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Attachment A
Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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
Project Sponsor:	Katie O'Brien, Forest City, (415) 593-4225
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

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 an 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 separate buildings connected by a shared podium: a 65-foot-tall, six-story building spanning the northwest side of the lot, fronting on Market Street (the "primary

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

(See next page.)

DETERMINATION:

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

BILL WYCKO
Environmental Review Officer

August 13, 2012
Date

cc: Katie O'Brien, Project Sponsor; Supervisor Scott Wiener, District 8; Michael Smith, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

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. 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 an underground parking garage accessed from 15th Street. Both buildings and the courtyard would sit above the subterranean 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 proposed project would require conditional use authorization from the Planning Commission and variances from the Zoning Administrator. The project site is located within the Market and Octavia Area Plan.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 2175 Market Street described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (Case No. 2003.0347E; State Clearinghouse No. 2004012118). (FEIR). Project specific studies summarized in this determination were prepared for the proposed project at 2175 Market Street to determine if there would be any additional potentially significant impacts attributable to (i.e. "peculiar" to) the proposed project.

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

and disclosed in the FEIR.[1] With the exception of hazards and hazardous materials, this determination does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies mitigation measures contained in the FEIR that would be applicable to the proposed project at 2175 Market Street. Relevant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects. A Focused Initial Study/ Mitigated Negative Declaration was also prepared for the proposed project to cover potentially significant project-specific impacts regarding hazards and hazardous materials. Additional mitigation measures, not included in the FEIR, are described in the Initial Study/ Mitigated Negative Declaration.

Background

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

Subsequent to the certification of the FEIR, in May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia Neighborhood Plan FEIR. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable "whole" neighborhoods meeting everyday needs. The Plan, as evaluated in the FEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed 2175 Market Street project.

Individual projects that could occur in the future under the Plan would undergo project level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and additional environmental review would be required. With the exception of hazards and hazardous materials, this determination concludes that the proposed project at 2175 Market Street is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Plan, that the FEIR adequately described the impacts of the proposed 2175 Market Street project, and identified the necessary mitigation measures in the FEIR, as adapted for project-specific conditions described in this Certificate of Determination. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, the 2175 Market Street project is consistent with the adopted Market and Octavia Neighborhood Plan FEIR, its impacts are adequately addressed in the FEIR, and no further CEQA evaluation is necessary. In sum, the Market and Octavia Plan FEIR, this Certificate of Exemption, and Focused Initial Study/ Mitigated Negative Declaration for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

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[1] A Focused Initial Study was conducted for the hazards and hazardous materials topic only. This document is on file and is available for review as part of Case No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Potential Environmental Effects

The Market and Octavia Neighborhood Plan FEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historical and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 2175 Market Street project is in conformance with the height, use, and density for the site described in the FEIR and would represent a small part of the growth that was forecast for the Market and Octavia Neighborhood in the FEIR. As a result, the proposed project, with the exception of hazards and hazardous materials, would not result in any new or substantially more severe impacts than were identified in the FEIR. With the exception of hazards and hazardous materials, the following discussion demonstrates that the project would not result in significant impacts beyond those analyzed in the FEIR, including assessment of project-specific impacts related to land use, air quality, greenhouse gases, archeological resources, transportation, wind, and shadow.

Land Use

The Market and Octavia Neighborhood Plan proposed changing the existing land use character of the project area to a transit-oriented, high-density mixed-use neighborhood. The Market and Octavia Neighborhood Plan FEIR analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan would not result in a significant adverse impact in land use character. The proposed project would demolish an existing gasoline service station and construct a new 65-foot-tall mixed-use development consisting of 88 dwelling units and approximately 6,286 square feet of ground-floor retail use. The proposed buildings would be consistent with the height and bulk controls for the site analyzed in the Market and Octavia Neighborhood Plan FEIR. The proposed project would intensify uses in the project vicinity, but would not result in a significant environment effect, and the new land uses would not have an impact on the character of the vicinity beyond what was identified in the FEIR. Further, the project would not result in a physical division of an established community.

With the adoption of the Market and Octavia Neighborhood Plan, the project site was re-zoned from Upper Market NCD (Neighborhood Commercial District) to Upper Market NCT (Neighborhood Commercial Transit). The Upper Market NCT district is well served by transit and is intended to be a "multi-purpose commercial district" with both neighborhood-serving and broader area commercial use. Housing is encouraged above the second story, and business and professional offices are also located along Market Street in this zone. The proposed project includes a restaurant for one of the Market Street ground-floor retail spaces. The establishment of a restaurant requires conditional use authorization. While the Upper Market NCT does not provide a residential density limit, the proposed project would require a conditional use authorization since the number of two-bedroom units is 38.6 percent, which is slightly less than required 40 percent. The discretion of the conditional use authorization process is sufficient to safeguard against cumulatively considerable land use change impacts. The proposed project is consistent with the Plan's goals of mixed-use, high-density development near transit. The project's reliance on the existing parking supply and transit facilities to support future trips is consistent with the Plan's policies. Furthermore, the proposed street-front retail and related pedestrian-scale façade treatments are consistent with the Plan's design principles. Therefore, the proposed project would have no significant impacts related to land use.

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

Air Quality

Article 38 of the San Francisco Health Code requires new residential development near high-volume roadways to include upgraded ventilation systems to minimize exposure of future residents to particulate matter (DPM) and other pollutant emissions, as well as odors. Since the proposed project would include the addition of 88 residential units near a high-volume roadway, the project sponsor has agreed to install air filters[4] in all residential units that will reduce $PM_{2.5}$ by 80% to comply with Article 38.

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 FEIR 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 would 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 dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during project construction would be less than significant. Thus, Mitigation Measure 5.8A is not applicable to the proposed project.

The Market and Octavia FEIR identified a significant impact related to short-term construction 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. For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to

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[2] Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 2175 Market Street. This document is on file and available for review as part of Case File No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[3] Mark Luellen, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 2175 Market Street. This document is on file and available for review as part of Case File No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

4 The project sponsor will be installing MERV 13 filters upstream of each residential unit.

inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("hot spots"). The project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors exposure to temporary and variable DPM emissions.[5] Therefore, the construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations so the potential impact would be less-than-significant. In addition, the proposed project meets the construction screening criteria provided in the BAAQMD studies for construction-related criteria air pollutants. Therefore, based on newer information, *Mitigation Measure 5.8B – Construction Mitigation Measure for Short-Term Exhaust Emissions* is not applicable to the proposed project.

<u>Greenhouse Gases</u>

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).[6]

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.[7]

The California 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.[8] 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

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[5] California Code of Regulations, Title 13, Division 3, Section 2485.

[6] 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.

[7] 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.

[8] 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.

residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[9] 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.[10] 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%.[11]

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.[12] 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 1, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[13] 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).

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.

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[9] Ibid.

[10] 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.

[11] Ibid.

[12] 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.

[13] 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[14]

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**

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 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

[14] Ibid.

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.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[15] 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 replacing the existing gasoline station with a mixed-use development containing 88 dwelling units and 6,286 square feet of retail space at the ground floor. The proposed project could result in an increase in overall energy and also 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 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.[16] 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

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[15] 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.

[16] 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.

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 as 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 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."[17]

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.

[17] 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.

Table 2. Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with this program.
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 163.
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to pay a TIDF fee of $10/ gross square foot of retail space.
Jobs-Housing Linkage Program (Planning Code Section 413)	The Jobs-Housing Program found that new large scale development attract new employees to the City who require housing. The program is designed to provide housing for those new uses within San Francisco, thereby allowing employees to live close to their place of employment.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Planning Code Section 413.

Regulation	Requirements	Project Compliance	Discussion
	The program requires a developer to pay a fee or contribute land suitable for housing to a housing developer or pay an in-lieu fee.		
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 155.5 applies to the proposed project.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 166 applies to the proposed project.
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Commercial buildings greater than 5,000 sf will be required to be at a minimum 14% more energy efficient than Title 24 energy efficiency requirements. By 2008 large commercial buildings will be required to have their energy systems commissioned, and by 2010, these large buildings will be required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings will be required to have their systems commissioned by 2009, with enhanced commissioning by 2011.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.

Regulation	Requirements	Project Compliance	Discussion
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.
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. These projects are required to comply with LEED® Sustainable Sites Credits 6.1 and 6.2, or comply with the City's Stormwater ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project will be disturbing more than 5,000 square feet and will therefore be required to comply with the City's Stormwater Management Ordinance.
San Francisco Green Building Requirements for water efficient landscaping (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water used for landscaping by 50%.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.
San Francisco Green Building Requirements for water use reduction (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.
Residential Water Conservation	Requires all residential properties (existing and new), prior to sale, to	☒ Project Complies	The proposed project would be required to comply with the Residential Water

Regulation	Requirements	Project Compliance	Discussion
Ordinance (SF Building Code, Housing Code, Chapter 12A)	upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☐ Not Applicable ☐ Project Does Not Comply	Conservation Ordinance.
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Energy Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
	buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.		
Renewable Energy Sector			
San Francisco Green Building Requirements for renewable energy (SF Building Code, Chapter 13C)	By 2012, all new commercial buildings will be required to provide on-site renewable energy or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6. Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources. Credit 6 requires providing at least 35% of the building's electricity from renewable energy contracts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Green Building Requirements for Renewable Energy.
Waste Reduction Sector			
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is the construction of a mixed-use development which would be required to comply with the San Francisco Green Building Code requirements for solid waste.

Regulation	Requirements	Project Compliance	Discussion
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Mandatory Recycling and Composting Ordinance.
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project involves demolition and therefore would be required to comply with the Green Building Requirements for construction and demolition debris 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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project involves demolition and therefore would be required to comply with the Construction and Demolition Debris Recovery Ordinance.
Environment/Conservation Sector			
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.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 428.
Wood Burning Fireplace Ordinance	Bans the installation of wood burning fire places except for the following:	☒ Project Complies	The proposed project would not include a wood burning fireplace.

Regulation	Requirements	Project Compliance	Discussion
(San Francisco Building Code, Chapter 31, Section 3102.8)	• Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☐ Not Applicable ☐ Project Does Not Comply	
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

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.*[18] As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Archeological Resources

Potential archeological impacts were identified in the Market and Octavia Neighborhood Plan FEIR. *Mitigation Measure 5.6.A2: Archaeological Mitigation Measure – General Soil Disturbing Activities* applies to any project involving any soils-disturbing activities beyond a depth of four feet and located within those properties within the Plan Area for which no archeological assessment report has been prepared. This mitigation measure, as outlined in the FEIR, states that a Preliminary Archeological Sensitivity Study (PASS) should be prepared to determine whether an Archaeological Research Design/Treatment Plan (ARD/TP) is required.

[18] Greenhouse Gas Analysis: Compliance Checklist. July 3, 2012. This document is on file in Case File No. 2012.0110E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

Pursuant to *Mitigation Measure 5.6.A2*, a PASS memorandum was prepared for the proposed project and is summarized here.[19] In the absence of previous archeological investigations within the project site, it is not known if the project site was occupied or used by prehistoric populations. The project site is within Archeological Sensitivity Zone 3 of the EP Hispanic Period Archeo GIS layer because of its proximity to the Mission acequia which was fed by a spring to the northwest of the Project Site. There is some variation in the historical cartographic representations of the alignment of certain sections of the Mission acequia. The original acequia was constructed in the late 1770s but it is not known how early it was extended to the spring northwest of Church and Market Streets. Its form of construction varied from a ditch (zanja) to being lined in Serpentinite rock. The 1857 USCS topographic sheet shows the project site as part of a large area under cultivation The project site was still unimproved by the end of the 19th century. The 1914 Sanborn Map indicates that the site is mostly vacant with an upholstery shop and some single-story dwellings along Market Street and a wood shed and storage sheds along 15th Street.

The project site is located on the slope of an ancient alluvial fan that dips down toward the east. One of several tributaries to upper Mission Creek flowed through or along the northern edge of the project site. Soils sampling within the project has not provided any clear confirmation of the presence of a former watercourse or marsh deposits. The dense alluvial deposits underlying the project site may be part of the Colma Formation which formed during the Pleistocene era and provided a stable land surface through the Early and Middle and perhaps, Late Holocene Periods. At some point in the early 1900s the project site was filled in to provide a more level building pad.

The proposed project site is less than a half of a block from the Mission Dolores Archeological District in the Market and Octavia Neighborhood Plan FEIR and is within Archeological Zone No. 3 of the EP Hispanic Period Archeo GIS layer. Within the latter Hispanic Period archeological sensitivity zone, the project site is sensitive for archeological deposits or features associated with the Mission acequia (water conveyance system) and to remains of any agricultural operations or improvements related to the acequia.

There are several Spanish/Mexican period and prehistoric potential/excavated archeological sites east and southeast of the project site. These represent a wide range of archeological unit types ranging from the Mission acequia, adobe building foundations, trash pits, shell midden sites, sheet scatter, etc.

As applied to the proposed project, *Mitigation Measure 5.6.A2* indicates that the project would not result in significant impacts with implementation of the Department's measures for accidental discovery. In the event such resources are encountered during ground-disturbing activities, implementation of Archeological *Mitigation Measure 5.6.A2* reduces potential effects to a less-than-significant level. Therefore, *Mitigation Measure 5.6.A2* (see Project Mitigation Measure 2 on page 24 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact from soils-disturbing activities on buried archeological resources to a less-than-significant level.

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[19] Randall Dean, EP archeologist, memorandum to Don Lewis, EP planner, July 10, 2012. This memorandum is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2012.0110E.

Transportation

The Market and Octavia Neighborhood Plan FEIR anticipated that growth resulting from the zoning changes would result in significant transportation impacts.[20] Accordingly, the FEIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, the FEIR found 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 Neighborhood 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.[21] The proposed project would generate about 1,688 person trips (inbound and outbound) on a weekday daily basis, consisting of about 867 person trips by auto, 453 transit trips, 293 walk trips and 75 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 75 vehicle trips (accounting for vehicle occupancy data for this Census Tract), 69 transit trips, 34 walk trips and 11 trips by other modes.

Traffic

Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

The nearest intersections for which the Market and Octavia FEIR identified a significant impact under 2025 weekday p.m. peak hour were at Market/Sanchez/Fifteenth Streets (immediately adjacent to the project site), and at Market/Church/Fourteenth Streets (one block away to the northeast). The FEIR found these intersections operating at LOS D under existing (baseline) conditions, and that they would deteriorate to LOS E under 2025 conditions without Plan implementation. Under the 2025 with Plan Conditions, the EIR found that both of these intersections would remain at LOS E but would experience additional peak PM hour delays as implementation of the Market and Octavia Plan would add substantial numbers of vehicles to these intersections. The FEIR found that Plan-added vehicles to these intersections represented a considerable contribution to the cumulative conditions, and thus would result in a significant impact.

The Market and Octavia FEIR proposed a specific mitigation measure (5.7D) for the Market/Sanchez/Fifteenth Streets intersection that included minor changes to signal timing in conjunction

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[20] *Market and Octavia Neighborhood Plan Final Environmental Impact Report*, Planning Department Case No. 2003.0347E, 2007. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2003.0347E,

[21] These calculations are available for review as part of Case File No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

with the addition of a right-turn pocket on the westbound approach on Fifteenth Street. However, the FEIR concluded that the feasibility of implementing this measure could not be fully assessed at that time, because implementation of the signal timing changes would be dependent on later assessments by the Metropolitan Transportation Agency (MTA) of transit and traffic coordination along Market Street, to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. Because the FEIR could not determine whether this mitigation measure was feasible, it could not determine that the measure would reduce the traffic impact at this intersection to a less-than-significant level. Consequently, in certifying the completion of the FEIR, the Planning Commission found that the impact to the Market/Sanchez/Fifteenth Streets intersection was significant and unavoidable.

Consistent with the assumptions in the Market and Octavia FEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Sanchez/Fifteenth Streets intersection that could potentially contribute to worsening the LOS. This impact was disclosed in the FEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure.

Since the adoption of the Market and Octavia Neighborhood Plan, the City has adopted policies, such as the Better Streets Plan of the General Plan[22] and related Planning Code provisions, and the Upper Market Community Design Plan, that support installation of a corner bulb-out at the southeast corner of 15th and Market Streets and that conflict with installation of a right-turn pocket on Fifteenth Street. The Better Streets Plan classifies Market Street as a Ceremonial (Civic) street and states that the treatment for Ceremonial streets should include corner curb extensions (e.g., bulb-outs). *Planning Code* Section 138.1 states that the Better Streets Plan shall govern the design, location, and dimensions of all pedestrian and streetscape items in the public right-of-way, including curb extensions/bulb-outs. Therefore, a right-turn pocket at the 15th/Sanchez/Market Streets intersection is infeasible because it would violate the Better Streets Plan of the General Plan.

The project site is located within a special design area, the Upper Market Community Design Plan (UMCDP) area. The UMCDP was created through the Upper Market Workshop, a community visioning process, to guide the future of the Upper Market corridor, which is generally defined as Market Street between Castro and Octavia Streets. The workshop was held in the fall of 2007, and included the design review of nine properties, including the proposed project. The UMCDP encourages a vibrant pedestrian realm, and Figure 4.9B of this Plan shows a corner bulb-out at the Market/Sanchez/Fifteenth Streets intersection. Additionally, the corner bulb-out would also comply with the City's Transit First Policy which essentially promotes other modes of travel above vehicular modes. The proposed project includes the installation of a corner bulb-out at the southeast corner of 15th and Market Streets.

Transit

The Market and Octavia Neighborhood Plan FEIR found that under 2025 with Plan conditions, capacity utilization for all screenlines would remain similar to those under 2025 without Plan conditions, and all

[22] The Better Streets Plan, which was adopted by the Mayor and Board of Supervisors in December 2010, describes design guidelines for pedestrian and streetscape features in the public right-of-way in San Francisco, and also describes streetscape requirements for new development.

screenlines and sub-corridors would continue to operate below the Muni capacity utilization standard. The FEIR found that the peak hour capacity utilization would not be substantially increased by the Plan and the impact on Muni screenlines would be less than significant.

The proposed project is estimated to add about 453 daily transit person trips, of which 69 are estimated to occur in the p.m. peak hour. The project site is well-served by several local and regional transit lines, including two Muni bus lines (22 and 37) and six Muni Metro lines (J, K, L, M, T, and F). Transit trips to and from the proposed project would utilize the nearby Muni lines, and would transfer to and from other Muni lines. The addition of 69 p.m. peak hour transit trips would increase Muni ridership; however, this net increase would not be substantial as existing transit lines have the capacity to accommodate these new trips. Additionally, the proposed project would not substantially interfere with any nearby transit routes. Therefore, the project would have a less-than-significant impact on transit.

The Market and Octavia Neighborhood Plan FEIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increases in delays at the following intersections in the p.m. peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Streets, and Hayes Street/Gough Street. Mitigation measures were proposed to address these impacts related to changes to street configurations and traffic patterns. Even with mitigation, however, cumulative impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Neighborhood Plan FEIR approval. The proposed project would not conflict with the implementation of these mitigation measures.

Loading

Based on the SF Guidelines, the proposed project would generate an average truck loading demand of 0.15 truck-trips per hour. Planning Code Section 152.1 does not require off-street loading for residential development less than 100,000 square feet and for retail use less than 10,000 square feet. Therefore, off-street loading spaces are not required for the proposed project. However, the project sponsor proposes a new passenger loading zone at the building's northeast frontage along Market Street and a new commercial loading zone at the building's mid-point Market Street frontage. Accordingly, it is anticipated that the truck loading demand would be met on-street. In addition, the sponsor is proposing a residential "white zone" on the building's southeast frontage along 15th Street for move in/move out activities. Therefore, the project would have a less-than-significant impact on loading.

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.

The proposed project would not cause a substantial amount of pedestrian and vehicle conflicts, as there are adequate sidewalk and crosswalk widths, and the proposed project includes improving the exterior lighting and sidewalks along the project's perimeter. Additionally, instead of the westbound right-turn

pocket that was originally identified as part of the traffic mitigation measure, the project proposes a corner bulb-out at the southeast corner of 15th and Market Streets, consistent with the Better Streets Plan and the UMCDP. The corner bulb-out would improve the pedestrian environment as it would decrease the crossing distance across 15th and Market Streets, decrease the time pedestrians are exposed to traffic, and increase their overall visibility so the impact would be less-than-significant.

Parking

While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Section 733.94, the project includes 44 parking spaces in an underground garage, consistent with the allowable .5 to 1 ratio under the Planning Code. Based on the methodology presented in the SF Guidelines, on an average weekday, the demand for parking would be 149 spaces. Thus, the project would have an unmet parking demand of 105 spaces. Additionally, the project site is located on a major transit corridor and in a relatively dense area well-served by a mix of uses. As such, it is expected that many of the residents would be encouraged not to make their trips by car.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, 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 §15131a). 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 public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

Wind

Wind impacts are directly related to building design and surrounding site conditions. Based on consideration of the height and location of the proposed 65-foot-tall building, Planning Department staff determined that the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. As a result, the proposed project would

not have any significant wind impacts. The mitigation measures in the Market and Octavia Plan FEIR addressing potential wind impacts are not applicable to the proposed project because the project would not exceed 85 feet in height (FEIR Mitigation Measure 5.5B1) and would not result in significant pedestrian level wind impacts (FEIR Mitigation Measure 5.5B2).

Shadow

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant.

The Market and Octavia Plan FEIR identified no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the FEIR identified potential significant impacts related to new construction buildings over 50 feet tall, and determined that Mitigation Measure 5.5A2 would reduce potential impacts to a less-than-significant level. Mitigation Measure 5.5A2 would require shaping buildings to reduce shadow impacts on public plazas, parks, and open spaces not protected by Planning Code Section 295. The shadow fan for the proposed project indicated that no plaza, public open space, or parks and open space not subject to Section 295 would be affected by the proposed project. Thus, FEIR Mitigation Measure 5.5A2 would not be applicable to the proposed project.

The proposed development would be 65 feet in height. To determine whether this proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff.[23] The shadow fan indicated that project shadows could not reach any site under Recreation and Park Commission jurisdiction.

The proposed buildings would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed buildings would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, the loss of sunlight on private residences or property is rarely considered to be a significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

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23 Adrian Putra, San Francisco Planning Department, to Katie O'Brien, letter dated December 21, 2011. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2012.0110E.

Hazardous Materials

A Phase I Environmental Site Assessment (ESA) prepared for the project [24] revealed evidence of one historic recognized adverse environmental condition in connection to a documented release from a former underground storage tank (UST) located at the project site. Low levels of petroleum hydrocarbon contamination are present in the soil and groundwater at the Site. The site has been granted Case Closure and a Remedial Action Completion Certificate from the San Francisco Department of Public Health (SFDPH) with concurrence from the Regional Water Quality Control Board (RWQCB) dated November 23, 2010.[25] However, workers and members of the public in the area during project construction could be exposed to contaminated soils (low-level petroleum hydrocarbons), and this potential exposure to hazardous materials is a potentially significant impact. In addition, the four existing underground fuel storage tanks would require excavation, removal, and closure in accordance with the SFDPH.

The Market and Octavia Neighborhood Plan FEIR identified a significant impact related to Hazardous Materials and determined that *Mitigation Measure 5.10.A: Hazardous Materials* would reduce effects to a less-than-significant level. Therefore, implementation of *Mitigation Measure 5.10.A* (see Project Mitigation Measure 2 on page 26 of this Certificate of Determination) is required.

Although the Market and Octavia Neighborhood Plan FEIR identified a significant effect related to hazardous materials, it has been determined that *Mitigation Measure 5.10.A* is not adequate to mitigate project-specific impacts regarding either the potential risk of release and exposure to petroleum hydrocarbons in site soils, or the potential risk associated with the removal of the existing USTs. Since implementation of *Mitigation Measure 5.10.A* would not fully reduce this potential risk to a less-than-significant level, a Focused Initial Study and Mitigated Negative Declaration was prepared for the proposed project to address and mitigate this potential project-specific impact to a less-than-significant level.[26]

Mitigation Measures

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

Project Mitigation Measure 1 – Archeological Resources (Mitigation Measure 5.6.A2 – General Soil Disturbing Activities in the Market and Octavia Neighborhood Plan Final EIR)

The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried historical resources as defined in CEQA Guidelines Sections 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within

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[24] Treadwell & Rollo, Updated Phase I Environmental Site Assessment, 2175 Market Street, San Francisco, California, April 11, 2011. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2012.0110E.

[25] A copy of the SFDPH letter can be reviewed at 1650 Mission Street, Suite 400 in Case File No. 2012.00110E.

[26] This document is on file and is available for review as part of Case No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

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

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

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

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

Project Mitigation Measure 2 – Hazardous Materials (Mitigation Measure 5.10.A: Hazardous Materials in the Market and Octavia Neighborhood Plan Final EIR)

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

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

This mitigation measure will be required in addition to the hazardous materials mitigation measures identified in the Initial Study / Mitigated Negative Declaration for the proposed project.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on April 18, 2012 to adjacent occupants and owners of properties within 300 feet of the project site, and ten members of the public expressed their concerns and issues. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Members of the public expressed concerns regarding increased potential emissions and traffic, pedestrian safety, litter, potential increased shade and shadow, potential reduction of outdoor vegetation, potential noise pollution, potential intrusive nighttime lighting, parking, potential increased traffic on 15th Street, size and height of development, location of the 15th Street driveway, and potential transit impacts. All issues appropriate for CEQA analysis have been adequately addressed in the Market and Octavia Plan FEIR and this Certificate of Exemption. The proposed project would not result in significant adverse environmental impacts associated with those issues identified by the public, and there is no substantial evidence that any of these topics could have a significant effect on the environment.

Other comments by members of the public in response to the public notice expressed either support for or opposition to the proposed project. Comments regarding the merits of the project are not relevant to CEQA analysis but may be taken into account by decision-makers as part of the project approval process.

Conclusion

With the exception of hazards and hazardous materials, the Market and Octavia Neighborhood Plan FEIR incorporated and adequately addressed all potential impacts of the proposed 2175 Market Street project. As described above, and except for hazards and hazardous materials, the 2175 Market Street project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia Neighborhood Plan FEIR, nor has any new or additional information come to light that would alter the conclusions of the FEIR. Thus, with the exception of hazards and hazardous materials, the proposed project would not have any new significant or peculiar effects on the environment not

previously identified in the FEIR for the Market and Octavia Neighborhood Plan, 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.