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.:	2011.0744E
Project Title:	Market and Octavia – Central Freeway "Parcel P" (No Address Assigned)
Zoning/Plan Area:	Hayes-Gough Neighborhood Commercial Transit District (NCT) Residential Transit-Oriented Neighborhood District (RTO) 40-X/50-X Height and Bulk Districts Market and Octavia Neighborhood Plan
Block/Lot:	0831/023
Lot Size:	49,500 square feet
Project Sponsor	Meg Spriggs, Avalon Bay Communities, (415) 284-9087
Staff Contact:	Andrea Contreras – (415) 575-9044 Andrea.Contreras@sfgov.org

PROJECT DESCRIPTION:

The proposed project involves construction of a three- to five-story mixed use development on a 49,500-square-foot (sq. ft.) lot. The 40- to 55-foot residential buildings would include 182 dwelling units (163,655 gross sq. ft. of residential space), ground-floor commercial space (3,750 gross sq. ft.), and a 91-space, below-grade parking garage. Access to the parking garage would be from an improved Hickory Street.

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

Please 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 14, 2012
Date

cc: Meg Spriggs, Project Sponsor
Andrea Contreras, EP Division
Pilar LaValley, Preservation Planner
Kevin Guy, Current Planning Division
Supervisor Olague, District Five
Virna Byrd, M.D.F.
Exclusion/Exemption
Historic Preservation Distribution List
Distribution List

PROJECT DESCRIPTION:

The proposed project would remove the existing surface parking lot, trees and temporary community garden structures and improvements, regrade the site, improve the Hickory Street right-of-way through the block along the northerly frontage of the property.

The project site is located on the north side of Oak Street in the Market and Octavia Plan Area, and comprises the block bounded by Laguna Street to the west, Octavia Boulevard to the east, and Hickory Street (primarily an unimproved right-of-way) to the north (See Figure 1). The lot is currently being used on an interim basis as a community garden known as "Hayes Valley Farm", and there is a surface parking lot at the southeasterly portion of the site. The lot was formerly occupied by freeway ramps for the Central Freeway, which were removed by 2003. There are currently no structures on the property, aside from several small temporary buildings associated with the community garden use.

The proposed project is a wood-framed, three- to five-story building over a podium deck. The top of the podium would step down along Oak and Hickory Streets to follow the existing grade as it drops down in elevation from Laguna Street to Octavia Boulevard, an approximately 29-foot elevation change, maintaining a height that would not exceed 55 feet above grade level (see Figure 2, Site Plan).[1] The project would vary in height across the site (see Figure 3, Elevations). Most of the project site (42,300 square feet) is zoned RTO, while the remaining eastern edge (a 7,200 square foot rectangular area along Octavia Boulevard) is zoned Hayes-Gough NCT. The height limit for the RTO portion of the site along Hickory Street is 40 feet, while the remainder of the block under RTO zoning is subject to a 50-foot height limit. The NCT portion of the site is zoned 50-X, with a five-foot height bonus for ground floor spaces. The proposed building heights along Hickory Street range from 39 feet near Laguna Street to 55 feet at Octavia Boulevard. The proposed building heights along Oak Street range from 45 feet at Laguna Street to 55 feet at Octavia Boulevard. Along Laguna Street, would heights range from 39 feet at Hickory Street to 45 feet at Oak Street. Along Octavia Boulevard, the building height would be 55 feet from Oak Street to Hickory Street.

Hickory Street is proposed as a westbound, one-way street. The project's parking garage would be accessed from Hickory Street approximately 70 feet west of Octavia Boulevard. The exit from the garage is located on the west end of Hickory Street, east of Laguna Street. The proposed Hickory Street improvement includes the regrading and paving of the area north of the project site for a 35 foot right-of-way. Hickory Street sidewalk widths would vary between five feet and 14 feet wide with a 12 foot travel lane and no on-street parking. The easternmost width of the travel lane at Octavia Boulevard frontage road would measure 21 feet wide to accommodate garbage collection truck turning and waste collection staging. Hickory Street improvements would be subject to the Better Streets Plan and is envisioned as a Living Alley as described by the Market-Octavia Area Plan Fundamental Design Principles.[2],[3]

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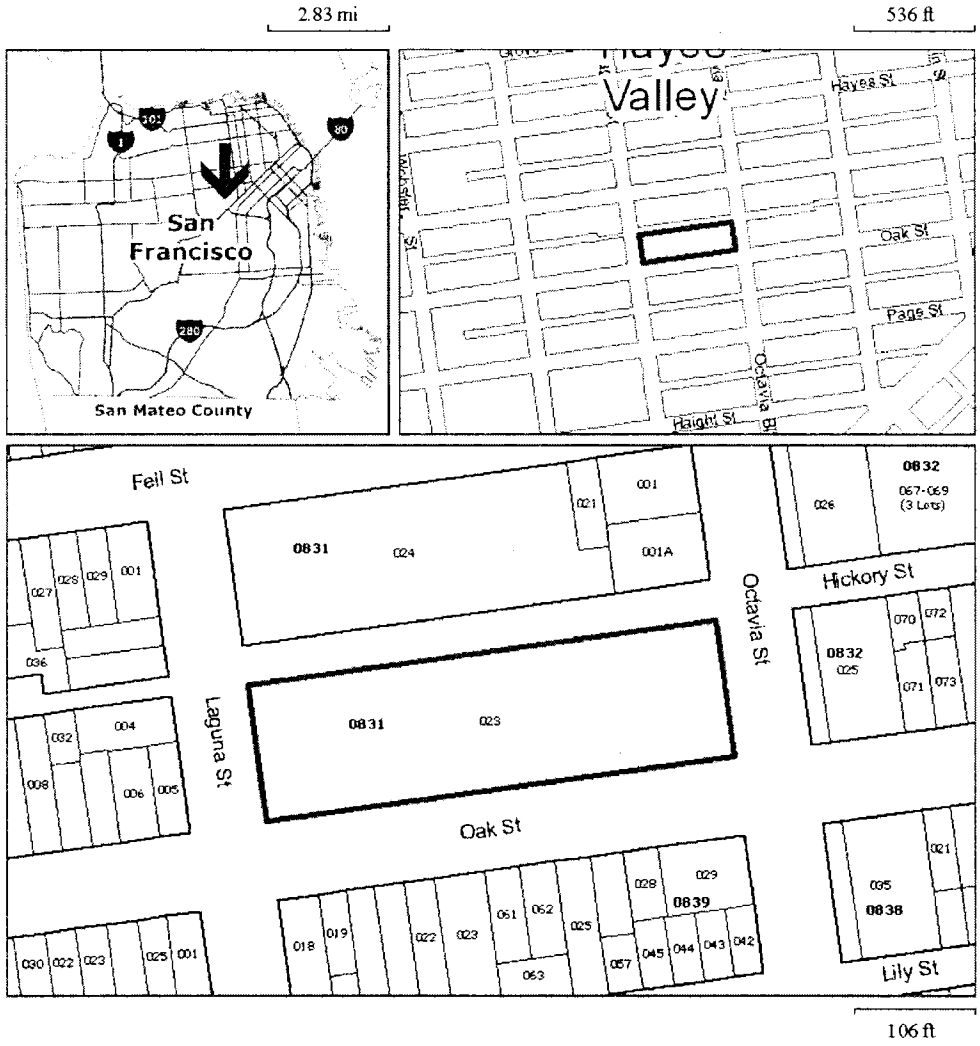
[1] Section 263.20 of the Planning Code, Height Limits: Special Exceptions, allows an additional 5-feet in height along major streets in NCT districts for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

[2] San Francisco Planning Department, *Better Streets Plan,* Available online at: http://www.sf-planning.org/ftp/BetterStreets/proposals.htm. Accessed May 23, 2012.

CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT

Figure 1 - Location Map



[3] San Francisco Planning Department, Market and Octavia Community Improvements Appendix C, Policy 4.1.6. Available online at: *http://www.sf-planning.org/ftp/files/Citywide/Market_Octavia/Community%20_improvements_appendix_c_final_feb_2008.pdf.* Accessed May 23, 2012. "Living alley" improvements are defined as traffic-calming measures for alleys with a residential character for the purpose of creating shared, multipurpose public space for the use of residents. These alleys carry relatively little traffic and can be designed to provide more public space for local residents: as a living street with corner plazas to calm traffic, seating and play areas for children, with space for community gardens, in essence where people and cars share space. By calming traffic and creating more space for public use, the street is envisioned as a common front yard for public use and enjoyment.

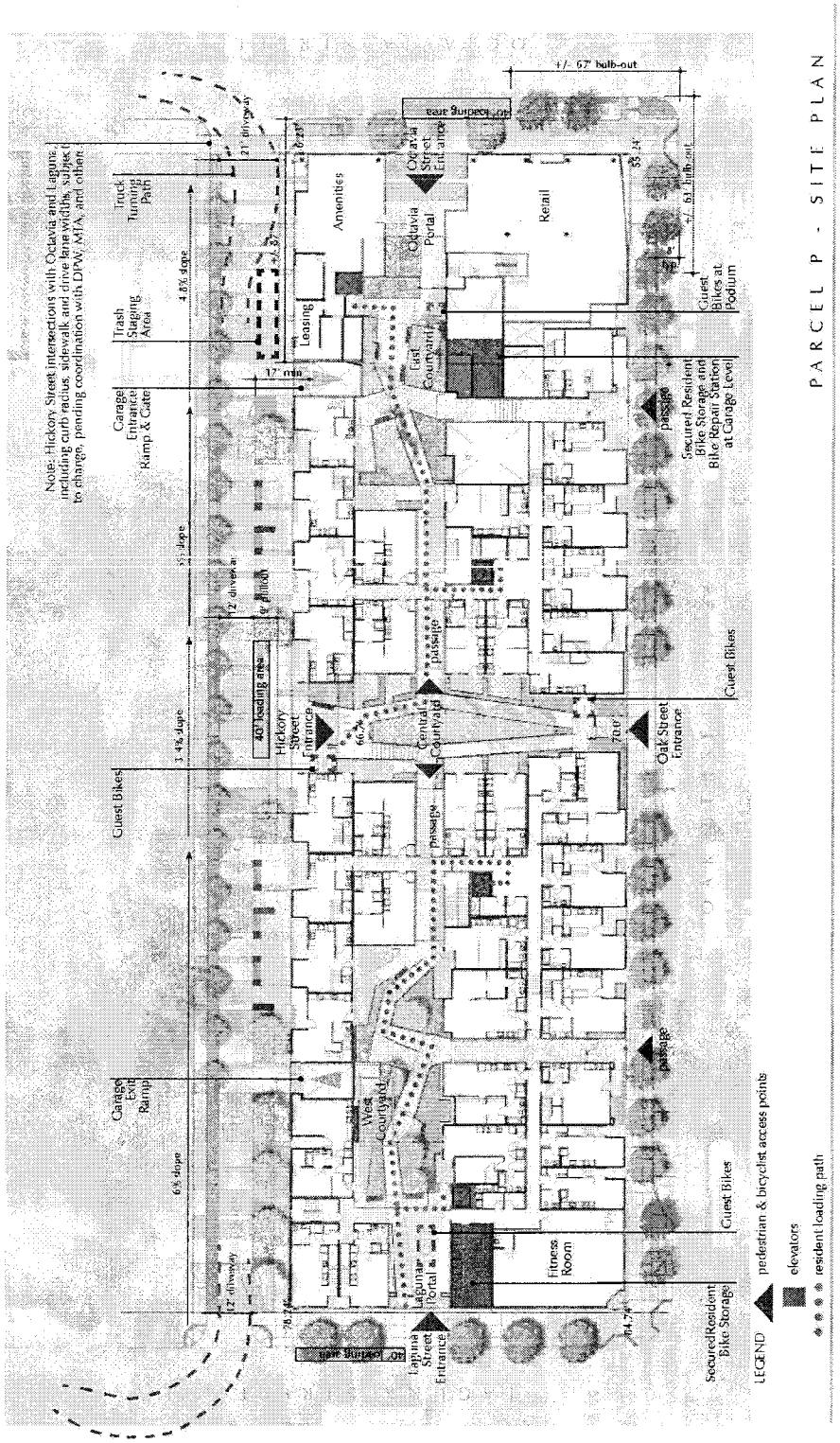


Figure 2 – Site Plan
Source: Avalon Bav Communities

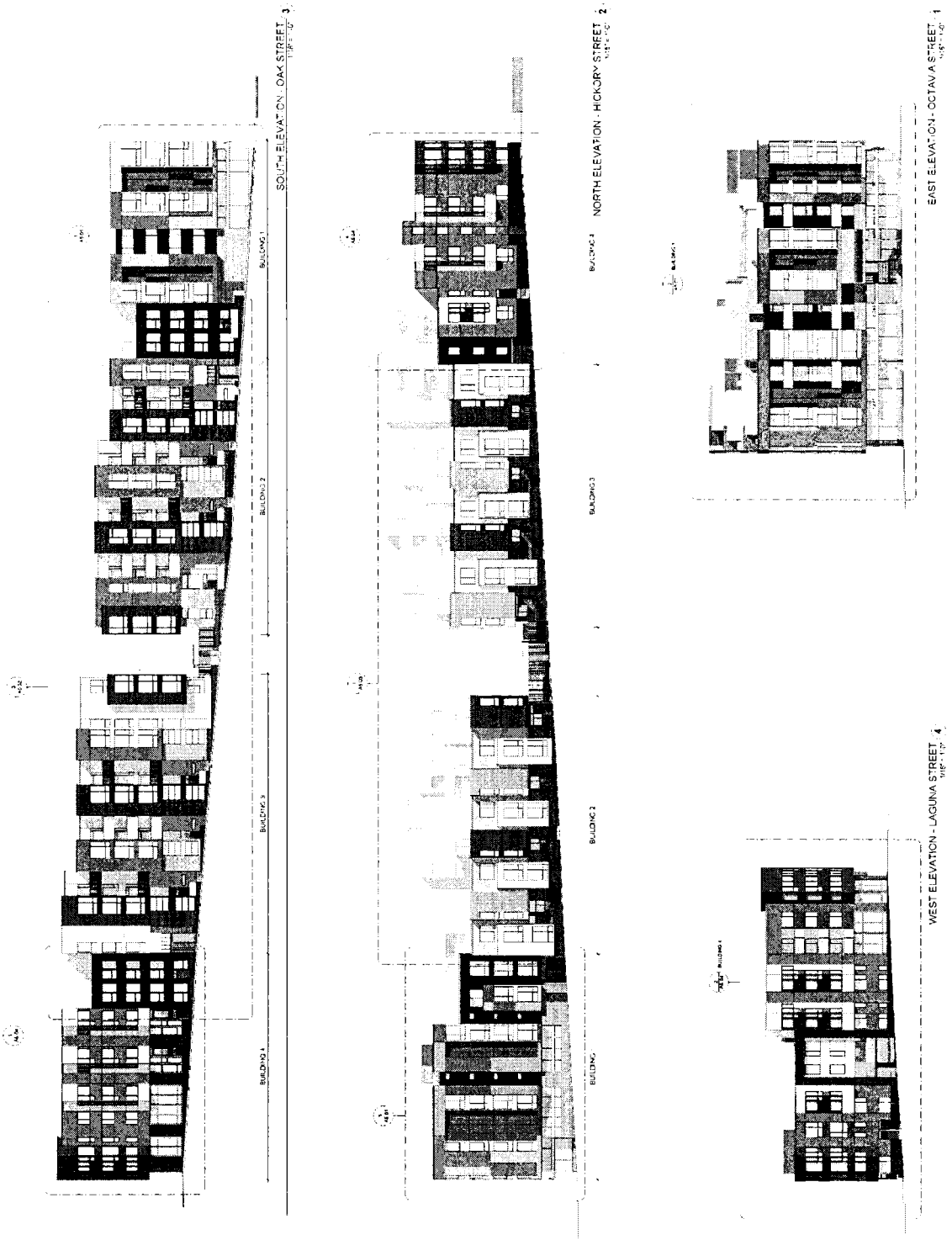


Figure 3 – Elevations
Source: Avalon Bay Communities

There would be four primary site access points that lead from the sidewalk to a proposed interior courtyard: on the north side of the block along Hickory Street, on the east side of the block along Octavia Boulevard frontage road, on the south side of the block along Oak Street, and on the west side of the block along Laguna Street. There would also be two secondary site access points located on the south side of the block along Oak Street. Townhomes along Hickory, Laguna and Oak Streets would have individual access points. The eastern pedestrian portal would anchor the project's Octavia Boulevard frontage, including an approximately 3,750 sq. ft. retail space to the south of the portal and an approximately 2,030 sq. ft. residential management office and lobby space to the north of the portal. The retail space would have pedestrian access along Octavia Boulevard frontage road. The public entrance to the residential management office and lobby would be located at the northeast corner of the block and would have entrances from Hickory Street and Octavia Boulevard frontage road. There is also a proposed 1,980 sq. ft. (approximately) fitness center at the southwest corner of the block with pedestrian access directly at the corner of Laguna and Oak Streets.

Residential bicycle parking would be located in two secured storage areas, a ground-level locker of 415 sq. ft. with approximately 35 spaces on the western end of the block, and the other a basement-level locker of 900 sq. ft. with about 35 spaces toward the eastern end of the block. An additional 15 bicycle spaces for residential guests would be provided on the podium in the courtyards. The project sponsor would provide ten guest bicycles as part of a "bicycle share" program; these bicycles would be available for check-out and use by residents. A bicycle repair station would also be provided in the garage, at the ground floor level close to the Octavia Boulevard project entrance.

The project site contains twelve "significant" eucalyptus trees as defined by Public Works Code Section 8.02-8.11. These are trees within 10 feet of a lot line abutting a public right-of-way that are above 20 feet in height, or with a canopy greater than 15 feet in diameter, or with a trunk diameter greater than 12 inches in diameter at breast height. The twelve eucalyptus trees would be removed and replaced with other tree species (such as *Tristania laurinas* and *Acer palmatumsa*) as part of the project's development. The site would also include other landscaping, including street trees, Hickory Street Living Alley improvements, sidewalk landscaping in setback areas, and landscaping within the three large internal courtyards.

Residential loading is proposed in two locations. The first is a 40-foot, on-street loading zone midblock along Hickory Street. The second is a 40-foot, on-street loading zone on the east side of Laguna Street just south of its intersection with Hickory Street. An on-street commercial loading zone would be provided on the Octavia Boulevard frontage road. All three loading spaces would have limited loading hours, for example from 8:00 a.m. to 6:00 p.m. for loading only. These three on-street curbside loading spaces are

proposed in lieu of a single off-street residential loading space. The location and hours of the loading zones are subject to approval by the San Francisco Municipal Transportation Agency.

While the former freeway ramps were demolished several years ago, a large amount of soil used to construct the former ramps remains on the site. The development would cut into the sloping parcel. As a result, site grading would require excavation and removal of previously imported and naturally occurring site soils for off-site disposal. The greatest excavation would be the removal of two former freeway ramps, and would include additional excavation and removal of the majority of the former off-ramp fill in the north central portion of the property. On the west side of the project site, the basement would be about 12 feet below existing Laguna Street grades. The basement floor would slope down to the east, generally following the slope of Oak Street. Only the western three-quarters of the site would have a full basement level beneath the Oak Street elevations. The excavation would consist of a cut of approximately 11-15 feet at Laguna Street, and would taper to zero feet at Octavia Boulevard which would result in the removal of approximately 13,000 cubic yards of soil from the site.
Project construction would take approximately 18 months, and the project's estimated cost is $42,000,000.

REMARKS (continued):

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects which are consistent with the development density established by a community plan for which an Environmental Impact Report was certified shall not require additional environmental review, except as necessary to determine the presence of project-specific significant effects which are peculiar to the project or its site. The Planning Department reviewed the proposed project for consistency with the Market and Octavia Neighborhood Plan and for the potential for the proposed project to result in significant impacts not identified in the Market and Octavia Neighborhood Plan Programmatic Environmental Impact Report (FEIR) certified on April 5, 2007.[4] In addition to the programmatic review of the Neighborhood Plan, the FEIR also contained a project-level environmental analysis of the development proposed for the Central Freeway parcels, including Parcel P.

This determination evaluates the potential project-specific environmental effects peculiar to the project on Parcel P as described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (FEIR). Project-specific analysis summarized in this determination was prepared for 22 sites in the Plan Area formerly occupied by freeway right-of-way, including Parcel P, to determine if there would be significant impacts attributable to the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. This determination does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies mitigation measures contained in the FEIR that would be applicable to the proposed project at Parcel P. Relevant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects.

[4] San Francisco Planning Department, *Community Plan Exemption Checklist, Parcel P*, May 4, 2012. This document is on file and is available for review as part of Case File No. 2011.0744E.

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. As mentioned above, the FEIR also provided a project-level environmental analysis of the development proposed for the Central Freeway parcels. Parcel P is one of the 22 Central Freeway parcels created as a result of the removal of the elevated Central Freeway.

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 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 Market and Octavia Neighborhood Plan, as evaluated in the FEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed Parcel P project.

Individual projects that occur under the Neighborhood Plan will undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development, and to determine if additional environmental review is required. This determination concludes that the proposed project at Parcel P is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Neighborhood Plan and for the project-level review of the Central Freeway parcels. Further, this determination finds that the FEIR adequately anticipated and described the impacts of the proposed Parcel P project, and identifies the mitigation measures applicable to the proposed Parcel P project. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation is necessary.

Potential Environmental Impacts

The FEIR included analyses of environmental issues including: land use and zoning; plans and policies; visual quality and urban design; population, housing, and employment (growth inducement); transportation; noise; air quality; wind and shadow; archeological resources; historic architectural resources; hazardous materials; geology and soils; and other issues not addressed in the previously issued initial study for the Market and Octavia Neighborhood Plan. The proposed Parcel P 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 Plan. Thus, the project analyzed in the FEIR considered the incremental impacts of the proposed Parcel P project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the FEIR. Topics for which the FEIR identified a significant program-level impact are addressed in this Certification of Determination while project impacts for all other topics are discussed in the Community Plan Exemption

Checklist.[5] The following discussion demonstrates that the Parcel P project would not result in significant impacts beyond those analyzed in the FEIR, including project-specific impacts related to archeological resources, transportation, air quality, wind, shadow, hazardous materials, and geology and soils.

Cultural Resources

Archaeological Resources

The Market and Octavia FEIR identified potential archeological impacts and identified four archeological mitigation measures that would reduce impacts on archeological resources to less than significant. One would apply to the proposed project at Parcel P. *Mitigation Measure 5.6.A1: Archaeological Mitigation Measure – Soil Disturbing Activities in Archeologically Documented Properties* applies to those properties for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this mitigation measure include the project site, Parcel P, on Assessor's Block 0831. In accordance with Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, below.

Pursuant to *Mitigation Measure 5.6.A1*, an archeological sensitivity memorandum was prepared for the proposed project and is summarized here.[6] The project site is underlain by approximately three to five feet of fill with some localized exceptions that are up to 16 feet thick; the fill is underlain by dune sand, and in isolated portions this layer is underlain by four to nine feet of marsh deposits. The marsh deposits are about 20 to 22 feet below the eastern portion of the site and about 29 feet below the west side of the site. This layer is underlain by medium dense to very dense sand with variable fines content and thin stiff clays to 70.5 feet deep, the maximum depth explored. The proposed project would result in disturbance of native medium dense to dense sand and therefore has the potential to disturb archeological resources.

> ***Project Mitigation Measure 1 – Soils Disturbing Activities (Mitigation Measure 5.6.A1 of the Market and Octavia FEIR).*** Pursuant to *Mitigation Measure 5.6.A1*, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:
>
> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;

[5] San Francisco Planning Department, Community Plan Exemption Checklist, Parcel P, May 7, 2012. This document is on file and is available for review as part of Case File No. 2011.0744E at 1650 Mission Street, Suite 400, San Francisco, California.

[6] Randall Dean/Don Lewis, Environmental Planning Archeologist, memorandum to Andrea Contreras, Environmental Planner, October 12, 2011. This memorandum is available for review by appointment at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0744E.

2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;

3. Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources;

4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified;

5. Impacts of Proposed Project;

6. Potential Soils Hazards: Update discussion for proposed project;

7. Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include:

A. Proposed archeological testing strategies and their justification
B. Expected archeological resources
C. For historic archeological resources
    1) Historic address or other local information
    2) Archeological property type
D. For all archeological resources
    1) Estimate depth below the surface
    2) Expected integrity
    3) Preliminary assessment of eligibility to the CRHR
E. ATP Map
    1) Location of expected archeological resources
    2) Location of expected project sub-grade impacts
    3) Areas of prior soil disturbance
    4) Archeological testing locations by type of testing
    5) Base map: 1886/7 Sanborn Fire Insurance Company map

With implementation of the above mitigation measures, the project would not result in significant effects with regard to cultural resources.

Transportation

The Market and Octavia FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the FEIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, it was anticipated that the significant adverse effects at certain local intersections and the cumulative impacts on certain transit lines could not be fully mitigated.

Thus these 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 Plan approval on May 30, 2008.

Trip Generation

Trip generation of the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco Planning Department.[7] The site is located in the City's Superdistrict 2 traffic analysis area. The proposed project would result in an increase of 136,640 sq. ft. of residential use, and approximately 3,750 sq. ft. of retail use. The approximately 140,390 sq. ft. of residential and retail uses would generate 321 PM peak hour person-trips of which 97 would be vehicle trips, 100 would be transit trips, 66 would be pedestrian, and 35 would be other, including bicycle. Due to the project's location near major transit and bicycle routes, this is likely a conservative estimate of vehicle trips.

Traffic

As mentioned above, the zoning changes studied in the Market and Octavia FEIR anticipated significant impacts to traffic. The Central Freeway parcels project-level analysis (2025 with Plan development) determined that 12 intersections would operate at unacceptable level of service (LOS) in 2025 with implementation of the Plan, as opposed to nine intersections under the 2025 without Plan conditions. The additional three intersections include Hayes/Gough, Hayes/Franklin, and Laguna/Market/Hermann/Guerrero. All of these intersections are at least three blocks from the project site.

The Market and Octavia FEIR analysis showed the proposed Parcel P project would not contribute significantly to these identified traffic impacts. The estimated 97 new PM peak hour vehicle trips generated by the project would travel through the intersections surrounding the project block, namely Fell/Octavia, Laguna/Fell, and Laguna/Oak, and Oak/Octavia, none of which were found to have significant impacts as a result of the Plan.[8] The intersection of Oak/Octavia would operate at an unacceptable LOS without the Plan. The project's contribution of 97 PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume generated by Market and Octavia Plan projects and, moreover, would be distributed among local intersections. Project-generated trips would not represent a considerable contribution to any intersection where traffic level of service deterioration would occur. Additionally, the project is consistent with the growth assumptions used in the FEIR transportation analysis, and therefore the project would not have the potential to result in impacts beyond those previously analyzed.

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[7] Andrea Contreras, San Francisco Planning Department, Transportation Calculations, December 15, 2011, updated May 21, 2012. These calculations are available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

[8] Market and Octavia Neighborhood Plan, Final Environmental Impact Report, State Clearinghouse No. 2004012118, Final EIR Certification Date April 5, 2007.

Transit

The Market and Octavia Neighborhood Plan FEIR identified a significant and unavoidable impact relating to the degradation of transit service. As part of the Plan, Hayes Street travel lanes would be converted to operate two-ways between Van Ness Avenue and Gough Street for the purpose of enhancing local vehicle circulation. However, this conversion would negatively affect intersection operating conditions at Hayes/Gough, Hayes/Franklin, and Hayes/Van Ness. These changes would decrease the attractiveness and efficiency of transit since it is likely that this change would result in increases in travel times on the 21-Hayes Muni line, and substantially affect transit operations, which would result in a significant impact. A transit mitigation measure in the FEIR addresses this impact (*5.7.H: Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue; Franklin Street, and Gough Street*). Even with *Mitigation Measure 5.7.H* which proposes rerouting the 21-Hayes Muni bus around congested intersections, cumulative impacts were found to be significant and unavoidable and a Statement of Overriding Considerations was adopted as part of the Market and Octavia Neighborhood Plan approvals.

The project at Parcel P would not be expected to result in increased occupancy or expansion of use at the project site beyond what was analyzed in the Market and Octavia Neighborhood Plan FEIR and thus would not generate transit trips beyond what was assumed in the analysis. No peculiar transit impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR (to be implemented by the San Francisco Municipal Transportation Agency [SFMTA]) are not applicable to the proposed project. With the development of Central Freeway parcels, the peak hour capacity utilization would not be substantially increased and the impact on Muni screenlines would be less-than-significant.

Circulation and Access

A Circulation Memorandum was prepared to address circulation, access, loading, and other transportation issues associated with the proposed project.[9] The memorandum is summarized below.

Vehicle access to the project site would be from westbound Hickory Street and Octavia Boulevard frontage road. Hickory Street is proposed for improvement as a through street running east/west between Octavia Boulevard frontage road and Laguna Street. Hickory Street would be located south of Fell Street and north of Oak Street. Hickory Street is proposed as a westbound, one-way street. Octavia Boulevard frontage road is a low-speed, low-volume roadway that parallels Octavia Boulevard and provides access to the local roadway network and residential/commercial driveways. Due to the limited access of the Octavia Boulevard frontage road, all vehicles accessing the project site would be required to travel through the Octavia/ Fell intersection (northbound on Octavia Boulevard or westbound on Fell Street) to access the Octavia Boulevard frontage road and enter Hickory Street.

The entrance to the below grade-parking garage would be located on the east end of Hickory Street. The proposed garage entry driveway from Hickory Street is set back from the Octavia Boulevard property line approximately 70 feet. The entry driveway would be approximately 12 feet wide and would accommodate one entrance lane. The garage entry gate would be recessed approximately 17 feet from the

[9] Meg Spriggs, Avalon Bay Communities, "Final Circulation Memo", May 13, 2012. This document is available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Hickory Street southern curb to provide a queuing area. This would reduce the likelihood of entering vehicles blocking the sidewalk or queuing on Hickory Street. Additionally, the garage gate would swing inward, and the garage entry system would be placed in an area that would not cause entering vehicles to block the sidewalk or queue onto the street. The exit from the below-grade parking garage would be located on the west end of Hickory Street, about 76 feet east of its intersection with Laguna Street. Similarly, the exit driveway would be about 12 feet wide and would accommodate one exit lane. Vehicles would exit the project site from the Hickory Street garage and would make a northbound or southbound turn onto Laguna Street. Additionally, the project would be subject to the following improvement measure to monitor and abate any vehicle queues resulting from the proposed development.

> *Project Improvement Measure 1: Queue Abatement.* It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.
>
> If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses.
>
> Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.
>
> If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

Emergency Vehicle Access

Emergency vehicle access would be available from the proposed white zone on the east side of Laguna Street, south side of Hickory Street, and west side of Octavia Boulevard frontage road, and the north side of Oak Street. Development of the project would not reduce the number of travel lanes or result in street closures, and emergency access to the project area would remain unchanged from existing conditions. Due to Hickory Street's narrow right-of-way, large fire trucks would not be able to access the site from this street. However, the project sponsor would provide fire risers/standpipes on Hickory Street as

required by the San Francisco Fire Department.[10] Therefore, the effects of the project on emergency vehicle access would be less than significant.

Garbage and Recycling Collection

Garbage and recycling would be collected along Hickory Street, near the intersection of Hickory Street and Octavia Boulevard. Waste would be collected in garage-level trash rooms in the parking garage, which are connected to trash chutes from the residential floors above. Avalon Bay's building maintenance staff would move the garage bins from the garage to a staging area on Hickory Street on the appropriate garbage collection day. Building maintenance would then return the garbage bins to the garage. The bins would not be left on the public street for any extended period. As a one-lane street with no parking, improvements to Hickory Street would be intended to prevent its blockage.

Loading

There are currently no loading spaces adjacent to the project site. Based on the SF Guidelines, the project's residential uses are expected to generate approximately four service vehicle trips per day, while the retail uses are expected to generate approximately one service vehicle trip per day. Under Section 152 of the Planning Code, the proposed project would be required to have one off-street freight loading space because it includes more than 100,000 square feet of residential use. No off-street loading spaces would be required for the retail uses. Three on-street curbside loading spaces are proposed in lieu of a single off-street residential loading space. These on-street curbside loading spaces would accommodate residential and commercial loading for the steeply sloped site (29-foot grade change from Laguna Street to Octavia Boulevard) and the nature of the stepped buildings. The project proposes to use two on-street residential loading spaces, one on Laguna Street and one on Hickory Street. The residential loading space on the newly created Hickory Street would be 40 feet long and would be located mid-block at the opening between the west and east blocks. The residential loading space on Laguna Street would be 40 feet long and is located south of the intersection with Hickory Street. If approved, the loading space would result in the removal of up to two on-street parking spaces on Laguna Street during active loading hours. One new 40-foot-long commercial loading space would be provided on Octavia Boulevard frontage road. If approved, the loading space would result in the removal of up to two on-street parking spaces on Octavia Boulevard frontage road during active loading hours. All three of the loading spaces would have limited hours to be determined in coordination with the SFMTA. If none of these on-street loading spaces are approved, the project would result in intermittent, temporary traffic disruption as a result of loading vehicles blocking lanes of travel. Given the traffic volumes streets where loading would occur, the intermittent nature of the activity, and the common nature of this inconvenience in an urban setting, if this impact were to occur it would not have the potential to result in significant traffic impacts.

Pedestrian and Bicycle Conditions

The FEIR notes that the Market and Octavia Neighborhood Plan area contains several key bicycle corridors, and that the generally flat terrain combined with major thoroughfares that traverse the project area and the density and mix of uses in the project area provide for bicycle travel. The FEIR notes also that the Neighborhood Plan area contains several key pedestrian corridors, and the Plan includes new pedestrian facilities and amenities. The FEIR did not identify significant impacts related to bicycle and pedestrian conditions as a result of Plan implementation.

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[10] *Ibid.*

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 according to the Better Streets Plan.

Planning Code Section 161 requires 57 bicycle parking spaces. The proposed project would provide a total of 85 bicycle parking spaces, which includes 70 bicycle spaces for residents, and 15 bicycle spaces for the residential guests. The project sponsor would provide ten guest bicycles as part of a "bicycle share" program; these bicycles would be available for check-out and use by residents. There project would also include a bicycle repair station.

There are four bicycle routes near the project site: route 20 along Grove Street, route 32 along Page Street, route 45 on Octavia Boulevard frontage road, and route 345 on Webster Street. There are two proposed curb cuts on Hickory Street for vehicles turning into and out of the basement-level garage. Neither of the two curb cuts would be along a bicycle route. 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 or pedestrian travel in the area.

Transportation Demand Management (TDM) Plan
A transportation demand management (TDM) plan generally includes strategies that aim to promote and encourage more efficient use of transportation resources. The transportation network near the project site is challenged by increasing roadway congestion as described above in the "Traffic" section. Given the traffic, transit, bicycle, and pedestrian activity currently in the project area, effective TDM strategies are necessary to manage travel demand and safety.

Project Improvement Measure 2: Transportation Demand Management. To encourage travelers to utilize alternative modes of transportation, the project sponsor shall provide incentives to shift travel modes from single auto occupancy travel to transit, rideshare, bicycle, and pedestrian travel. The project sponsor shall provide bicycles as part of a "bicycle share" program which would be available for checkout by residents to encourage bicycling in lieu of driving. The project sponsor shall consider providing additional car share spaces beyond the requirement. The project sponsor shall consider subsidized transit passes or transit voucher for residents of the project.

Parking
The proposed project would provide 91 off-street parking spaces plus two car-share parking spaces in a podium-level garage for 182 dwelling units (0.5 spaces per unit). Under Section 151 of the Planning Code, the project is not required to provide off-street parking spaces. In the Hayes NCT zoning district, no parking is required. Off-street parking is permitted up to 0.5 spaces per unit, and permissible with Conditional Use authorization for up to 0.75 spaces per unit. It is not permitted above 0.75 spaces for each dwelling unit per Code Section 720.94. Likewise, parking is not required in the RTO zoning district. Off street parking is permitted up to 0.75 spaces per unit, and is permissible with Condition Use authorization for up to one space per dwelling unit. Off-street parking in RTO is not permitted above one car per dwelling unit.

The available off-street parking at the project site would be 91 spaces, which would not meet the estimated project parking demand of approximately 262 parking spaces throughout the day. There is limited on-street parking capacity available near the project site along Laguna Street, Oak Street, and

Octavia Boulevard frontage road. The available off-street and on-street parking supply may not be sufficient to accommodate estimated project site demand.

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 345) 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 FEIR transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

"No-Parking Alternative"

The Department received a comment in response to the September 2011 "Notification of Project Receiving Environmental Review" requesting the analysis of a development scenario with zero off-street parking. The following discussion includes a qualitative assessment of parking operations under the condition that the project would not include any off-street parking. Regardless of this loss in parking, the project would

continue to generate and attract the same number of trips to the site. However the mode of transportation may change.

Under a "No Parking" scenario, the off-street parking garage would be eliminated, resulting in the displacement of midday and PM peak hour parking demand to surrounding on-street parking spaces. The loss of off-street parking would likely result in additional parking spillover onto nearby residential streets and subsequently affect traffic circulation throughout the traffic area. Moreover, the current on-street parking demand in the project area coupled with the limited availability of public parking would further exacerbate these parking deficiencies. This would not be considered a significant impact under CEQA because changes in parking conditions are dynamic and would not constitute a change to the permanent physical environment.

In conclusion, no peculiar transportation impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR are not applicable to the proposed project.

Air Quality

The Market and Octavia FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and short-term construction exhaust emissions. 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 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 to 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 will be reduced to a less-than-significant level. Since the project would comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality, and FEIR Mitigation Measure 5.8.A would not be applicable to the proposed project.

The Market and Octavia FEIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that *Mitigation Measure 5.8B – Construction Mitigation Measure for Short-Term Exhaust Emissions* would reduce effects to a less-than-significant level. Since the proposed project includes construction activities, this mitigation measure would apply to the proposed project. An Air Quality Technical Report prepared for the project shows that with implementation of this mitigation measure, impacts related to short-term construction exhaust emissions would be less than significant.[11] In

[11] ESA, *Air Quality Technical Report, Parcel P Project, Market and Octavia, San Francisco.* April 26, 2012. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.0744E.

accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 2, below.

Project Mitigation Measure 2 – Short-term Construction Exhaust Emissions (Mitigation Measure 5.8B of the Market and Octavia FEIR). To reduce program or project level short-term 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; use alternative fuel or electrical construction equipment at the project site when feasible; for construction exhaust emissions during demolition, excavators and loaders shall meet Tier 3 emissions standards; excavators, dozers, and drill rigs shall meet Tier 3 emissions standards during site preparation; and forklifts, skip loaders (tractor), mini excavator, and paving and rolling machines shall meet Tier 3 emissions standards during building construction activities.

Wind

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The Market and Octavia FEIR identified a potentially significant impact related to new construction and determined that *Mitigation Measure 5.5B1: Wind Mitigation Measure – Buildings in Excess of 85 feet in Height* and *Mitigation Measure 5.5B2: Wind Mitigation Measure – All New Construction*[12] would reduce effects to less-than-significant levels. Mitigation Measure 5.5B2 requires the application of design standards to new buildings and alterations in order to reduce the potential for ground-level wind currents from exceeding pedestrian comfort levels. Since the proposed project would involve construction of buildings ranging from 40-feet-tall to up to 55-feet-tall on a lot with no permanent structures, the project does not have the potential to result in significant wind impacts and both Mitigation Measure 5.5B1 and 5.5B2 do not apply.

Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Since the proposed building is taller than 40 feet, a shadow fan analysis was required and prepared pursuant to Section 295. No mitigation measures were included in the Market and Octavia Neighborhood Plan EIR for Parks and Open Space subject to Section 295, because no significant impacts were identified at the program or project level. However, for non-Section 295 parks and open space, the Market and Octavia PEIR identified potential significant impacts related to all new construction where the building height would exceed 50 feet in height and determined that *Mitigation Measure 5.5A2: Shadow Mitigation Measure – Parks and Open Space not Subject to Section 295* would reduce effects to a less-than-significant level. Since the proposed project includes building elements over is 50 feet in height, *Mitigation Measure 5.5A2* would apply. With implementation of this Mitigation Measure, impacts related to shadow would be less than significant. In accordance with

[12] Paul Maltzer, *Market and Octavia EIR Wind Impacts and Mitigation Memorandum,* November 7, 2008. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2003.0347E.

Market and Octavia FEIR requirements, the project sponsor has agreed to implement Mitigation Measure 3, below.

Project Mitigation Measure 3 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR). Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.

Since the proposed building is taller than 40 feet, a shadow fan analysis was required and prepared by Pyatok Architects in compliance with Section 295 of the Planning Code.[13] The analysis of the proposed project includes buildings that have already been shaped to avoid casting shadow on Section 295 parks, topographical features or intervening buildings, and all shadow-casting elements that are proposed including parapets, mechanical equipment, and other similar features. The shadow analysis shows shadows cast by the project as well as shadows cast by existing buildings on the block bordered by Fell Street, Laguna Street, Octavia Street and Hickory Street, buildings across Fell Street and buildings across Octavia Street. The analyses were performed within one hour after sunrise and within one hour before sunset for three dates: the winter solstice, the summer solstice, and the vernal equinox. The analysis showed that there would be some shadows cast on Patricia's Green (formerly Hayes Green) on the summer solstice and on the vernal equinox. However, these shadows would be cast by adjacent buildings to be developed in the future on currently vacant Central Freeway parcels, not by the proposed project. The Department concurs with the shadow study conclusion that no new, net potential shadow would be cast upon Patricia's Green.

The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA. The proposed building could cast shadow on nearby private property. The loss of sunlight for private property is rarely considered to be a significant impact on the environment under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

Geology and Soils

The Market and Octavia FEIR identified a potential significant impact related to temporary construction on steeply sloping lots and determined that *Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure* would reduce effects to a less-than-significant level. Since the project site is sloped and construction would alter the overall topography of the site, *Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure* applies to the proposed project. The implementation of this mitigation measure

[13] Adrienne Steichen, Pyatok Architects and Meg Spriggs, Avalon Bay Communities, *Hayes Valley, "Parcel P." Shadow Study Impact Letter and Shadow Study Plans – Revised, October 18, 2011.* This document is available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

would reduce the impacts to a less-than-significant level. In accordance with the Market and Octavia FEIR, the project sponsor has agreed to implement Project Mitigation Measure 4, below.

Project Mitigation Measure 4 – Construction-related Soils (Mitigation Measure 5.11A of the Market and Octavia FEIR). Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.

A geotechnical investigation has been performed for the proposed project.[14] The project site is underlain by about three to five feet of fill with some localized exceptions that are up to 16 feet thick; the fill is underlain by Dune Sand and in isolated portions this layer is underlain by 4 to 9 feet of marsh deposits. The marsh deposits are about 20 to 22 feet below the eastern portion of the site and about 29 feet below the west side of the site. This layer is underlain by medium dense to very dense sand with variable fine contents and thin stiff clays to the maximum depth explored, 70.5 feet deep. According to the geotechnical investigation, the proposed building could be supported by shallow building foundations bearing on native medium dense to dense sands. The report describes recommendations regarding demolition void backfilling; existing fill treatment beneath foundation elements; permanent cut slope protection from erosion; fill composition and placement; conformance with utility trench requirements; foundation types and qualities as they pertain to placement, lateral resistance, and installation; temporary shoring systems and testing; design of below-grade walls and floor slabs; excavation monitoring; seismic design; and storm water infiltration guidelines.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be reduced during the permit review process through these measures. To ensure compliance with all *Building Code* provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be reduced through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

Hazards and Hazardous Materials

Soils investigations and site assessment conducted as part of the Central Freeway Land Transfer project and the Octavia Boulevard project recommend the preparation of a Site Mitigation Plan for future

[14] Treadwell & Rollo. *Geotechnical Investigation: Avalon Bay Hayes Valley, Oak and Octavia Streets, San Francisco, CA.* May 23, 2011. This document is available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

excavation projects in the vicinity of the parcels. The Market and Octavia FEIR identified subsequent development occurring on these parcels that could result in the transport, handling, use and/or generation of hazardous materials. The FEIR noted that future development on these parcels would be subject to individual site assessments and compliance with relevant regulations administered by the Department of Public Health. The FEIR notes that implementation of required measures in compliance with applicable regulations and standards regarding contamination would reduce potential impacts to less-than-significant levels. Project Mitigation Measure 5 (*Mitigation Measure 5.10.A: Hazardous Materials Mitigation Measure* from the FEIR), would apply to the proposed project. In addition, the project would comply with San Francisco Health Code Article 22, which provides for safe handling of hazardous wastes in the City. It authorizes the San Francisco Department of Public Health (DPH) to implement the state hazardous waste regulations, including authority to conduct inspections and document compliance. Compliance with hazardous materials regulations and Project Mitigation Measure 6, potential impacts of the proposed project related to exposure of hazardous materials would be less-than-significant.

A Phase I Environmental Site Assessment (ESA) and Phase II ESA[15] for the project site were conducted by ENGEO, Inc. Due to the former presence of freeway ramps, lead is the main contaminant of concern for the property.[16] The groundwater sampled did not contain contaminants at levels of environmental concern.

The California Regional Water Quality Control Board Environmental Screening Levels (ESL) for lead in shallow soils is 200 mg/kg. The ESL will be used as the clean-up level for the proposed project. At least the top two feet of soil will be classified as Class I hazardous waste in the areas of the former freeway ramps. Additional soil sampling is recommended around the ramp areas and just outside the ramp areas. A work plan is required to perform additional soil sampling and analysis according to the Voluntary Cleanup Program Requirements.

Project Mitigation Measure 5 – Site Mitigation Plan (Mitigation Measure 5.10A of the Market and Octavia FEIR). A site mitigation plan (SMP) must be prepared to address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. The SMP should address:

- Proposed vertical and lateral extent of excavation;
- Proposed building locations and configurations;
- Management options for contaminated soils;
- If onsite treatment to immobilize metals will be performed, include a description of the process and its effectiveness;

[15] ENGEO, Inc., Phase I Environmental Site Assessment, Central Freeway Parcel P, Assessor's Block 831 Lot 23, San Francisco, California, October 18, 2010, Revised July 21, 2011; ENGEO, Inc., Phase II Environmental Site Assessment, Central Freeway Parcel P, Assessor's Block 831 Lot 23, San Francisco, California, April 20, 2011. Copies of these documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0744E.

[16] ENGEO, 2011.

- Identify the proposed soil transporter and disposal locations;
- Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling;
- The site clean up level for lead of 200 mg/kg;
- Soil samples should be analyzed for the appropriate TPH ranges and metals;
- Dust control plan and measures per San Francisco Health Code Article 22B;
- Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site specific Health and Safety Plan; and
- Storm Water Control and Noise Control protocols as applicable.

If confirmation samples exceed residential clean up guidelines, additional excavation should be performed, or "other mitigating measures" acceptable to DPH implemented. Alternative additional excavation and sampling could be performed or other mitigation measure may be proposed, if necessary.

Should an underground storage tank be encountered, it shall be removed under permit with the DPH Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department.

The SMP should be submitted at least six weeks prior to beginning construction excavation work. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.

Additional 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; and/or
- Contaminants and regulated areas shall be properly maintained.

The SMP would be conducted under the supervision of DPH. Implementation of Project Mitigation Measure 5, including the preparation and execution of the SMP above, would reduce potential hazardous materials impacts to a less-than-significant level.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on September 28, 2011, to owners and occupants of properties within 300 feet of the project site, and to other potentially interested parties.

The Planning Department received several comments in response to the notice. There were comments regarding the proposed height and density of the project that have been addressed in the "Land Use" and "Aesthetics" sections of Attachment A, the CPE Checklist, on pages 27 and 29, respectively. Transportation-related comments included a request for a project with zero parking, a request for a project with over 1:1 parking supply, concern regarding increased congestion due to project construction, the critique of Level of Service as a metric for determining transportation impact; and the request to reference the other transportation studies that overlap or are within proximity to the project site. CEQA-related transportation comments have been addressed in the "Transportation and Circulation" section of the Certificate of Determination on page 8. A comment about impervious surface increase was received and has been addressed in the "Hydrology and Water Quality" section of the CPE Checklist on page 54. A concern regarding tree removal was received and has been addressed in the "Biological Resources" section of the CPE Checklist on page 50. Comments regarding Greenhouse Gas emissions from construction have been addressed in the "Greenhouse Gas Emissions" section of the CPE Checklist on page 39. Comments about hazardous materials have been addressed in the "Hazards and Hazardous Materials" section of the Certificate of Determination on page 19. Questions about shadow are addressed in the "Shadow" section of the Certificate of Determination on page 16. Non-CEQA related comments include security concerns around the garage access and the benefits of the interim garden use were also received, as was a question regarding construction schedule.

No significant, adverse environmental impacts from issues of concern have been identified. Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project could have a significant effect on the environment beyond the impacts identified, and mitigated as feasible, in the FEIR.

Conclusion

The Market and Octavia FEIR incorporated and adequately addressed all potential impacts of the proposed project at Parcel P. As described above, the Parcel P project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia FEIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia FEIR. Thus, the proposed project at Parcel P would not have any new significant or peculiar effects on the environment not previously identified in the Market and Octavia FEIR, nor would any environmental impacts be substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from

environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code (CEQA).

Attachment A
Community Plan Exemption Checklist

Case No.:	2011.0744E
Project Title:	Market and Octavia – "Parcel P" (No Address Assigned)
Zoning:	Hayes-Gough Neighborhood Commercial Transit District (NCT) Residential Transit-Oriented Neighborhood District (RTO) 40-X/50-X Height and Bulk Districts Market and Octavia Neighborhood Plan
Block/Lot:	0831/023
Lot Size:	49,500 square feet
Plan Area:	Market and Octavia Neighborhood Plan
Staff Contact:	Andrea Contreras – (415) 575-9044 Andrea.Contreras@sfgov.org

A. PROJECT DESCRIPTION

The proposed project involves construction of a three- to five-story mixed use development on a 49,500-square-foot (sq. ft.) lot. The 40- to 55-foot residential buildings would include 182 dwelling units (163,655 gross sq. ft. of residential space), ground-floor commercial space (3,750 gross sq. ft.), and a 91-space, below-grade parking garage. Access to the parking garage would be from an improved Hickory Street. The proposed project would remove the existing surface parking lot, trees and temporary community garden structures and improvements, regrade the site, improve the Hickory Street right-of-way through the block along the northerly frontage of the property.

The project site is located on the north side of Oak Street in the Market and Octavia Plan Area, and comprises the block bounded by Laguna Street to the west, Octavia Boulevard to the east, and Hickory Street (primarily an unimproved right-of-way) to the north. The lot is currently being used on an interim basis as a community garden known as "Hayes Valley Farm", and there is a surface parking lot at the southeasterly portion of the site. The lot was formerly occupied by freeway ramps for the Central Freeway, which were removed by 2003. There are currently no structures on the property, aside from several small temporary buildings associated with the community garden use.

The proposed project is a wood-framed, three- to five-story building over a podium deck. The top of the podium would step down to follow the existing grade as it drops down in elevation from Laguna Street to Octavia Boulevard, an approximately 29-foot elevation change, maintaining a height that would not exceed 55 feet above grade level.[17] The project would vary in height across the site. Most of the project site (42,300 square feet) is zoned RTO, while the remaining eastern edge (a 7,200 square foot rectangular

[17] Section 263.20 of the Planning Code, Height Limits: Special Exceptions, allows an additional 5-feet in height along major streets in NCT districts for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

area along Octavia Boulevard) is zoned Hayes-Gough NCT. The height limit for the RTO portion of the site along Hickory Street is 40 feet, while the remainder of the block under RTO zoning is subject to a 50-foot height limit. The NCT portion of the site is zoned 50-X, with a five-foot height bonus for generous ground floor spaces. The building heights along Hickory Street range from 39 feet near Laguna Street to 55 feet at Octavia Boulevard. The building heights along Oak Street range from 45 feet at Laguna Street to 55 feet at Octavia Boulevard. Along Laguna Street, heights range from 39 feet at Hickory Street to 45 feet at Oak Street. Along Octavia Boulevard, the building height would be 55 feet from Oak Street to Hickory Street.

Hickory Street is proposed as a westbound, one-way street. The parking garage would be accessed from Hickory Street approximately 70 feet west of Octavia Boulevard. The exit to the garage is located on the west end of Hickory Street, east of Laguna Street. The proposed Hickory Street improvement includes the regrading and paving of the area north of the project site for a 35 foot right-of-way. Hickory Street sidewalk widths would vary between five feet and 14 feet wide with a 12 foot travel lane and no on-street parking. The easternmost width of the travel lane at Octavia Boulevard frontage road would measure 21 feet wide to accommodate garbage collection truck turning and waste collection staging. Hickory Street improvements would be subject to the Better Streets Plan and is envisioned as a Living Alley as described by the Market-Octavia Area Plan Fundamental Design Principles.[18],[19]

There would be four primary site access points that lead from the sidewalk to a proposed interior courtyard: on the north side of the block along Hickory Street, on the east side of the block along Octavia Boulevard frontage road, on the south side of the block along Oak Street, and on the west side of the block along Laguna Street. There would also be two secondary site access points located on the south side of the block along Oak Street. Townhomes along Hickory, Laguna and Oak Streets would have individual access points. The eastern pedestrian portal would anchor the project's Octavia Boulevard frontage, including an approximately 3,750 sq. ft. retail space to the south of the portal and an approximately 2,030 sq. ft. residential management office and lobby space to the north of the portal. The retail space would have pedestrian access along Octavia Boulevard frontage road. The public entrance to the residential management office and lobby would be located at the northeast corner of the block from Hickory Street and Octavia Boulevard frontage road. There is also a proposed 1,980 sq. ft. (approximately) fitness center at the southwest corner of the block with pedestrian access directly at the corner of Laguna and Oak Streets.

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[18] San Francisco Planning Department, *Better Streets Plan,* Available online at: http://www.sf-planning.org/ftp/BetterStreets/proposals.htm. Accessed May 23, 2012.

[19] San Francisco Planning Department, Market and Octavia Community Improvements Appendix C, Policy 4.1.6. Available online at: *http://www.sf-planning.org/ftp/files/Citywide/Market_Octavia/Community%20_improvements_appendix_c_final_feb_2008.pdf.* Accessed May 23, 2012. "Living alley" improvements are defined as traffic-calming measures for alleys with a residential character for the purpose of creating shared, multipurpose public space for the use of residents. These alleys carry relatively little traffic and can be designed to provide more public space for local residents: as a living street with corner plazas to calm traffic, seating and play areas for children, with space for community gardens, in essence where people and cars share space. By calming traffic and creating more space for public use, the street is envisioned as a common front yard for public use and enjoyment.

Residential bicycle parking would be located in two secured storage areas, a ground-level locker of 415 sq. ft. with approximately 35 spaces on the western end of the block, and the other a basement-level locker of 900 sq. ft. with about 35 spaces toward the eastern end of the block. An additional 15 bicycle spaces for residential guests would be provided on the podium in the courtyards. The project sponsor would provide ten guest bicycles as part of a "bicycle share" program; these bicycles would be available for check-out and use by residents. A bicycle repair station would also be provided in the garage, at the ground floor level close to the Octavia Boulevard project entrance.

The project site contains twelve "significant" eucalyptus trees as defined by Public Works Code Section 8.02-8.11. These are trees within 10-feet of a lot line abutting a public right-of-way that are above 20-feet in height, or with a canopy greater than 15-feet in diameter, or with a trunk diameter greater than 12-inces in diameter at breast height. The twelve eucalyptus trees would be removed and replaced with other tree species (such as *Tristania laurinas* and *Acer palmatumsa*) as part of the project's development. The site would also include other landscaping, including street trees, Hickory Street Living Alley improvements, sidewalk landscaping in setback areas, and landscaping within the three large internal courtyards.

Residential loading is proposed in two locations. The first is a 40-foot, on-street loading zone midblock along Hickory Street. The second is a 40-foot, on-street loading zone on the east side of Laguna Street just south of its intersection with Hickory Street. An on-street commercial loading zone would be provided on the Octavia Boulevard frontage road. All three loading spaces would have limited loading hours, for example from 8:00 a.m. to 6:00 p.m. for loading only. These three on-street curbside loading spaces are proposed in lieu of a single off-street residential loading space. The location and hours of the loading zones are subject to approval by the San Francisco Municipal Transportation Agency.

While the former freeway ramps were demolished several years ago, a large amount of soil used to construct the former ramps remains on the site. The development would cut into the sloping parcel. As a result, site grading would require excavation and removal of previously imported and naturally occurring site soils for off-site disposal. The greatest excavation would be the removal of two former freeway ramps, and would include additional excavation and removal of the majority of the former off-ramp fill in the north central portion of the property. On the west side of the project site, the basement would be about 12 feet below existing Laguna Street grades. The basement floor would slope down to the east, generally following the slope of Oak Street. Only the western three-quarters of the site would have a full basement level beneath the Oak Street elevations. The excavation would consist of a cut of approximately 11-15 feet at Laguna Street, and would taper to zero feet at Octavia Boulevard which would result in the removal of approximately 13,000 cubic yards of soil from the site.

Project construction would take approximately 18 months, and the project's estimated cost is $42,000,000.

Approvals

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 and 121.5; and (2) Conditional Use Authorization to approve dwelling unit density greater than the maximum allowed in a RTO District pursuant to Section 209.1(n) of the code; and Planned Unit Development (PUD) per Section 304(d) for project sites that exceed one-half acre in size.

The PUD would include modifications to the rear yard requirement, private open space dimensions, off-street loading requirement, height measurement, and bay window size.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

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

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR.

All items for which the project would have no impact are checked "No Impact," and are discussed below.

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

The Market and Octavia Neighborhood Plan is intended to change the existing land use character of the project area to a transit-oriented, high-density mixed-use neighborhood. The Market and Octavia Neighborhood Plan Final Environmental Impact Report (FEIR) analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan, including development of the former Central Freeway parcels, would not result in a significant adverse impact in land use character.

The proposed project would remove the existing surface parking lot, trees, and temporary community garden structures and improvements, regrade the site, improve the Hickory Street right-of-way through the block along the northerly frontage of the property, and construct a new mixed-use building with approximately 182 dwelling units and approximately 3,750 square feet of retail space, situated over a 91-space subterranean parking garage. According to the Market and Octavia Neighborhood Plan, the development of the Central Freeway parcels, including Parcel P, would help reunite a neighborhood that was previously divided and disrupted by the Central Freeway structure. Therefore, the development of Parcel P would not physically disrupt or divide an established community.

With the adoption of the Market and Octavia Neighborhood Plan, the project site was re-zoned from P (Public) to Hayes-Gough NCT (Neighborhood Commercial Transit) along Octavia Boulevard and RTO (Residential Transit Oriented) on the rest of the block. 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 residential and retail uses and sizes. RTO zoning allows and encourages residential infill development, and limited commercial uses on corner lots. RTO zoning allows for the project's residential use and corner retail use. The residential portion located in the RTO zoning district exceeds the principally permitted dwelling unit density ratio of one unit per 600 sq. ft. of lot area with no upper limit on the density permitted with conditional use authorization. The 42,323 sq. ft. portion of the project site zoned RTO would principally permit 71 dwelling units. Therefore, the Planning Commission would need to grant Conditional Use authorization to approve a project within the RTO district with a greater density than the principally permitted ratio. Conditional Use Authorization is also required to allow development on a lot greater than 10,000 square feet in the RTO and Hayes-Gough NCT Districts. Approval of a Planned Unit Development (PUD) is being requested, with specific requests for modification of Planning Code requirements regarding the rear yard configuration, open space configuration, bay window configuration, and height measurement methodology. Per Section 304 of the Planning Code, PUD's are "intended for projects on site of considerable size, developed as integrated units of stable and desirable character." Through this process, well-reasoned modifications from the requirements of the Planning Code may be requested "in cases of outstanding overall design, complementary to the design and values of the surrounding area." The proposed building would be consistent with the height and bulk controls, uses and densities for the site analyzed in the Market and Octavia Neighborhood Plan PEIR. 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 PEIR.

The FEIR identifies Parcel P as one of two parcels in the area that offer one of the largest development opportunity sites along the recently established Octavia Boulevard. The FEIR also noted that while suitable for high-density residential use, the plan recommends a more modest scale residential development with ground-floor retail in individual buildings to maintain the scale of the surrounding

areas. Since the project would be subject to PUD criteria ensuring the compatibility with surrounding scale, the project would not have a substantial adverse impact on the existing character of the vicinity nor would it disrupt or divide and established community. The height and scale of housing and ground-floor retail have been considered in the FEIR to ensure compatibility with existing surrounding uses and that the proposed development would not have a substantial adverse impact on the existing character of the vicinity in terms of use, scale, and heights for the project site.

The Planning Code provides for the PUD and Conditional Use authorization and therefore a project that requires such approvals is considered consistent with the Code. The Department has concluded that the proposed project is consistent with the Plan's vision, particularly as it involves development of infill housing and provides active ground-floor uses. The project is also consistent with the Plan's goals of mixed-use, higher-density development near transit. The project's reliance on transportation demand management 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. The discretion of the PUD and Conditional Use authorization processes are sufficient to safeguard against individual or cumulatively considerable land use change impacts.

As determined by the Citywide and Current Planning sections of the San Francisco Planning Department, 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.[20,21] Therefore, the project would have no significant impacts related to land use.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒

[20] Jose Campos, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Market and Octavia – "Parcel P"*. This document is on file and available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

[21] Kelley Amdur, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, Market and Octavia – "Parcel P"*. This document is on file and available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☒

The Market and Octavia Neighborhood Plan envisioned the character of the Plan Area as experiencing incremental change from a mid-rise area with a mix of residential and commercial uses and parking lots to a vibrant, full-service urban neighborhood of mid- to high-rise residential and mixed-use buildings in distinct locations. Designated areas of open space, landscaped public rights-of-way, and enclaves of older housing and commercial buildings would intersperse this area. The greatest amount of aesthetic change under the Plan is expected to occur in the Western South of Market (SoMa) neighborhood and on the Central Freeway parcels along the Octavia Boulevard corridor.

The Plan envisioned that future development of Parcel P would add visual interest to the streetscape by constructing a variety of housing types, consistent with the character of the surroundings. For the Parcel P site, the Market and Octavia Neighborhood Plan proposed housing with multi-family apartments over active ground-floor uses on the corners. Smaller-scale housing in the mid-block portion of the project site would be constructed in keeping with Hayes Valley's prevailing land use pattern. Heights would range from 40 feet along Hickory Street to 50 feet along Oak Street and Octavia Boulevard with an additional 5-foot height allowance along Octavia Boulevard if constructing 15-foot-high ground-floor retail space.

The proposed project would remove the existing surface parking lot, trees, and temporary community garden structures and improvements, regrade the site, improve the Hickory Street right-of-way through the entire block along the northerly frontage of the property, and construct a new mixed-use residential development of three- to five-stories ranging from 39 feet to 55 feet in height. The project would conform to the scale and variety of housing types analyzed in the FEIR. While the new buildings would change the visual appearance of the site, they would not substantially degrade its visual character or quality as analyzed in the FEIR. Furthermore, the proposed buildings would not obstruct longer-range views from various locations in the Plan Area and the City as a whole. New construction on Parcel P would generate additional night lighting but not in amounts unusual for a developed urban area. Thus, conclusion that visual character, scenic view and light and glare impacts would be less than significant in the FEIR are application to the proposed project.

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 be visible from some residential and commercial buildings within the project site vicinity. Some reduced or modified private views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those views would not constitute a significant impact under the CEQA.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
3. POPULATION AND HOUSING— Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The Market and Octavia Neighborhood Plan is anticipated to result in a net increase of 7,620 residents by the year 2025 including up to 1,680 residents as a result of the development of the 22 Central Freeway parcels, including Parcel P. The FEIR determined that while the Plan would generate household growth, it would not cause an adverse physical impact as it would focus new housing development in San Francisco in an established urban area that has a high level of transportation and other public services that can accommodate the proposed residential increase.

The proposed project is located within the Market and Octavia Neighborhood Plan that calls for transit oriented development, infill housing development, jobs, and services near the existing transportation infrastructure. Planning Department staff has determined that the proposed project, a new mixed-use building with approximately 182 dwelling units and approximately 3,750 square feet of retail space, is consistent with the Market and Octavia Neighborhood Plan which envisioned 800 to 900 units of in-fill housing development on the Central Freeway parcels.

The proposed project is not anticipated to create a substantial demand for increased housing, and would actually satisfy the Plan's goal of increasing the affordable housing supply as an Affordable Housing Fee would be paid (equivalent to 20% of the units) to support construction of affordable housing in the City. Additionally, the project is paying the Market and Octavia Affordable Housing Fee, as required by Planning Code 416. The retail space provided (approximately 3,750 sq. ft.) would create approximately 11 jobs[22], which is accounted for in the 60 jobs attributable to the Market and Octavia Neighborhood Plan. Additionally, the proposed project would not displace substantial numbers of people, because the project site is currently a vacant lot with the Hayes Valley Farm as an interim use. As such, construction of replacement housing would not be necessary.

The development of Parcel P into infill housing in an existing neighborhood well-served by transit and other public services would not have significant physical environmental impacts due to population, housing and employment growth. The site's development would fall into the range of effects discussed in the FEIR and would not have a significant physical environmental impact.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

[22] The estimated number of retail employees is based on the project's proposed retail space (3,750 sq. ft.) divided by 350, equating to 1 job for every 350 sq. ft., derived from Table C-1 of the *Transportation Impact Analysis Guidelines*, San Francisco Planning Department, October 2002.

Historic Architectural Resources

The Market and Octavia FEIR did not identify any significant impacts to historical resources with regard to development of the Central Freeway parcels, including Parcel P. Therefore, no mitigation measures would be required.

The subject property is not included on any historic resource surveys or listed on any local, state or national registries. The vacant lot is considered a "Category B" property (Properties Requiring Further Consultation and Review) for the purposes of the Planning Department's CEQA review procedures.[23]

The southern and western frontages of the project site are adjacent to the Hayes Valley Residential Historic District ("District"). The District was originally evaluated in 1996 as part of the NEPA-mandated environmental compliance for the reconstruction of the Hayes Valley Housing Project. The boundaries for the survey were Octavia Boulevard to the east, Duboce Avenue and Market Street to the south, Grove Street to the north, and Fillmore Street to the west. In 1997, the California Office of Historic Preservation determined that the area was a "National Register-eligible district" and was listed in the California Register of Historical Resources. Most recently, the Market and Octavia Survey, undertaken in 2006, documented and evaluated additional residential properties in the Hayes Valley neighborhood and proposed their inclusion as an update to the 1997 District. The "residential" moniker given to the district is indicative of the types of contributing resources that are prevalent throughout the area. The earliest contributor dates to circa 1868, while the latest dates to circa 1920.

The majority of Hayes Valley is located within the Market and Octavia Survey Area, being sited northeast of the Lower Haight, south of the Western Addition, and west of the Civic Center neighborhoods. Though its boundaries are somewhat amorphous, the core of the Hayes Valley neighborhood is generally recognized as being bounded by Franklin Street to the east, Fulton Street to the north, Buchanan Street to the west, and the diagonal line of Market Street to the south. Based on the information in the adopted Market and Octavia Survey, the project site, which is a vacant parcel, is located outside the boundaries of an eligible historic district (Hayes Valley Residential Historic District) and is not eligible individually or as a contributor to such district.

The proposed project would construct a new mixed–use development consisting of residential buildings on a vacant lot. The proposed project is wood-framed, five-story building over a podium deck with a variety of exterior materials including horizontal wood/hardiboard cladding, stucco, cement panels, resin/wood panels, brick veneer, and metal. The project would not cause a significant adverse impact to a California Register-eligible historic district or context as proposed. Potential impacts of the proposed new construction on portions of the Hayes Valley Residential Historic District along the south side of Oak Street and east side of Laguna Street (across the street from the project site) were evaluated by Knapp & VerPlanck Preservation Architects in a Historic Resource Evaluation dated June 28, 2011 (Knapp & VerPlanck HRE) and summarized below.

[23] Pilar LaValley, *Historic Resource Evaluation Report for Parcel P*, May 1, 2012. Available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

As noted in the Knapp & VerPlanck HRE, the height and massing of the proposed building is compatible with the medium-sized apartment buildings and individual residential buildings in the nearby historic district. The new construction would be approximately five stories in height and would step down with the topography; both proposed height and relationship of new construction with site topography are consistent with the nearby Victorian and Edwardian-era dwellings along Oak Street. The more boldly massed portions of the project would face Octavia Boulevard, and, to a lesser extent, Laguna Street, which are wider streets with larger residential and mixed-use buildings. Where the new construction faces streets and residential buildings of a smaller scale, particularly along Hickory Street, it steps in and down to avoid overshadowing the narrow street and nearby residential context. Along Oak Street, the massing of the proposed construction is broken down into what appear to be several buildings with the façades of each "building" being further articulated through use of bay windows, recessed niches, and more delicate architectural features like balconies, projecting bay windows and recessed entrance bays in keeping with the façade articulation of adjacent Victorian and Edwardian-era buildings. Since the Knapp & VerPlanck HRE was prepared, at the request of the Planning Department, further design enhancements have been made to the proposed Oak Street elevation that further amplify articulation and differentiation of the façade and building mass in a manner that is consistent with contributing buildings on the opposite side of the street within the historic district.

Staff concurs with the Knapp & VerPlanck HRE that proposed new construction would be clearly differentiated from the historic district by its detailing and material palette while referencing numerous design elements from the district. Cladding materials, including horizontal wood (or hardiboard), masonry bases, and stucco and metal panel cladding at upper floors, represent modern interpretations, or references, to building materials in the historic district. The proposed new construction is differentiated from but compatible with the historic district in conformance with the Secretary's Standards. Therefore, the proposed project is not anticipated to result in an adverse effect on off-site historical resources.

In conclusion, the project would not have a significant adverse impact on any historic architectural resources.

Archeological Resources

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
5. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
6. NOISE—Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☐	☒

The Market and Octavia FEIR noted that ambient noise levels are not projected to increase as a result of the development of the Central Freeway parcels. 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.

Development on the Central Freeway parcels, including Parcel P, was identified as increasing noise associated with exterior electrical and mechanical equipment on new buildings, however, this noise would be a less than significant impact within the context of the existing ambient noise levels from traffic on Oak Street, Fell Street, and Octavia Boulevard.

The residential units developed on the Central Freeway parcels would be required to provide an interior noise environment below 45 dBA (Ldn) in compliance with Title 24 of the California Code of Regulations and to incorporate noise reduction measures as outlined in Policy 10.2 of the San Francisco General Plan. Parcel P is surrounded by three streets with noise levels above 75 dBA L_{dn}, Laguna Street, Oak Street, and Octavia Boulevard. As required under the Housing Element EIR, new residential development located along streets with such noise levels require a noise study to identify potential noise-generating uses within the project vicinity, and to take at least one 24-hour noise measurement. A noise study was prepared for the proposed project at Parcel P.[24] The noise study demonstrates that Title 24 standards can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. The study also shows that the open space required under the Planning Code for Parcel P is protected from existing ambient noise levels that could prove annoying or disruptive to users of the open space. With required Title 24 measurements, the noise impact from the development of the Central Freeway parcels, including Parcel P, would be considered less than significant.

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 18 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

[24] Shen, Milsom, Wilke, *Environmental Noise Report SM&W Project #11272, Avalon Hayes Valley Residential Development, San Francisco, California.* September 27, 2011, Revised – May 25, 2012. This document is on file and available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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.

In light of the above, the proposed project would not result in any noise impacts; thus, noise impacts are not applicable to the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
7. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
8. GREENHOUSE GAS EMISSIONS—Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO_2E).[25]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[26]

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

[26] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: *http://www.climatechange.ca.gov/publications/faqs.html*. Accessed November 8, 2010.

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO_2E ($MMTCO_2E$), or about 535 million U.S. tons.[27] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[28] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36% of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[29] Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[30]

REGULATORY SETTING

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

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[31] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E ($MMTCO_2E$) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 4, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[32] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

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[27] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." *http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf.* Accessed March 2, 2010.

[28] *Ibid.*

[29] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx.* Accessed March 2, 2010.

[30] *Ibid.*

[31] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: *http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf.* Accessed March 4, 2010.

[32] California Air Resources Board. AB 32 Scoping Plan. Available Online at: *http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf.* Accessed March 2, 2010.

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors[33]

GHG Reduction Measures By Sector	GHG Reductions (MMT CO_2E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	**174**
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste • Commercial Recycling • Composting • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing	9
Total	**42.8-43.8**

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes

[33] *Ibid.*

to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The *2010 CEQA Air Quality Guidelines* provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance have been incorporated into this analysis accordingly.

Project GHG Emissions

The proposed project would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[34] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by establishing a residential use with retail which would result in additional vehicle trips and an increase in energy use. The expansion could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified

[34] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: *http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf.* Accessed March 3, 2010.

Greenhouse Gas Reduction Strategy, as defined in the *2010 CEQA Air Quality Guidelines*. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* to the BAAQMD.[35] This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's *Strategies to Address Greenhouse Gas Emissions* identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO_2E and 2005 GHG emissions are estimated at 7.82 $MMTCO_2E$, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA

[35] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[36]

Based on the BAAQMD's 2010 *CEQA Air Quality Guidelines*, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 2.

Regulation	Requirements
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's mixed use districts.

[36] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: *http://www.sfplanning.org/index.aspx?page=1570.* Accessed November 12, 2010.

San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines.
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.
San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code, Chapter 13C)	These projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.
San Francisco Construction and Demolition Debris Recovery Ordinance (SF Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling.
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.

Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions.*[37] As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☐	☒

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

[37] Greenhouse Gas Analysis: Compliance Checklist. November 12, 2010. This document is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
10. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The development of the Central Freeway parcels, including 182 dwelling units at Parcel P, would contribute to the Market and Octavia Neighborhood Plan's less-than-significant increased demand for open space in the Plan Area as described in the FEIR. The residents of Parcel P would use existing parks, open spaces, and recreation areas near the corridor including: Patricia's Green, Hayward Playground, Jefferson Square, War Memorial Open Space, Koshland Park, and Howard-Langton Mini Park. In addition, the FEIR identified that the provision of Octavia Plaza, McCoppin Square, and Brady Park proposed in the Plan would offset the increased demand created by developing the Central Freeway parcels. As a result, no significant impact on recreation and open space facilities is expected to occur.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
11. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The proposed project would contribute to the Market and Octavia Neighborhood Plan's less-than-significant increased demand on wastewater treatment, stormwater drainage facilities, water supply, and landfill capacity. The project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
12. PUBLIC SERVICES— Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☐	☒

The proposed project would not substantially increase demand for police or fire protection services beyond what was analyzed in the Market and Octavia FEIR and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
13. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The project site is covered by a surface parking lot at the southeasterly portion of the site, remnants of freeway ramps from the Central Freeway, and several small temporary structures associated with the Hayes Valley Farm, a temporary community garden use. Twelve "significant trees" as defined by Public Works Code 8.02-8.11 have been identified on the site. "Significant trees" are defined by Public Works Code Section 8.02-8.11 as trees within 10 feet of a lot line abutting a public right-of-way that are above 20 feet in height, or within a canopy greater than 15 feet in diameter, or with a trunk diameter greater than 12 inches at chest height. The trees on the Parcel P site are non-native eucalyptus (*Eucalyptus camaldulensis*) and range in height from 35 to 50 feet, with canopies ranging from 8 to 50 feet in diameter, and trunks of 12 to 36 inches in diameter. These trees are proposed for removal and replacement with other tree species such as Water Gum (*Tristania laurinas*) and Japanese Maple (*Acer palmatumsa*). Eight street trees have also been identified around the site and are proposed for removal and replacement. They

include Cherry Trees (*Prunus serrulata*) and ornamental fruit trees (*Pyrus* and *Ficus nitida*). Two of the street trees are deceased.

The removal of twelve "significant" trees as defined by the Public Works Code would be subject to the rules and procedures governing permits for removal of street trees as set forth in Section Public Works Code Section 806(b): Planting and Removal by Persons Other Than the Department. By ordinance, the sponsor would be required to obtain a permit and the removal of the trees would be at the discretion of the Department of Public Works (DPW). As part of DPW's determination to authorize removal of a significant tree, its Director would consider the following factors related to the tree: size, age, and species; visual and aesthetic characteristics; cultural or historic characteristics; ecological characteristics; locational characteristics; whether the tree constitutes a hazard tree; and whether the tree has been maintained. If DPW grants a tree removal permit, the project sponsor is required to replace each tree with a street tree or trees of equivalent replacement value or pay an in-lieu fee unless DPW makes written findings detailing the basis for waiving or modifying this requirement. The removal of the twelve "significant" trees would be less than significant given the project sponsor's compliance with the Public Works Code.

The FEIR states that development of the Central Freeway parcels, including Parcel P, would not affect, or substantially diminish, plant or animal habitats, nor would require removal of substantial numbers or mature, scenic trees. The trees on and around the project site present the potential for the presence of nesting birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA). The project sponsor would be required to comply with the MBTA in order to protect nesting birds. California Department of Fish and Game biologists have broadly defined the nesting season as February 1st through August 15th. Under the MBTA, the project sponsor and/or the construction contractor(s) is required to trim/remove all vegetation/tree limbs necessary for project construction between September 1 to January 31. Should construction activities or vegetation removal commence between February 1 to August 31, pre-construction surveys for nesting birds would be required for any affected tree(s) by a qualified biologist to ensure that no active nests would be disturbed during project implementation. A pre-construction survey would be required to be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the qualified person would inspect the trees and areas immediately adjacent for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged. The project site is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and compliance with the MBTA would ensure that it would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

Per Planning Code Section 138.1, the Department may require standard streetscape elements and sidewalk widening for the appropriate streetscape elements per the Better Streets Plan, including street trees, landscaping. The development of Parcel P would therefore not have a significant impact on biological resources.

One comment received by the Department in response to the September 2011 "Notification of Project Receiving Environmental Review" expressed concern regarding the removal of trees on Parcels P and O.

The project would not involve removal of trees on the adjacent Parcel O to the north of the project site. The sponsor would prune/respite and protect trees on Parcel O during construction per the direction of a certified arborist.[38] The removal of trees on Parcel P was analyzed in the Market and Octavia FEIR. Parcel P is covered mostly with the impervious surfaces of a parking lot and remnants of the Central Freeway ramps. As stated above, no known rare, threatened or endangered animal or plant species are known to exist on the project site. Development of Parcel P would not affect or substantially diminish plant or animal habitats. The project would not remove scenic trees, and all removed significant and street trees would be replaced. The courtyard and proposed site landscaping would include plants and street trees appropriate for the urban landscape. The development of the Parcel P and public street and open space improvements would therefore not have a significant impact on biological resources.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
14. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

[38] Kim Diamond, Avalon Bay, "Fw: Response to comment regarding tree removal on adjacent Parcel P." Message to Andrea Contreras. February 14, 2012. Email. Available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☒	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

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

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
15. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The project site is a Central Freeway parcel that was previously occupied by elevated freeway and surface parking lot and is currently the site of a parking lot, freeway ramp remnants, and temporary community garden structures and improvements. The development of this parcel would once again introduce impervious surface on the entirety of the lot. The development of the parcel would be required to manage wastewater and stormwater runoff within the combined sanitary and stormwater sewer system. The Market and Octavia Neighborhood Plan FEIR identified no significant impacts associated with surface water runoff as a result of this parcel's development. The project site would be subject to the City's Industrial Waste Ordinance, requiring that groundwater meet specified water quality standards before it be discharged into the sewer system. With the implementation of these requirements, the impacts to groundwater would be less than significant.

One comment received in response to the Department's September 2011 "Notification of Project Receiving Environmental Review" expressed concern regarding the amount of impervious surface at the project site. The project would increase the imperviousness of the project site from approximately 70% impervious pre-construction to 94% impervious post-construction.[39] As mentioned above, the project site is covered mostly by impervious surface, namely a parking lot and vestiges of Central Freeway ramps. This increase would have a negligible effect on the amount of stormwater that infiltrates the ground or is channeled to the City's combined sewer system.

The Department received another comment conveying interest in a decrease in stormwater infiltration and recharge of the city's groundwater supply as a result of the project. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project would be subject to the City's Stormwater Management Ordinance. This ordinance requires that any project resulting in a ground disturbance of 5,000 square feet or greater, including the project site, prepare a Stormwater Control Plan (SCP), consistent with the November 2009 Stormwater Design Guidelines. Responsibility for approval of the SCP is with the SFPUC Wastewater Enterprise, Urban Watershed Management Program (UWMP). In accordance with the Stormwater Management Ordinance, the project site will be designed with Low Impact Design (LID) approaches and stormwater management systems to comply with the Stormwater Design Guidelines. A LID approach uses stormwater management solutions that promote the use of ecological and landscape-based systems that mimic pre-

[39] This percentage includes on-site improvements to Parcel P and the public sidewalks surrounding the parcel that would be installed and/or reconstructed in conjunction with the project.

development drainage patterns and hydrologic processes by increasing retention, detention, infiltration, and treatment of stormwater at its source. San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) and San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2) requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines. The proposed project would disturb over 5,000 square-feet, which would require the project sponsor to comply with the SFPUC's stormwater design guidelines, which emphasize low impact development using a variety of Best Management Practices (BMPs) for managing stormwater runoff and reducing impervious surfaces, thereby reducing the volume of combined stormwater and sanitary sewage requiring treatment. Potential BMPs for the project may include the use of flow through planters with under drains at the podium courtyard level and a dry well beneath the entry slab at the eastern end of the project. All BMPs would be designed to receive and treat direct roof run-off. BMPs proposed for the project's offsite improvements may include the use of permeable pavement in between street tree wells behind the curb. All of these measures would help to manage stormwater runoff; they would also reduce the volumes of stormwater generated by the site in the first place. Therefore, there would be a less-than-significant impact with regards to reducing groundwater recharge.

The commenter also expressed concern that the project would result in increased greenhouse gas emissions as a result of treating greater volumes of stormwater runoff. Compliance with the Stormwater Management Ordinance would require the project to maintain or reduce the existing volume and rate of stormwater runoff discharged from the site. To achieve this, the project would implement and install appropriate stormwater management systems that retain runoff onsite, promote stormwater reuse, and limit site discharges before entering the combined sewer collection system. Since a negligible amount of stormwater would runoff into the combined sewer collection system, any resulting increase in greenhouse gas emissions to treat this amount would also be negligible and less-than-significant. For more detail on the project's greenhouse gas emissions and the project's compliance with San Francisco's Greenhouse Gas Reduction Strategy, see Section 8, Greenhouse Gas Emissions, page 39.

Finally, a comment was received expressing concern that during high-rain events there may be sewer overflow into the San Francisco Bay. The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. Under existing conditions, during rainstorms the combined sewer system prevents untreated sewage from overflowing to the Bay or ocean. Shoreline treated discharges occur approximately one to ten times per year. In 1972, Congress passed the Clean Water Act (CWA) to regulate the discharge of pollutants to receiving waters such as oceans, bays, rivers and lakes. Under the CWA, waste discharges from industrial and municipal sources are regulated through the National Pollutant Discharge Elimination System (NPDES) Permit Program. Approximately 90% of San Francisco is served by a combined sewer system that conveys both sewage and stormwater for treatment to three sewage treatment plants before being discharged to receiving water. Discharges from the treatment plants are subject to the requirements of NPDES permits. As mentioned above, in compliance with the Stormwater Management Ordinance, the project would implement and install appropriate stormwater management systems that capture and treat stormwater runoff from 90 percent of the average rainfall, and mitigate stormwater quality effects by promoting

treatment or infiltration of stormwater runoff prior to discharging to the separate sewer system and entering the bay or ocean. Because the project would be subject to these regulations, its development would not result in any significant impacts or water quality.

Therefore, effects related to water resources would not be significant, either individually or cumulatively as identified in the Market and Octavia FEIR.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
16. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

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

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
17. MINERAL AND ENERGY RESOURCES—Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources. The Market and Octavia FEIR did not anticipate any significant impacts

related to these resources. Since the project at Parcel P is within the scope of the project-level analysis in the FEIR, no effects beyond what was anticipated would occur.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☒

The project site is the site of a temporary community garden known as the Hayes Valley Farm. The Hayes Valley Farm is a temporary, interim use developed under an agreement with San Francisco's

Office of Economic and Workforce Development. Construction of the proposed project would necessitate the removal of the Hayes Valley Farm. While this constitutes the loss of an urban agricultural use, this loss would not be considered significant under CEQA. This is because the project would not convert prime, unique or state wide-important farmland to non-agricultural uses. The site is not currently zoned for agricultural use and would not convert land protected under the California Land Conservation Act (Williamson Act). The project would not result in the rezoning or loss of forest land. Therefore, the project, including the loss of the Hayes Valley Farm, would not constitute a significant agricultural impact under CEQA.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*No Impact*
19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

The proposed project would remove the existing surface parking lot, trees, and temporary community garden structures and improvements, regrade the site, improve the Hickory Street right-of-way through

the block along the northerly frontage of the property, and construct a new mixed-use building with approximately 182 dwelling units and approximately 3,750 square feet of retail space, situated over a 91-space subterranean parking garage. The proposed project is wood-framed, three- to five-story building over a podium deck. As discussed in this document 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 FEIR.

C. DETERMINATION

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

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

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

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

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

_____ DATE _____

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director