

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.:

2008.1234E

Project Title:

205 Franklin Street - SFJAZZ Center

Zoning:

Hayes-Gough NCT (Neighborhood Commercial Transit)

40-X/50-X/65-X Height and Bulk Districts

Block/Lot:

0816/003

Lot Size:

16,500 square feet

Plan Area:

Market and Octavia Neighborhood Plan Felice Swapp, SFJAZZ, (415) 398-5655

Project Sponsor: Staff Contact:

Don Lewis - (415) 575-9095

don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site is a 16,500-square-foot lot located on the western side of Franklin Street, between Fell Street and Linden Street, in the southwest part of the Downtown/Civic Center District. The project sponsor SFJAZZ, a San Francisco nonprofit organization dedicated to arts and education proposes to demolish the existing 20,500-square-foot industrial/office building and construct a new 40-foot-tall, threestory, approximately 35,000-square-foot performing arts and education building. This new facility would

(Continued on second page.)

EXEMPT STATUS:

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

REMARKS:

(See next page.)

DETERMINATION:

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

BILL WYCKO

Environmental Review Officer

June 22, 2010

cc: Felice Swapp, Project Sponsor

Kevin Guy, Neighborhood Planning Division

Virna Byrd, M.D.F.

Supervisor Chris Daly, District 6

Exemption/Exclusion File

PROJECT DESCRIPTION:

consist of the following components:

Main Performance Theater. The approximately 9,000-square-foot auditorium would be on the ground floor rising up to the third floor. The auditorium would allow for changeable configurations of seating for 350 / 550 / 720 patrons, with flexible space for an additional 80 patrons, holding up to 800 persons maximum (including standing visitors). It is anticipated that future performances would be equally distributed among the three above-noted seating configurations.

The music programs would run regularly on Thursday, Friday, Saturday, and Sunday during SFJAZZ's several performance seasons, which are nearly year-round. The Spring Season is from March to June, the Summer Season is from June to September, the Fall Season is from October to November, and the Winter Season is from November to March. It is anticipated that there would be a total of approximately 200 performances throughout the year. Weekend concerts would typically start at 8:00 pm, while weekday concerts would start at 7:30 pm. There would also be matinee performances starting at 2 pm or 3 pm on Saturday and Sunday.

Performances would typically occur in the evenings; however, some daytime events, principally family programs, could occur during the day but mostly on the weekends. The building would be open to the public throughout the day to provide access to programs, information, and educational resources. Weekday day time use is anticipated to be used primarily for educational programs involving middle school and high school students, as well as some adult programs. In order to function as a state-of-the-art performance venue, the performance hall would be acoustically isolated from street noise and conversely, no performance sound would permeate outside the hall. The proposed SFJAZZ Center may be made available to other groups for use on non-show evenings.

Many of the SFJAZZ concerts currently held in venues, such as Davies Symphony Hall, Grace Cathedral, Herbst Theatre, Masonic Center, Palace of Fine Arts, War Memorial Opera House, Yerba Buena Center for the Arts, and other locations, will be re-programmed to take place in the new facility.

Educational Program/Ensemble Room. This area would be about 2,500 square feet in size and would include an 800-square-foot, multi-purpose, ensemble room with a capacity to hold up to 80 persons. The ground-floor ensemble room would serve as a regular rehearsal space, and could be used in the evening for pre-performance events or smaller performances. The ensemble room would also be used for adult education programs and workshops, such as jazz music appreciation classes or events. This component of the project would include a teacher resource digital lab, four practice rooms for afterschool training, a music instrument storage area, and an education lobby/reception area.

Restaurant/Café. The project includes a 1,359-square-foot, ground-floor restaurant that would have capacity to accommodate up to 60 persons. It would be intended to be used as a neighborhood café during the day serving neighbors, as well as the educational programs in the facility. For the evening

performances, the café would function as an amenity for the performance attendees, providing food services before and after performances.

Administrative and Education Offices. This office area would be approximately 6,200 square feet in size and would be located on the second and third floors. It is anticipated that the facility would staff between 40-45 full-time employees. SFJAZZ currently has a staff of 26 full-time employees and provides part-time and seasonal employment for an additional 20-30 people. SFJAZZ staff is currently employed at various venues where SFJAZZ concerts are held, and this project would provide their first permanent facility.

Lobby Box Office/Gift Shop. The ground-floor retail component is relatively small and intended to provide additional earned revenue from performance visitation and is combined with the box office function. It would also be open during the day for casual neighborhood use or for visitors engaging in education programs. The lobby box office would be approximately 275 square feet in size while the gift shop would be approximately 300 square feet.

The primary entrance for the proposed facility would be at the corner of Fell and Franklin Streets, while the secondary entrance would be located in the middle of the project's Franklin Street frontage. The public entrance to the administrative areas would be at the west corner of Fell Street and the education entrance is on Linden a short distance from the corner of Franklin Linden Street. The restaurant/cafe's entrance would anchor the middle portion of the project's Fell Street frontage, with pivoting doors opening to the sidewalk.

The proposed building material would use poured-in-place concrete for the interior of the acoustically shielded auditorium, and be surrounded by a translucent façade to maximize the use of daylight and allow natural ventilation through a system of overlapping window panels. The project structure would have street frontages of approximately 120 feet on Fell, Linden, and Franklin Streets, respectively. The project structure would also have with a 10-foot- to 16-foot-wide loading aisle running the length of the project site and abutting the adjacent lot to the west. The ingress for the one-way loading aisle would be from Fell Street while egress would be from Linden Street. The loading aisle would be open-air, but screened from public view at each gated end. Cantilevered portions of the building would extend over parts of the loading aisle. The loading aisle would serve as temporary off-street loading and service area for backstage and kitchen deliveries, and would include 5 sheltered bicycle parking for employees. The loading aisle would be accessible through the western edge of the site between Fell and Linden Streets. The project would not include any off-street parking.

The project would require excavation underneath the entire project site of up to approximately four feet below the existing street grade, which would result in the removal of approximately 3,430 cubic yards of soil. Project construction would take approximately 16 months, and the project's estimated cost is \$18,000,000.

The following project approvals would be required from the San Francisco Planning Commission: (1) Conditional Use Authorization to develop on a lot exceeding 10,000 square feet, as required by Planning Code Section 121.1; (2) Conditional Use Authorization to establish a non-residential use exceeding 3,000 square feet, as required by Section 121.2; (3) Conditional Use Authorization to establish an "Other

Entertainment" use (public performance space), pursuant to Section 720.48; and (4) Conditional Use Authorization to establish an "Other Large Institution" use above the first story (educational and office functions), pursuant to Section 790.50.

SFJAZZ is contemplating an alternative project design, Scheme B. This alternative would add a cantilevered second and third floor over the loading aisle, to provide additional office and education space and green rooms (dressing rooms) for four to six musical artists, reducing the need to shuttle performers to and from hotels offsite prior to shows. Scheme B would total approximately 37,900 square feet of total program area, which is 2,800 square feet more area than Scheme A. SFJAZZ may elect to construct the alternative and this Certificate of Determination applies to the alternative as well as to the preferred scheme.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 205 Franklin Street project described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (FEIR). Project specific studies summarized in this determination were prepared for the proposed project at 205 Franklin Street to determine if there would be significant impacts attributable to the proposed project. These studies examined the project's potential environmental effects on transportation and air quality.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project, with the exception of hazards and hazardous materials, would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. With the exception of hazards and hazardous materials, 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 FEIR that would be applicable to the

SAN FRANCISCO
PLANNING DEPARTMENT

¹ A Focused Initial Study was conducted for the hazards and hazardous materials topic only. This document is on file and is available for review as part of Case No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

proposed project at 205 Franklin Street. Revelant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects.

Background

On April 5, 2007, San Francisco Planning Commission certified the FEIR for the Market and Octavia Neighborhood Plan (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The FEIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Neighborhood Plan, an element of the San Francisco General Plan. The FEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Neighborhood Plan.

Subsequent to the certification of the FEIR, in May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia Neighborhood Plan FEIR. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable "whole" neighborhoods meeting everyday needs. The Plan, as evaluated in the FEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed 205 Franklin Street project.

Individual projects that could occur in the future under the Plan would 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 additional environmental review would be required. With the exception of hazards and hazardous materials, this determination concludes that the proposed project at 205 Franklin Street is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Plan, that the FEIR adequately described the impacts of the proposed 205 Franklin Street project, and identified the necessary mitigation measures in the FEIR, as adapted for project-specific conditions described in this Certificate of Determination. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, the 205 Franklin Street project is consistent with the adopted Market and Octavia Neighborhood Plan FEIR, its impacts are adequately addressed in the FEIR, and no further CEQA evaluation is necessary.

Potential Environmental Effects

The Market and Octavia Neighborhood Plan FEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historical and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 205 Franklin Street project is in conformance with the height, use, and density for the site described in the FEIR and would represent a small part of the growth that was forecast for the Market and Octavia Neighborhood in the FEIR. As a result, the proposed project, with the exception of hazards and hazardous materials, would not result in any new or substantially more severe impacts than were identified in the FEIR. With the exception of hazards and hazardous materials, the following discussion demonstrates that the project would not result in significant impacts beyond those analyzed in the FEIR, including assessment of project-specific impacts

related to land use, aesthetics, air quality, archeological resources, historic architectural resources, transportation, and noise.

Land Use

The Market and Octavia Neighborhood Plan proposed changing the existing land use character of the project area to a transit-oriented, high-density mixed-use neighborhood. The Market and Octavia Neighborhood Plan FEIR analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan would not result in a significant adverse impact in land use character. The proposed project would demolish an existing industrial/office building and construct a new 40-foot-tall performing arts building with associated offices and support spaces, including education programs and a ground-floor restaurant/retail space. The proposed building would be consistent with the height and bulk controls for the site analyzed in the Market and Octavia Neighborhood Plan FEIR. The proposed project would intensify uses in the project vicinity, but would not result in a significant environment effect, and the new land uses would not have an impact on the character of the vicinity beyond what was identified in the FEIR. Further, the project would not result in a physical division of an established community.

With the adoption of the Market and Octavia Neighborhood Plan, the project site was re-zoned from NCD (Neighborhood Commercial District) to Hayes-Gough NCT (Neighborhood Commercial Transit). Hayes-Gough NCT allows and encourages residential uses, at a greater density, above neighborhood-serving retail uses at the ground floor, with improved conditions for pedestrians. The Hayes-Gough NCT zoning allows for the proposed institutional use and size through Conditional Use authorization. Thus, while not adding residential uses to the site, as encouraged under the Plan, there are allowances for the project's institutional use under the Plan's controls. Therefore, the project would have no significant impacts related to land use. The discretion of the Conditional Use authorization process is sufficient to safeguard against cumulatively considerable land use change impacts. The proposed project's institutional use is consistent with the plan's vision, particularly on parcels near the existing Civic Center performing arts hub. The project is also consistent with the Plan's goals of mixed-use, high-density development near transit. The project's reliance on the existing parking supply and transit facilities to support future trips is consistent with the Plan's policies. Furthermore, the proposed street-front retail and related pedestrian-scale façade treatments are consistent with the Plan's design principles.

Based on the above reasons, the Citywide Planning and Neighborhood Planning sections of the San Francisco Planning Department have determined that the proposed project is (i) consistent with the Market and Octavia Neighborhood Plan, (ii) satisfies the requirements of the General Plan and the Planning Code, and (iii) is eligible for a Community Plan Exemption.^{2,3}

SAN FRANCISCO
PLANNING DEPARTMENT

² David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

³ Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Aesthetics

The Market and Octavia Neighborhood Plan envisioned that heights along Franklin Street would be somewhat taller. Specifically, heights on Franklin Street were envisioned to be 65 feet between Linden Street and Fell Street. The Market and Octavia EIR found that while the Market and Octavia Neighborhood Plan would result in visual changes within the project area, these aesthetic changes would improve the overall visual quality. The EIR concluded that the Plan would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surroundings, and therefore, would result in a less-than-significant impact.

With respect to views, the EIR found that while development pursuant to the Plan would result in an intensification of both height and density in portions of the project area and some new development would obstruct portions of certain longer-range views, the Plan would not be considered to result in a significant adverse impact with regard to views. New construction in the project area would generate additional night lighting but not in amounts unusual for a developed urban area. Thus, the EIR concluded that light and glare impacts would be less than significant.

The proposed project would involve demolition of the existing 30-foot-tall industrial/office building and its replacement with a 40-foot-tall performing arts and education building. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed building would not be substantially taller than existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition 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 effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such change. As described above, the proposed building envelope meets Planning Code requirements for the Hayes-Gough NCT zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced 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 those views would not constitute a significant impact under CEQA.

Air Quality

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and Octavia Neighborhood Plan EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure 5.8.A: Construction Mitigation Measure for Particulate Emissions* would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), with the intent of

reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced less than significant. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and *Mitigation Measure 5.8.A* is not applicable.

The Market and Octavia Neighborhood Plan EIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that *Mitigation Measure 5.8.B:* Construction Mitigation Measure for Short-Term Exhaust Emissions would reduce effects to a less-than-significant level. Since the proposed project includes construction activities, Mitigation Measure 5.8.B applies to the proposed project.

Therefore, Market and Octavia *Mitigation Measure 5.8.8* (see Project Mitigation Measure 1 on page 17 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact from project-level exhaust emissions from construction equipment to a less-than-significant level.

The proposed project would demolish the existing 20,500-square-foot industrial/office building and construct a new 40-foot-tall, three-story, 35,000-square-foot performing arts building with associated offices and support spaces including education programs and ground-floor restaurant/retail space. The proposed project is expected to generate approximately 1,015 MTCO₂E⁴/year net new greenhouse gases (GHG) emissions during annual operations.⁵ The project would also generate 183 MTCO₂E/year during construction. A recent evaluation of San Francisco's community-wide GHG emissions inventory indicates that in 2005 San Francisco emitted 7.09 million MTCO₂E/year.⁶ The proposed project's annual operations would represent an approximately 0.01 percent addition of GHG to San Francisco's community-wide emissions. Therefore, the project would not result in any significant impacts related to GHG emissions. In addition, the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHG.

Archeological Resources

Potential archeological impacts were identified in the Market and Octavia Neighborhood Plan EIR. *Mitigation Measure 5.6.A2: Archaeological Mitigation Measure – General Soil Disturbing Activities* applies to any project involving any soils-disturbing activities beyond a depth of four feet and located within those properties within the Plan Area for which no archeological assessment report has been prepared. This mitigation measure, as outlined in the EIR, states that a Preliminary Archeological Sensitivity Study

_

⁴ MTCO₂e stands for Metric Ton Carbon Dioxide Equivalent. This is the standard measurement of the amount of CO₂ emissions that are reduced or secluded from our environment.

⁵ Jessica Range, San Francisco Planning Department, Memorandum, *RE: Greenhouse Gas Calculations*, 205 Franklin Street, February 10, 2010. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA. These calculations were based on the larger, alternative, Scheme B, development.

⁶ This inventory does not include waste-related emissions or emission from wastewater operations.

(PASS) should be prepared to determine whether an Archaeological Research Design/Treatment Plan (ARD/TP) is required.

Pursuant to *Mitigation Measure 5.6.A2*, an archeological sensitivity memorandum was prepared for the proposed project and is summarized here.⁷ The project site appears to have been first developed in the 1880s or even late 1880s (Sanborn 1886-1896). By the late 1880s/early 1890s the project site had been developed with four (4) two-story row houses along the Fell Street frontage (210-216 Fell Street), two (2) two-story houses at 208-209 Linden Street, and a large, non-residential, 1 ½-story building fronting on Linden Street near Franklin Street. The southeast quadrant of the site was unimproved. By the end of the century, the Franklin Street frontage had been developed with an adjoining three-story building containing 14 flats. In addition, two (2) two-story, two-flat, residential buildings had been built between the Franklin Street flats and the two older houses on Linden Street. The residential structures from the late 1880s/early 1890s were still present on the project site.

The project site is underlain by approximately four feet of historic fill below, which are natural sand dune deposits extending well beyond the anticipated depth of project soils disturbance. The sand dune deposits in the western part of San Francisco, and extending to the northern edge of SOMA, are relatively late, Late Holocene deposits. As a rule, stable land surfaces that could have supported prehistoric occupation/use are scarce and/or relatively deeply buried.

The archeological investigation for the Octavia Boulevard/Central Freeway Project resulted in data recovery of several CRHR-eligible privies associated with specific Irish and Jewish households interpreted as transitioning toward Victorian middle-class models in some of their consumption behavior.

The proposed project would result in disturbance within historic fill to a depth of approximately four feet and within Late Holocene sand dune deposits to a depth of approximately two feet. Neither of these sediments is anticipated to contain prehistoric deposits or historic features of CRHR-eligibility. Significant historical archeological research value would require the recovery of an artifact assemblage of sufficient quantity, diagnostic value, and discrete historical association to contribute to important research questions, in this case, probably related to a late 19th century households but the shallow depth of project effects within natural sedimentary deposits is unlikely to encounter features with assemblages of this type.

Although it is possible that prehistoric and historic deposits may be within the zone of proposed ground disturbance, it is not expected to affect archeological deposits. Therefore, it is unlikely that the proposed project would adversely affect CRHP-eligible archeological resources, should such resources be present. As applied to the proposed project, *Mitigation Measure 5.6.A2* indicates that the project would not result in significant impacts with implementation of the Department's measures for accidental discovery. Nevertheless, in the event such resources are encountered during ground-disturbing activities,

_

⁷ Randall Dean, MEA archeologist, memorandum to Leigh Kienker, MEA planner, April 22, 2010. This memorandum is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

implementation of Archeological *Mitigation Measure 5.6.A2* reduces potential effects to a less-than-significant level.

Therefore, Market and Octavia *Mitigation Measure 5.6.A2* (see Project Mitigation Measure 2 on page 18 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact from soils-disturbing activities on buried archeological resources to a less-than-significant level.

Historic Architectural Resources

Historic resource surveys were conducted for the Plan Area subsequent to the adoption of the Market and Octavia Neighborhood Plan EIR, with interim controls for evaluation and protection of historic resources during the survey period. On December 17, 2008, the Landmarks Preservation Advisory Board adopted the Market and Octavia Area Plan Survey. The 205 Franklin Street building, constructed in 1919, was included in this survey and was found not to be eligible for the California Register of Historic Places (CRHP), individually or as a contributor to a district.⁸ Thus, its demolition would not result in a significant effect to historical resources.

The project site is outside the boundaries of two known historic districts, the Hayes Valley Commercial Historic District and the Civic Center Historic District. The project site is across Franklin Street from the rear façade of the Civic Center Historic District contributory High School of Commerce (Block 0815/001), and San Francisco Landmark #140 located at 170 Fell Street. The project site is next door to the National Register-eligible Church of the Nativity, located at 240 Fell Street, and the more significant Church Rectory on the same lot, at 245 Linden Street. Planning Department staff determined that the proposed project would not result in any significant adverse impacts upon the adjacent resources, because it does not alter, obscure, or destroy the ability of the districts to convey their significance, and is consistent with the scale and massing found specifically within the Civic Center Historic District. The project would not contribute to any cumulative impacts, because the project itself would not have an adverse effect to historical resources.

Transportation

A transportation study has been prepared for the proposed project, and it is summarized below.¹⁰ Project-specific impacts are described in this section, as are projected cumulative impacts for the year 2025.

Trip Generation

Trip generation of the proposed project was calculated using information in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002). The proposed project would generate about 2,759 person trips (inbound and outbound) on a weekday daily basis with an evening performance, which would include 810 vehicle trips, 665 transit trips, 419 walk trips and 163

SAN FRANCISCO
PLANNING DEPARTMENT

⁸ Page & Turnbull, DPR Primary Record A/B, 205 Franklin Street, San Francisco, 9/06/2006.

⁹ Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

¹⁰ DKS Associates, 205 Franklin Street (SFJAZZ) Project Transportation Impact Analysis, June, 2010. This report is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2008.1234!

trips by other modes. During the PM peak hour (5:30 to 6:30 PM), the proposed project would generate an estimated 70 vehicle trips. For the performance peak hour (6:30 to 7:30 PM), the proposed project would generate an estimated 227 vehicle trips. Due to the project's location near major transit routes, this is likely a conservative estimate of vehicle trips.

The estimated 70 new peak hour and 227 performance peak hour vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The eight intersections analyzed in the transportation study indicates that the Hayes Street/Gough Street intersection operates at LOS C; the Hayes Street/Franklin Street intersection operates at LOS C; the Fell Street/Gough Street intersection operates at LOS A; the Fell Street/Franklin Street intersection operates at LOS A; the Fell Street/Van Ness Avenue intersection operates at LOS C; the Oak Street/Franklin Street operates at LOS C; and the Market Street/Van Ness Avenue operates at LOS D.

The LOS for these eight intersections are all operating at an acceptable LOS D or better, and would remain the same with the addition of the proposed project. Therefore, the proposed project would not be considered a substantial traffic increase relative to the existing capacity of the local street system. As such, the proposed project would not result in a significant adverse impact at these intersections under Existing Plus Project Conditions.

Under 2025 Cumulative Conditions, the delay of these eight intersections would increase when compared to the Existing Conditions. The intersections of Hayes Street/Gough Street, Hayes Street/Van Ness Avenue, and Fell Street/Van Ness Avenue would experience a decrease in LOS from C to D. Additionally, both the Oak Street/Franklin Street intersection and the Market Street/Van Ness Avenue intersection would deteriorate to LOS E. Under 2025 Cumulative Plus Project Conditions, the delay of these eight intersections would increase or remain unchanged when compared to existing conditions. The intersections of Oak Street/Franklin Street and Market Street/Van Ness Avenue would operate at LOS E during the PM peak hour while the six other intersections would operate at LOS D or better.

The Market and Octavia Neighborhood Plan EIR recognized the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street, Hayes Street/Van Ness Avenue, and Market Street/Van Ness Avenue as intersections operating at LOS E or F during the 2025 Cumulative PM peak hour. As part of the EIR certification, the Planning Commission determined that the Market and Octavia Neighborhood Plan would have a significant unavoidable adverse impact on certain intersections including Hayes Street/Gough Street, Hayes Street/Franklin Street, Hayes Street/Van Ness Avenue, and Market Street/Van Ness Avenue for the Cumulative Plus Plan conditions.

At the intersection of Market Street/Van Ness Avenue, during the evening peak hour, 76 vehicles would be added to the critical northbound-through movement, which would operate at LOS F. According to the Market and Octavia Neighborhood Plan EIR, there would be a total of 2,635 vehicles in the critical

northbound-through movement; therefore, the project would contribute 2.8% of the traffic on this movement, which is not a considerable contribution to the failing movement.

At the intersection of Oak Street/Franklin Street, 44 vehicles would be added to this intersection in the evening peak hour and the critical movement would be the northbound-through movement which would operate at LOS F. For this approach and movement, no project-generated trips would be added to the critical movement. All of the vehicle trips would utilize the eastbound left movement which would operate at LOS B under 2025 Cumulative Conditions.

It is likely these 2025 Cumulative Conditions would occur with or without the project, and the project's contribution of 70 PM peak hour and 227 performance peak hour vehicle trips would not be a substantial proportion of the overall traffic volume, or the new vehicle trips generated by Market and Octavia projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

Transit

The proposed project would add 665 daily transit person trips, of which 56 are estimated to occur in the PM peak hour (5:30 to 6:30 PM) and 188 during the performance peak hour (6:30 to 7:30 PM). The project site is well-served by several local and regional transit lines, including seven Muni bus lines (6, 16X, 21, 47, 49, 71, and 71L) and seven Muni Metro lines (J, K, L, M, N, T, and F).

The increase in transit trips, as a result of the proposed project, would not result in any significant or noticeable impacts upon transit services in the project area or affect transit operations. Additionally, the proposed project would not substantially interfere with any nearby transit routes. Passenger drop-off activities along the proposed loading zone on Fell Street would occur on a street that does not have any transit service. Similarly, trucks accessing the proposed off-street loading space would not interfere with any transit service. Therefore, the project would have a less-than-significant impact on transit.

The Market and Octavia Neighborhood Plan EIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increase in delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Streets, and Hayes Street/Gough Street. Mitigation measures proposed to address these impacts related to changes to street configurations and traffic patterns. Even with mitigation, however, cumulative impacts were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Neighborhood Plan EIR approval. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely that the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of 56 PM peak hour and 188 performance hour transit trips would not be a substantial proportion of the overall transit volume generated by Market and Octavia projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative Conditions, it would therefore, not have a significant cumulative transit impact.

Parking

According to the transportation study, the PM peak hour (5:30 to 6:30 PM) would generate a net parking demand of 70 vehicles while the evening performance peak hour (6:30 to 7:30 PM) would generate a net parking demand of 199 vehicles. During the existing evening peak period from 7:00 to 9:00 PM, on-street capacity for the study area is 742 spaces of which 669 are occupied for a utilization rate of 90%. Additionally for the evening peak period, the combined off-street parking capacity for the Performing Arts Garage and Civic Center Garage is 1450 spaces of which 880 are occupied for a utilization rate of 61%.

The proposed project would not be required to provide off-street parking spaces, pursuant to *Planning Code* Section 720.22. As a result, all project-related parking would be accommodated through the on-street and off-street parking supply.

Available capacity at the two nearby off-street parking facilities (Performing Arts Garage and Civic Center Garage) is 562 spaces, which provides a sufficient space for the project parking demand. In addition, there is also some on-street parking capacity available near the project site. On-street parking utilization reaches 90% during the PM peak hour with 73 of 742 spaces available. The available off-street and on-street parking supply is sufficient to accommodate the project site demand.

Nonetheless, 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, this report presents a parking analysis to inform the public and the 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. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or 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 Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit,

including seven Muni bus lines (6, 16X, 21, 47, 49, 71, and 71L) and seven Muni Metro lines (J, K, L, M, N, T, and F) which provide alternatives to auto travel. In addition, there are four bike lanes (20, 32, 45, and 50) in the project area.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. 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.

Access

The primary entrance for the proposed facility would be at the corner of Fell and Franklin Streets while the secondary entrance would be located in the middle of the project's Franklin Street frontage. The public entrance to the administrative area would be at the western corner of Fell Street and the education entrance would be near the corner of Franklin and Linden Streets. The restaurant/cafe's entrance would anchor the middle portion of the project's Fell Street frontage, with pivoting doors opening to the sidewalk. Emergency access would be available at the proposed white zone on the north side of Fell Street. In addition, the proposed freight loading aisle would be emergency accessible from Fell Street and Linden Street.

Loading

The proposed project would generate a demand of up to eight truck trips per day. Under Section 152 of the Planning Code, the proposed project would not be required to have any off-street freight loading spaces since the site would be less than 100,000 square feet. However, the project proposes an off-street loading dock on the western side of the project site with truck ingress on Fell Street and egress on Linden Street (see Figure 1 below). The loading area would include four loading spaces in a circulation aisle. Both of the access points would have audio and visual alerts to warn pedestrians and cyclists of the presence of vehicles. Loading activities would occur in a screened area away from public view or entry. A proposed 50-foot white zone along the northern side of Fell Street, adjacent to the project site would aid the loading and unloading of goods and patrons. The white zone would also alleviate congestion associated with drop-off/pick-up maneuvers.

Pedestrian and Bicycle Conditions

The PM peak hour (5:30 to 6:30 PM) would generate a net pedestrian demand of 226 people, which includes trips to and from transit facilities, while the evening performance peak hour (6:30 to 7:30 PM) would generate a pedestrian demand of 830 people. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths. The proposed project includes improving the exterior lighting and sidewalks along the project's perimeter, and eliminating 14 existing driveways while including driveways on the north side of Fell Street and the south side of Linden Avenue for on-site freight and service delivery operations. Audio and visual alerts

at the proposed loading dock driveways are also proposed and would be included as an aid to pedestrians.

The proposed project would provide five bicycle spaces in the secure loading area for employees. In addition, the project would provide approximately twelve bicycle spaces for the public. There are four bicycle routes near the project site: route 20 (Class III Bike Route) along Grove Street, route 32 (Class III Bike Route) along Page Street, route 45 (Class III Bike Route) on Fulton Street, and route 50 (Class II Bike Lane) on Market Street. The number of driveways along the perimeter of the project site would be reduced compared to existing conditions and the inclusion of audio and visual alerts at the proposed freight and service driveways would warn bicyclists to the presence of vehicles turning into and out of the on-site loading area. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

In summary, the project would not result in a significant effect with regard to transportation.

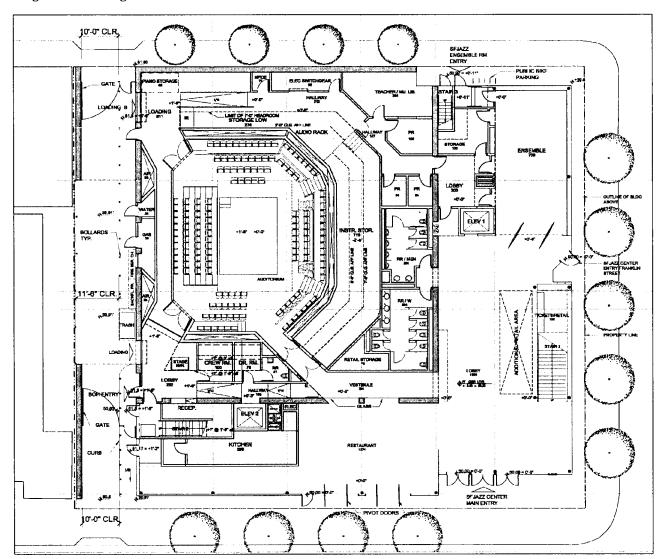


Figure 1: Loading Detail

Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in 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. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

Since the proposed SFJAZZ Center would have musical performances, the facility would need to meet acoustical sound insulation standards, per California Building Code, Section 1208A, Sound Transmission, in building design and construction. The sponsor has an interest in the acoustical conditions of the proposed performance facility; design of the facility would maximize insulation of the Center from ambient noise, which reciprocally insulates the exterior from performance-related sound. In 2004, the Entertainment Commission was created to oversee noise associated with amplified music in Places of Entertainment. There are five main considerations when evaluating entertainment noise problems. Article 1, Section 47, 47.2, and 48 of the Police Code all regulate entertainment noise. These code sections are enforced by staff members of the Entertainment Commission. The Entertainment Commission and its staff may require additional acoustical insulation of Places of Entertainment and respond to complaints regarding entertainment noise. The Department of Building Inspection (DBI) would also review the final building plans to ensure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 16 months, occupants of nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be

temporary, intermittent, and restricted in occurrence and level as the contractor would be obliged to comply with the City's Noise Ordinance.

Hazardous Materials

A Phase I Environmental Site Assessment (ESA)¹¹ for the project site was conducted by MACTEC Engineering and Consulting, Inc. for the properties at 210 and 220 Fell Street and 205 Franklin Street and identified the existence of one 500-gallon heating oil underground storage tank (UST) beneath the sidewalk in front of 210 Fell Street.¹² In November 2009, MACTEC installed six borings on site and identified soils exceeding hazardous waste levels for lead.¹³

The Market and Octavia Neighborhood Plan EIR identified a significant impact related to Hazardous Materials and determined that *Mitigation Measure 5.10.A: Hazardous Materials* would reduce effects to a less-than-significant level. Therefore, implementation of Market and Octavia *Mitigation Measure 5.10.A* (see Project Mitigation Measure 3 on page 19 of this Certificate of Determination) is required.

Although the Market and Octavia Neighborhood Plan EIR identified a significant effect related to hazardous materials, *Mitigation Measure 5.10.A* is not adequate to mitigate either the potential risk of release and exposure to elevated lead levels in site soils, or the potential risk associated with the removal of the identified UST. Since implementation of *Mitigation Measure 5.10.A* would not fully reduce this potential risk to a less-than-significant level, a Focused Initial Study is required.¹⁴

Mitigation Measures

In accordance with the Market and Octavia Neighborhood Plan Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

<u>Project Mitigation Measure 1 – Air Quality (Mitigation Measure 5.8.B: Construction Mitigation Measure for Short-Term Exhaust Emissions of Market and Octavia Neighborhood Plan Final EIR)</u>

To reduce project level exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the project area.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.

-

¹¹ MACTEC, Phase I Environmental Site Assessment, 210 and 220 Fell Street and 205 Franklin Street, San Francisco, California, August 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

¹²MACTEC, Geophysical Assessment Report, 220 Fell Street, San Francisco, California, August 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

¹³ MacTec, Lead Investigation Results Report, 205 Franklin Street, San Francisco, California, January 11, 2010. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

¹⁴ This document is on file and is available for review as part of Case No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

<u>Project Mitigation Measure 2 - Archeological Resources (Mitigation Measure 5.6.A2 - General Soil Disturbing Activities in the Market and Octavia Neighborhood Plan Final EIR)</u>

The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried historical resources as defined in CEQA Guidelines Sections 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery

program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

<u>Project Mitigation Measure 3 – Hazardous Materials (Mitigation Measure 5.10.A: Hazardous Materials in the Market and Octavia Neighborhood Plan Final EIR)</u>

Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to track contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Contaminants and regulated areas shall be properly maintained.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on July 1, 2009 to adjacent occupants and owners of properties within 300 feet of the project site. Two members of the public expressed their concerns related to parking, traffic, and air quality effects. Parking is discussed on page 13, traffic is discussed on page 10, and air quality is discussed on page 7.

Conclusion

With the exception of hazards and hazardous materials, the Market and Octavia Neighborhood Plan EIR incorporated and adequately addressed all potential impacts of the proposed 205 Franklin Street project. As described above, and except for hazards and hazardous materials, the 205 Franklin Street project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia Neighborhood Plan EIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia Neighborhood Plan EIR. Thus, with the exception of hazards and hazardous materials, the proposed 205 Franklin Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Market

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



Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

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

415.558.6378

415.558.6409

Case No.:

2008.1234E

Project Title:

205 Franklin Street - SFJAZZ Center

Zoning:

Hayes-Gough NCT (Neighborhood Commercial Transit)

40-X/50-X/65-X Height and Bulk Districts

Block/Lot:

0816/003

Lot Size:

16,500 square feet

Plan Area:

Market and Octavia Neighborhood Plan

Project Sponsor:

Felice Swapp, SFJAZZ, (415) 398-5655

Staff Contact:

Don Lewis, (415) 575-9095, don.lewis@sfgov.org

Planning Information: 415.558.6377

Reception:

Fax:

To Whom It May Concern:

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a Preliminary Mitigated Negative Declaration, containing information about the possible environmental effects of the proposed project. The Preliminary Mitigated Negative Declaration documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a Mitigated Negative Declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

<u>Project Description</u>: The project sponsor SFJAZZ, a San Francisco nonprofit organization dedicated to arts and education, proposes to demolish the existing 20,500-square-foot industrial/office building and construct a new 40-foot-tall, three-story, approximately 35,000-square-foot performing arts and education building. The facility would include the following: a 9,000-square-foot auditorium; a 2,500-square-foot educational program area with an 800-square-foot, multi-purpose, ensemble room; a 1,359-square-foot restaurant/café; a 6,200-square-foot area for administrative and education offices; and a relatively small lobby box office/gift shop. The proposed building would have a one-way, loading aisle abutting the adjacent lot to the west, and no off-street parking is proposed. The project would require Conditional Use Authorization.

If you would like a copy of the Preliminary Mitigated Negative Declaration or have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the Preliminary Mitigated Negative Declaration (i.e., by close of business on **July 13**, any person may:

- 1) Review the Preliminary Mitigated Negative Declaration as an informational item and take no action.
- 2) Make recommendations for amending the text of the document. The text of the Preliminary Mitigated Negative Declaration may be amended to clarify or correct statements and/or expanded to include

additional relevant issues or cover issues in greater depth. One may recommend amending the text <u>without</u> the appeal described below. -OR-

3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a check for \$500 payable to the San Francisco Planning Department.¹ An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Bill Wycko, 1650 Mission Street, Suite 400, San Francisco, CA 94103. The letter must be accompanied by a check in the amount of \$500.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on July 13. The appeal letter and check may also be presented in person at the Planning Information Counter on the first floor at 1660 Mission Street, San Francisco.

In the absence of an appeal, the Mitigated Negative Declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the Preliminary Mitigated Negative Declaration.

¹ Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Mitigated Negative Declaration

Date:

June 23, 2010

Case No.:

2008.1234E

Project Title:

205 Franklin Street - SFJAZZ Center

Zoning:

Hayes-Gough NCT (Neighborhood Commercial Transit)

40-X/50-X/65-X Height and Bulk Districts

Block/Lot:

0816/003

Lot Size:

16,500 square feet

Project Sponsor:

Felice Swapp, SFJAZZ, (415) 398-5655

Lead Agency:

San Francisco Planning Department

Staff Contact:

Don Lewis, (415) 575-9095, don.lewis@sfgov.org

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

PROJECT DESCRIPTION:

The project site is located on the western side of Franklin Street, between Fell Street and Linden Street, in the southwest part of the Downtown/Civic Center District. The project sponsor SFJAZZ, a San Francisco nonprofit organization dedicated to arts and education, proposes to demolish the existing 20,500-square-foot industrial/office building and construct a new 40-foot-tall, three-story, approximately 35,000-square-foot performing arts and education building. The facility would include the following: a 9,000-square-foot auditorium; a 2,500-square-foot educational program area with an 800-square-foot, multi-purpose, ensemble room; a 1,359-square-foot restaurant/café; a 6,200-square-foot area for administrative and education offices; and a relatively small lobby box office/gift shop. The proposed building would have a one-way, loading aisle abutting the adjacent lot to the west, and no off-street parking is proposed. The project would require Conditional Use Authorization to develop on a lot exceeding 10,000 square feet, to establish a non-residential use exceeding 3,000 square feet, to establish an "Other Entertainment" use (public performance space), and to establish an "Other Large Institution" use above the first story (educational and office functions).

FINDING:

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

Mitigation measures are included in this project to avoid potentially significant effects. See page 11-13.

cc: Felice Swapp, Project Sponsor; Kevin Guy, NE Quadrant; Supervisor Chris Daly, District 6; Bulletin Board; Master Decision File; Distribution List

TABLE OF CONTENTS

FOCUSED INITIAL STUDY

205 Franklin Street (SFJAZZ Center) – 2008.1234E

Α.	Project Description	لا
	Project Location	
	Site Characteristics	
	one Characteristics	
В.	Project Setting	4
	2 - 0)-00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
C.	Compatibility with Existing Zoning and Plans	5
D.	Summary of Environmental Effects	
E.	Evaluation of Environmental Effects	8
	1. Hazards and Hazardous Materials	
	2. Mandatory Findings of Significance	15
F.	Public Notice and Comment	16
G.	Determination	17

INITIAL STUDY 205 FRANKLIN STREET/ SFJAZZ CENTER PLANNING DEPARTMENT CASE NO. 2008.1234E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The project site (Assessor's Block 0816, Lot 003) is a 16,500-square-foot lot located on the western side of Franklin Street, between Fell Street and Linden Street, in the southwest part of the Downtown/Civic Center District where the topography is primarily flat with no noticeable slope. The project site fronts on Franklin, Fell, and Linden Streets, and is located at the eastern end of the block bounded by Linden Street to the north, Franklin Street to the east, Fell Street to the south, and Gough Street to the west. The project site is currently occupied by a 30-foot-tall, two-story, 20,500-square-foot industrial building with approximately 16,500 square feet of automotive repair use and 4,436 square feet of office use. The existing building was constructed in 1919. The building has four bays fronting on Fell Street and five bays fronting on Franklin Street. The automotive repair use is located on the first floor and the majority of the office use is located on the second floor fronting Fell Street. The site is within the Hayes-Gough Neighborhood Commercial Transit zoning district and the 40-X, 50-X, and 65-X height and bulk districts.

Proposed Project

The project sponsor SFJAZZ, a San Francisco nonprofit organization dedicated to arts and education proposes to demolish the existing 20,500-square-foot industrial/office building and construct a new 40-foot-tall, three-story, approximately 35,000-square-foot performing arts and education building. This new facility would consist of the following components:

Main Performance Theater. The approximately 9,000-square-foot auditorium would be on the ground floor rising up to the third floor. The auditorium would allow for changeable configurations of seating for 350 / 550 / 720 patrons, with flexible space for an additional 80 patrons, holding up to 800 persons maximum (including standing visitors). It is anticipated that future performances would be equally distributed among the three above-noted seating configurations.

The music programs would run regularly on Thursday, Friday, Saturday, and Sunday during SFJAZZ's several performance seasons, which are nearly year-round. The Spring Season is from March to June, the Summer Season is from June to September, the Fall Season is from October to November, and the Winter Season is from November to March. It is anticipated that there would be a total of approximately 200 performances throughout the year. Weekend concerts would typically start at 8:00 pm, while weekday concerts would start at 7:30 pm. There would also be matinee performances starting at 2 pm or 3 pm on Saturday and Sunday.

Performances would typically occur in the evenings; however, some daytime events, principally family programs, could occur during the day but mostly on the weekends. The building would be open to the public throughout the day to provide access to programs, information, and educational resources. Weekday day time use is anticipated to be used primarily for educational programs involving middle school and high school students, as well as some adult programs. In order to function as a state-of-the-art performance venue, the performance hall would be acoustically isolated from street noise and conversely, no performance sound would permeate outside the hall. The proposed SFJAZZ Center may be made available to other groups for use on non-show evenings.

Many of the SFJAZZ concerts currently held in venues, such as Davies Symphony Hall, Grace Cathedral, Herbst Theatre, Masonic Center, Palace of Fine Arts, War Memorial Opera House, Yerba Buena Center for the Arts, and other locations, will be re-programmed to take place in the new facility.

Educational Program/Ensemble Room. This area would be about 2,500 square feet in size and would include an 800-square-foot, multi-purpose, ensemble room with a capacity to hold up to 80 persons. The ground-floor ensemble room would serve as a regular rehearsal space, and could be used in the evening for pre-performance events or smaller performances. The ensemble room would also be used for adult education programs and workshops, such as jazz music appreciation classes or events. This component of the project would include a teacher resource digital lab, four practice rooms for afterschool training, a music instrument storage area, and an education lobby/reception area.

Restaurant/Café. The project includes a 1,359-square-foot, ground-floor restaurant that would have capacity to accommodate up to 60 persons. It would be intended to be used as a neighborhood café during the day serving neighbors, as well as the educational programs in the facility. For the evening performances, the café would function as an amenity for the performance attendees, providing food services before and after performances.

Administrative and Education Offices. This office area would be approximately 6,200 square feet in size and would be located on the second and third floors. It is anticipated that the facility would staff between 40-45 full-time employees. SFJAZZ currently has a staff of 26 full-time employees and provides part-time and seasonal employment for an additional 20-30 people. SFJAZZ staff is currently employed at various venues where SFJAZZ concerts are held, and this project would provide their first permanent facility.

Lobby Box Office/Gift Shop. The ground-floor retail component is relatively small and intended to provide additional earned revenue from performance visitation and is combined with the box office function. It would also be open during the day for casual neighborhood use or for visitors

engaging in education programs. The lobby box office would be approximately 275 square feet in size while the gift shop would be approximately 300 square feet.

The primary entrance for the proposed facility would be at the corner of Fell and Franklin Streets while the secondary entrance would be located in the middle of the project's Franklin Street frontage. The public entrance to the administrative areas would be at the west corner of Fell Street and the education entrance is on Linden a short distance from the corner of Franklin Linden Street. The restaurant/cafe's entrance would anchor the middle portion of the project's Fell Street frontage, with pivoting doors opening to the sidewalk.

The proposed building material would use poured-in-place concrete for the interior of the acoustically shielded auditorium, and be surrounded by a translucent façade to maximize the use of daylight and allow natural ventilation through a system of overlapping window panels. The project structure would have street frontages of approximately 120 feet on Fell, Linden, and Franklin Streets, respectively. The project structure would also have with a 10-foot- to 16-foot-wide loading aisle running the length of the project site and abutting the adjacent lot to the west. The ingress for the one-way loading aisle would be from Fell Street while egress would be from Linden Street. The loading aisle would be open-air, but screened from public view at each gated end. Cantilevered portions of the building would extend over parts of the loading aisle. The loading aisle would serve as temporary off-street loading and service area for backstage and kitchen deliveries, and would include 5 sheltered bicycle parking for employees. The loading aisle would be accessible through the western edge of the site between Fell and Linden Streets. The project would not include any off-street parking.

The project would require excavation underneath the entire project site of up to approximately four feet below the existing street grade, which would result in the removal of approximately 3,430 cubic yards of soil. Project construction would take approximately 16 months, and the project's estimated cost is \$18,000,000.

The following project approvals would be required from the San Francisco Planning Commission: (1) Conditional Use Authorization to develop on a lot exceeding 10,000 square feet, as required by Planning Code Section 121.1; (2) Conditional Use Authorization to establish a non-residential use exceeding 3,000 square feet, as required by Section 121.2; (3) Conditional Use Authorization to establish an "Other Entertainment" use (public performance space), pursuant to Section 720.48; and (4) Conditional Use Authorization to establish an "Other Large Institution" use above the first story (educational and office functions), pursuant to Section 790.50.

SFJAZZ is contemplating an alternative project design, Scheme B. This alternative would add a cantilevered second and third floor over the loading aisle, to provide additional office and educational space and green rooms (dressing rooms) for four to six musical artists, reducing the need to shuttle performers to and from hotels offsite prior to shows. Scheme B would total approximately 37,900 square feet of total program area, which is 2,800 square feet more area than

Scheme A. SFJAZZ may elect to construct the alternative and this Initial Study applies to the alternative as well as to the preferred scheme.

B. PROJECT SETTING

The project site is located in San Francisco's Downtown/Civic Center neighborhood and is one block from the Western Addition neighborhood. The site is in the Hayes-Gough Neighborhood Commercial Transit (NCT) zoning district and in the 40-X, 50-X, and 65-X height and bulk districts. The area immediately surrounding the project site is zoned NCT, except across Franklin Street to the east which is zoned Public (P) land. Land uses in the surrounding neighborhood consist of primarily retail use, office uses, school use, and entertainment venues, as well as high-density residential uses.

The project area is located within the Market and Octavia Neighborhood Plan area, which rezoned certain parcels within the boundaries of the Plan from Hayes Neighborhood Commercial District (NCD) to Hayes-Gough NCT (Neighborhood Commercial Transit) to encourage the production of diverse and affordable housing, foster alternatives to automobile transportation, make streets safe and attractive, and repair and enhance the neighborhood's urban fabric.

The project site is located on the western side of Franklin Street between Fell Street and Linden Street. The current use of the site is an automotive repair shop (Chris's Discount Muffler & Brake and U&I Auto Safety Center) and it also has office use on the partial second story that fronts on Fell Street (The Executive Office Suite). The project block is bounded by Franklin Street to the east, Linden Street to the north, Gough Street to the west, and Fell Street to the south. On the project block, and to the immediate west of the project site, fronting on Fell Street, is a two-story Roman Catholic Church, a six-story apartment building, an approximately six-space private surface parking lot, and a four-story mixed-used building (Walgreens on the ground floor with residential above) fronting on Gough Street. In addition, there is a two-story residential building behind the six-space private parking lot that fronts on Linden Street. Apart from this residential building, all structures on the project block have frontages on both Fell and Linden Streets.

Across Fell Street to the south of the project site, between Franklin Street and Gough Street, is a four-story mixed-use building (a café, hair salon, and nail care on the ground floor with residential above), a four-story apartment building, a ten-space private surface parking lot, a two-story Episcopal Church, a seven-story apartment building (Symphony Tower Apartments), an asphalt school playground, and a three-story, mixed-use building (restaurant on ground-floor with residential above) that fronts on Gough Street.

Across Franklin Street to the east of the project site, between Hayes Street and Fell Street, is a four-story office administration building (San Francisco Public School Administration) that fronts on Franklin Street, Hayes Street, Van Ness Avenue, and Fell Street, and a three-story vacant

building that fronts on Franklin and Fell Street. There are only two building on this block which is located within the Civic Center Historic District.

Across Linden Street to the north of the project site, between Franklin Street and Gough Street, is a newly constructed five-story mixed-use building (commercial on the ground floor with residential above) that fronts on Hayes Street, Franklin Street, and Linden Street, a two-story two-unit residential building, a two-story four-unit residential building, a two-story two-unit residential building, a one-story-over-garage office building (Popgun Design), a one-story office building (DeJager and Reilly Plumbing & Heating), a four-story apartment building, a two-story warehouse building, and a three-story mixed-use building that fronts on Gough Street.

Both the Chinese American International School and French American International School are located less than 250 feet to the south, at Franklin and Oak Streets. The closest open spaces to the project site are the Hayes Green, two blocks west of the site, along Octavia Boulevard, and the War Memorial Open Space, three blocks north of the project site, both within 1,000 feet of the project site.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Аррисавіе	NOT Applicable
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.		
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.		
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.		⊠

A --- 1:-- - 1:-

Net Applicable

The project site is within the area governed by the Market and Octavia Neighborhood Plan (Plan), an area plan within the *General Plan*. On April 5, 2007, the San Francisco Planning Commission certified the Final EIR for the Market and Octavia Neighborhood Plan (Case No. 2003.0347E; State Clearinghouse No. 2004012118). Subsequent to the certification of the Final EIR, in May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia Neighborhood Plan EIR. The legislation created several new zoning controls, which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering pedestrian movement over auto movement, and encourages building of walk-able "whole" neighborhoods meeting everyday needs. The Plan, as evaluated in the FEIR and as

approved by the Board of Supervisors, accommodates the proposed use, design and density of the 205 Franklin Street building.

The project involves 35,000-square-foot performing arts and community facility with some retail space. These uses are consistent with the plan's vision, particularly on parcels near the existing Civic Center performing arts hub. The project is consistent with the Plan's goals of mixed-use, high-density development near transit. The project's reliance on the existing parking and transit to support future trips is consistent with the Plan's policies. Furthermore, the proposed street-front retail and related pedestrian-scale treatments are consistent with the Plan's design principles.

The Citywide Planning and Neighborhood Planning sections of the San Francisco Planning Department have determined that the proposed project is (i) consistent with the Market and Octavia Neighborhood Plan, (ii) satisfies the requirements of the General Plan and the Planning Code, and (iii) is eligible for a Community Plan Exemption.^{1,2}

David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

² Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

following pages present a more detailed checklist and discussion of each environmental factor checked below.						
	Land Use		Air Quality		Biological Resources	
	Aesthetics		Greenhouse Gas Emissions		Geology and Soils	
	Population and Housing		Wind and Shadow		Hydrology and Water Quality	
	Cultural and Paleo. Resources		Recreation	\boxtimes	Hazards/Hazardous Materials	
	Transportation and Circulation		Utilities and Service Systems		Mineral/Energy Resources	
	Noise		Public Services		Agricultural and Forest Resource	
		\boxtimes	Mandatory Findings of Significance			

The proposed project could potentially affect the environmental factor(s) checked below. The

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

An initial analysis was conducted by the Planning Department to evaluate potential project-specific environmental effects peculiar to the 205 Franklin Street project, and it incorporated by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (Case No. 2003.0347E; State Clearinghouse No. 2004012118). This initial analysis assessed the proposed project's potential to cause environmental impacts and concluded that with the exception of hazardous materials, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity including cumulative impacts, than were already analyzed and disclosed in the Market and Octavia Plan Final EIR.³ Due to the peculiar impact found concerning hazardous materials, a Focused Initial Study was conducted for this topic area only.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

The proposed project is within the Market and Octavia Neighborhood Plan. Under the Market and Octavia Neighborhood Plan EIR, future projects were expected to be subject to project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development, and to assess whether additional environmental review would be required. The initial analysis that was conducted by the Planning Department concluded that the proposed project is consistent with and was encompassed within the analysis in the Market and Octavia Neighborhood Plan Final EIR, with the exception of hazardous materials. Due to the peculiar impact found concerning hazardous materials, a Focused Initial Study was conducted for this topic area only.

Тор	ics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
1.	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?		⊠			

³ Community Plan Exemption Checklist, 205 Franklin Street. This document is on file and available for review as part of Case File No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Тор	ics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
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?				\boxtimes	

The project site is not located within an airport land use plan area or in the vicinity of a public or private airstrip. As such, Topics 15e and 15f are not discussed in detail below.

a. Hazardous Materials Use. The proposed project would involve demolition of the existing building onsite and construction of a three-story performing arts building with associated offices and support spaces, including education programs and a ground-floor restaurant/retail space. The proposed project would result in the use of relatively small quantities of hazardous materials for routine purposes. The development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. Thus, there would be less-thansignificant impacts related to hazardous materials use, with development of the proposed project.

b. and c. Hazards Release and Exposure. A Phase I Environmental Site Assessment (ESA)⁴ for the project site was conducted by MACTEC Engineering and Consulting, Inc. for the properties at 210 and 220 Fell Street and 205 Franklin Street. The ESA, and their subsequent geophysical survey, identified the existence of one 500-gallon heating oil underground storage tank (UST) beneath the sidewalk in front of 210 Fell Street. In December 2008, as part of a geotechnical evaluation, Environmental Risk Specialties Corporation (ERS) submitted three soil samples (collected from a single boring) for laboratory analysis for lead. Results of the testing identified the presence of elevated levels of lead, and ERS concluded that the soil should be characterized as a hazardous material and profiled for offsite disposal. The ERS also noted that soils from ground surface to four feet below ground surface (bgs) could be characterized as earthquake fill.

In November 2009, MACTEC installed six borings on site and analytical results indicated that lead ranged from 2.1 parts per million (ppm) to 2400 ppm. The highest total threshold limit concentration (TTLC) for lead was found in boring SB-1 at 3 feet bgs and SB-6 at 1 foot bgs. The highest lead level in SB-1 was 1340 ppm and in SB-6 was 2400 ppm. Soluble threshold limit concentrations (STLC) ranged from 6.8 to 390 ppm. Both the TTLC and STLC levels identified the soils as exceeding hazardous waste levels for lead.8

The project site is located adjacent to a church and in close proximity to a number of schools, which are considered sensitive receptors for potential hazards and hazardous materials exposure. Notably, the Chinese American International School and French American International School are located less than 250 feet to the south, at Franklin and Oak Streets. In order to address potentially significant adverse health effects of exposure to contaminated soils, by workers and by sensitive receptors, including children, in the area, Mitigation Measures M-HZ-1 to M-HZ-4 are required. With implementation of Mitigation Measures M-HZ-1 to M-HZ-4, which are described below and were developed in consultation with the Department of Public Health's Environmental Health Section, this impact related to hazards and hazardous materials release and exposure would be reduced to a less-than-significant level.

⁴ MACTEC, Phase I Environmental Site Assessment, 210 and 220 Fell Street and 205 Franklin Street, San Francisco, California, August 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

⁵MACTEC, Geophysical Assessment Report, 220 Fell Street, San Francisco, California, August 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

⁶ ERS, *Limited Soil Characterization and Geotechnical Evaluation*, 210 Fell Street, San Francisco, December 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

 $^{^7}$ Rajiv Bhatia, San Francisco Department of Public Health, to Bill Grossnickle, SFJAZZ, letter January 26, 2010.

⁸ MacTec, Lead Investigation Results Report, 205 Franklin Street, San Francisco, California, January 11, 2010. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1234E.

Mitigation Measure M-HZ-1

Hazards (UST Removal and/or Monitoring)

In accordance with San Francisco Health Code Article 21, the project sponsor shall file an application with the San Francisco Department of Public Health (DPH) for removal and/or monitoring of the 500-gallon UST that was identified as existing beneath the sidewalk in front of 210 Fell Street. Given the potential for hazards and hazardous materials release and exposure with abandoned USTs or residual contamination associated with the site's use, the project sponsor has agreed to implement a soil testing program, to determine the nature and extent of soil contamination (if any). The testing program shall include sampling and analysis for contaminants of concern, which includes lead, to the depth of the intended foundation excavations. If the proposed excavation activities encounter groundwater, the groundwater shall also be tested for contaminants. Copies of the test results shall be submitted to the DPH, Division of Environmental Health, and to the Planning Department, prior to the start of construction.

If contamination or abandoned tanks are encountered, the project sponsor shall immediately notify the DPH, Division of Environmental Health, and shall take all necessary steps to ensure the safety of site workers and members of the public. These steps shall include implementation of a health and safety plan prepared by a qualified professional, and disposal of any contaminated soils removed from the site at an approved facility. In addition, the project shall be constructed, so that all remaining site soils are entirely encapsulated beneath a concrete slab. If confirmation testing following site excavation indicates that contaminated soils remain on site, a deed restriction notifying subsequent property owners of the contamination and the necessity of maintaining the cap, shall be executed, prior to a certificate of occupancy.

Mitigation Measure M-HZ-2

Hazards (Testing for and Handling of Contaminated Soil)

Step 1: Preparation of Site Mitigation Plan

DPH determined that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, and thus have determined that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall address the two "hot spots" located at the southwestern portion of the site at borings SB-1 and SB-6, and that the characterization and disposal of any soils from the site be submitted to DPH for review. If excavation of the "hot spot" area is proposed, DPH requests that confirmatory sampling be included in the SMP. "Hot spot" removal shall be included as part of the foundation excavation for the project. Should elevated levels of lead remain on the site; a deed restriction shall be required.

The SMP shall include a discussion of the 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 as to why; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

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

- (a) Specific work practices: 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) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.
- (b) <u>Dust suppression</u>: 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 construction work hours.
- (c) <u>Surface water runoff control</u>: 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) <u>Soils replacement:</u> 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) <u>Hauling and disposal</u>: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 3: Preparation of Closure/Certification Report

After 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 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.

Mitigation Measure M-HZ-3

Hazards (Disposal of Contaminated Soil, Site Health and Safety Plan)

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earthmoving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08).
- Protocols for managing stockpiled and excavated soils.

The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as
 fencing or other barrier or sufficient height and structural integrity to prevent entry and
 based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

Mitigation Measure M-HZ-4

Hazards (Decontamination of Vehicles)

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.

d. Hazardous Materials Sites List. The project site is currently occupied by an automotive repair shop with office use on the second floor. The Department of Toxic Substances Control maintains information on underground storage tanks, releases, corrective action, removal action, remediation, monitoring conducted, environmental permits, and violations for active, inactive, and closed sites. According to the Phase I ESA conducted by Mactec, the project site is not included on the Department of Toxic Substances Control list of hazardous materials sites in San Francisco.

The Maher Ordinance (Ordinance 253-86) is a San Francisco ordinance that requires certain hazardous materials reporting and handling for parcels primarily located "Bayward of the high-tide-line." The project site is not within the limits of the Maher Zone.

g. and h. Fire Safety and Emergency Access. San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. The project would conform to these standards, which may include development of an emergency procedure manual and an exit drill plan for the proposed building. Potential fire

hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the permit review process. Conformance with these standards would ensure appropriate life safety protections. Consequently, the project would not have a significant impact on fire hazards, nor interfere with emergency access plans.

Cumulative Hazards Impacts. Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any hazards present at surrounding sites would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to levels considered less than significant. Overall, with implementation of the above mitigation measures, the project would not contribute to cumulatively considerable significant effects related to hazards and hazardous materials.

Тор	iics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
2.	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?		⊠			

a. – **c. Potential Impacts.** The proposed project would involve demolition of the existing industrial/office building onsite and the construction of a new three-story performing arts building with associated offices and support spaces including education programs and a ground-floor restaurant/retail space. As previously discussed, an initial analysis was conducted and found that, with the exception of hazardous materials, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Neighborhood Plan Final EIR. Due to the peculiar impact found concerning hazardous materials, a Focused Initial Study was conducted for this topic area only.

The foregoing analysis indentifies potentially significant impacts to hazardous materials, which would be mitigated to a less-than-significant level through implementation of Mitigation Measures M-HZ-1 to M-HZ-4, described on pages 11 to 14.

F. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on July 1, 2009 to adjacent occupants and owners of properties within 300 feet of the project site. Two members of the public expressed their concerns related to parking, traffic, and air quality effects. These issues were all addressed in the Community Plan Exemption Checklist.

⁹ Community Plan Exemption Checklist, 205 Franklin Street. This document is on file and available for review as part of Case No. 2008.1234E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

G. **DETERMINATION**

On the	On the basis of this Initial Study:						
	I find that the proposed project COULD NOT a NEGATIVE DECLARATION will be prepa	Thave a significant effect on the environment, and red.					
\boxtimes	there will not be a significant effect in this case	ld have a significant effect on the environment, se because revisions in the project have been nt. A MITIGATED NEGATIVE DECLARATION					
	I find that the proposed project MAY have a ENVIRONMENTAL IMPACT REPORT is re-						
	significant unless mitigated" impact on the enadequately analyzed in an earlier document been addressed by mitigation measures based	"potentially significant impact" or "potentially nvironment, but at least one effect 1) has been pursuant to applicable legal standards, and 2) has d on the earlier analysis as described on attached PORT is required, but it must analyze only the					
	because all potentially significant effects (a) h NEGATIVE DECLARATION pursuant to ap mitigated pursuant to that earlier EIR or NEG	ld have a significant effect on the environment, have been analyzed adequately in an earlier EIR or plicable standards, and (b) have been avoided or GATIVE DECLARATION, including revisions or the proposed project, no further environmental					
	DATE 6/22/10	Bill Wycko Environmental Review Officer for John Rahaim Director of Planning					