Attachment B
Community Plan Exemption Checklist

Case No.:	**2012.0110E**
Project Address:	**2175 Market Street**
Zoning:	Upper Market Neighborhood Commercial Transit Zoning District 40-X/60/65-X Height and Bulk District
Block/Lot:	3543/011
Lot Size:	18,425 square feet
Plan Area:	Market and Octavia Neighborhood Plan
Staff Contact:	Don Lewis - (415) 575-9095 don.lewis@sfgov.org

A. PROJECT DESCRIPTION

The project site is located on the southeast corner of Market and 15th Streets in the Castro/Upper Market neighborhood. The project sponsor proposes the demolition of an existing gasoline station that includes a one-story, approximately 1,487-square-foot service building, canopies and gasoline pumps, and the construction of a new approximately 104,413-square-foot, mixed-use development containing 88 dwelling units and approximately 6,286 square feet of ground-floor retail space. The residential use (54 one-bedroom units and 34 two-bedroom units) would be approximately 74,838 square feet in size. The proposed development would consist of two buildings connected by a podium: a 65-foot-tall, six-story building spanning the northwest side of the lot, fronting on Market Street (the "primary building"), and a 40-foot-tall, three-story building at the southeast corner of the lot, fronting on 15th Street (the "secondary building"). The two buildings would be separated by a narrow courtyard accessible from 15th Street. The primary building would have three or four retail spaces on the ground floor with storefronts facing Market Street with residential units located on the ground floor facing the courtyard and on the five floors above facing both the courtyard and Market Street. The primary building would be topped by a roof deck and garden. The secondary building would include three floors of residential units. The proposed development would include 44 off-street parking spaces to be provided in a mostly underground parking garage accessed from 15th Street. Both buildings and the courtyard would sit above the garage. Pedestrian access would be from Market Street and 15th Street. The project would provide 3,270 square feet of common usable open space at the podium-level courtyard and 3,830 square feet at the roof deck, for a total of approximately 7,100 square feet of common open space. The proposed project also includes the removal of four underground storage tanks. The project site is located within the Market and Octavia Area Plan.

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, the Market and Octavia Area Plan. Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

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

Any item that was not addressed in the FEIR (i.e., greenhouse gases) is discussed in the Certificate of Determination. For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

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

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	LTS/ No Impact
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☒

The Market and Octavia Neighborhood Plan envisioned that heights along the project site would be somewhat taller. Specifically, the Plan increased the height of the project site from 50 feet to up to 65 feet along Market Street. The Market and Octavia FEIR found that while the Market and Octavia Neighborhood Plan would result in visual changes within the project area, these aesthetic changes would improve the overall visual quality. The FEIR concluded that the Plan would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surroundings, and therefore, would result in a less-than-significant impact.

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

The proposed project would involve demolition of the existing gasoline service station and construction of a mixed-use development with 88 dwelling units and approximately 6,286 square feet of ground-floor commercial space. The proposed project would be 65 feet in height along Market Street and 40 feet in height along 15th Street. While the new buildings would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed buildings would not be substantially taller than existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

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

significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such change. As described above, the proposed building envelope meets Planning Code requirements for the Upper Market NCT zoning district.

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

The proposed project's potential aesthetic effects would be consistent with the effects considered in the Market and Octavia Plan FEIR, which were determined to be less-than-significant. In summary, the project would not result in a significant effect with regard to aesthetics so there would be no significant environmental effect peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

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

The Market and Octavia Neighborhood Plan is anticipated to result in a net increase of 7,620 residents by the year 2025. The EIR 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 pubic 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 encouraging housing, jobs, and services near the existing transportation infrastructure. Planning Department staff has determined that the proposed

project is consistent with the Market and Octavia Neighborhood Plan and would not be considered a catalyst for growth.

The proposed project is not anticipated to create a substantial demand for increased housing, because it would provide a relatively small amount of commercial space (approximately 6,286 square feet). Additionally, the proposed project would not displace substantial numbers of people, because the project site is currently a gasoline service station and does not contain any residential use. As such, construction of replacement housing would not be necessary. Even so, the proposed project would include 88 residential units, 13 of which would be new inclusionary affordable housing units.

The discussion of Population, Housing, and Employment in the Market and Octavia Area Plan FEIR concluded that there would be no significant impact at the program level even though the population in the Plan area would increase and retail employment would increase (see FEIR, pp. 4-74 to 4-79). The proposed new residential units and retail space is consistent with the projections in the FEIR and there would be no significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

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

Historic Architectural Resources

The 2175 Market Street property is developed with a gasoline service station that was constructed in 1970 for the General Petroleum Corporation. The subject property was surveyed as part of the Market and Octavia Historic Survey and was determined to be a non-contributing property within the potential Upper Market Street Commercial Historic District that extends along Market

Street for three blocks, from Church Street to Castro Street.[1] However, because it is located within an eligible historic district, the property is considered a "Category A" property (Historical Resource) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

The eligible Upper Market Street Commercial Historic District was assigned a California Historical Resources Status Code of 3CS, indicating that the area is eligible for listing in the California Register of Historical Resources. The potential district is significant under California Register Criterion 1 (Events) at the local level representing an influential trend tied to the extension of transit routes into the area, which sparked the initial development period in the Upper Market Street area, indicative of a streetcar suburb environment. The potential district includes 51 contributing properties with a period of significance from 1886 to 1958 and 1970 to 1979. Buildings within the district are generally one to four stories (approximately 15 to 55 feet in height), clad in wood or stucco, feature bay windows, flat roofs, and facades that are comprised of multiple structural bays. Victorian-era and commercial oriented architectural styles are the most widely represented though examples of later modern styles, such as International, Art Deco, and Art Moderne are also represented.

Planning Department staff finds that the proposed project would not cause a significant adverse impact to a historic resource (here, the eligible historic district) such that the significance of a historic resource would be materially impaired. The proposed project will demolish an existing, non-contributing, gasoline service station and construct a new six-story, mixed-use development within the eligible Upper Market Street Commercial Historic District. There is no removal or demolition of any contributing structures. Planning Department Preservation staff finds that this aspect of the project would result in a less-than-significant effect upon a historic resource, since the new construction is generally compatible with the general character of the surrounding eligible historic district.

As the subject property is considered a "Category A" property, the Planning Department assessed whether the proposed project would be consistent with the *Secretary of the Interior's Standards for Rehabilitation of Historic Structures* (Secretary's Standards) as it relates to the eligible historic district within which it would be located. It was determined that the proposed project would be consistent with the Secretary's Standards for the following reasons. The proposed project does not include architectural features that would suggest a false sense of historical development. The new construction is contemporary in character but compatible with the eligible historic district, and does not include conjectural features or architectural elements. Though rendered in a more contemporary architectural style, the proposed project shares a number of common features that are consistent with the district's character-defining features. The proposed project provides a building that is sided in stucco and wood with a façade that features bay windows and multiple structural bays. Like other buildings in the district located on gore corners, the building will feature a sharply angled corner element at the corner of 15th and Market Streets. At the ground-floor level, the project maintains the consistent line of tall commercial storefronts, which are characteristic of storefronts along Market Street.

[1] Memorandum from Michael Smith, Technical Specialist, to Don Lewis, Planner, Environmental Planning, August 1, 2012. This memo is available for review in Case File No. 2012.0110E at 1650 Mision Street, Suite 400.

Though the proposed development is compatible with many of the district's character-defining features, it would differ from them in terms of height, fenestration, and materials. The proposed development would be six-stories and 65-feet in height where most of the buildings are one to four with a maximum of 55-feet in height. Despite this, the building height is compatible with the district because none of the adjacent buildings are contributing structures, hence, there is no direct impact to any historic resource, and the property is located at a large and busy intersection where six-streets come together where tall new buildings are generally encouraged and/or commonly found, such as the neighboring property at 2185 Market Street. The large expanse of Market Street also gives the added building height "room to breathe" such that adjacent properties would not be overshadowed. Though the proposed fenestration is larger than what is most commonly found in the district, overall the building's ratio of glazing to solid surface is compatible with the district. The largest expanses of glazing are located at the gore corner and help to lighten the height at the corner element. The corner element also features metal cladding, a cladding material that is not commonly found within the district. However, the metal cladding is compatible with materials found within the district because it will have a patina that dulls its metallic characteristics, making it blend visually with the wood and stucco found in the district.

The proposed project is contemporary in design and differentiated from the eligible historic context, consistent with the Secretary's Standards, and the design is compatible with the character-defining features of the eligible historic district. Therefore, the project would not have a significant adverse effect on historic resources.

Archeological Resources

Please see the Certificate of Determination for discussion of archeological resources.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
5. TRANSPORTATION AND CIRCULATION— Would the project:				
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

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

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

The Market and Octavia Area Plan FEIR noted that the background noise level in San Francisco is currently elevated mostly by traffic noise, and that some streets have higher background sound levels, such as Market Street. 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 Environmental Protection element of the General Plan contains Land Use Compatibility Guidelines for Community Noise.[2] These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable ambient noise levels for various newly developed land uses. For residential uses, the maximum satisfactory noise level without incorporating noise insulation into a project is 60 dBA (Ldn),[3] while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA (Ldn).[4] Where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements is typically necessary before final review and approval, and new residences must include noise insulation features in their design. In addition, Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

To further analyze the noise environment at the project site, an environmental noise consulting firm conducted noise measurements to document existing noise sources and noise levels contributing to ambient noise levels.[5] The noise monitoring survey was conducted from September 9, 2011 to September 13, 2011 to quantify the existing noise environment at the project site. The noise monitoring survey included both two long-term noise measurements and two short-term measurements. Noise levels measured at the site were primarily the result of vehicular traffic on Market Street and 15th Street, and from Muni operations. Based on the results, the noise measurement recorded a day-night noise average of 73 to 74 dBA (Ldn) on Market Street and 68 to 69 dBA (Ldn) on 15th Street. Given the shielding to be provided by the proposed structures and

2 San Francisco General Plan. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise, http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm.

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

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

5 Wilson Ihrig and Associates, CCR Title 24 Noise Study Report, 2175 Market Street, San Francisco, California, August 16, 2011. This document is available for review in Project File No. 2012.0110E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco.

those already existing, noise levels within the project's private outdoor spaces not facing Market or 15th Streets are expected to be lower than 60 Ldn. The noise assessment did not identify any land uses that generate unusual noise within the vicinity of the project site.

To meet Title 24 Standards, the project sponsor has agreed to incorporate the noise consultant's following recommendations into the project's design. The noise consultant recommends that the project sponsor use three classes of exterior window and door glazing with a Sound Transmission Class (STC) rating of 25 (Class 3), 29 (Class II), and 35 (Class 1) depending on exposure. For example, Class 1 window and door glazing would be installed for the residential units facing Market Street. This would create an interior noise environment of 41 dBA (74 – 35 = 39), which would ensure an interior noise environment of 45 dBA in habitable rooms as required by the San Francisco Building Code.

The noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required for this environmental review. During review of the building permit, the Department of Building Inspection would review project plans for compliance with Title 24 noise standards. Compliance with Title 24 standards and with the City's General Plan would ensure that effects from exposure to ambient noise would result in less than significant impacts.

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

The project includes mechanical equipment that could produce operational noise, such as that from heating and ventilation systems. These operations would be subject to Section 2909 of the City's Noise Ordinance (Article 29 of the San Francisco Police Code). As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient and for noise on public property, including streets, the limit is 10 dBA in excess of ambient. In addition, the noise ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours (until 10:00 PM). The proposed project would comply with Article 29, Section 2909, by including acoustical construction improvements

to achieve an interior day-night equivalent sound level of 45 dBA. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would be less than significant, and the proposed building would not contribute to a considerable increment to any cumulative noise impacts from mechanical equipment.

The demolition of the existing gasoline and service station and the construction of the proposed mixed-use development would temporarily increase noise in the vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. No heavy external excavation equipment, such as pile drivers, would be used during construction. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, and distance between noise source and listener. Further, construction noise would be intermittent and limited to the period of construction.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). This ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, impact wrenches) must have boot intake and exhaust muffled to the satisfaction of the Department of Public Works (DPW) or the Department of Building Inspection (DBI). Section 2908 of the ordinance prohibits construction between 8:00 PM and 7:00 AM, if noise would exceed the ambient noise level by 5 dBA at the project site's property line, unless a special permit is authorized by DPW or DBI. Compliance with the noise ordinance would reduce most potential construction noise impacts to a less than significant level, including noise effects on residential uses in the immediate vicinity, which are considered sensitive receptors.

The noise generated by the proposed project would be consistent with the discussion in the Market and Octavia Area Plan FEIR (see FEIR, pp. 4-288 to 4-291), which found that potential noise impacts would be less-than-significant and the proposed project would not result in a significant effect with regard to noise peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

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

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

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

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	LTS/ No Impact
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☒	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☒

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

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

The Market and Octavia Area Plan FEIR found that there would be no significant impact at the program level. The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common outdoor space. The project location is served by the following existing parks: Duboce Park (about three blocks away), Mission Dolores Park (about five blocks away), the Corona Heights Park (about five blocks away), and Buena Vista Park (about six blocks away). With the projected addition of 88 dwelling units, the proposed project would be expected to generate minimal additional demand for recreational facilities. This increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually (i.e. there would be no significant impact peculiar to the project or its site) or cumulatively, in regard to recreation facilities, nor require the construction or expansion of public recreation facilities. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

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

The Market and Octavia Area Plan FEIR found that there would be no significant impact at the program level. The proposed 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 (i.e. there would be no significant impact peculiar to the project or its site) or cumulatively, and no significant impact would ensue. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

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

The proposed project would increase the population in the Plan area within the projected numbers discussed in the Market and Octavia Area Plan FEIR, which concluded that there would be a less-than-significant impact on public services at the program level. The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities or other public services in San Francisco. The proposed project would not result in a significant impact to public services. There would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
13. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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 Market and Octavia Area Plan FEIR found that there would be no significant impact on biological resources. The project site is a gasoline service station that 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 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.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively "protected trees" located on private and public property. A Landmark Tree has the highest level of protection and must meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and have been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. A Significant tree is either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, that is greater than 20 feet in height or which meets other criteria.

A Tree Disclosure Statement prepared for the project in October 2011 noted that eleven of the twelve trees on the project site are Significant trees.[6] The proposed project would remove the twelve existing street trees to allow for construction of the proposed project, and would include the planting of 22 trees (ten along 15th Street and twelve along Market Street). The removal of a protected tree would require issuance of a permit from the Director of Public Works, and may be subject to replacement or payment of an in-lieu fee in the form of a contribution to the City's Adopt-a-Tree Fund. Compliance with the requirements set forth in DPW Code Section 8.02-8.11

[6] The Tree Disclosure Statement is available for public review in Case No. 2012.0110E at 1650 Mission Street, 4th Floor, San Francisco.

would ensure that potential impacts to trees protected under the City's Tree Preservation Ordinance would be less than significant. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources. Thus, there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
14. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

The maximum depth of soil disturbing activities for the proposed project would be up to approximately 18 feet below ground surface. It is anticipated that the building would be

constructed on shallow spread footings supported on native dense to very dense sand. Deep foundations, such as drilled piers, micropiles, or auger-cast-in-place piles may also be used. The completed project would not alter the overall topography of the site.

A preliminary geotechnical investigation has been performed for the proposed project.[7] It is anticipated that the project site is underlain by 5 to 15 feet of fill over native alluvium. The deepest fill, adjacent to the underground storage tanks, was likely placed to backfill the tank excavations. The fill consists of loose to medium dense silty sand and gravel with organics, brick, and concrete debris. The fill is underlain by alluvium, consisting primarily of dense to very dense sand and silty sand. During previous investigations the ground water level was measured at depths varying from 40 to 47 feet below grade.

The MUNI Light Rail tunnel that runs beneath Market Street is owned by the Bay Area Rapid Transit District (BART). The southern limit of the tunnel is likely near the Market Street curb. BART has certain requirements regarding design and construction over or adjacent to their subway structures. BART guidelines establish a zone of influence (ZOI). Foundations within the northwest section of the planned structure may extend into the BART ZOI. To avoid imposing permanent foundation pressures to the BART subway structure, deep foundations extending below the BART ZOI may be required along the northwest section of the site.

The primary geotechnical issues to be addressed during design of the proposed building are (i) presence of soil backfill within previous tank areas and around existing tanks up to 15 feet thick; (ii) presence of the MUNI Light Rail (BART) subway tunnels below Market Street; and (iii) depth of excavation for the below portion of the structure and need to maintain lateral support during excavation.

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 mitigated 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

[7] Treadwell & Rollo, "Preliminary Geotechnical Recommendations, 2175 Market Street, San Francisco, California," June 20, 2011. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2012.0110E.

on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively. Thus, there would be no significant environmental impact peculiar to the project or its site.

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

The Market and Octavia Area Plan FEIR found that there would be no significant impact at the program level. The project site, which is currently occupied by a gasoline service station, is completely covered by asphalt and would be covered by the proposed mixed-use building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively. Thus, there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
16. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

Please see the Focused Initial Study for the discussion of this topic. Because there are potentially significant hazards and hazardous materials impacts identified in the Market and Octavia Area Plan FEIR and there are potentially significant impacts that are peculiar to the proposed project, this topic is addressed in the Focused Initial Study/ Mitigated Negative Declaration for the proposed project.

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

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

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

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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 does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

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

As discussed in this document and the CPE Certificate of Determination[8], the proposed project would not contribute to the significant unavoidable shadow impacts identified in Section 6.1 of the Market and Octavia Area Plan FEIR or the significant unavoidable traffic or transit impacts discussed in the FEIR.

As discussed in this document and the CPE Certificate of Determination, and with the exception of hazards and hazardous materials, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Neighborhood Plan Final EIR. A Focused Initial Study and Mitigated Negative Declaration has been prepared for the hazards and hazardous materials topic.[9]

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[8] San Francisco Planning Department CPE Certificate of Determination, 2175 Market Street, August 15, 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2012.0110E.

[9] San Francisco Planning Department Focused Initial Study, 2175 Market Street, August 15, 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2012.0110E

C. DETERMINATION

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

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

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

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

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

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director

DATE August 13, 2012