recurring queue does exist, and shall notify the garage owner/operator of the determination in writing. If the Planning Department determines that a recurring queue does exist, then upon notification, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

To further minimize the effects of the project, the project sponsor shall implement a transportation demand management (TDM) program that would help reduce the number of vehicle trips generated by the project. The TDM program could include the following elements:

- Provide more Class I bicycle parking spaces.

- Unbundle parking from the residential units.

- Provide information on transit, bicycle, and pedestrian accessibility to and from the project site both electronically through the building's Web site and physically through transit and bicycle maps provided in the building lobby.

EMERGENCY VEHICLE ACCESS

Emergency vehicle access would be provided from Tehama Street via the parking garage driveway, or through the two proposed off-street loading spaces. Development of the project would not reduce or eliminate the one travel lane on Tehama Street, and emergency access to the project area would remain unchanged from existing conditions. Therefore, the impacts of the project on emergency vehicle access would be less than significant. However, the project sponsor has agreed to implement **Project Improvement Measure I-TR-1**, below, to improve emergency access to the project site. Improvement Measure I-TR-1 would eliminate approximately nine on-street parking spaces along the north side of Tehama Street to provide the necessary clearance for the stabilizers used on the San Francisco Fire Department's ladder trucks. Because the current curb-to-curb width of Tehama Street is approximately 21 feet, removing this on-street parking would ensure that fire trucks would be able to adequately deploy their stabilizers to access the upper floors of the proposed tower with their tiller ladders. The north curb opposite the project site would be painted red, and "No Stopping at Any Time" signs would be posted to discourage illegal on-street parking, which could compromise ladder truck operations during fire rescue situations.

Project Improvement Measure I-TR-1 Removal of On-street Parking for Emergency Access:

To minimize the potential for conflicts with emergency vehicle access to the project site, the project sponsor shall apply to SFMTA to remove nine-on-street parking spaces on the north side of Tehama Street, providing necessary clearance for the stabilizers used on the San Francisco Fire Department's ladder trucks.

BICYCLES

The TCDP FEIR identified significant and unavoidable impacts related to potentially hazardous conditions for bicyclists or substantial interference with accessibility to a site and adjoining areas from implementation of the Plan. The TCDP FEIR identified the following mitigation measures to reduce impacts on bicycle facilities and safety: *Mitigation Measure M-TR-7a: Loading Dock Management* and *Mitigation Measure M-TR-7b: Augmentation of On-Street Loading Space Supply*. Because it is unknown whether bicycle conflicts and safety hazards with respect to driveway operations would be fully mitigated, the TCDP FEIR conservatively considered this impact to be significant and unavoidable.

Planning Code Section 155.5 requires that the proposed project provide a minimum of 94 parking spaces. The project would provide a total of 104 bicycle spaces (60 spaces along the south side and 44 spaces along the east side of the building), thus meeting the Planning Code requirements.

There are two bicycle routes near the project site: Route 30 along Folsom and Howard Streets, and Route 11 along Second Street. The proposed project would generate up to 30 bicycle trips on surrounding streets during both the weekday a.m. and p.m. peak hours, but would not substantially affect overall bicycle circulation in the area, or operations of adjacent bicycle facilities.[51] Because impacts of the proposed project on bicycle facilities and safety would be less than significant, TCDP FEIR *Mitigation Measure M-TR-7b* is not applicable to the proposed project. As discussed above, in compliance with TCDP FEIR *Mitigation Measure M-TR-7a,* the project sponsor has agreed to implement Project Mitigation Measure M-TR-3 to reduce potentially significant impacts to pedestrians and loading dock facilities resulting from access and circulation at the project site. Although the project's impacts would be less than significant, the project sponsor has agreed to implement **Project Improvement Measure I-TR-2**, below, which would further reduce the potential for vehicle-bicycle conflicts at the Second Street/Tehama Street intersection. Project Improvement Measure TR-2 would construct bulbouts across Tehama Street, thus slowing vehicular traffic along Tehama Street and increasing the visibility of bicyclists traveling along Second Street.

Project Improvement Measure I-TR-2 Bulbouts along East Side of Second Street:

To minimize the potential for conflicts between vehicles traveling to and from the project site and bicycles along Second Street, bulbouts could be established across Tehama Street (along the east side of Second Street). This improvement measure would slow vehicle traffic and increase the visibility of cyclists. Any modifications to the sidewalk would need to be reviewed, approved, and implemented by the SFMTA.

PEDESTRIANS

The TCDP FEIR identified significant and unavoidable impacts related to deterioration of levels of service at sidewalks, street corners, and crosswalks with implementation of the Plan, and potentially hazardous conditions for pedestrians. The TCDP FEIR identified the following pedestrian mitigation measures: *Mitigation Measure M-TR-4: Widen Crosswalks and Mitigation Measure M-TR-5: Garage/Loading Dock Attendant*. The TCDP conservatively considered this impact to be significant and unavoidable because the feasibility of the crosswalk widening for *Mitigation Measure M-TR-4* is unknown at this time, and SFMTA would have to further evaluate conditions. The TCDP also conservatively considered pedestrian conflicts and safety hazards with respect to driveway operations, even with implementation of *Mitigation Measure M-TR-5* of the TCDP FEIR, to be significant and unavoidable.

The proposed project would add approximately 205 pedestrian trips to the adjacent sidewalks during the weekday a.m. peak hour and 219 pedestrian trips during the weekday p.m. peak hour. The new pedestrian trips generated by the proposed project could be accommodated on the nearby sidewalks and would not substantially affect pedestrian operations along the nearby sidewalks and crosswalks. Therefore, the proposed project's pedestrian trips would have a less-than-significant impact on

[51] Ibid., page 58.

surrounding pedestrian facilities and TCDP FEIR *Mitigation Measure M-TR-4* is not applicable to the proposed project.[52]

Pedestrian access to the building would be provided along the south side of Tehama Street, with one entrance provided for the main lobby, and another entrance to a bicycle parking area provided along the eastern edge of the project site. Two secondary pedestrian-access locations would be provided along the south side of the building, with direct access to the planned future Oscar Park.

All project-related vehicular traffic entering and exiting the parking garage, and project-related loading trucks entering and exiting the loading dock, would need to cross the sidewalk on the south side of Tehama Street. Although few conflicts with project-related traffic and pedestrians are expected to occur, the project sponsor has agreed to implement Project Mitigation Measure M-TR-3, on page 54. Implementation of Project Mitigation Measure M-TR-3 would ensure that the project provides appropriate valet staff to assist trucks backing into the loading spaces, to hold pedestrians out of the line of travel, and to avoid recurring queues at the project driveway. In addition, **Project Improvement Measure I-TR-3**, below, would further enhance pedestrian safety in the vicinity of the project site. The project sponsor has agreed to implement Project Mitigation Measure M-TR-3 and Project Improvement Measure I-TR-3.

Project Improvement Measure I-TR-3 Pedestrian Crosswalks and Improvements:

To minimize the potential for conflicts between vehicles traveling to and from the project site and pedestrians traveling along First Street and Second Street, the following improvement measures are recommended:

- First Street/Tehama Street: A pedestrian crosswalk that is raised could be established across Tehama Street along the west side of First Street.

- Second Street/Tehama Street: A pedestrian crosswalk that is raised could be established across Tehama Street along the east side of Second Street.

Any modifications to the street striping plans or sidewalks would need to be reviewed and approved by SFMTA (and other agencies, as needed). It is expected, however, that these improvements could be implemented as long as they do not conflict with any future plans for Second Street and Tehama Street (e.g., Second Street bike lanes).

LOADING

The TCDP FEIR identified significant and unavoidable impacts of the Plan related to loading demand that could not be accommodated by proposed on-site loading facilities or convenient on-street loading zones, and identified secondary impacts on traffic, transit, and bicycle circulation. The TCDP FEIR

[52] Ibid., page 53.

identified the following loading mitigation measures: *Mitigation Measure M-TR-7a: Loading Dock Management and Mitigation Measure M-TR-7b: Augmentation of On-Street Loading Space Supply.* The TCDP FEIR conservatively considered loading impacts to be significant and unavoidable.

There are currently no loading spaces at the project site because the site is used primarily for parking. Based on the SF Guidelines, the project's residential uses are expected to generate approximately 11 trips by service vehicles per day. Under the Planning Code, the proposed project would be required to provide two off-street loading spaces. Two full-service loading spaces accessed by a 15-foot-wide driveway directly off Tehama Street would be provided; one space would be 25 feet long and 10 feet wide, and one would be 35 feet long and 12 feet wide. Both spaces would have a minimum vertical clearance of 14 feet. This loading supply arrangement would meet Planning Code requirements for the number of required loading spaces and their dimensions. The project would generate an estimated demand for less than one loading space during both the peak and average hours, and its supply of two spaces would meet the loading demand as estimated by the SF Guidelines.

Because of the relatively narrow curb-to-curb width (21 feet) of Tehama Street and the narrow width of the loading dock entrance (15 feet), 35-foot trucks would have severe difficulty maneuvering into and out of the loading dock. To facilitate these movements, it would be necessary to eliminate about three to four on-street parking spaces on the north side of the street to provide additional turning area for these trucks. As discussed under "Emergency Access," above, on-street parking on Tehama Street along the full length of the project frontage would already have been removed in compliance with Project Improvement Measure I-TR-1.

The project's 11 daily trips by service vehicles would result in an estimated demand for less than one loading space during both the peak hour and the average hour. Loading activity would be expected to occur primarily during off-peak hours and would not be expected to have a significant effect on the operations of Tehama Street. Service vehicle trips, including trash and recycling pick-up, would generally occur between the hours of 4:00 a.m. and 7:00 a.m. and would not conflict with weekday a.m. or p.m. peak hours.

In compliance with *TCDP FEIR Mitigation Measure M-TR-7a: Loading Dock Management*, the project sponsor has agreed to implement Project Mitigation Measure M-TR-3. Project Mitigation Measure M-TR-3, on page 54, would reduce the potential for delays in operations of Tehama Street and would facilitate passage by trucks entering and exiting the loading dock. Project Mitigation Measure M-TR-3 would limit loading activities by long (more than 25-foot-long) trucks to off-peak hours and provides building personnel (such as a valet attendant or a dock operator) to assist in truck maneuvers and to hold traffic/pedestrians.

PARKING

The proposed project would provide 241 off-street parking spaces and two car-share parking spaces, totaling 243 spaces in three below-ground levels. Under Section 151 of the Planning Code, the project is

not required to provide off-street parking spaces. The project site is located in the C-3 zoning district, which does not require residential developments to provide parking spaces, but allows for projects to provide up to a certain amount of spaces. Based on the Planning Code requirements, the project would be permitted "as of right" up to 169 spaces, and permitted with Planning Commission approval up to 269 spaces. The proposed project's supply of 243 spaces would not exceed the Planning Code's maximum parking allowance.

The proposed project would have a parking demand of approximately 318 spaces during the weekday midday period and 398 spaces during the weekday evening period.[53] The proposed parking supply of 243 spaces would be inadequate to accommodate this demand, corresponding with a 75-space shortfall during the midday and a 155-space shortfall during the evening. There are 24 public parking facilities in the parking study area (after removal of the existing parking lot on the project site), with almost 1,200 parking spaces available. In addition, seven public off-street parking facilities with approximately 300 available parking spaces operate in the project vicinity during the weekday evening peak period. Based on these conditions, it is anticipated that the proposed project's parking shortfall could be accommodated by these nearby parking facilities. In addition, on-street parking is typically available during the evening and overnight, which could also help accommodate the parking shortfall.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, a parking analysis is presented to inform the public and decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (State CEQA Guidelines Sec. 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or 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 in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy established in the City's Charter Article 8A, Section

[53] Ibid., page 66.

8A.115, states 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 available. Moreover, 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. Hence, any secondary environmental impacts which 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, reasonably addresses potential secondary effects.

CONSTRUCTION

The TCDP FEIR identified a significant and unavoidable impact related to disruption of nearby streets, transit service, and pedestrian and bicycle circulation by construction that would occur as part of Plan implementation. The TCDP FEIR identified *Mitigation Measure M-TR-9: Construction Coordination*; however, due to the uncertainty regarding construction schedules, the TCDP FEIR considered construction impacts to be significant and unavoidable.

Construction of the proposed project would take approximately 27 months and would generally occur Monday through Friday from 7:00 a.m. to 8:00 p.m. On occasion, construction may also take place beyond 8:00 p.m. for major concrete pours or drywall, and Saturdays on an as-needed basis, in compliance with the San Francisco Noise Control Ordinance and building permit conditions.

Construction of the proposed project would require 60–200 construction workers per day, depending on the construction phase. The project sponsor would follow SFMTA's *Regulations for Working in San Francisco Streets* (known as "The Blue Book") and would reimburse SFMTA for installation and removal of temporary striping and signage changes required during project construction. Construction staging would occur primarily within the confines of the project site at the south side of the building footprint at the location of the future Oscar Park, which currently functions as a construction staging area for Transbay Terminal highway off ramps. The City has separately proposed construction of the future Oscar Park as part of the Transbay Redevelopment Plan, likely after the completion of the 41 Tehama Street Project.

Throughout the duration of construction, a sidewalk closure would be required on the south side of Tehama Street along the length of the project site. During the temporary sidewalk closure, pedestrians would be prohibited along this section of sidewalk (and would be rerouted to use only the sidewalk on the north side of Tehama Street); or on-street parking along the curb on the north side of the street would need to be removed temporarily so that a covered pedestrian walkway could be established along the curb on the south side.

It is anticipated that no regular travel lanes or Muni bus stops would need to be closed or relocated during the construction period. Should it be determined that travel lane closures would be needed, the lane closures would be coordinated with the City to minimize the impacts on local traffic. In general, lane and sidewalk closures are subject to review and approval by the City's Transportation Advisory Staff Committee, which consists of representatives of City departments including SFMTA, the Department of Public Works, the San Francisco Fire and Police Departments, the Department of Public Health, the Port of San Francisco, and the Taxi Commission. Before construction, the project contractor would consult with Muni's Street Operations and Special Events Office to coordinate construction activities and reduce any impacts on nearby transit operations.

Other projects near the project site may be under construction at the same time as the proposed project. In particular, construction of the new Transbay Transit Center (located one block north of the project site) and the Central Subway have commenced and are expected to last several years (past the anticipated completion date for the proposed project). During this overlap in construction schedules, the potential exists for the proposed project's construction activities to occur at the same time as construction activities for the new Transbay Transit Center. Construction of the other developments in the area would result in increased traffic levels because of employee ingress and egress, excavation, and the delivery of construction materials via trucks. Given the proximity of the sites to each other and the project site, as well as the uncertainty about construction schedules, construction activities would likely cause disruptions to traffic and to travel by transit, pedestrians, and bicycles. These additional vehicles could result in minor congestion and circulation issues in the immediate vicinity of the individual project sites. In compliance with *TCDP FEIR Mitigation Measure M-TR-9: Construction Coordination,* the project sponsor has agreed to implement **Project Mitigation Measure M-TR-4**, below.

> **Project Mitigation Measure M-TR-4 Construction (Mitigation Measure M-TR-9 of the TCDP FEIR):**
>
> Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 4:00 p.m. and 6:00 p.m. would coincide with peak-hour traffic flow. The project sponsor shall limit truck movements to the hours between 9:00 a.m. and 4:00 p.m. (or other times, if approved by SFMTA) to minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. During construction, personnel may need to be provided on Tehama Street and at the First Street/Tehama Street and Second Street/Tehama Street intersections to help manage traffic for entering and exiting trucks.
>
> The project sponsor's construction contractor(s) shall meet with SFMTA, the Fire 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 shall 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. Additionally, the project sponsor shall encourage construction workers to use transit when commuting to and from the site, reducing the need for parking.

In addition, construction contractor(s) shall coordinate construction activities with each other, and with other potential projects that may be constructed in the vicinity of the project site (such as the new Transbay Transit Center and the other development projects throughout the Plan area).

CONCLUSION

The proposed project at 41 Tehama Street is not expected to result in significant impacts beyond what was analyzed in the TCDP FEIR, and thus would not generate additional trips, or cause additional impacts related to intersection LOS, circulation and access, pedestrian, bicycle, and loading beyond what was assumed in the TCDP's FEIR analysis. Consistent with the analysis in the FEIR, the proposed project would contribute to significant and unavoidable traffic impacts at the intersections of First and Howard Streets and Second and Tehama Streets. No additional feasible mitigation measures have been identified and these impacts remain significant and unavoidable. Additionally, in compliance with mitigation measures identified in the TCDP FEIR, the project sponsor has agreed to implement Project Mitigation Measures M-TR-1 through M-TR-4, reducing potential intersection LOS, circulation and access, loading, and construction impacts of the 41 Tehama Street project.

NOISE

The TCDP FEIR identified significant and unavoidable impacts related to the exposure of new noise-sensitive uses (such as the proposed project) to noise levels above standards in the General Plan and exposure of persons to temporary increases in vibration levels substantially exceeding ambient levels from construction activities in the Plan area. These impacts were addressed in a Statement of Overriding Considerations with findings and adopted as part of TCDP approval on May 24, 2012.

Five mitigation measures were identified that could reduce the degree of the impact related to the exposure of new noise-sensitive uses: *Mitigation Measure M-NO-1a: Noise Survey and Measurements for Residential Units, Mitigation Measure M-NO-1b: Noise Minimization for Residential Open Space, Mitigation Measure M-NO-1c: Noise Minimization for Non-Residential Uses, Mitigation Measure M-NO-1d: Mechanical Equipment Noise Standard,* and *Mitigation Measure M-NO-1e: Interior Mechanical Equipment. Mitigation Measure M-NO-1c* is not applicable to the proposed project because this measure applies to nonresidential uses.

The TCDP FEIR identified a potentially significant impact related to exposure of persons to temporary increases in noise levels substantially exceeding ambient levels from construction activities in the Plan area, and determined that *Mitigation Measure M-NO-2a: Noise Control Measures During Pile Driving* and *Mitigation Measure M-NO-2b: General Construction Noise Control Measures* would reduce impacts to a less-than-significant level. *Mitigation Measure M-NO-2a* is not applicable to the proposed project because project construction would not involve pile driving. In accordance with the TCDP FEIR's requirements,

the project sponsor has agreed to implement **Project Mitigation Measures M-NO-1** and **M-NO-2**, on pages 66 and 69.

NEW SENSITIVE USES

Ambient noise levels in the project vicinity are typical of noise levels in neighborhoods of San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. The proposed project would result in approximately 325 new residential dwelling units on the project site. Residential uses are considered noise sensitive receptors. *Mitigation Measure M-NO-1a (Noise Survey and Measurements for Residential Uses)* identified in the FEIR is required to ensure that interior noise levels are suitable for residential use. In compliance with this mitigation measure, project-specific noise analyses were conducted in 2005 and 2012.[54,55]

These analyses demonstrate that Title 24 standards can be met, and that there be no particular circumstances about the site of the proposed project that appear to warrant heightened concern with respect to noise levels in the vicinity. Title 24, Part 6, Division T25, Chapter 1, Subchapter 1, Article 4, Sections T25–28 of the California Code of Regulations establish building standards applicable to all dwellings throughout the state. The code provides acoustical regulations requiring both exterior-to-interior sound insulation and sound and impact isolation between adjacent spaces of various occupied units. Title 24 regulations state that interior noise levels generated by exterior noise sources shall not exceed 45 A-weighted decibels (dBA) day-night average noise level (L_{dn}), with windows closed, in any habitable room for residential uses. In general, a conservative estimate of exterior-to-interior noise level reduction is 25 dBA for typical modern residential construction.[56] Based on the aforementioned ambient noise levels, this means that interior noise levels at the project site would range from 41 to 52 dBA L_{dn}, depending on the floor of the residence in question.

In 2005, Charles M. Salter Associates, Inc., evaluated the level of noise-insulating windows that would be necessary to achieve 45 dBA L_{dn} at all interior residential locations. The 2005 study made specific recommendations about Sound Transmission Class (STC) ratings for windows of each floor of the proposed structure that would be incorporated into the design and construction of the proposed tower to ensure that interior noise levels would remain at or below 45 dBA L_{dn}. A comparison of recent noise monitoring data (2012) against those of the 2005 study determined that current ambient noise levels were consistent with the 2005 levels; therefore, the conclusions made in the 2005 study remain valid and the measures suggested therein with respect to the transmission class (i.e., STC rating) for each floor of

[54] Charles M. Salter Associates, Inc. December 6, 2005. 41 Tehama Street Revised Environmental Noise Assessment. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[55] AECOM. April 13, 2012. 41 Tehama Technical Noise Memorandum. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[56] Paul S. Veneklasen & Associates. 1973. *Noise Insulation Problems in Buildings.* As cited in California Department of Transportation, Division of Aeronautics. 2002 (January). *California Airport Land Use Planning Handbook*. Sacramento, CA. Prepared by Shutt Moen Associates, Santa Rosa, CA.

window assemblies at the proposed structure would be adequate to achieve Title 24 interior noise standards and satisfy the requirements of *Mitigation Measure M-NO-1a* from the TCDP FEIR.

In addition, before the project sponsor may obtain a permit from the Department of Building Inspection (DBI) for construction of the building, a qualified acoustical consultant must evaluate the final design of the proposed structure and make specific recommendations about a required STC rating for each façade and floor of the proposed structure. If interior noise levels meet sound-level standards, no further action is required. If interior noise levels do not meet sound-level standards, DBI will require the project sponsor to redesign the structure's window assemblies to meet the City's noise standards. As shown by the results of the 2005 study as validated by the results of 2011 noise monitoring, and because the project sponsor would be required during final design check to demonstrate adherence to Title 24 and City noise standards, residential interior noise levels would be reduced to less than 45 dBA L_{dn}.

It should also be noted that by assessing necessary STC ratings based on readings of ambient noise levels at various elevations, stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) uses at existing nearby uses is also considered. *Mitigation Measure M-NO-1d* requires that reasonable efforts be made to identify the location of existing rooftop mechanical equipment and predicted noise generated by that equipment. Therefore the noise measurements and analyses conducted in 2005 and 2012 satisfy the requirements of *Mitigation Measure M-NO-1d* in the TCDP FEIR.

Mitigation Measure M-NO-1b requires that the project sponsor minimize noise impacts for residential open space through building design or noise attenuation features. The proposed project would include private open space for approximately 110 of the residential units and common open space at the building rooftop and third-floor terrace. The third-floor terrace at the proposed 41 Tehama Street tower would be below the level of the I-80 off-ramp located south of the project site; thus, the terrace would not be subject to direct line-of-sight noise associated with vehicular traffic along the off-ramp. Furthermore, measurements taken at the site in the vicinity of, and at the approximate height, of the proposed terrace indicate that ambient noise levels are approximately 68 dBA L_{dn}. According to the Environmental Protection Element of the *San Francisco General* Plan, noise levels up to 70 dBA L_{dn} are considered satisfactory for outdoor uses, therefore ambient noise levels for the proposed lower terrace would be acceptable.

In addition to the third floor terrace, the proposed project includes a rooftop terrace on the 31st floor at a height of approximately 306 feet. Noise levels at this height would be primarily dominated by Bay Bridge traffic and the project's own proposed roof top mechanical equipment. The rooftop terrace would be located on the northeastern side of the proposed building with residential units along the southern boundary, shielding noise from the Bay Bridge. As discussed further below, the project's Heating, Ventilation and Air Conditioning (HVAC) equipment would be located on the roof of the 31st floor and would have a solid wall around its exterior boundary for security purposes, preventing a direct line of sight between the building's HVAC system and the building's open space provided on the 31st floor. In addition, the proposed rooftop equipment would be subject to Section 2909 of the City's Noise Control Ordinance, which limits noise levels from stationary-source equipment at the respective property line to

no more than 5 dBA above ambient noise levels. Therefore, noise levels at the roof top terrace would be reduced to the extent feasible through design and shielding of the terrace. However, based on short-term noise monitoring, private balconies on higher floors may experience noise levels as high as 77 dBA L_{dn}. Based on the Land Use Compatibility Chart in the *General Plan*, open space in areas where ambient noise levels exceed 70 dBA L_{dn} are encouraged to include noise insulation features. In accordance with the TCDP FEIR's requirements, the project sponsor has agreed to implement **Project Mitigation Measure M-NO-1**, below.

> **Project Mitigation Measure M-NO-1 Noise Minimization for Residential Open Space (Mitigation Measure M-NO-1b of the TCDP FEIR):**
>
> To minimize effects on residential development in the Plan area, the Planning Department, through its building permit review process and in conjunction with the noise analyses prepared for the proposed project in compliance with TCDP FEIR Mitigation Measure M-NO-1a, shall require that open space required under the Planning Code for residential uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multifamily dwellings. Implementation of this mitigation measure shall also be undertaken consistent with other principles of urban design.

BUILDING OPERATION AND TRAFFIC NOISE

Noises generated by residential and commercial uses, including noise associated with the operation of HVAC equipment, are common and generally accepted in urban areas. These on-site operational noise sources are also regulated during planning, installation, and operation by the San Francisco Noise Control Ordinance and *Mitigation Measure M-NO-1e* of the TCDP FEIR. *Mitigation Measure M-NO-1e* prompts the Planning Department to require the maximum feasible reduction of building equipment noise, such as through the enclosure of building mechanical equipment. In compliance with *Mitigation Measure M-NO-1e* of the TCDP FEIR, a Noise Technical Memorandum was prepared for the proposed project to assess project generated noise impacts to nearby noise sensitive land uses.

During operation of the proposed project, an emergency generator and HVAC equipment would be located on the roof of the 31st floor, approximately 306 feet above grade. In compliance with TCDP FEIR *Mitigation Measure M-NO-1e*, the Noise Technical Memorandum prepared for the proposed project assessed the potential for project-generated noise sources to affect nearby receptors.[57] The Noise Technical Memorandum concludes that the project's operational stationary sources could result in a combined

[57] AECOM. April 13, 2012. 41 Tehama Technical Noise Memorandum. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

noise level of 77.7 dBA energy-equivalent noise level (L_{eq}) at 50 feet. However, the emergency generator would only run during emergencies and scheduled testing, which typically occurs for 30 minutes.

The nearest off-site noise sensitive land uses would be the residential units directly adjacent to the project site at 19 Tehama Street. Given that the building's HVAC and emergency generator would be located on the roof of the 31st floor, the nearest sensitive receptors at 19 Tehama Street would be 246 feet from the proposed project's mechanical room. Conservatively assuming a direct line of sight between the building's HVAC system and the closest noise sensitive receptor, the building's stationary noise sources, assuming a 1-hour period where the HVAC system and emergency generator are both running, would produce noise levels equivalent to 63.8 dBA at the closest off-site sensitive receptor. However, the proposed project's generator and HVAC equipment would be enclosed and shielded to prevent excessive noise and would not be in direct line of sight of nearby noise sensitive land uses, therefore project-generated stationary noise would be substantially less than 63.8 dBA. In addition, the proposed rooftop equipment would be subject to Section 2909 of the City's Noise Control Ordinance, which limits noise levels from stationary-source equipment at the respective property line to no more than 5 dBA above ambient noise levels. The Noise Control Ordinance also requires the project sponsor to retain an acoustical consultant to measure the sound levels of operating exterior equipment within 30 days after installation. If exterior equipment meets sound-level standards identified in the Noise Control Ordinance, no further action is required. If sound-level standards are not met, the project sponsor would be required to replace and/or redesign the exterior equipment to meet those standards. Therefore, noise levels generated by the project's stationary equipment would be reduced to the extent feasible through building design and compliance with the City's Noise Control Ordinance and the project sponsor has complied with *Mitigation Measure M-NO-1e* of the TCDP FEIR.

With respect to vehicular noise, operation of the proposed project would result in an increase of approximately 2,016 average daily vehicle trips to and from the site. The majority of these trips would occur in the a.m. and p.m. peak periods. The Noise Technical Memorandum assessed the potential for the project's vehicle trips to result in an increase in ambient noise levels. A doubling of traffic volumes is generally considered to represent a substantial increase in roadway noise levels. Based on modeled traffic noise, most roadway segments would experience a 0.0 to 0.2 dBA increase in roadway noise levels as a result of the proposed project. A 3 dBA increase in noise levels is generally considered to be the minimum perceivable increase by the human ear. However, modeled traffic noise along Tehama Street between First and Second Streets would result in a perceptible (4.5 dBA) increase in ambient traffic noise levels. Although this increase in traffic generated noise would be perceptible, predicted noise levels would increase from 50.2 L_{dn} dBA at 50 feet to 54.8 L_{dn} dBA, well within the noise standards that are considered satisfactory for residential uses according to the Environmental Protection Element of the *San Francisco General Plan*. Therefore, the proposed project would not result in a substantial increase in ambient noise levels.

CONSTRUCTION NOISE AND VIBRATION

Construction activities associated with development of the project site would include site preparation (e.g., demolition, excavation, grading, and clearing), trenching, pouring of concrete foundations, paving, erection of the steel structure and exterior enclosure, interior buildout, equipment installation, finishing, and cleanup; however, no pile driving or rock blasting is anticipated to be necessary. The noise levels of primary concern are typically associated with the demolition, site preparation, and excavation phases because the equipment used for breaking up the structure and concrete, clearing, grading, excavating, and removing material from the site typically generates the highest noise levels (approximately 85 dBA at 50 feet) and these activities are exposed in the open air. Project-related noise levels at noise-sensitive land uses close to the project site would be lower during other phases of project construction (e.g., exterior enclosure, interior buildout, finishing). To comply with the San Francisco Noise Control Ordinance, noise from construction activities occurring between 7:00 a.m. and 8:00 p.m. must not exceed 80 dBA at 100 feet or other representative noise level at an appropriate distance. For example, construction noise that is less than 86 dBA at 50 feet would be considered in compliance with the City's Noise Control Ordinance (noise levels typically attenuate six dB for every doubling of distance).[58] In addition, work conducted between 8:00 p.m. and 7:00 a.m. must not exceed the ambient noise levels at the site's property line by 5 dBA, unless a special permit is granted before such work by the Director of Public Works or the Director of DBI.

Noise levels for the demolition and excavation phases were calculated using the anticipated construction equipment for each phase. During the most intense phases, construction noise generated at the site of the proposed project would be equivalent to 77 dBA L_{eq} at 100 feet. This noise level is 3 dBA less (i.e., quieter) than the daytime standard in the San Francisco Noise Control Ordinance, 80 dBA at 100 feet. Thus, noise generated by construction, demolition, and excavation activities at the site would not exceed the standard established by the City's Noise Control Ordinance, and no significant impacts would occur.

The operation of heavy equipment during construction could result in excessive levels of vibration that could contribute to structural damage of potentially historic structures nearby, namely the Phillips & Van Orden Building. As stated in the TCDP FEIR, this impact would be temporary but could be considered substantial should nearby structures be damaged.[59] However, TCDP FEIR *Mitigation Measure M-CP-5a: Construction Best Practices for Historical Resources* and *Mitigation Measure M-CP-5b: Construction Monitoring Program for Historical Resources* would be implemented to reduce the potential for damage and ensure that any damage that may occur is repaired. Implementation of these measures (Project Mitigation Measures M-CP-2 and M-CP-3) would reduce the impacts of construction-related groundborne vibration on historic structures to a less-than-significant level. See Project Mitigation Measures M-CP-2 and M-CP-3 in the "Cultural Resources" section of this Certificate of Determination, above.

As stated above, *Mitigation Measure M-NO-2a* in the TCDP FEIR would not apply to the proposed project because pile driving is not proposed. The project sponsor would be responsible for implementing

[58] Ibid., page 20.
[59] TCDP DEIR, page 269.

Mitigation Measure M-NO-2b, which requires muffling and maintenance of on-site equipment and handling of construction noise–related complaints. In accordance with the TCDP FEIR's requirements, the project sponsor has agreed to implement **Project Mitigation Measure M-NO-2**, below.

Project Mitigation Measure M-NO-2 General Construction Noise Control Measures (Mitigation Measure M-NO-2b of the TCDP FEIR):

The project sponsor shall undertake the following to ensure that project noise from construction activities is minimized to the maximum extent feasible:

- The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible).

- The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.

- The project sponsor shall require the general contractor to use impact tools (e.g., jackhammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.

- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but are not be limited to, performing all work in a manner that minimizes noise to the extent feasible; using equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.

- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during

construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and nonresidential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

CONCLUSION

In accordance with the TCDP FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measures M-NO-1 and M-NO-2. With implementation of these mitigation measures, impacts related to construction noise and to the proposed residential open space would be reduced to a less-than-significant level.

AIR QUALITY

The TCDP FEIR identified significant and unavoidable air quality impacts related to the exposure of new sensitive receptors, such as the proposed residences at the project site, to substantial concentrations of fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less ($PM_{2.5}$) and toxic air contaminants (TACs). These pollutants would be generated by existing and future on-road sources, such as auto, truck and bus traffic, and by existing and future stationary sources in individual high-rise buildings, such as emergency backup diesel generators. Also identified by the TCDP FEIR were impacts related to potential short-term emissions of criteria pollutants and toxic air contaminants from the use of heavy construction equipment. Construction-related fugitive dust emissions were identified as significant but mitigable.

CONSTRUCTION

The proposed project includes the demolition of the existing 400 square foot building located on site and the construction of a new, 342 foot tall residential tower. Project-related demolition, excavation, grading and other construction activities may cause wind blown dust that could contribute particulate matter into the local atmosphere. In addition, construction vehicles and equipment emit criteria air pollutants as well as toxic air contaminants.

All projects within San Francisco are required to comply with the Construction Dust Ordinance (Ordinance 176-08, effective July 30, 2008). The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust. For projects over one half-acre, the Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Health Department. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. The TCDP FEIR included

Mitigation Measure M-AQ-4b, which extends the requirements for a site-specific dust control plan to any project requiring more than 5,000 cubic yards of excavation. The proposed project would require 35,000 cubic yards of excavation, therefore in compliance with the mitigation measures identified in the TCDP FEIR, the project sponsor has agreed to implement **Project Mitigation Measure M-AQ-1**, on page 72. With implementation of this mitigation measure, fugitive dust impacts would be less than significant.

In addition to construction dust, construction vehicles emit criteria air pollutants and other TACs that may affect regional air quality as well as result in localized health risks to nearby sensitive land uses. The TCDP FEIR identified a significant and unavoidable impact with respect to construction of subsequent land use development projects emitting criteria air pollutants that may adversely affect regional air quality and emitting TACs that may adversely affect nearby sensitive land uses.

The closest sensitive receptors are the residential units located adjacent to the project site at 19 Tehama Street. The project site is located in an area that experience poor air quality from existing air pollution sources. In 2012, the Planning Department, San Francisco Department of Public Health (DPH), and the Bay Area Air Quality Management District (BAAQMD) undertook a comprehensive modeling effort to evaluate known sources of air pollution. This modeling effort, using the AERMOD air quality model, included vehicular emissions from roadways, including both surface streets and freeways; permitted stationary sources (e.g., diesel generators, cogeneration plants, boilers, gasoline stations, spray painting booths, dry cleaners, and others); Port of San Francisco and other maritime sources; and major concentrations of diesel-powered vehicle operations, such as the Caltrain station and tracks and the Transbay Transit Center/Transbay Terminal. This modeling effort evaluated the geographic distribution of the City's existing air pollution burden from mobile, stationary and area sources. The result of the modeling effort is the identification of air pollution "hot spots" where such pollution exceeds commonly accepted regulatory standards for excess cancer risk and fine particulate matter. Air pollution hot spots are defined as areas where the existing cumulative excess cancer risk from air pollution sources exceeds 100 per one million and where fine particulate matter ($PM_{2.5}$) from air pollution sources as well as ambient, background, fine particulate levels exceed 10 micrograms per cubic meter ($\mu g/m^3$). Given that the levels of existing air pollution at the site exceed commonly accepted standards and that construction activities would, even temporarily, increase pollutant levels in the local vicinity, the project's construction activities may adversely affect nearby sensitive land uses.

The TCDP FEIR identified *Mitigation Measures M-AQ-4a* and *M-AQ-5* to reduce construction-related emissions of criteria pollutants and other TACs. In compliance with the mitigation measures identified in the TCDP FEIR, the project sponsor has agreed to implement **Project Mitigation Measures M-AQ-2 and M-AQ-3**, on page 72, thereby reducing construction related emissions of criteria pollutants and other TACs to the extent feasible.

Project Mitigation Measure M-AQ-1 Dust Control Plan (Mitigation Measure M-AQ-4b of the TCDP FEIR):

To reduce construction-related dust emissions, the project sponsor shall incorporate into construction specifications the requirement for the development and implementation of a site-specific Dust Control Plan as set forth in Article 22B of the *San Francisco Health Code*. The Dust Control Plan shall require the project sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; report particulate monitoring results; hire an independent third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migrations, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and wind breaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and secure soils with a tarpaulin; enforce a 15 mile per hour speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep adjacent streets to reduce particulate emissions. The project sponsor shall also designate an individual to monitor compliance with dust control requirements.

Project Mitigation Measure M-AQ-2 Construction Vehicle Emissions Minimization (Mitigation Measure M-AQ-4a of the TCDP FEIR):

To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Project Mitigation Measure M-AQ-3 Construction Emissions Minimization (Mitigation Measure M-AQ-5 of the TCDP FEIR):

A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp (horsepower) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

a) Where access to alternative sources of power is available, portable diesel engines shall be prohibited;

b) All off-road equipment shall have:

i. Engines that meet or exceed either USEPA (U.S. Environmental Protection Agency) or ARB (California Air Resources Board) Tier 2 off-road emission standards, *and*

ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).[60]

c) Exceptions:

i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for on-site power generation.

ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule in Table A1 below.

[60] Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.

Table A1 Off-Road Equipment Compliance Step down schedule*		
Compliance Alternative	**Engine Emission Standard**	**Emissions Control**
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

Notes:

* How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

** Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.

4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.

5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. Construction Emissions Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within 6 months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start

and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

D. *Exemptions.* Projects shall be exempt from the above requirements if the project sponsor submits documentation to the ERO that the following Exemptions apply:

1. Project site boundaries not located within 1,000 feet of a sensitive land use.

2. Construction of the project would require a limited amount of off-road construction equipment for a limited duration, such as interior renovations and additions to existing buildings. These types of construction equipment typically do not generate a substantial amount of DPM (diesel particulate matter) emissions and are not expected to substantially effect nearby sensitive land uses within identified hot spots.

E. *Penalties.* Should it be determined that the project sponsor or the project sponsor's contractors have not complied with any provision described above, the project will be determined to be out of compliance with the conditions of project approval. Construction activities must cease until the ERO and the construction contractor have agreed upon actions to meet the above requirements. Additional enforcement actions may apply.

PROJECT OPERATIONS

As discussed above, the project site, based on comprehensive citywide modeling, is located in an area substantially affected by existing sources of air pollution. The project proposes to construct approximately 325 new residential units at the site. Residential uses are considered sensitive receptors for purposes of air quality evaluation. As such, the proposed project has the potential to expose new sensitive receptors to substantial levels of air pollution. The TCDP FEIR identified this as a significant impact and identified *Mitigation Measure M-AQ-2* to protect new residential uses proposed within air pollution hot spots to the extent feasible. In compliance with the TCDP FEIR, the project sponsor has agreed to implement **Project Mitigation Measure M-AQ-4**, below:

Project Mitigation Measure M-AQ-4 On-site Air Filtration (Mitigation Measure M-AQ-2 of the TCDP FEIR):

The project sponsor shall implement the following site-specific measures to ensure the minimization of on-site health risks to new residents.

1. *Air Filtration and Ventilation Requirements for Sensitive Land Uses*. Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed

building to the Department of Public Health and the Planning Department's ERO. The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor $PM_{2.5}$ concentrations from habitable areas and be designed by an engineer certified by ASHRAE (the American Society of Heating, Refrigerating, and Air Conditioning Engineers), who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor infiltration of air pollution.

2. *Maintenance Plan.* Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

3. *Disclosure to Buyers and Renters.* The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

Operation of the proposed project would also result in an increase in criteria air pollutants and other TACs associated with an increase in vehicle emissions, natural gas combustion, on-site stationary sources, landscape maintenance and painting. To assist lead agencies in determining whether criteria air pollutant emissions require further analysis, the BAAQMD, in their *CEQA Air Quality Guidelines*,[61] has developed screening criteria. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment of the project's air pollutant emissions and operation of the proposed project would result in less than significant criteria air pollutant impacts. Projects that exceed the screening sizes may require further project-level quantification to determine whether criteria air pollutant emissions may exceed significance thresholds. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield[62] sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill and/or proximate to transit service and local services, emissions would be expected to be less than the greenfield-type project that the screening criteria are based upon. The project proposes to construct 325 dwelling units, well below the BAAQMD's screening criteria of 510 dwelling units; therefore the proposed project would not result in significant impacts with respect to criteria air pollutant emissions.

The proposed project would include an on-site emergency diesel generator located on the roof of the 31st floor, approximately 306 feet above grade. This emergency generator is required pursuant to the Building Code, however it is anticipated to operate only for emergency purposes and periodic testing (typically not to exceed 50 hours per year). However, as discussed above, the project site is located within an air pollution hot spot and would emit diesel particulate matter (DPM), a TAC identified by the ARB. Therefore, the proposed project has

[61] Bay Area Air Quality Management District. May 2011. CEQA Air Quality Guidelines.
[62] Agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

the potential to contribute to emissions of TACs that may substantially affect nearby sensitive land uses. The TCDP FEIR identified this as a significant impact and included *Mitigation Measure M-AQ-3 Siting of Uses that Emit DPM and Other TACs* to reduce emissions of DPM. In compliance with the TCDP FEIR, the project sponsor has agreed to implement **Project Mitigation Measure M-AQ-5**, below:

> **Project Mitigation Measure M-AQ-5 Siting of Uses that Emit DPM and Other TACs (Mitigation Measure M-AQ-3 of the TCDP FEIR):**
>
> All on-site diesel generators shall either 1) meet Tier 4 or interim Tier 4 emissions standards; or 2) meet Tier 2 emissions standards and be equipped with an Air Resources Board Level 3 VDECS.

CONCLUSION

The proposed project would contribute to significant air quality impacts as identified in the TCDP FEIR. In accordance with the FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measures M-AQ-1, M-AQ-2, M-AQ-3, M-AQ-4, and M-AQ-5 to reduce emissions.

WIND AND SHADOW

WIND

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The TCDP FEIR identified a potential significant wind-related impact from new exceedances of the Planning Code's hazard criterion by certain development projects in the Plan area, and determined that implementing *Mitigation Measure M-WI-2: Tower Design to Minimize Pedestrian Wind Speeds* would reduce this impact to a less-than-significant level.[63] *Mitigation Measure M-WI-2* is not applicable to the proposed project because it is related to the design development of the buildings on Parcel F, 524 Howard Street, 50 First Street, 181 Fremont Street, and Golden Gate University sites within the Plan area.

The project would construct a new 32-story, 342-foot-tall residential tower on the site. Project-specific wind tunnel tests[64] were performed for the proposed project to define the pedestrian wind environment that would exist after construction of the proposed tower. Pedestrian-level wind speeds in four directions (northwest, west-northwest, west, and southwest) were measured at 20 points, for both the site's current conditions and conditions with the proposed project in place, to quantify resulting pedestrian-level winds in public spaces near the project site. Wind tunnel tests for both existing and project conditions assumed completion of the Transbay Transit Center, currently under construction. The test points were positioned within and surrounding the project site's block and distributed along the sidewalks of Howard, Folsom, First, and Second Streets, and on sidewalks and street surfaces on Tehama and Clementina Streets. The results of the wind tunnel tests for existing conditions determined that the wind hazard criterion of 26 miles per hour, as listed in Section 148 of the Planning Code is met at all 20 test locations, as shown in

[63] TCDP DEIR, page 463.

[64] ESA. October 5, 2011. Technical Memorandum, Potential Section 148 Wind Impacts, 41 Tehama Street High-Rise Development, San Francisco, California. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

Table 1, below.[65] With the project, wind speeds at the test locations would continue to meet the Planning Code's hazard criterion of 26 miles per hour for a single hour of the year at all sidewalk locations.[66] The proposed project would not result in an exceedance of the wind hazard criterion and therefore would have no significant effect related to wind. Accordingly, wind impacts would be less than significant.

Table 1: Wind Hazard Analysis: Criterion Speed 26 mph[a]

Test Point	Existing Setting		Existing Plus Project			Cumulative		
	1-hour /year Equivalent Wind Speed (mph)	Wind Hazard Criterion Exceeded (hours/ year)	1-hour/ year Equivalent Wind Speed (mph)	Wind Hazard Criterion Exceeded (hours/ year)	Change in Wind Speed From Existing Conditions (mph)	1-hour/ year Equivalent Wind Speed (mph)	Wind Hazard Criterion Exceeded (hours/ year)	Change in Wind Speed From Existing plus Project Conditions (mph)
1	12	0	12	0	0	14	0	+2
2	9	0	14	0	+5	17	0	+3
3	6	0	12	0	+6	14	0	+2
4	9	0	11	0	+2	17	0	+6
5	12	0	8	0	-4	9	0	+1
6	12	0	9	0	-3	9	0	0
7	12	0	12	0	0	12	0	0
8	8	0	9	0	+1	11	0	+2
9	15	0	14	0	-1	19	0	+5
10	15	0	15	0	0	18	0	+3
13	12	0	12	0	0	15	0	+3
14	15	0	14	0	-1	19	0	+5
31	17	0	18	0	+1	20	0	+2
33	22	0	21	0	-1	20	0	-1
52	9	0	11	0	+2	15	0	+4
56	15	0	15	0	0	14	0	-1
75	14	0	12	0	-2	7	0	-5
48	12	0	14	0	+2	13	0	-1
49	13	0	14	0	+1	16	0	+2
80	6	0	7	0	+1	9	0	+2
Average 1-hr:	12 mph	-	13 mph	-	+1	14 mph	-	+1
Exceedances		0		0			0	

Notes: [a] Equivalent to a wind speed of 36 mph when stated on the same basis as the comfort criteria wind speeds.

Source: ESA 2011

[65] Ibid.

[66] Ibid.

SHADOW

The TCDP FEIR identified significant and unavoidable shadow impacts on parks under the Recreation and Park Department's jurisdiction and on other open spaces. No mitigation measures were identified in the TCDP FEIR. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of TCDP approval on May 24, 2012.

Section 295 of the Planning Code was adopted in 1984 to protect certain public open spaces from shadowing by new structures during the period between 1 hour after sunrise and 1 hour before sunset (year round). Section 295 generally prohibits the issuance of building permits for structures more than 40 feet in height that would cause significant new shade on open space under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. An exception to this prohibition may be made if the Planning Commission, in consultation with the General Manager of the Recreation and Park Department, determines that the shade would not have a significant impact on the use of such property.

Pursuant to the TCDP, the height limit on the parcel in which the project site is located was raised from 200 feet to up to 360 feet. A shadow analysis conducted for the TCDP FEIR addressed potential impacts on parks subject to Section 295, which included Union Square, Justin Herman Plaza, Portsmouth Square, St. Mary's Square, Maritime Plaza, and Boeddeker Park. The shadow analysis in the TCDP FEIR found that development pursuant to the Plan would most substantially affect Union Square, Portsmouth Square, and St. Mary's Square, both in terms of duration (time of day and year) and amount of shadow (increased shadow coverage).[67] To determine whether the proposed project would conform to Section 295, a shadow fan was prepared by the Planning Department. The Planning Department concluded that the proposed project would not cast new shadows on any open space under the jurisdiction of the San Francisco Recreation and Park Commission between 1 hour after sunrise and 1 hour before sunset, and therefore would comply with Planning Code Section 295.[68]

In addition to Section 295, Planning Code Sections 146 and 147 protect certain streets and other publicly accessible open spaces not subject to Section 295 requirements, respectively, within C-3 districts. The TCDP FEIR stated that a separate determination regarding Section 147 compliance would be required for each subsequent project in the Plan area.[69] Section 146 stipulates setback requirements within C-3 districts for buildings abutting 18 segments of 13 streets; Tehama Street is not among them, and therefore, Section 146 of the Planning Code is not applicable to the project site. Planning Code Section 147 requires that massing of new buildings more than 50 feet tall be designed with setbacks and shaped to minimize shadow impacts on public plazas and other publicly accessible spaces not subject to Planning Code Section 295.

---

[67] TCDP DEIR, page 509.

[68] San Francisco Planning Department. September 23, 2010. 2008.0801K – Shadow Analysis. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[69] TCDP DEIR, page 521.

A refined project-specific shadow analysis was conducted for the proposed project.[70] The proposed project, at 342 feet tall, has the potential to cast shadow on numerous streets within the C-3 District. Additionally, although no open space under the jurisdiction of the Recreation and Park Commission exists in the vicinity of the project site, if the proposed tower were to shade other public open space or privately owned public open space (POPOS) above levels that are common and generally accepted in urban areas, the proposed project could substantially affect the use of those spaces.

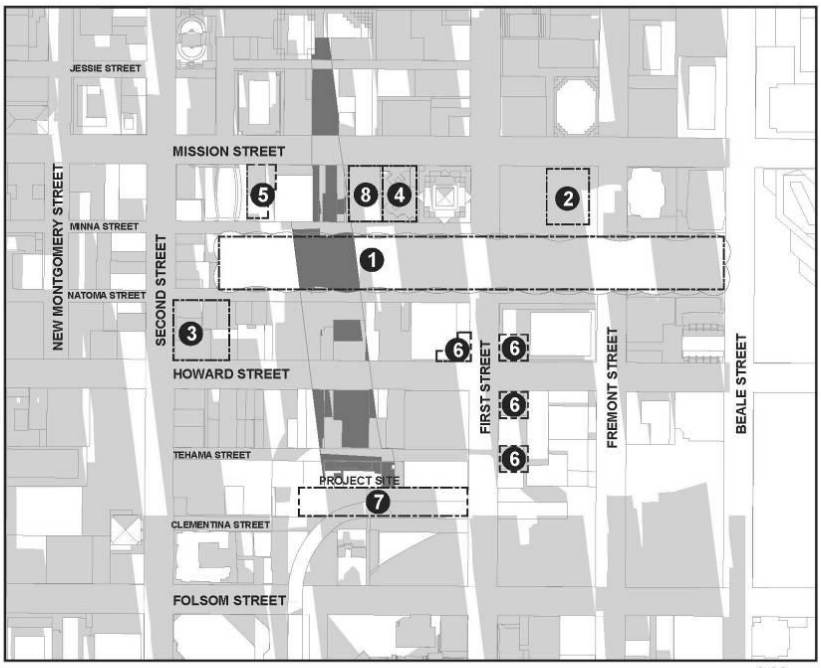
The shadow analysis was conducted for five representative times of day (Sunrise + 1 hour, 10:00 a.m., noon, 3:00 p.m., and Sunset - 1 hour) for the four representative days of the year.[71] The representative days of the year are the winter solstice (December 21), when the midday sun is at its lowest and shadows are longest; the summer solstice (June 21), when the midday sun is at its highest and shadows are shortest; the spring equinox (March 21), when noontime shadows are midway through a period of shortening; and the fall equinox (September 21), when noontime shadows are midway through a period of lengthening. Because midday shadows are the longest and would cover the greatest area of open space on the winter solstice, additional shadow patterns for 9:00 a.m., 11:00 a.m., and 1:00 p.m. have been prepared for that day. **Figures 24 through 27** illustrate the shadow from the proposed project at the eight times of day on the winter solstice when shadows are the longest.

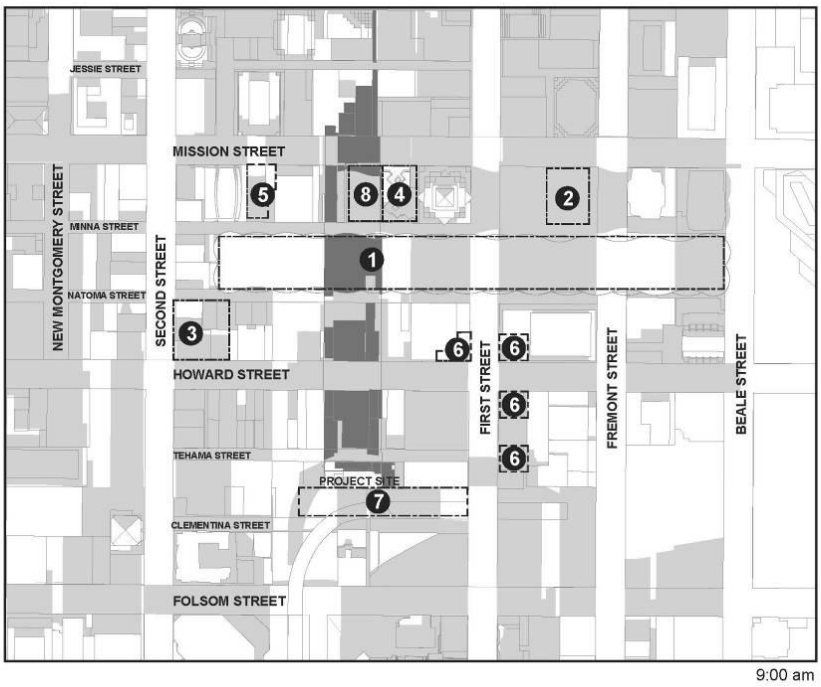
The project-specific shadow analysis focuses on the potential for shadow cast by the project to adversely affect existing POPOS, since it was determined that Recreation and Park properties would not be affected. It was determined that the POPOS at the following locations could be affected by the proposed project's shadow under existing conditions: 555 Mission Street, 100 First Street, Foundry Square, 199 Fremont Street, and 301 Howard Street. Potential impacts on City Park, a public open space not under the control of the Recreation and Park Department, were also evaluated. For purposes of this shadow analysis, and consistent with the TCDP FEIR, City Park is considered part of the existing conditions because this park has been approved and is currently under construction. It was determined that the proposed project would not cast shadow on the POPOS at 235 Second Street, 611 Folsom Street, 303 Second Street, and 560 Mission Street. Those POPOS are therefore not discussed further.

No public parks or other public open spaces currently exist in the immediate project vicinity. The nearest existing public open space is Yerba Buena Gardens, a City property at Third and Howard Streets, approximately 0.4 mile west and north of the project site. Across Mission Street to the north of Yerba Buena Gardens is Jessie Square, an open space south of the Contemporary Jewish Museum. In the early-morning hours of the late spring and early summer months, the shadow of the proposed tower would be long enough, if unobstructed, to reach across Third Street toward the Jessie Square open space and toward Yerba Buena Gardens.

[70] ESA. April 12, 2012. Technical Memorandum, Potential New Shadow 41 Tehama Street High-Rise Development. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[71] Ibid., page 1.





1 City Park (under construction)
2 Mission Square (proposed)
3 2nd/Howard Plaza (proposed)
4 100 First Street Plaza
5 555 Mission Street
6 Foundry Square
7 Oscar Park
8 535 Mission Street (proposed)
Existing Shadow
New Project Shadow

Figure 24 – December 21: Sunrise + 1 Hour, 9:00 a.m.
Source: ESA 2012

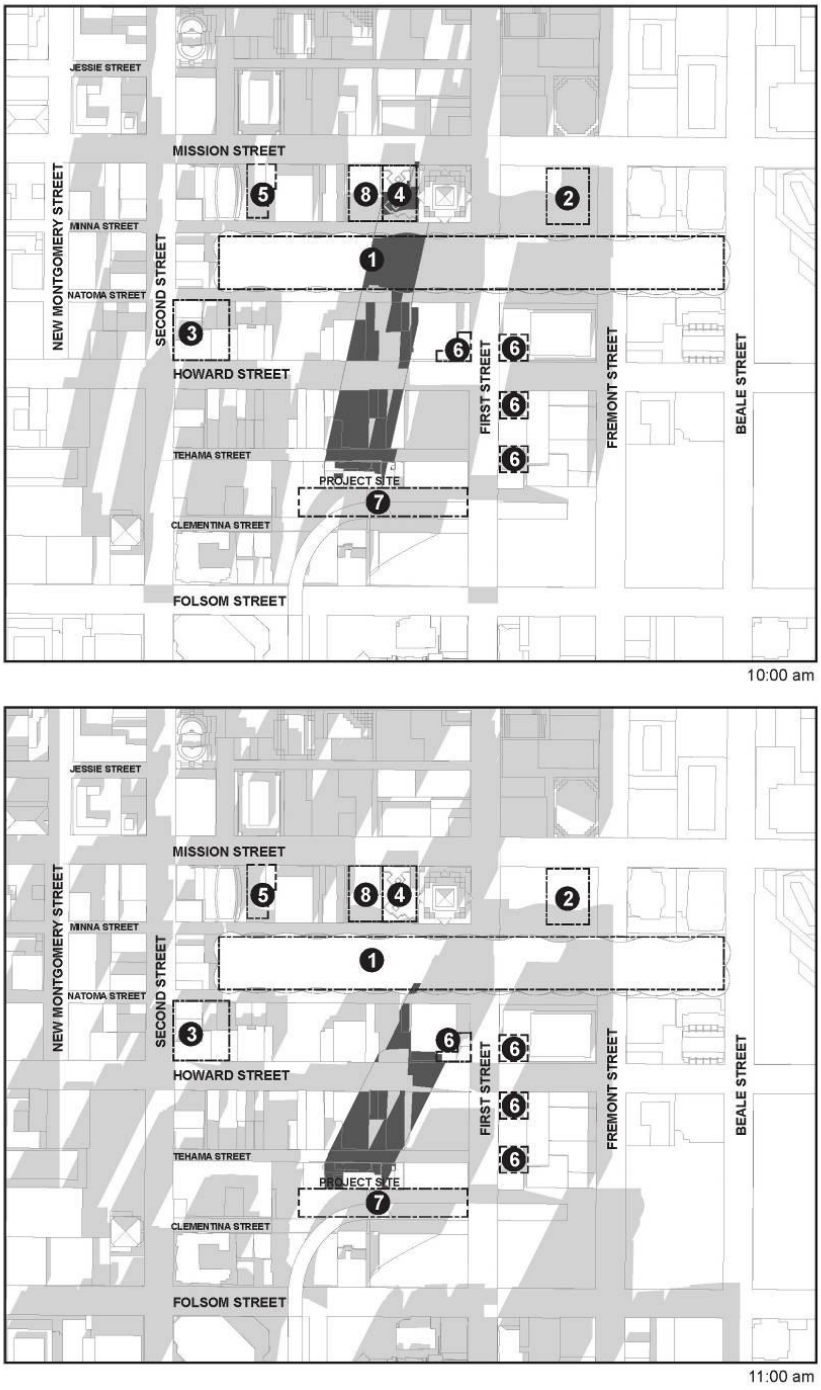


Figure 25 – December 21: 10:00 a.m., 11:00 a.m.
Source: ESA 2012

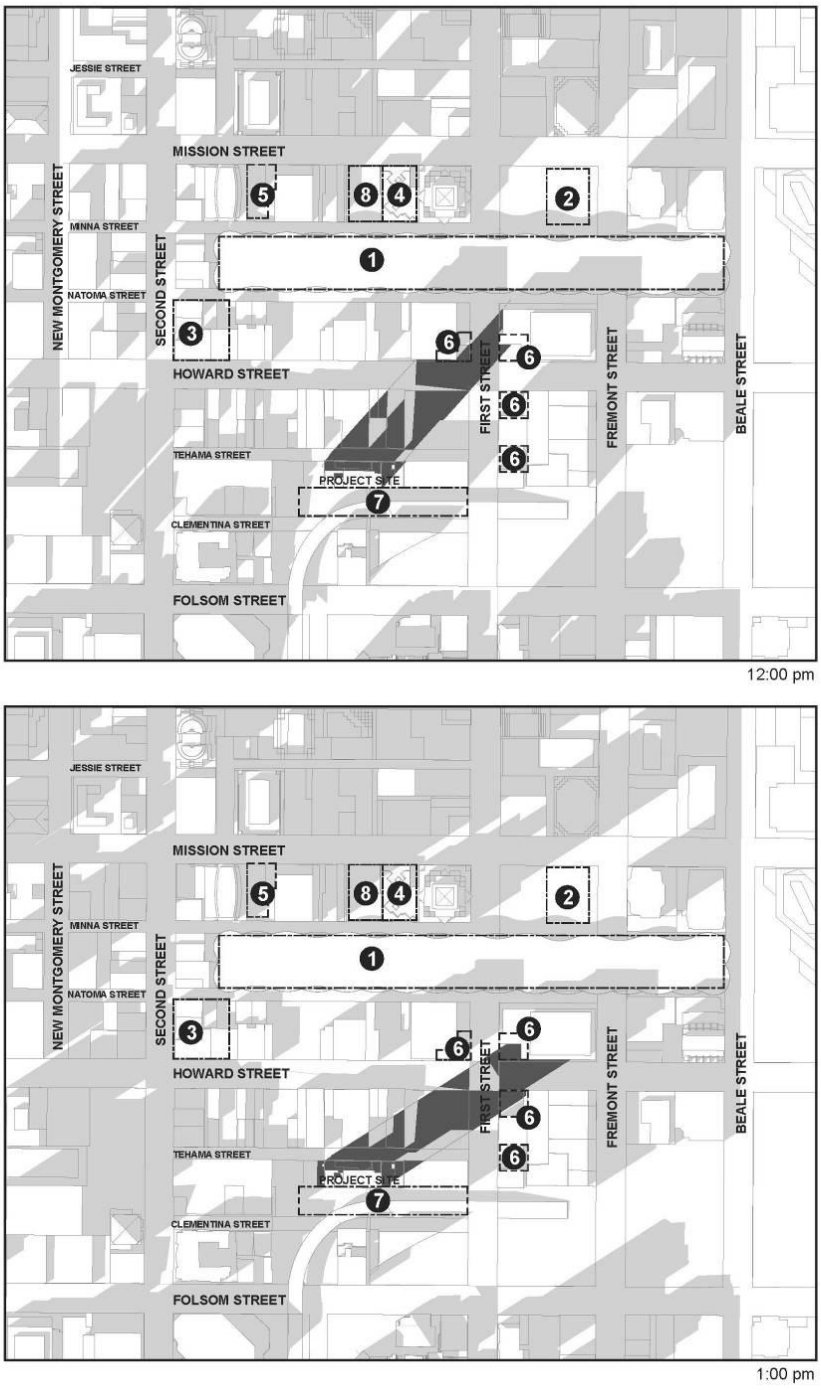


Figure 26 – December 21: 12 noon, 1:00 p.m.
Source: ESA 2012



Figure 27 – December 21: 3:00 p.m., Sunset – 1 Hour
Source: ESA 2012

However, the proposed tower would not cast shadow on Yerba Buena Gardens or Jessie Square because existing intervening buildings would prevent shadows from reaching these open spaces.[72] Jessie Square and Yerba Buena Gardens are outside of the project's shadow impact and therefore are not shown in the shadow projection figures. Because no new shadow from the proposed tower would reach Yerba Buena Gardens or Jessie Square, the project's shadow would have no effect on the use or enjoyment of these open spaces. Therefore, effects on Yerba Buena Gardens and Jessie Square are not discussed further.

555 Mission Street: The proposed tower would cast shadow on the POPOS adjacent to the newly constructed office building at 555 Mission Street from late November through late January. Until construction of the Transit Center is essentially complete, project shadow would fall on this open space beginning at 1 hour after sunrise on the winter solstice, remaining for about half an hour (until 9:00 a.m.).[73] The proposed tower would not cast shadows on 555 Mission Street during the spring equinox (March 21), summer solstice (June 21), or fall equinox (September 21). Upon its completion, the Transit Center would shade most of the 555 Mission Street POPO during the same early-winter-morning period as the proposed tower. Because of the limited duration (half an hour) and extent of shadow coverage by the proposed tower in combination with shadow from the Transit Center, the proposed tower's shadows would not be expected to substantially affect the use or enjoyment of this open space. Therefore, the proposed project would result in less than significant shadow impacts on the 555 Mission Street POPO, both individually and cumulatively.

100 First Street: The proposed tower would cast shadow onto the 100 First Street sun terrace for about 1 hour (between 9:30 a.m. and 10:30 a.m.) on the winter solstice (Figure 25).[74] The tower would not cast shadows on 100 First Street during the spring equinox (March 21), summer solstice (June 21), or fall equinox (September 21). When the Transit Center is completed, it also will cast morning shadow on the 100 First Street open space during the same early-winter-morning period as the proposed tower. The 100 First Street sun terrace is elevated and thus would not be shaded by the Transit Center as much as ground-level open spaces. For example, on December 21, at 10:00 a.m., when the project shadow would be at its maximum, the shadow on the 100 First Street sun terrace from the proposed tower alone would be almost 8,700 square feet; the shadow from the Transit Center, when built, would cover almost 3,600 square feet of the same 8,700-square-foot area.[75] Given the limited duration (1 hour) and extent of shadow coverage by the proposed tower in combination with the Transit Center and that coverage would occur only in late fall and early winter, the proposed tower's shadows would not be expected to substantially affect the use or enjoyment of this open space. Therefore, the proposed project would result in less than significant shadow impacts on the 100 First Street POPO, both individually and cumulatively.

[72] Ibid., page 2.
[73] Ibid., page 22.
[74] Ibid., page 22.
[75] Ibid., page 23.

Foundry Square: The proposed tower would cast shadow on two other POPOS during the winter solstice, when midday shadows are longest. At noon, the tower's shadow would reach the edge of the open space in front of the office buildings at 400 and 401 Howard Street (part of the Foundry Square complex), on the northwest and southeast corners of First and Howard Streets (Figure 26).[76] This shadow would occur from November through February, for approximately 1 hour.[77] Much of the open space at 400 Howard Street would already be in shadow from the 400 Howard Street building itself when shadow from 41 Tehama Street would reach this space. However, because the site of the proposed project is located south of Howard Street, the proposed tower would add shadow in the now unshaded portion of this open space nearest the corner of First and Howard Streets. At 401 Howard Street, the open space is generally in sunlight because there is a parking lot across First Street (although if the approved fourth Foundry Square building were to be built at that site, it would cast a shadow on that space). The new shadow at the Foundry Square complex would be of limited duration each day and would occur only in late fall and early winter. The proposed tower would not cast shadows on Foundry Square during the spring equinox (March 21), summer solstice (June 21), or fall equinox (September 21). Because of their limited duration and extent, these shadows would not substantially adversely affect the use or enjoyment of these open spaces. Therefore, shadow impacts on the Foundry Square POPOS would be less than significant.

199 Fremont Street and 301 Howard Street: The proposed tower would not cast new shadow on the open plazas at the 199 Fremont Street and 301 Howard Street developments.[78] In December and January, project shadow would reach the plaza at 199 Fremont Street in the afternoon before 3:00 p.m., but at that time, the plaza would already be shaded by nearby existing structures. The project shadow would not reach the plaza at 301 Howard Street. Because the proposed tower's shadows would be limited in duration and extent, they would not substantially adversely affect the use or enjoyment of these open spaces. Therefore, shadow impacts on the 199 Fremont Street and 301 Howard Street POPOS would be less than significant.

City Park: City Park will occupy the podium-level roof of the Transit Center. City Park will not exist until the above-grade structure of the Transit Center is completed (anticipated in 2017). However, because construction of the Transit Center and this open space is under way, both are considered part of the existing conditions for purposes of this shadow analysis. The proposed project's tower would cast a shadow on City Park, a publicly accessible elevated open space. In the mornings in the late fall and early winter (between early November and early February),[79] new shadow from the proposed tower would initially reach across the full width of the west end of the park and beyond Mission Street before 8:30 a.m. The project shadow would reach various parts of the western half of City Park for periods ranging up to approximately 3 hours daily, ending by 11:30 a.m. For example, 1 hour after sunrise on December 21, the shadow would lie across the west end of the park; the shadow would then move eastward and

[76] Ibid., page 23.
[77] Ibid., page 23.
[78] Ibid., page 23.
[79] Ibid., page 21.

southward with the sun, covering a relatively constant area of the park, until 10:00 a.m. At this time the shadow would cover approximately 22,300 square feet, or about 10 percent of the proposed 5.4-acre park site. The project shadow would continue to move eastward and southward with the sun, leaving the park by 11:30 a.m.[80]

Purposely located in the downtown core to serve the densest developed portion of San Francisco, the Transit Center will be surrounded by existing and planned high-rise buildings that will cast shadows onto the Transit Center structure and its City Park open space. As a result, various portions of the City Park open space will be in shadow from the many surrounding high-rise buildings, including the proposed project's tower.

City Park is intended to provide passive open space including walkways, gardens, fountains, and seating areas. Commercial space adjacent to City Park will include shops and restaurants with direct connections. Because of the location of City Park atop the Transit Center, it is reasonable to assume that the majority of people who will use City Park's open space on a daily basis will be commuters and travelers passing through the Transit Center and workers with offices in the immediate vicinity. However, the high-profile design of the Transbay Transit Center is likely to attract tourists as well. The proposed tower's shadow would occur in the early to mid-morning when City Park would be expected to be used by commuters and downtown workers. The proposed tower would shade successive portions of the western half of the park, each for an hour or less, for up to 3 hours. Because City Park is not yet built, it is not possible to determine, with certainty, whether the proposed project would cast new shadow on City Park that could substantially affect the use and enjoyment of this park. The TCDP FEIR determined that subsequent development projects could result in significant impacts to open space within the Plan area and no feasible mitigation measures were identified. The proposed project would contribute to shadows on City Park, at times shading up to 10 percent of the park; therefore, the proposed project is conservatively determined to contribute to significant shadow impacts identified in the TCDP FEIR.

CONCLUSION

The proposed project would not have the potential to cause wind speeds in the vicinity to exceed the wind hazard criteria and wind impacts would be less than significant.

The proposed project would not cast new shadow on Recreation and Park properties, but would cast new shadows on surrounding POPOS and City Park. Because City Park is not yet built, it is not possible to determine, with certainty, whether the proposed project would cast new shadow on City Park that could substantially affect the use and enjoyment of this park. However, the proposed project would shade successive portions of the park for up to 3 hours, at times shading 10 percent of the park. As stated above, consistent with the findings in the TCDP FEIR, the proposed project was conservatively determined to contribute to significant shadow impacts identified in the FEIR. Consistent with the findings of the TCDP FEIR, no feasible mitigation measure have been identified.

[80] Ibid., page 21.

BIOLOGICAL RESOURCES

The TCDP FEIR determined that there was no riparian habitat or wetlands within the Plan area and that none of the Plan area is within an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

The project site is located in a developed urban area with no natural vegetation or habitat for special status species, including plants or bats. The proposed project would not require removal of any trees or vegetation, and would therefore not have the potential for construction activities to adversely impact special status birds and those protected by the federal Migratory Bird Treaty Act and the *California Fish and Game Code*.

Bird strikes result in millions of bird deaths annually and are a leading cause of worldwide declines in bird populations. Direct effects from bird strikes include death or injury as the birds collide with lighted structures and other birds that are attracted to the light, as well as collisions with glass during the daytime. Indirect effects include delayed arrival at breeding or wintering grounds, and reduced energy stores necessary for migration, winter survival, or subsequent reproduction. Changes in building heights and density, as well as construction of new buildings in the current prevailing architectural style, which is often characterized by large glazed expanses, could increase the risk for avian collisions with buildings.

In September 2011, the Board of Supervisors approved Planning Code Section 139 amendments to incorporate bird-safe building standards into the code, and adopted the *Standards for Bird-Safe Buildings*.[81] Planning Code Section 139, *Standards for Bird-Safe Buildings*, focuses on buildings that create location-specific hazards and building feature-related hazards. Location-specific hazards apply to buildings within 300 feet of, and having a direct line of sight to, an urban bird refuge, including open spaces 2 acres and larger dominated by vegetation, wetlands, or open water. Building feature–related hazards include free-standing clear glass walls, skywalks, greenhouses on rooftops, and balconies that have unbroken glazed segments measuring 24 square feet or larger. The *Standards for Bird-Safe Buildings* include guidelines for use and types of glass and façade treatments, wind generators and grates, and lighting treatments. As described in the project description, the proposed tower would be composed primarily of metal structural elements and a glass façade. The combination of adding open space at the ground-floor plaza and the current building proposal for a metal structure with a glass façade could result in a potential for bird strikes. However, as discussed in the Project Description on page 21, the first 60 feet of the proposed building façade, also known as the building collision zone, as well as any feature-related bird strike hazards (as defined in Planning Code Section 139 and including, but not limited to, free standing glass walls and balconies), would include bird safe glazing treatments consisting of glass that is vertically fritted. Therefore, the proposed project would not result in a significant impact on the movement of resident or migratory birds. In addition, in accordance with *Improvement Measure I-BI-2* of

[81] San Francisco Planning Department. *Standards for Bird-Safe Buildings*, adopted July 14, 2011. Reviewed August 18, 2011. Available: http://www.sfplanning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird-Safe_Buildings_8-11-11.pdf.

the TCDP FEIR, the project sponsor has agreed to implement **Project Improvement Measure I-BI-1**, below.

> **Project Improvement Measure I-BI-1 Night Lighting Minimization (Improvement Measure I-BI-2 of the TCDP FEIR):**
>
> In compliance with the voluntary San Francisco Lights Out Program, the project sponsor has agreed to implement the following measures to reduce nighttime lighting:
>
> - Reduce building lighting from exterior sources by:
>   - Minimizing the amount and visual impact of perimeter lighting and façade up-lighting and avoid up-lighting of rooftop antenna and other tall equipment, as well as of any decorative features;
>   - Installing motion-sensor lighting, as feasible; and
>   - Utilizing minimum wattage fixtures to achieve required lighting levels.
> - Reduce building lighting from interior sources by:
>   - Dimming lights in lobbies, perimeter circulation areas and atria;
>   - Turning off all unnecessary lighting in common areas by 11:00 pm through sunrise;
>   - Utilizing automatic controls to shut off lights in the evening when no one is present;
>   - As desirable, use localized task lighting in lieu of extensive overhead lighting;
>   - Scheduling nightly maintenance to conclude by 11:00 pm, as feasible;
>   - Educate building users about the dangers of night lighting to birds.

CONCLUSION

The TCDP FEIR identified significant but mitigable impacts to biological resources with respect to potential impacts to nesting birds during construction activities. The proposed project would not require the removal of trees or shrubs and would therefore have no impact with respect to construction activities potentially effecting nesting birds. The first 60 feet of the proposed building façade as well as any feature-related bird strike hazards would be treated with bird safe glazing. In addition, the project sponsor has agreed to implement Project Improvement Measure I-BI-1. Therefore, the proposed project would not result in significant impacts to biological resources.

HAZARDS AND HAZARDOUS MATERIALS

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

The TCDP FEIR identified potentially significant impacts related to the handling of contaminated soil and groundwater and exposure to hazardous building materials. The TCDP FEIR determined that *Mitigation Measure M-HZ-2a: Site Assessment and Corrective Action for Sites Located Bayward of Historic High-Tide Line, Mitigation Measure M-HZ-2b: Site Assessment and Corrective Action for Projects Landward of the Historic High-Tide Line, Mitigation Measure M-HZ-2c: Site Assessment and Corrective Action for All Sites,* and *Mitigation Measure M-HZ-3: Hazardous Building Materials Abatement* would reduce impacts to a less-than-significant level. Because the project site is not located bayward[82] of the historic high-tide line, *Mitigation Measure M-HZ-2a* is not applicable to the proposed project.

Mitigation Measure M-HZ-2b is required for any project not located bayward of the historic high-tide line and requires that the project sponsor prepare a site-specific Phase I Environmental Site Assessment before development. *Mitigation Measure M-HZ-2c* applies to all sites in the Plan area and requires a screening evaluation if potential exposure to vapors is suspected. *Mitigation Measure M-HZ-3* requires that the project sponsor of any development ensure that buildings planned for demolition or renovation be surveyed for hazardous building materials and removed and properly disposed of before the start of demolition or renovation. In accordance with the TCDP FEIR's requirements, the project sponsor has agreed to implement **Project Mitigation Measures HZ-1** and **HZ-2**, on pages 92 and 93.

HANDLING OF POTENTIALLY CONTAMINATED SOILS

Pursuant to FEIR *Mitigation Measure M-HZ-2b,* a Phase I Environmental Site Assessment was conducted for the project site in 2005.[83] A Phase I ESA describes current and prior uses of the property, reviews environmental agencies' databases and records, reports site reconnaissance observations, and summarizes potential soil and groundwater contamination issues. The 2005 Phase I ESA found no records of prior use of hazardous materials or generation of hazardous waste on the project site. Therefore, previous or current on-site uses are not expected to have contaminated the soil or groundwater at the site.

Several off-site facilities in the study area appear on the regulatory agency lists attached to the Phase I ESA. The chief transport mechanism for the migration of off-site chemical impacts to the on-site

[82] The areas "bayward of the historic high-tide line" consist of the areas generally east of First Street north of Howard Street, and east of Fremont Street between Howard and Folsom Streets in the vicinity of the 41 Tehama Street Project.

[83] Treadwell & Rollo. May 11, 2005. Phase I Environmental Site Assessment, 41 Tehama Street, San Francisco, California. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

environment would likely be near-surface groundwater flow. However, based on the distances from the project site and the cross-gradient locations of these sites relative to the project site, it does not appear that off-site facilities have affected, nor are they likely to affect, the environmental conditions of the project site. Treadwell & Rollo judged that the potential of the documented nearby off-site sources of chemical constituents to affect the environmental conditions at the project site is minimal.[84]

Construction of the proposed tower would result in the removal of approximately 35,000 cubic yards of soil. When more than 50 cubic yards of soil will be disturbed, Article 22A of the San Francisco Public Health Code requires that the soil be analyzed for hazardous substances. The proposed project would disturb more than 50 cubic yards of soil; however, the project site is located west of the original shore of San Francisco Bay and is not within the defined limits of Article 20 of the Public Works Code (the Maher Ordinance), nor has the site been otherwise designated for analysis by the Director of Public Works. Therefore, the project site is not subject to the requirements of Article 22A.

However, based on the review of regulatory files, the site's history, and site reconnaissance, it is likely that the site is underlain by "earthquake" fill, which may contain debris and elevated levels of lead and petroleum hydrocarbons. The sources of these chemicals are generally past regional industrial activities and debris from the 1906 earthquake and fire. Based on these findings, an Environmental Site Characterization was conducted for the 41 Tehama Street Project site in 2005.[85] This investigation collected samples of soils beneath the site and analyzed the samples for petroleum hydrocarbons and metals. Petroleum hydrocarbons were detected in 13 of the 20 soil samples analyzed. Lead was detected in 33 of the 44 samples analyzed at concentrations ranging from 5.6 to 5,500 milligrams per kilogram. The Office of Environmental Health Hazard Assessment sets a human health screening level for lead at residential properties at 80 milligrams per kilogram; 20 samples had elevations of lead exceeding this screening level. Because of these findings, a portion of the fill material underlying the site would need to be disposed of as federally regulated hazardous waste. Most of the fill material would likely require disposal as state-regulated Class II hazardous waste. The project sponsor and its construction contractor would be required to follow state and federal regulations for manifesting the wastes, using licensed waste haulers, and disposing of the materials at a permitted disposal or recycling facility.

In compliance with TCDP FEIR *Mitigation Measure M-HZ-2b* and *M-HZ-2c*, the project sponsor has agreed to implement **Project Mitigation Measure M-HZ-1**, on page 92. Implementing Project Mitigation Measure M-HZ-1 and complying with regulatory requirements for waste hauling and disposal would reduce significant impacts related to the handling of potentially contaminated soil and groundwater to a less-than-significant level.

---

[84] Ibid., page 8.

[85] Treadwell & Rollo. September 16, 2005. Environmental Site Characterization. 41 Tehama Street. San Francisco. California. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

Project Mitigation Measure M-HZ-1 Contaminated Soil and Groundwater (Mitigation Measures M-HZ-2b and M-HZ-2c of the TCDP FEIR):

Step 1: Determination of Presence of Petroleum Hydrocarbon- and Lead-Contaminated Soils

Prior to approval of a building permit for the project, the project sponsor shall submit the Environmental Site Characterization for the proposed project to the Department of Public Health for review and approval, along with a fee of $425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of $425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first 5 hours, at a rate of $85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine whether soils on the project site are contaminated with petroleum hydrocarbons or lead at or above potentially hazardous levels.

If DPH determines that the soils on the project site are not contaminated at or above potentially hazardous levels (i.e., below 50 ppm total for lead), no further mitigation measures with regard to contaminated soils on the site would be necessary.

Step 2: Preparation of a Site Mitigation Plan

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

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and Federal regulations,

including Occupational Safety and Health Administration (OSHA) work practices) when such soils are encountered on the site.

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

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

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

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

Step 4: Preparation of Closure/Certification Report

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

HAZARDOUS BUILDING MATERIALS

The proposed project would involve demolition of the existing one-story structure on the project site, built in 1959. Because this structure was built before the 1970s, hazardous building materials such as asbestos-containing materials and lead-based paint are likely to be present in this structure. Demolishing the on-site structure could expose workers or the community to hazardous building materials. In compliance with TCDP FEIR *Mitigation Measure M-HZ-3*, the project sponsor has agreed to implement **Project Mitigation Measure M-HZ-2**, below, before demolition of the existing on-site structure, which would reduce potential impacts related to hazardous building materials to a less-than-significant level.

Project Mitigation Measure M-HZ-2 Hazardous Building Materials Abatement (Mitigation Measure M-HZ-3 of the TCDP FEIR):

The project sponsor shall ensure that the building planned for demolition is surveyed for hazardous building materials including PCB [polychlorinated biphenyl]–containing electrical

equipment, fluorescent light ballasts containing PCBs or DEHP [di (2 ethylhexyl) phthalate], and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

CONCLUSION

The proposed project's impacts with respect to the routine transport of hazardous materials, interference with an adopted emergency response plan, and risk of fires would be less than significant. The TCDP FEIR identified potentially significant impacts related to soil and groundwater contamination as well as hazardous building materials. Pursuant to the mitigation measures identified in the TCDP FEIR, the sponsor would implement Project Mitigation Measures M-HZ-1 and M-HZ-2, reducing impacts from the handling of potentially contaminated soil and groundwater and exposure to hazardous building materials to a less-than-significant level.

PUBLIC NOTICE AND COMMENT

On July 27, 2011, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. The Planning Department received several comments in response to the notice. Concerns and issues raised in the public comments on the environmental review are discussed in the corresponding topical sections of this Certificate of Determination or in the Community Plan Exemption Checklist. Comments that do not pertain to physical environmental issues and comments concerning the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental process. The following is a list of comments made in response to the Notice of Project Receiving Environmental Review.

CEQA Approach: A commenter expressed concern that the proposed project would request an environmental exemption.

The environmental impacts of the proposed project have been analyzed in this Certificate of Determination and the Community Plan Exemption Checklist. The TCDP FEIR provided a program-level environmental analysis of the Plan area, which included the proposed 41 Tehama Street Project and considered the project's incremental impacts. This Certificate of Determination and the Community Plan Exemption Checklist provide a project-level environmental evaluation, and this determination concludes that the proposed residential project at 41 Tehama Street is consistent with and was encompassed within the analysis in the TCDP FEIR. No new environmental impacts peculiar to the project site were identified.

Traffic, Utilities and Service Systems, Aesthetics, and Shadow: A commenter expressed concern that the proposed project would result in impacts on traffic and water and sewage services, would detract from neighbors' views, and would cause reduced daylight.

Comments regarding traffic are addressed in the "Transportation and Circulation" section of this Certificate of Determination on page 49. The proposed project would contribute to significant impacts that were already identified in the TCDP FEIR. Comments about water and sewage services have been addressed in the "Utilities and Service Systems" section of the Community Plan Exemption Checklist on page 16. The proposed project would not result in significant impacts to utilities and service systems. Comments about aesthetics have been addressed in the "Aesthetics" section of this Certificate of Determination on page 26. As detailed in that analysis, the proposed project would result in less-than-significant aesthetic impacts. Comments about shadow impacts have been addressed in the "Shadow" section of this Certificate of Determination on page 79 and the proposed project was determined to contribute to potentially significant shadow impacts on nearby open spaces.

CONCLUSION

The TCDP FEIR incorporated and adequately addressed all potential impacts of the proposed project at 41 Tehama Street. As described above, the 41 Tehama Street Project would not result in any additional or unique significant adverse effects not examined in the TCDP FEIR, nor has any new or additional information come to light that would alter the conclusions of the TCDP FEIR. Thus, the proposed 41 Tehama Project would not result in any new significant or unique effects on the environment not previously identified in the TCDP FEIR, nor would any environmental impacts be substantially greater than those described in the TCDP 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 State CEQA Guidelines, the proposed project is exempt under Section 21083.3 of the California Public Resources Code.

This page left intentionally blank.

Attachment A
Community Plan Exemption Checklist

Case No.:	**2008.0801E**
Project Title:	**41 Tehama Street**
Zoning:	C-3-O (SD) (Downtown Office Special Development) District 360-S Height and Bulk District
Block/Lot:	3736/Lots 74, 75, 76, 77, and 78A
Lot Size:	19,275 square feet
Plan Area:	Transit Center District Plan
Staff Contact:	Jessica Range – (415) 575-9018 Jessica.Range@sfgov.org

A. PROJECT DESCRIPTION:

The project site is located at 41 Tehama Street (Assessor's Block 3736, Lots 74, 75, 76, 77, and 78A) in the Financial District, in the southeast quadrant of San Francisco. The project sponsor, Tehama Partners LLC represented by Fritzi Realty, proposes to demolish an existing 400-square-foot, one-story maintenance storage shed and surface parking lot and construct a 32-story, approximately 342-foot-tall (including 24-foot-tall mechanical penthouse) tower with 325 residential units (351,345 gross square feet of residential and associated uses). The proposed tower would contain 4,225 square feet of residential amenities (conference and business center, multipurpose room, fitness center, and rooftop club room), a 4,460-square-foot open space plaza on the ground floor, two private open space terraces for residential use (one located on Level 3 and one located on Level 31) totaling 5,870 square feet, a 57,927-square-foot, 241-space parking garage (valet parking) on three below-ground levels, and 104 bicycle spaces. The project would also provide approximately 3,960 square feet of private open space in the form of residential balconies for 110 of the units (36 square feet per unit). Open space for the remaining 215 units would be provided through the private, publicly accessible open space plaza on the ground floor and the common open space terraces for the residents (see full Project Description in the Certificate Determination).

B. EVALUATION OF ENVIRONMENTAL EFFECTS:

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable programmatic final EIR (FEIR) for the plan area. Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

Items checked "Project Has Sig. Peculiar Impact" 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 FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR.

For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked "LTS/No Impact" and is discussed in the Checklist below.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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 TCDP (also referred to in this document as "the Plan") proposed to change the existing land use character of the project area by increasing the amount of allowable development in the transit-rich downtown core. The Plan would extend the C-3-O (SD) (Downtown Office Special Development) zoning district northward to encompass the area generally bounded by Market, Steuart, Natoma, and Annie Streets. In doing so, the Plan would increase the land area eligible for development with increased density through the transfer of development rights from other sites. The TCDP FEIR analyzed the proposed land use changes and determined that the Plan would result in less-than-significant land use impacts.[1] The TCDP FEIR also analyzed the cumulative impacts associated with increased development in the Plan area, and determined that cumulative land use impacts would not be significant.[2] No mitigation measures were identified in the TCDP FEIR.

The proposed project would add residential uses to the project site, but would not physically divide an established community. The project's proposed land uses would be consistent with the uses evaluated in the FEIR, and there would be no significant land use impact from the proposed project that was not analyzed in the TCDP FEIR.

[1] San Francisco Planning Department. 2012. Transit Center District Plan and Transit Tower Environmental Impact Report (Case No. 2007.0558E and 2008.0789E; State Clearinghouse No. 2008072073). Certified May 24, 2012. San Francisco, CA (TCDP FEIR). Page 85. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[2] TCDP DEIR, page 87.

The project site is located within the C-3-O (SD) zoning district. The C-3-O District is described in Planning Code Section 210.3 as consisting primarily of high-quality office development focusing on finance, corporate headquarters, and service industries, and serving as an employment center for the region; however, residential uses are principally permitted in the C-3-O District (Planning Code Section 215). Rezoning of the Plan area to C-3-O (SD) eliminated the maximum permitted floor area ratio (FAR)[3] limit of 18:1 on development in the area. The total gross floor area of the proposed project attributable to FAR calculations is approximately 369,087 gross square feet, or 19.15:1 FAR. Under the TCDP, the maximum FAR limit of 18:1 was eliminated; therefore, the project would not require transfer of development rights.

The site's height limit was increased to 360 feet under the TCDP from the previous limit of 200 feet for the 200-S Height and Bulk District. The proposed project would change the current land use at the project site from a surface parking lot with a single-story maintenance shed to a 32-story, approximately 342-foot-tall residential tower with parking, residential amenities, and open space. A residential tower was contemplated for this location, and the proposed project was considered by the TCDP for this site. The proposed land uses would not have a significant impact on the character of the vicinity beyond what was identified in the TCDP FEIR because the proposed project is consistent with the allowable uses and density envisioned in the Plan.

The proposed project would require exceptions from bulk (Planning Code Section 270), separation of towers (Planning Code Section 132.1[c]), rear yard (Planning Code Section 134), reduction of ground-level wind currents (Planning Code Section 148), and limitations on residential accessory off-street parking (Planning Code Section 151.1). The proposed project would require a variance for dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Section 155[s][5]). The primary project entitlement application would be filed under Section 309 or a similar section enacted as part of the TCDP (i.e., a "Section 309 Application"). The Section 309 Application process would enable the Planning Commission to grant the above exceptions and exemptions provided for under the Plan. The Section 309 Application requires review and approval by the Planning Commission at a duly noticed public hearing. After approval of the Section 309 Application, building permits may be processed and issued by the Department of Building Inspection (DBI) for construction of the project.

As determined by the Citywide and Current Planning Sections of the San Francisco Planning Department, the proposed project (i) is consistent with the TCDP, (ii) satisfies the requirements of the *San Francisco General Plan* and the Planning Code, and (iii) is eligible for a Community Plan Exemption.[4,5] Therefore, the project would have no significant impacts related to land use.

---

[3] Floor area ratio is the ratio of total floor area within a building (absent specified exceptions) to the size of the lot. That is, a three-story building that fully covers its lot would have a floor area ratio (not counting exceptions) of 3:1.

[4] Varat, Adam. September 10, 2012. San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[5] Guy, Kevin. November 6, 2012. San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning. This document is on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

Under the TCDP, it is anticipated that the rezoning would result in an increase in both housing development and population in the Plan area. The TCDP FEIR estimated that the proposed rezoning would accommodate an additional 1,235 households and more than 1,900 residents, for a total of approximately 6,100 households and 11,500 residents in the Plan area between 2005 and 2035.[6]

The TCDP FEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. The TCDP FEIR concluded that new development allowed under the Plan would be an indirect physical change that would accommodate population and employment.[7] No mitigation measures were identified.[8]

The project's proposed 325 residential units would be within the amount of housing development anticipated in the TCDP area and would help to meet San Francisco's housing needs. In addition, 49 of these units (15 percent) would be affordable to low- to moderate-income households.

6 TCDP DEIR, pages 198 and 200.
7 TCDP DEIR, page 198.
8 TCDP DEIR, page 201.

Based on the household population growth assumption of 1.55 persons per household,[9] the proposed project's 325 units would introduce 504 residents to the project site. The proposed project would constitute approximately 5 percent of the households, and 4 percent of the residents anticipated in the Plan area. The addition of residents and residential units at the proposed project site would be within the amount projected by the TCDP FEIR.

The proposed project would not displace any residents, because no residential units are currently located on the project site. The project therefore would have no impact on the displacement of people or housing units, nor would construction of replacement housing be necessary.

The proposed project would not result in peculiar impacts that were not identified in the TCDP EIR related to population and housing.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐

[9] TCDP DEIR, page 198.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☐	☐	☒

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒
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?	☒	☒	☐	☐

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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)?	☒	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The TCDP FEIR assessed the greenhouse gas (GHG) emissions that could result from implementation of development projects in the Plan area. The TCDP FEIR concluded that the policies in the Plan, if implemented, would ensure that the development projects in the Plan area would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment, nor would the projects conflict with the City's GHG reduction strategy.[10] The TCDP FEIR adequately addressed GHG emissions and the resulting emissions were determined to be less than significant. No mitigation measures were identified in the TCDP FEIR.

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could

[10] TCDP DEIR, page 441.

not generate enough GHG emissions to noticeably change the global average temperature. Direct operational emissions include GHG emissions from new 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 increase activity on-site by replacing an existing parking lot and maintenance shed with a 409,272 gross-square-foot building, consisting of 351,345 gross square feet of residential and associated uses and 57,927 gross square feet of parking. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential operations associated with energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in an increase in GHG emissions.

Consistent with the GHG analysis in the TCDP FEIR, the proposed project's impact with respect to GHG emissions is based on compliance with local and state plans, policies, and regulations adopted for the purpose of reducing the cumulative impacts of climate change. Assembly Bill 32, or AB 32, required the California Air Resources Board (ARB) to develop a Scoping Plan outlining measures to meet GHG reduction targets specified in AB 32. This Scoping Plan is the state's overarching plan for addressing climate change.

In addition to the California's Scoping Plan, San Francisco has developed its own plan to address GHG emissions, *Strategies to Address Greenhouse Gas Emissions*.[11] This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy. This document identifies a number of mandatory requirements and incentives that have measurably reduced GHG emissions, including 42 specific regulations applicable to new development that would reduce a project's GHG emissions. As reported in *Strategies to Address Greenhouse Gas Emissions*, San Francisco's 1990 GHG emissions were approximately 6.15 million metric tons of carbon dioxide-equivalents ($MMTCO_2E$). A recent third party verification of the City's communitywide and municipal emissions inventory has confirmed that San Francisco has reduced its GHG emissions to 5.26 $MMTCO_2E$, representing a 14.5 percent reduction in GHG emissions below 1990 levels.[12,13]

The BAAQMD, the primary agency with regulatory authority over air quality regulation in the nine-county SFBAAB, has reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the

[11] San Francisco Planning Department. Strategies to Address Greenhouse Gas Emissions in San Francisco. 2010. The final document is available online at: *http://www.sfplanning.org/index.aspx?page=2627*. Accessed August 22, 2012.

[12] Husain, Khalid et. al. May 8, 2012—memorandum to Adam Stern, Calla Ostrander, and Sachiko Tanikawa of the San Francisco Department of the Environment regarding Technical Review of San Francisco's 2010 Municipal GHG Inventory.

[13] Husain, Khalid et. al. April 10, 2012—memorandum to Adam Stern, Calla Ostrander, and Sachiko Tanikawa of the San Francisco Department of the Environment regarding Technical Review of the 2010 Community-wide GHG Inventory for City and County of San Francisco.

Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[14]

As discussed in the TCDP FEIR, the City's GHG Reduction Strategy is consistent with the GHG reduction goals outlined in AB 32. Therefore, projects that are consistent with the City's GHG Reduction Strategy would be consistent with the goals of AB 32 and would not conflict with either plan or generate GHG emissions that would make a considerable contribution to global climate change. The proposed project was determined to be consistent with the City's *Strategies to Address Greenhouse Gas Emissions* and a comprehensive analysis of the project's consistency with the City's *Strategies to Address Greenhouse Gas Emissions* is detailed in the project's GHG Compliance Checklist.[15] Applicable requirements for the proposed project are shown below in **Table 1: Greenhouse Gas Regulations Applicable to the Proposed Project**.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Building Code Section 13.C.106.5	Requires that eight percent of total parking stalls be designated for low-emitting, fuel efficient, and carpool/van pool vehicles.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would provide 19 parking spaces designated for fuel-efficient vehicles, and therefore would meet this requirement.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would provide 104 bicycle spaces, and therefore would exceed the requirement to provide at least 94 bicycle spaces for a residential building with 325 dwelling units.
Car Sharing Requirements (Planning Code Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would provide two car-share parking spaces, and therefore would meet this requirement.

[14] Roggenkamp, Jean. Bay Area Air Quality Management District. October 28, 2010—letter to Bill Wycko of San Francisco Planning Department. Available: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA%20Letters/San%20Francisco%20GHG%20Reduction%20Strategy_10_28_2010%20-%20AY.ashx*. Accessed March 8, 2011.

[15] AECOM. August 23, 2012. Greenhouse Gas Analysis: Compliance Checklist. This document is on file and available for review as part of Case No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The C-3-O District limits off street parking to one space for every four dwelling units, or up to 0.75 spaces per dwelling unit, or one space for every two bedroom unit, provided that the Planning Commission makes certain findings under the Section 309 approval process.
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency for High-Rise Residential (SF Building Code, Chapter 13C)	Enhanced Commissioning of Building Energy Systems	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would be built to meet LEED® Gold certification requirements. The Enhanced Commissioning of Building Energy Systems is required for LEED® prerequisite EAp1 to obtain credit EA3. The proposed development would comply with the requirements for energy efficiency for high-rise residential buildings.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15 percent more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would be built to meet LEED® Gold certification requirements. This means that the proposed residential building would be at least 15 percent more energy efficient than Title 24 energy efficiency requirements, meeting the San Francisco Green Building requirements.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would disturb more than 5,000 square feet, and therefore would be required to comply with the City's Stormwater Management Ordinance. The 41 Tehama Street site is served by a combined stormwater-sewer system and would be designed to meet stormwater requirements through compliance with LEED® Sustainable Sites Credit 6.1, implement a stormwater management plan that will decrease the volume of stormwater runoff from the 2-year, 24-hour design storm by 25 percent from existing conditions. Design strategies that would be implemented to meet this requirement would include use of pervious paving, infiltration wells, and reuse of stormwater volumes for landscape irrigation.[16]
San Francisco Requirements for water efficient irrigation (SF Administrative Code, Chapter 63)	For all new residential construction with a modified landscape area equal to or greater than 1,000 square feet, landscape areas shall be planted and irrigated efficiently by complying with water efficient design and operation requirements including but not limited to the use of low water use plants or climate appropriate plants, restrictions on turf areas over 25 percent of the total landscaped area or on steep slopes, irrigation system audits, regular irrigation scheduling and maintenance practices. Landscaping shall not exceed a Maximum Applied Water Allowance using the formulas developed for local climate conditions within the City and County of San Francisco.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would comply with the standards required for water-efficient irrigation.

[16] LEED® Sustainable Sites Credit 6.2 is not currently pursued because this site is served by a combined stormwater-sewer system. It is believed that the pretreatment of clean rainwater before it combines with contaminated sewer water provides little, if any, value given the reality of the existing system that this building would tie into.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
San Francisco Green Building Requirements for water use reduction (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf and new high rise residential buildings are required to reduce the amount of potable water used by 30 percent. Reduce overall use of potable water within the building by specified percentage for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project is pursuing compliance with the San Francisco Green Building Code through the LEED® process, and as required, the project would reduce potable water use by 30 percent.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. (Per update to the California State Building Code Section 402.2 and 402.3, effective July 2011, the maximum flush volume for water closets is not to exceed 1.28 gpf and the maximum flush volume for urinals is not to exceed 0.5 gpf.) Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would comply with the standards required by the Residential Water Conservation Ordinance.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Waste Reduction Sector			
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C) and Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building. The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would have provisions for recycling, composting, trash storage, collection, and loading that would be convenient for all building users.
San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code, Chapter 13C)	These projects proposing demolition are required to divert at least 75 percent of the project's construction and demolition debris to recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development includes demolition of an existing structure, and therefore would divert at least 75 percent of the project's construction and demolition debris to recycling.
San Francisco Construction and Demolition Debris Recovery Ordinance (SF Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65 percent diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would require construction and demolition debris recycling and is targeting a 75 percent diversion rate in compliance with the Green Building Ordinance requirements. Because construction entails demolition of the existing maintenance storage shed, the project sponsor will be required to submit a waste diversion plan to the San Francisco Department of the Environment, per this requirement.

Table 1
Greenhouse Gas Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant one 24-inch box tree for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed development would be within the Transit Center District Plan area, and therefore is required to comply with street tree planting requirements for new construction. Planning Code Section 428 requirements would be met by the planting of 12 additional new street trees.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project does not propose the installation of wood-burning fire places.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	All diesel-fueled emergency generators would meet federal, state, and local emissions standards in effect at the time the generators are installed. Before installation, all diesel-fueled emergency generators would receive approval from the Bay Area Air Quality Management District and an application would be submitted to the San Francisco Department of Public Health in accordance with San Francisco Health Code, Article 30. All diesel-fueled emergency generators would be operated in accordance with requirements of their respective Bay Area Air Quality Management District Permits to Operate and San Francisco Department of Public Health Certificates.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the state's ability to meet statewide GHG reduction targets outlined in AB 32, nor affect the City's ability to meet San Francisco's local GHG reduction targets. As shown above in Table 1, the proposed project would be required to comply with a number of local requirements including the provision of bicycle spaces, fuel-efficient vehicle parking, energy efficiency requirements, indoor and outdoor water conservation measures, waste reduction and recycling measures, low-volatile organic-compound building materials, and requirements for the planting of street trees. Therefore, as detailed above and in the project's GHG Compliance Checklist, the proposed project was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions*. Therefore, the proposed project would not result in GHG emissions that would have a significant impact on the environment and would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. For the above reasons, the proposed project would not result in any peculiar impacts that were not identified in the TCDP FEIR related to GHG emissions.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The TCDP FEIR concluded that implementation of the Plan is not expected to result in significant impacts on parks and recreational facilities.[17] No mitigation measures were identified.

The proposed project would provide a new 4,460-square-foot open plaza on the ground floor and two private open space terraces for residential use (on Levels 3 and 31) totaling 5,870 square feet. As described

[17] TCDP DEIR, page 533.

previously in "Population and Housing," the introduction of residential uses would result in approximately 504 new residents in the project area.

The project location is served by South Park, Justin Herman Plaza, and other parks and open spaces in the vicinity, such as 303 Second Street Plaza, 611 Folsom Street Plaza, 560 Mission Street Plaza, Market Street Plaza, Mission Plaza, Rincon Plaza, Spear Street Plaza, Rincon Park, and Yerba Buena Gardens. Oscar Park, to be located primarily between Clementina and Tehama Streets along the new Oscar Alley as part of the Transbay Terminal development, would also be used by project residents.

With the addition of 325 residential units, the proposed project would not substantially increase demand for, or use of, neighborhood parks or citywide parks (such as Golden Gate Park) in a manner that would cause substantial physical deterioration of these facilities. The new residents of the proposed tower would be within the expected population increase of the Plan area; thus, the proposed project would not result in substantial deterioration of recreational facilities beyond what was analyzed in the TCDP EIR. Lastly, the proposed project does not include, or require, construction or expansion of recreational facilities.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

The TCDP FEIR analyzed growth projections for the Plan area and concluded that impacts on the provision of water, wastewater collection and treatment, solid waste collection and disposal, and energy

would not be significant.[18] No mitigation measures were identified. The San Francisco Public Utilities Commission (SFPUC) has concluded that under its Water Shortage Allocation Plan, with additional local Water System Improvement Program supplies, sufficient water would be available to meet the existing and planned future water retail demand within San Francisco, inclusive of the growth anticipated in the Transit Center District. Similarly, the FEIR found that sufficient dry weather capacity exists at the Southeast Water Pollution Control plant, and that development under the Plan would only result in new wet weather flow from sanitary sewage generation. With respect to solid waste, the FEIR found that impacts would be less than significant because solid waste generated by development pursuant to the Plan would be accommodated within existing growth projections.

The proposed project would represent a small fraction of the overall demand for wastewater treatment, stormwater drainage facilities, water supply, and landfill capacity that was analyzed in the FEIR and found to result in less-than-significant impacts. The FEIR concluded that development anticipated under the Plan, including the proposed project, would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board and would not require the construction of new wastewater/stormwater treatment facilities or expansion of existing ones. Sufficient water for the proposed project would be available from existing supplies and the project would not result in an increase in demand for wastewater services that would exceed the capacity of the sewer collection system.[19] The proposed project is also within the projections considered in the San Francisco Public Utilities Commission's *2010 Urban Water Management Plan*, which incorporated the Planning Department's 2009 growth projections inclusive of the Plan area.[20] Solid waste generated by project construction and operation would not cause the landfill to exceed its permitted capacity; and the project would be required to comply with City ordinances that require recycling and composting of most solid waste. Utilities and service systems would not be adversely affected by the proposed project, individually or cumulatively, and no significant impact would ensue. The proposed project's additional demand on utilities and service systems would be consistent with the TCDP as evaluated in the TCDP FEIR. Hence there would be no significant environmental impact peculiar to the project or its site.

[18] TCDP DEIR, pages 537–541.

[19] Ho, Ed. May 25, 2012. San Francisco Public Utilities Commission. Personal Communication with Jessica Range, Environmental Planner, San Francisco Planning Department, Environmental Planning Division.

[20] TCDP DEIR, page 538.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS No Impact*
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?	☐	☐	☐	☒

The proposed project would increase population within the projected numbers discussed in the TCDP FEIR. The TCDP FEIR analyzed growth projections for the Plan area and concluded that impacts on public services would not be significant.[21] No mitigation measures were identified.

The proposed project would not increase demand for police or fire protection services beyond that already identified in the TCDP FEIR, and would not necessitate the need for new school facilities or libraries in San Francisco. Hence, the proposed project would not result in a significant impact on public services.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

[21] TCDP DEIR, pages 545–549.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

The TCDP FEIR determined that the Plan would not result in significant adverse physical effects related to geology, soils, and seismicity. No mitigation measures were identified.[22]

The proposed project would require excavation of the entire site to a depth of approximately 48 feet, resulting in the removal of approximately 35,000 cubic yards of soil. The resulting subsurface space

[22] TCDP DEIR, pages 588–593.

would provide three below-grade parking levels for residents of the proposed tower. The proposed tower would have a mat foundation and would not require pile driving. A geotechnical report has been prepared for the proposed project.[23]

The site-specific geotechnical report indicated the presence of 4–6 feet of fill at the surface, consisting of loose to medium-dense sand and silty sand, most likely placed during the post-1906 earthquake leveling process.[24] The geotechnical report also identified the following soils beneath the fill: dune sand (8–14 feet thick), medium-stiff to stiff sandy clay (2–7 feet thick), medium-dense to very dense sand of the Colma Formation (borings in the vicinity indicate that the dense layer extends to depths of 80 feet below the existing ground surface), and stiff marine clay that extends to depths of about 130–170 feet.[25] The bedrock of the Franciscan Formation is expected beneath the stiff marine clay.

According to the site-specific geotechnical report, groundwater levels at the site are dependent on the amount of rainfall; however, a depth of 12 feet should be expected.[26] The proposed excavation would reach a depth of 48 feet; therefore, dewatering would be required. (See the "Hydrology and Water Quality" section for further discussion of dewatering, page 21.)

Typically, the soil layers of concern for liquefaction are uncontrolled sandy fill and loose to medium-dense native sand. The medium-dense dune sand that extends beneath the groundwater level will likely liquefy under strong ground shaking associated with a moderate to large earthquake on a nearby fault. However, the 4–6 feet of sandy fill identified at the site would be removed during excavation for the proposed three basement levels. The Colma Formation sand below the proposed basement levels is sufficiently dense or has enough cohesion to prevent liquefaction from occurring.[27] Therefore, liquefaction is not a concern for the building foundation. However, it could affect off-site improvements. The geotechnical report, as discussed further below, contains recommendations to ensure that the the structural integrity of the building and other improvements withstand potential geologic hazards.

Densification can occur during strong ground shaking in loose, clean granular deposits above the water table, resulting in ground surface settlement. Because the site would be excavated to accommodate the proposed basement levels, the very loose to medium-dense fill and dune sand within the footprint of the proposed tower would be removed. However, during an earthquake, approximately 0.25 to 0.5 inch of settlement may occur beneath the sidewalks, streets, and parking lots adjacent to the project site.

---

23 Treadwell and Rollo. April 27, 2010. Revised Geotechnical Report, 41 Tehama Street, San Francisco, California. This document is on file and available for review as part of Case No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

24 Ibid., page 4.

25 Ibid., page 5.

26 Ibid.

27 Ibid., page 8.

As described in the project site-specific geotechnical report,[28] from a geotechnical standpoint, the site can be developed as proposed, provided that project design and construction incorporate the recommendations presented in that report.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for geotechnical stability. This information includes geologic maps of Special Geologic Study Areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. To ensure compliance with all Building Code provisions regarding structural safety, the DBI will determine the adequacy of necessary engineering and design features when it reviews the geotechnical report and building plans for the proposed project. The above-referenced geotechnical report would be available for use by the DBI during its review of building permits for the site. Potential geologic hazards would be addressed during the permit review process through the incorporation of site-specific measures, which would include the recommendations outlined in the geotechnical report. DBI may also require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site, or nearby properties, would be addressed through the DBI's requirement for a geotechnical report and its review of the building permit application as part of its implementation of the Building Code.

With respect to erosion, the proposed project would be required to adhere to an erosion and sediment control plan for construction activities, in accordance with Article 4.1 of the San Francisco Public Works Code (see "Hydrology and Water Quality," below) to reduce the impact of runoff from construction activities. The project would not result in a change in topography at the site, and it would not include septic tanks.

Consistent with the findings in the TCDP FEIR, the proposed project would not result in a significant impact related to geology and soils, either individually or cumulatively.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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)?	☐	☐	☐	☒

[28] Ibid., page 9.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The TCDP FEIR concluded that there would be no significant impacts on hydrology and water quality at the program level.[29] No mitigation measures were identified.

The project site is currently fully developed with an impervious asphalt parking lot and a 400-square-foot maintenance storage shed. The proposed project would involve demolishing the existing structure and parking lot and constructing a 32-story residential tower. The proposed project would minimally reduce the amount of impervious surface area, thus reducing the volume of stormwater runoff, by adding a landscaped plaza on the ground level. In addition, the project would be designed to comply with the stormwater-quantity-control performance measure of the San Francisco Stormwater Design Guidelines. This performance measure is equivalent to LEED® Sustainable Sites Credit 6.1, which requires implementation of a stormwater management plan that would result in a 25 percent decrease in runoff rate and volume from the existing condition during the 2-year, 24-hour storm event. Compliance with this regulation would substantially reduce the stormwater runoff rate and volume resulting from a 5-year storm event, for which the site would be designed to provide acceptable off-site conveyance to the

[29] TCDP DEIR, pages 611–620.

combined sewer system. The peak off-site flows from the project site would be approximately equivalent to or less than the peak flow currently experienced.[30]

The proposed project includes construction of a below-grade parking garage that would extend to a depth of approximately 48 feet below grade. As discussed previously, groundwater is expected at a depth of approximately 12 feet below grade; therefore dewatering would be required. Construction stormwater discharges into the City's combined sewer system would be subject to the requirements of Article 4.1 of the San Francisco Public Works Code (supplemented by Department of Public Works Order No. 158170), which incorporates and implements the City's National Pollution Discharge Elimination System (NPDES) permit, and the federal Combined Sewer Overflow Control Policy. Stormwater drainage during construction would flow into the City's combined sewer system, where it would receive treatment at the Southeast Water Pollution Control plant or other wet weather facilities and would be discharged through an existing outfall or overflow structure in compliance with the City's existing NPDES permit. Therefore, water quality impacts related to violating water quality standards or degrading water quality due to the discharge of construction-related stormwater runoff would not be significant.

The proposed project would be consistent with the TCDP as evaluated in the TCDP FEIR by minimizing year-round sanitary sewage flows and decreasing stormwater runoff to the combined sewer system through compliance with San Francisco's Green Building Ordinance, San Francisco Stormwater Design Guidelines, Article 4.1 of the San Francisco Public Works Code, and policies included in the Plan. Effects on hydrology and water quality would not be significant, either individually or cumulatively. In addition, the project site is not within a 100-year flood hazard area; nor is it near a dam or levee or in an area at risk for a seiche, tsunami, or mudflow. The proposed project's effects on hydrology and water quality would be consistent with the TCDP as evaluated in the TCDP FEIR and there would be no significant environmental impact peculiar to the project or its site.[31]

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐

[30] AECOM. May 9, 2012. 41 Tehama Street – Estimate of Projected Flows. This document is on file and available for review as part of Case No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

[31] TCDP DEIR, pages 611–620.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

Please see the Certificate of Determination for the discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

The TCDP FEIR concluded that no significant impacts on mineral and energy resources would occur at the program level.[32] No mitigation measures were identified.

All land in San Francisco, including the 41 Tehama project site, is designated as Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG). This designation indicates that there is not adequate information available for assignment to any other MRZ, and thus the site is not a

[32] TCDP DEIR, pages 611–620.

designated area of significant mineral deposits. The 41 Tehama Street project site is not located within a mineral resource recovery site, and would not result in the loss of mineral resources.

Development of the proposed project would not result in unusually large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The proposed project would meet all applicable state and local codes concerning energy use, including Title 24 of the California Code of Regulations. The proposed project would be constructed to a LEED® Gold rating standard or better and would comply with the City's Green Building Ordinance, which requires that the project be at least 15 percent more energy efficient than Title 24 energy requirements. Therefore, the project would not result in a wasteful use of energy and would have a less-than-significant impact on energy supplies or resources. Consistent with the findings in the TCDP FEIR, the proposed project would not result in a significant mineral or energy resource impact.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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 TCDP FEIR concluded that there would be no impacts related to agricultural and forest resources. The project site does not contain agricultural uses and is not zoned for such uses. In addition, the project site is entirely covered with impervious surfaces, and therefore, the proposed project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. Also, the project would not result in the loss of forest land or convert forest land to nonforest use. Therefore, the proposed project would not result in significant impacts related to agricultural resources.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐

The proposed project would involve demolishing an existing 400-square-foot, one-story maintenance storage shed and surface parking lot and constructing a 32-story, approximately 342-foot-tall (including 24-foot-tall mechanical penthouse) tower with 325 residential units. The proposed tower would contain residential amenities, open space, a 241-space parking garage (valet parking) on three below-ground levels, and 104 bicycle spaces.

The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the TCDP FEIR. As discussed in the Certificate of Determination, the TCDP FEIR identified significant environmental impacts for a number of resource topic areas. The proposed project would contribute to significant impacts already identified in the TCDP FEIR for the following topic areas, which is discussed further in the corresponding topical sections of the Certificate of Determination: Cultural Resources, Transportation and Circulation, Noise, Air Quality, and Hazards and Hazardous Materials.[33]

[33] San Francisco Planning Department, Certificate of Determination, 41 Tehama Street, November 8, 2012. This document is also on file and available for review as part of Case File No. 2008.0801E at 1650 Mission Street, Suite 400, San Francisco, CA.

C. DETERMINATION:

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

☒ The proposed project is 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 (FEIR) 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 FEIR 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 are required, analyzing the effects that remain to be addressed.

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

DATE November 13, 2012

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director