SAN FRANCISCO
PLANNING DEPARTMENT

Preliminary Mitigated Negative Declaration

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Date:	August 15, 2012
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 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.

FINDING:

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

the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See pages 34-37.

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

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INITIAL STUDY
2175 MARKET STREET
PLANNING DEPARTMENT CASE NO. 2012.0110E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The triangular project site (Assessor's Block 3543, Lot 11) totals 18,425 square feet and is located on a sloping parcel at 2175 Market Street on the southeast corner of Market and 15th Streets (the "project site") in the Castro/Upper Market neighborhood where the topography is otherwise primarily flat (see Figure 1, Site Location). The project site is currently occupied by a gasoline and service station, which includes a small garage/store building and a detached canopy covering the gasoline pump islands. The site is within the Upper Market Neighborhood Commercial Transit Zoning District (Upper Market NCT), the Upper Market Special Sign District, and a 40-X, 60-X, and 65-X Height and Bulk District. The project site is located within the Market and Octavia Area Plan, and the identified potential Upper Market Street Commercial Historic District.

Proposed Project

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 approximately 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 shared 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") (see Figures 2 – 11: Site Plan, Floor Plans, and Sections). 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 and residential units located on the ground floor facing the courtyard and facing both the courtyard and Market Street 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.

Proposed Building Form

The proposed development would have a contemporary aesthetic, with an articulated façade intended to break up the volume of the building, including a combination of boxy and angular forms and flat wall surfaces, and would feature flat roofs with some angled parapet profiles. The primary building would be clad with stucco, metal panels, and horizontal wood siding with an unpainted natural finish. These materials would each cover large sections of the exterior walls, creating contrasting panels with articulation of the wall plane between. The building would feature large expanses of glazing. Horizontally slatted screens would be employed as window detailing and wedge-plan windows would be staggered along the facades at the third through sixth story levels. The secondary building would be clad with more conventional horizontal drop wood siding. It would have shallow square oriel windows that project regularly from the second and third stories and are topped by angled parapet profiles. The building would feature regular fenestration patterns, but the windows would feature asymmetrical muntin patterns similar to those on the primary building. The site would be landscaped with trees and vegetation along the street, within the courtyard, and on top of the primary building.

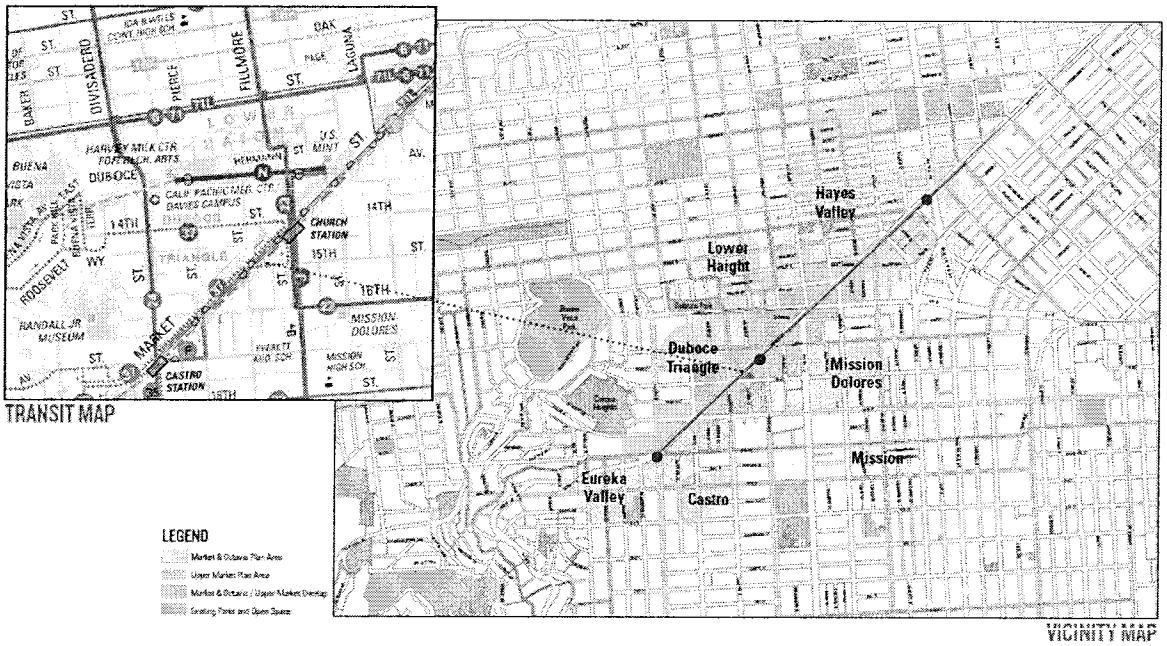
Project Construction

The project would involve up to 18 feet of excavation and the removal of approximately 6,188 cubic yards of soil for the proposed underground parking garage. Project construction, including demolition, would take approximately 14 months, and the project's estimated cost is $16,000,000. The project sponsor is FC2175 Market, LLC and the project architect is Van Meter, Williams, and Pollack.

Project Approvals

The proposed project would require conditional use authorization from the Planning Commission for development of a lot larger than 10,000 square feet (pursuant to Planning Code Section 733.11), a restaurant (pursuant to Planning Code Section 733.44), and modification of dwelling unit mix requirements (pursuant to Planning Code Section 207.6).

The project site is on an irregularly shaped triangular lot and a sloping site. Due to those physical constraints and the project program, the proposed project would also require variances for rear yard (pursuant to Planning Code Section 733.12), dwelling unit exposure (pursuant to Planning Code Section 140), residential open space (pursuant to Planning Code Section 135), above-grade parking setback (pursuant to Planning Code Section 145.1(c)(1)), and ground floor ceiling height (pursuant to Planning Code Section 145.1(c)(4)(B)) requirements.



North

Figure 1 – Project Location Map
2175 Market Street
Source: Planning Department, July 2012

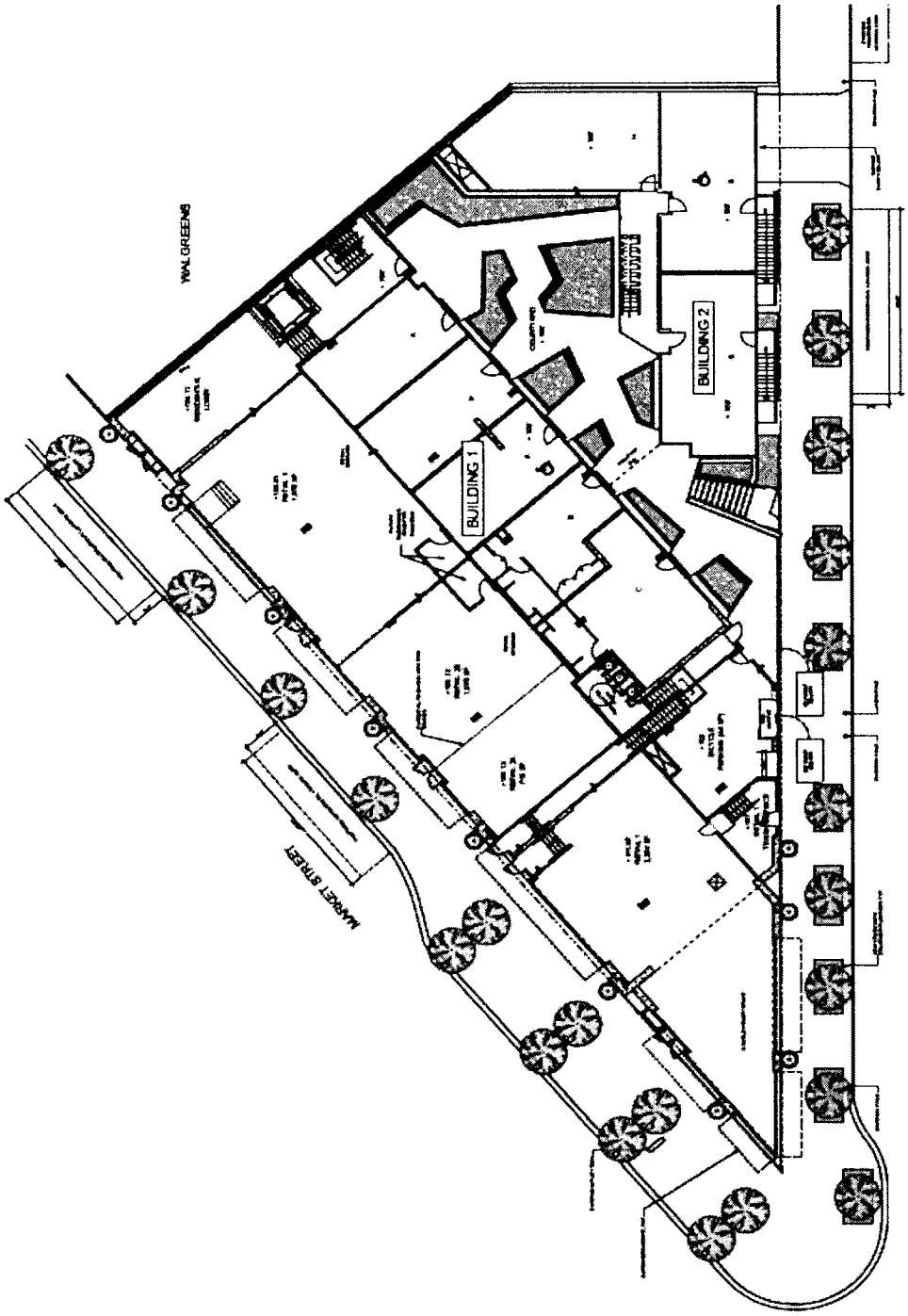


Figure 2 – Project Site Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

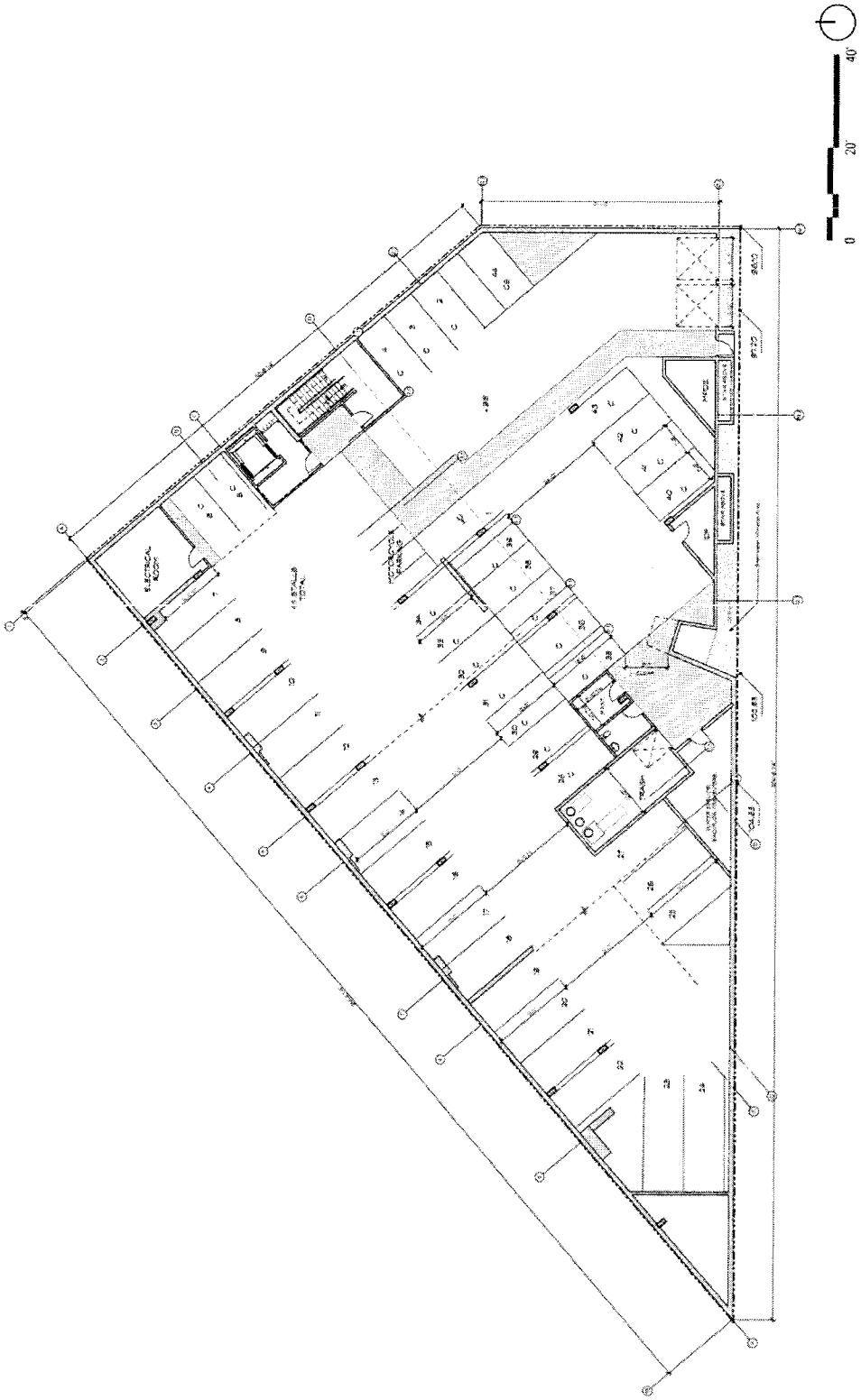


Figure 3 – Garage Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

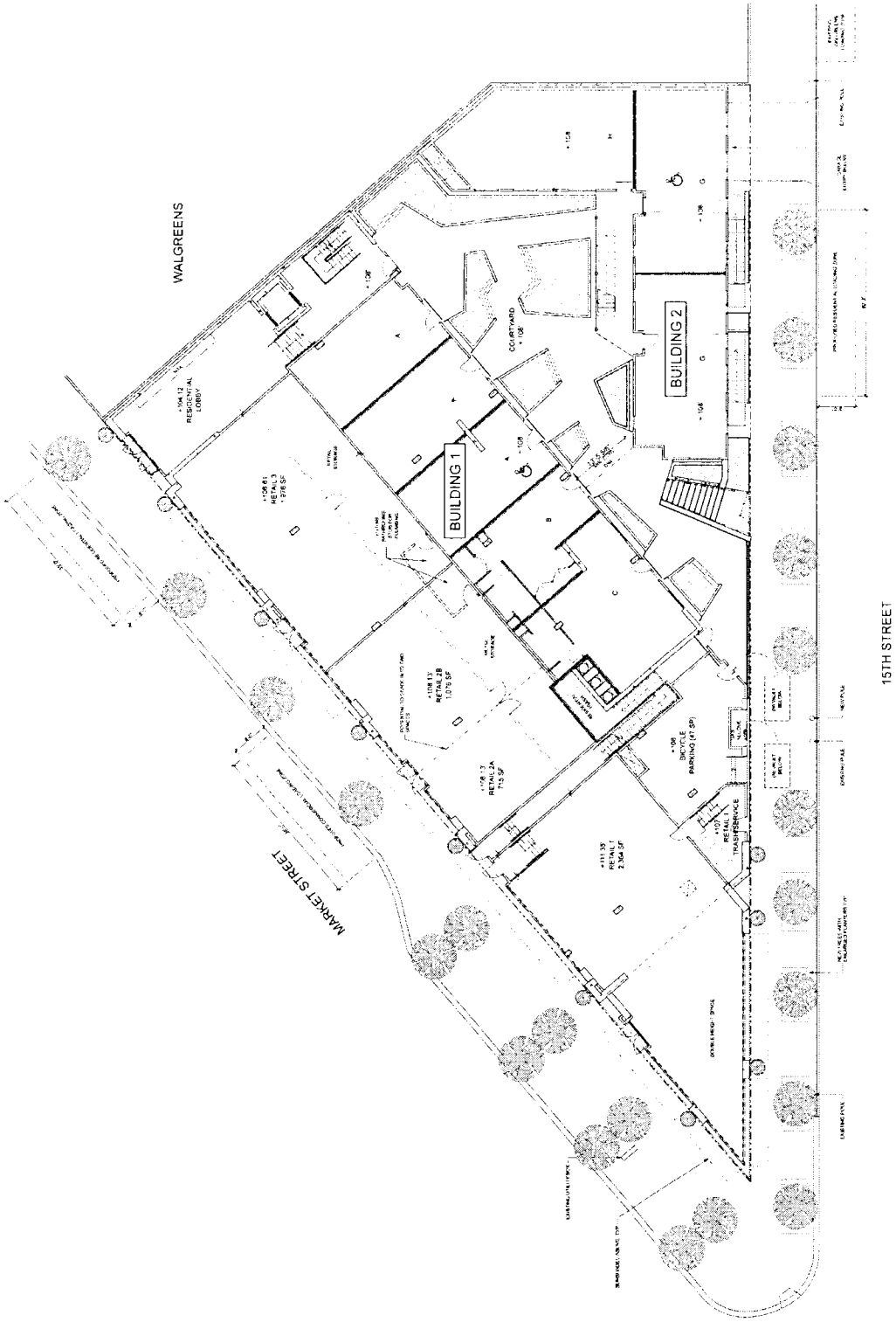


Figure 4 – Courtyard Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

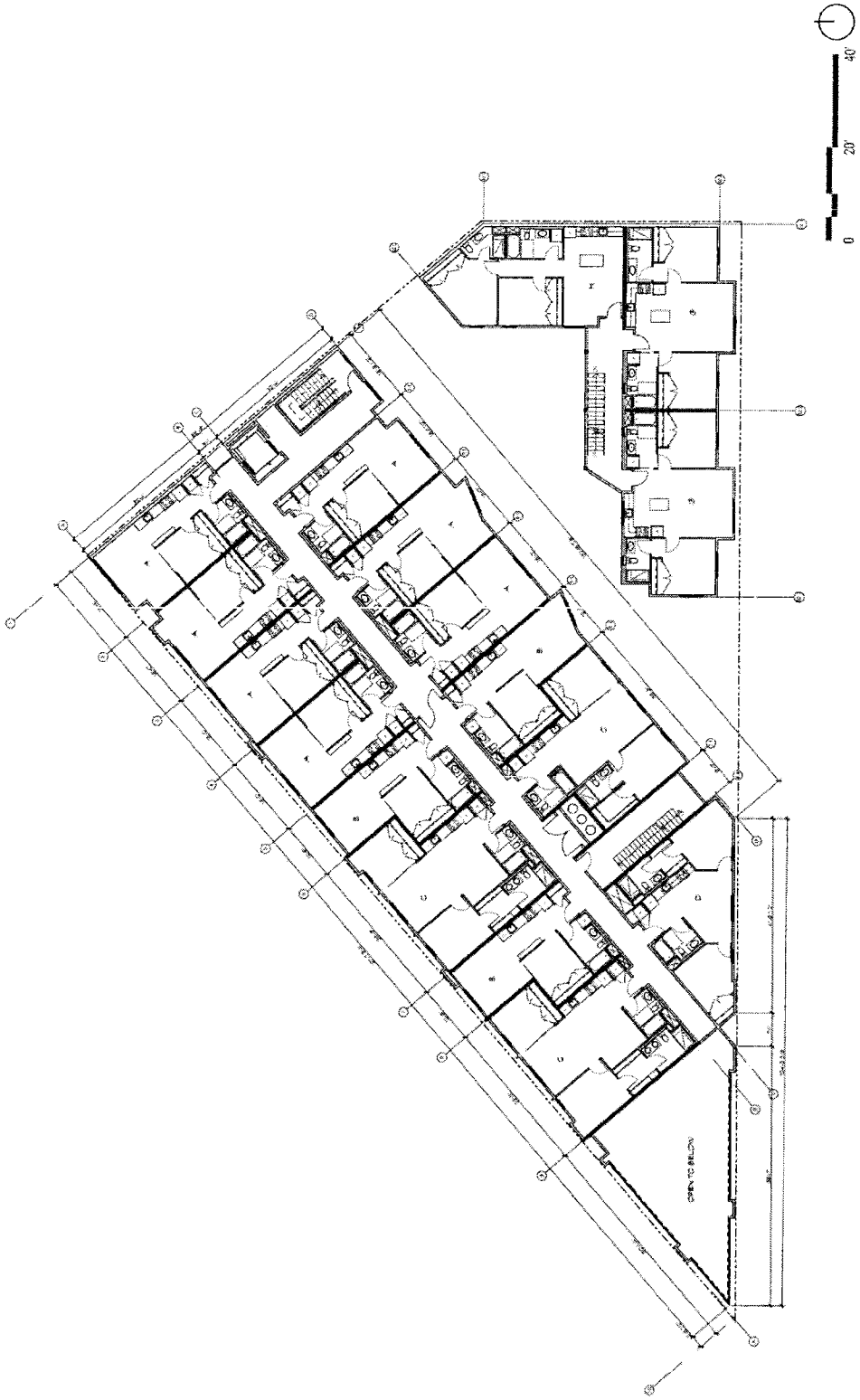


Figure 5 – Second Floor Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

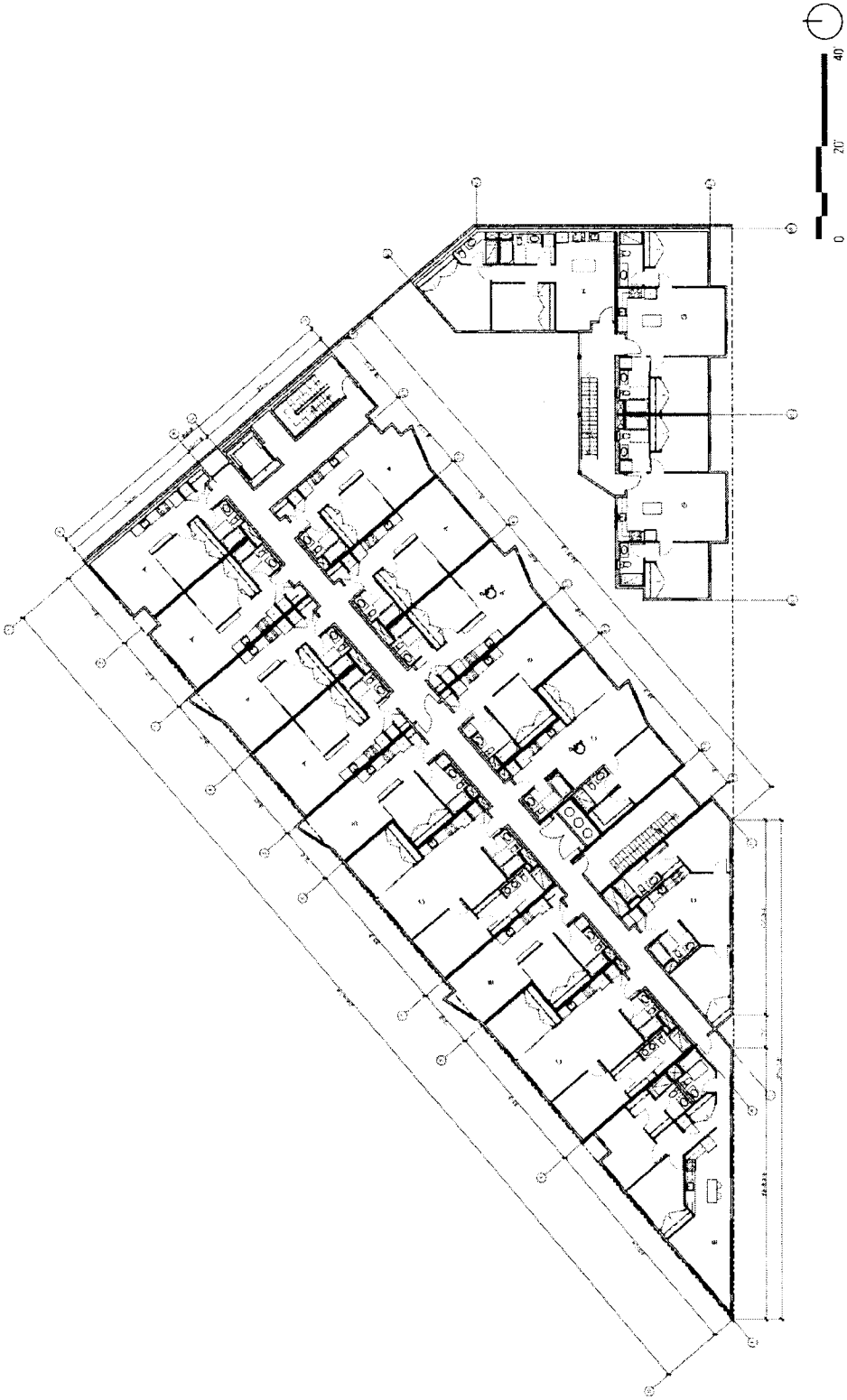


Figure 6 – Third Floor Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

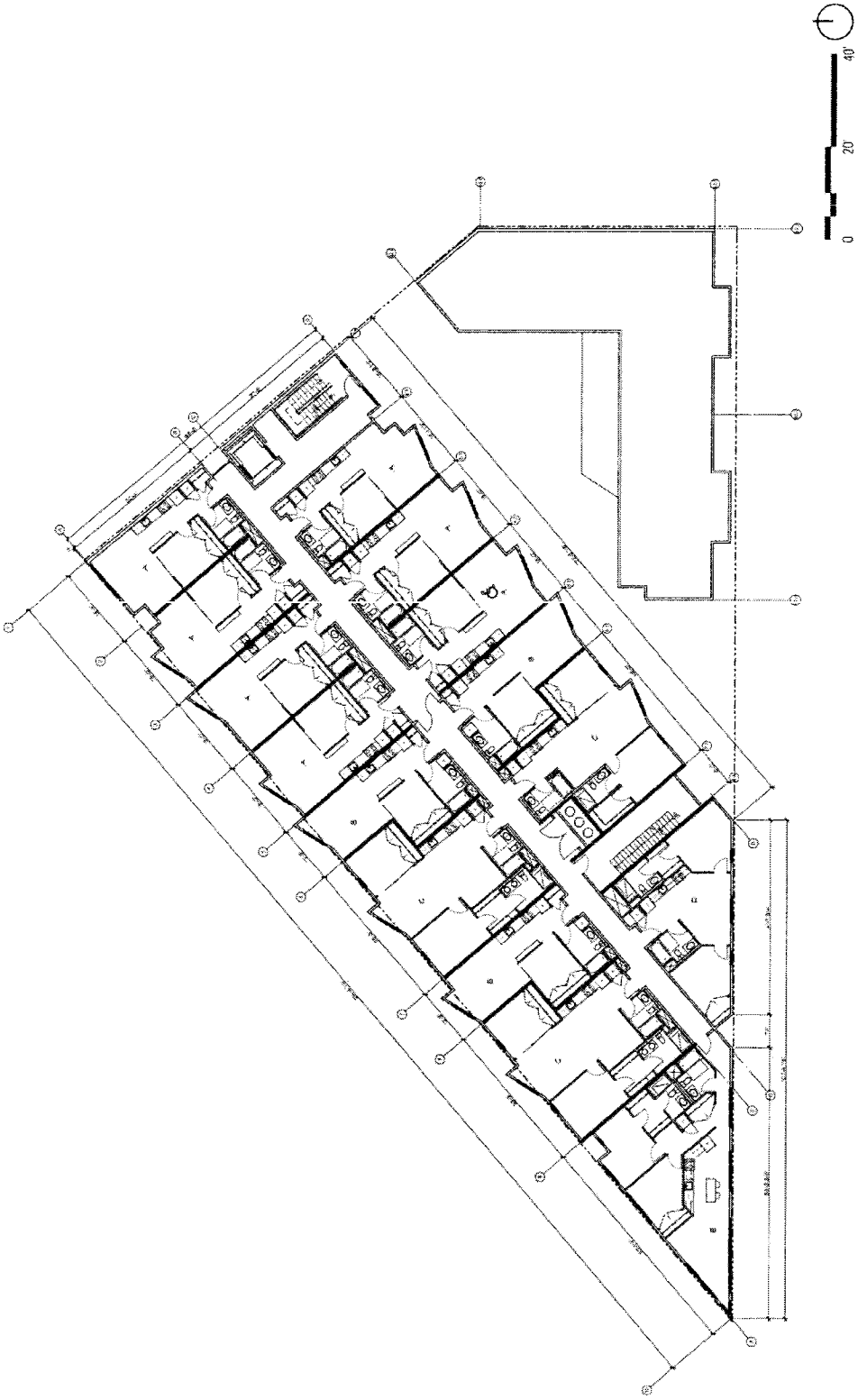


Figure 7 – Fourth Floor Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

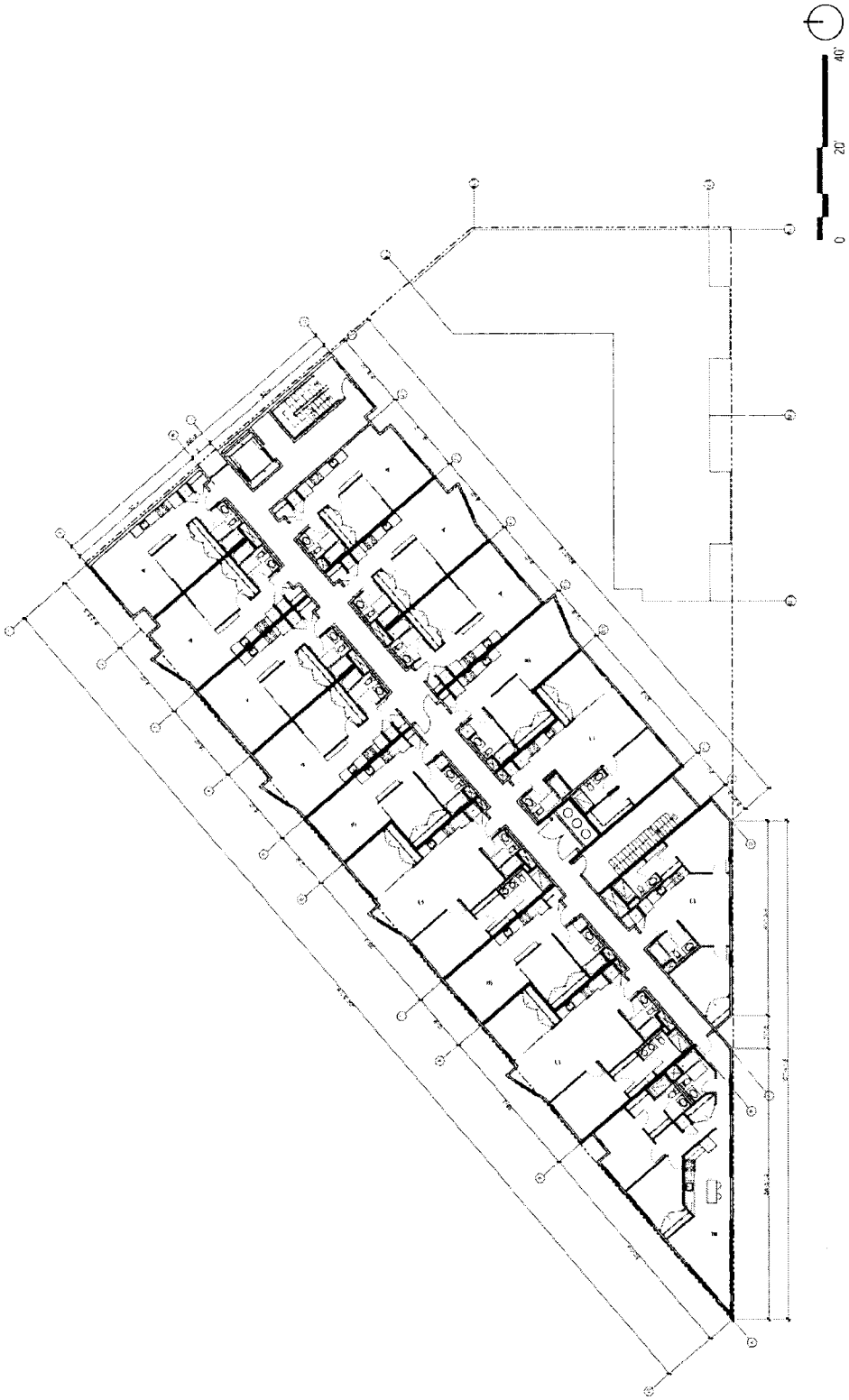


Figure 8 – Fifth Floor Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

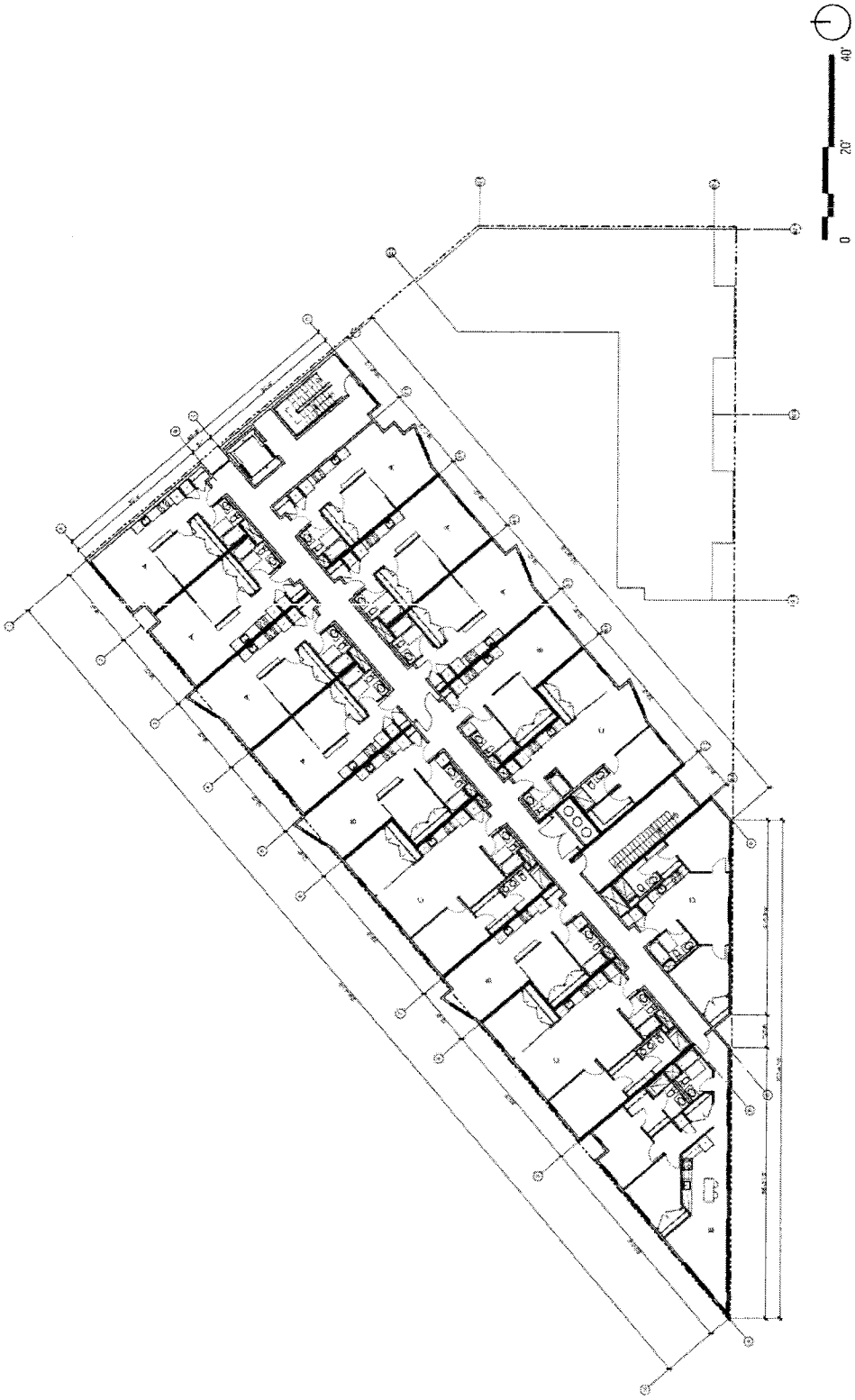


Figure 9 – Sixth Floor Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

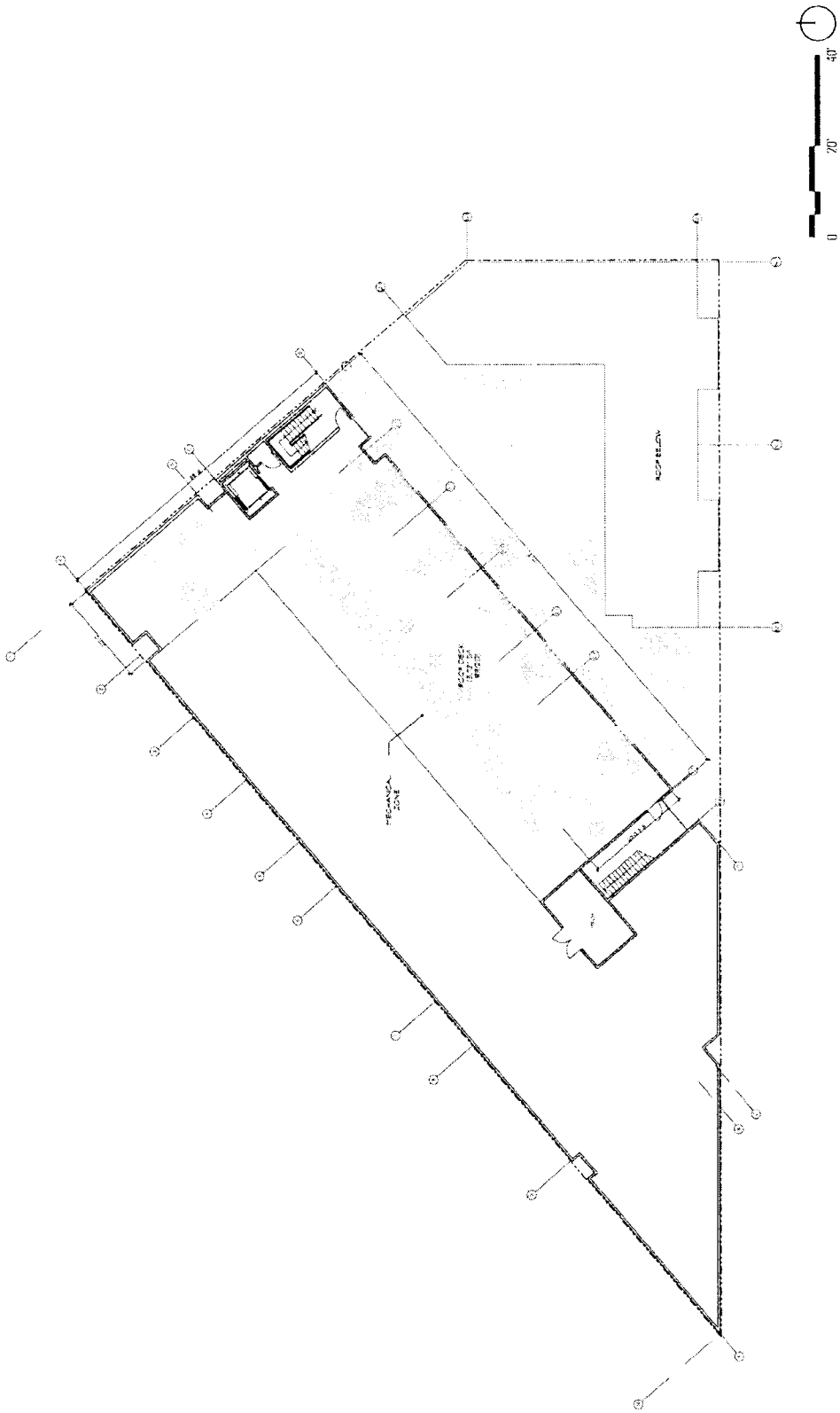


Figure 10 – Roof Plan
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

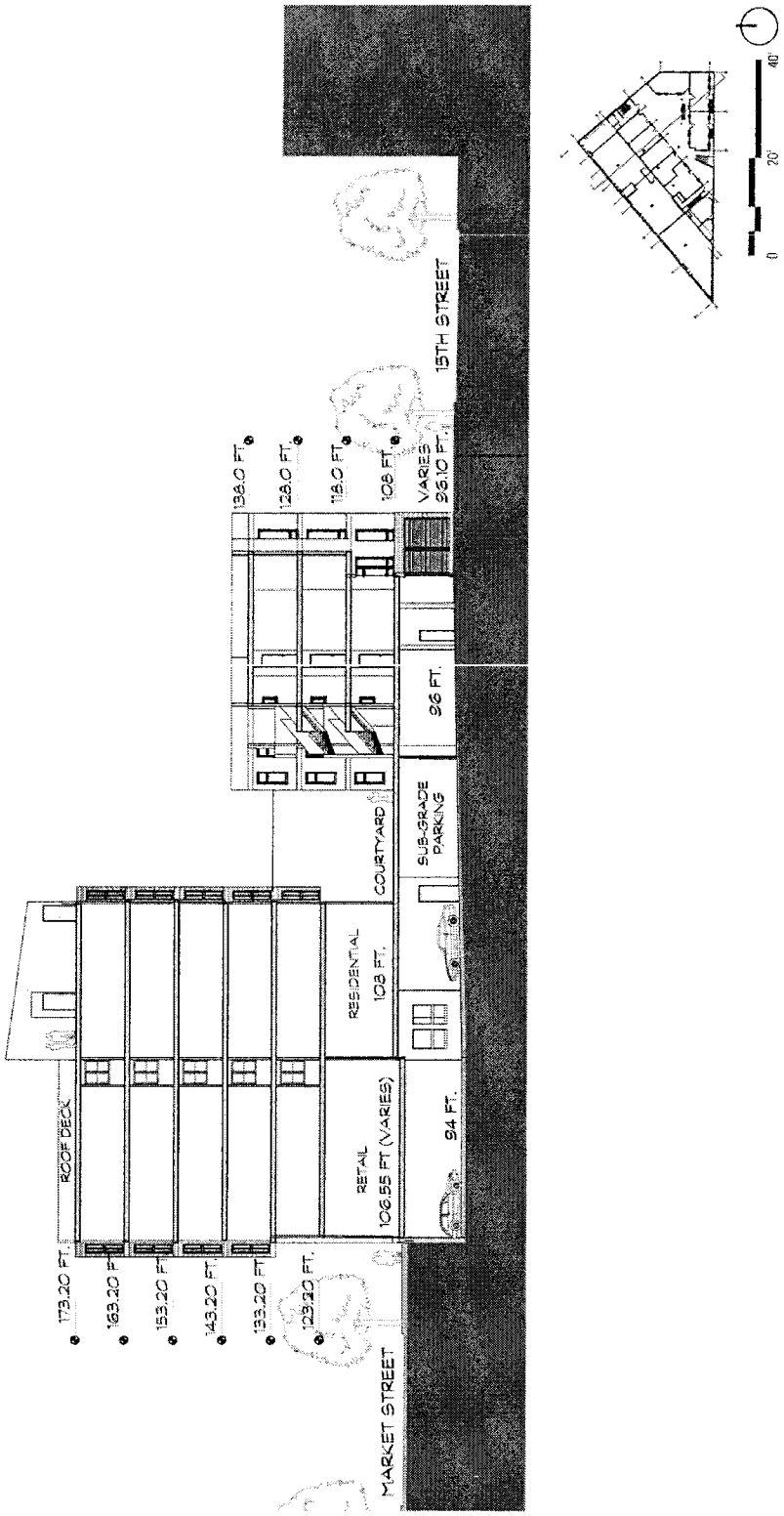


Figure 11 – Building Section
2175 Market Street
Source: Van Meter, Williams, Pollack, April 2012

B. PROJECT SETTING

The sloping triangular project site is located at 2175 Market Street, on the southeast corner of Market and 15th Streets, in San Francisco's Castro/Upper Market neighborhood. Land uses in the surrounding neighborhood are mixed, and include residential, commercial (primarily retail), small office and some automotive service facilities.

Adjacent to the project site along the south side of Market Street from 15th Street to Church Street is a two-story commercial building (Walgreen's and 24 Hour Fitness) that also fronts on 15th Street; a two-story, vacant, commercial building; a two-story, commercial building (Crossroads Trading Company and Academy of Ballet); and a three-story, mixed-use building with six residential units above ground-floor retail use that also fronts on Church Street.

Along the west side of Church Street from Market Street to 15th Street is a one-story, three-unit, commercial building; a three-story, mixed-use building with residential units above ground-floor retail use; a three-story, mixed-use building with residential units above ground-floor retail use; and a three-story, mixed-use building with residential units above ground-floor retail use that also fronts on 15th Street.

Along the north side of 15th Street from Church Street to Market Street is a two-story, two-unit residential building; a four-story, nine-unit, residential building; a three-story, two-unit residential building; and a three-story, two-unit residential building. Across the project site along the south side of 15th Street from Market Street to Church Street is a four-story, mixed-use building with nine residential units above ground-floor retail use; a two-story, two-unit residential building; a three-story, six-unit residential building; a two-story, three-unit residential building that primarily fronts on Sharon Street; a two-story, two-unit residential building; a three-story, two-unit residential building; a four-story, six-unit residential building; a two-story, single-family residential building; a two-story, four-unit residential building; a two-story, single-family residential building; a Russian Orthodox church (St. Nicholas Cathedral); and a three-story, mixed-use building with two residential units above ground-floor retail use that also fronts on Church Street.

Across the project site along the north side of Market Street from Sanchez Street to Church Street is a vacant lot; a three-story, commercial building (Swedish American Hall and Café du Nord); a four-story hotel (Perramont Hotel); a four-story hotel (Twin Peaks Hotel); a three-story, three-unit residential building; a three-story, three-unit residential building; a 16-space surface parking lot; a one-story commercial building; a three-story, three-unit residential building; a four-story, mixed-use building with twelve residential units above ground-floor retail use; a three-story, mixed-use building with five residential units above ground-floor retail use; a three-story, office building with ground-floor retail use; an approximately ten-space surface parking lot; and a one-story, vacant commercial building that also fronts on Church Street and 14th Street. There is an underground MUNI elevator at the Market and Church Streets intersection.

The project site, similar to other parcels along Market Street, is zoned Upper Market Neighborhood Commercial Transit (Upper Market NCT). The Upper Market NCT is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. This district is well served by transit and is anchored by the Market Street subway and the F-Market historic streetcar line. Beyond this neighborhood commercial transit zone is a multi-family, moderate-density area primarily zoned RTO (Residential, Transit-Oriented District). In relation to height regulations, surrounding parcels range from 65-X, 60-X, and 40-X height and bulk districts, with areas transitioning to 40-X districts in residential areas.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

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

SAN FRANCISCO PLANNING CODE

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless the proposed project conforms to the *Planning Code*, an exception is granted pursuant to provisions of the *Planning Code*, or a reclassification of the site occurs.

The proposed project includes a mixed-use residential and commercial development which is a permitted use in the Upper Market NCT zoning district. The Upper Market NCT district does not provide a residential density limit. However, pursuant to *Planning Code* Section 207.6, no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms, unless conditional authorization is obtained to modify that requirement. This requirement applies to projects in the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3 districts. The proposed project would provide 34 two-bedroom units or 38.6% of the 88 total units. Thus, conditional use authorization is required pursuant to Section 207.6.

The Upper Market NCT district is intended as 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 space for a full-service restaurant for one of the Market Street ground-floor retail spaces. The establishment of a full-service restaurant requires conditional use authorization pursuant to Planning Code Section 733.42. The other future tenants of the proposed ground-floor commercial spaces are not known at this time.

The project site is located within a 60/65-X and 40-X height and bulk districts. The proposed building would be 65-feet in height measured at the Market Street frontage. Planning Code Section 102.12(d) allows the owner to choose the street or streets from which the measurement of height is to be taken where the lot has frontage on two or more streets, if the scope of the rules stated in subsections (a) – (c) are followed. The project sponsor has chosen to take the height measurement at the Market Street frontage. The additional five-foot height exception for ground floor uses, permitted by Section 263.20 of the Code, would be applied to the portion of the site within the 40-X height and bulk district.

Planning Code Section 733.94 would permit up to 0.5 off-street parking space for each dwelling unit in the Upper Market NCT, would allow by conditional use authorization up to 0.75 parking spaces per dwelling units, and would generally permit up to 1 commercial parking space per 1,500 square feet of occupied floor area. As principally permitted, the project, with 88 dwelling units and approximately 6,286 square feet of retail space, proposes 43 residential parking spaces and 1 car share parking space, for a total of 44 off-street parking spaces. Because the project site is sloping, a small portion of the podium is above grade at the lowest point of the property and will be used for accessory off-street parking. Thus, a variance is required pursuant to Section 145(c)(1) for the above-grade parking.

Section 155.5 of the Planning Code requires that residential projects of 50 dwelling units or more provide 25 bicycle parking spaces plus 1 for every 4 dwellings over 50 dwelling units. The project proposes 88 dwelling units and thus would be required to provide 34 bicycle parking spaces. Forty-five bicycle parking spaces would be provided in the parking garage.

Pursuant to Section 135 of the Planning Code, approximately 60 square feet of private open space or 80 square feet of common open space per dwelling unit, or some equivalent combination of private and common open space is required. The proposed project would be required to provide 7,040 square feet of common open space, and the project would provide 7,100 square feet of common open space at the courtyard and roof deck. The project would provide more open space than the required amount. Even so, because the courtyard open space would not technically meet exposure requirements, a variance is required pursuant to Section 135.

Under Section 733.12 of the Planning Code, the project requires a 25 percent rear yard at grade level and above opposite and parallel to the Market Street frontage. The required rear yard is approximately 20 feet using this method of measurement. The proposed project would require a variance from this section as the proposed development is within the required rear yard at the property's 15th Street frontage, in part because of the triangular shape of the project site.

The proposed project would require conditional use authorization by the Planning Commission for the development of a lot larger than 10,000 square feet (Section 733.11), for a modification of the dwelling unit mix requirements (Section 207.6), and for a restaurant (Section 733.44). The proposed project would require variances for dwelling unit exposure (Section 140),

residential open space (Section 135) (as discussed above), rear yard (Section 733.12), above-grade parking setback (Section 145.1(c)(1)) (as discussed above), and ground floor ceiling height (Section 145.1(c)(4)(B)).

Projects proposing five or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The project sponsor would fulfill their requirement of complying with Section 415 by providing 13 on-site affordable units.

The proposed project would require building permit(s) from the Department of Building Inspection (DBI). Any curb or street modifications would require approval by the Department of Parking and Traffic within the Municipal Transportation Agency and from the Department of Public Works. Protection and addition of street trees would require approval from the Department of Public Works (DPW). Prior to disturbing soils on the project site, the San Francisco Department of Public Health shall approve a Site Mitigation Plan (SMP) for the removal and closure of the existing underground storage tanks.

PLANS AND POLICIES

San Francisco General Plan Priority Planning Policies

The San Francisco *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection

of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects.

Other Plans

Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Market and Octavia Area Plan

The proposed project is within the Market and Octavia Area Plan. The Plan promotes a mixed-use, urban neighborhood in which new and current residents enjoy a vibrant pedestrian realm and rich transit connections. On April 5, 2007, the Planning Commission certified the final EIR for the Market and Octavia Plan (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The Program EIR analyzed amendments to the Planning Code and Zoning Maps and the then-proposed Market and Octavia Area Plan, The EIR analysis was based on assumed land use development and activities that were anticipated to occur under the Market and Octavia Area Plan. The proposed project was designed in consideration of the Market and Octavia Area Plan and the Upper Market NCT zoning. The proposed project at 2175 Market Street is consistent with the development density established by the Market and Octavia Neighborhood Plan EIR, a

comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Market and Octavia Area Plan.

As such, Planning Department Citywide Planning, Environmental Planning, and Current Planning staff have determined that the proposed project is consistent with density established with the Market and Octavia Area Plan, satisfies the requirements of the General Plan and the Planning Code, and is eligible for a Community Plan Exemption.[1,2] The sufficiency of the Market and Octavia Area Plan Program EIR for environmental review of the proposed project was considered in the Community Plan Exemption Checklist, discussed below.

As part of the Market and Octavia Area Plan, design guidelines for development in the Upper Market Streets neighborhood were created as a result of the Upper Market Workshop, which was a community visioning process that created the Upper Market Community Design Plan (UMCDP) 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 review of design of nine properties, including the proposed project site. The plan encourages attractive public spaces and new development that integrates with and contributes to the area's charm and diversity. The overarching community design principles derived from the workshop are the following: vibrant pedestrian realm; active, street-engaging buildings; well-designed, affordable, and flexible buildings; strong local character and identity; network of open spaces; series of community servicing uses; and sustainable environments. The UMCDP guidelines outline the community's vision, with individual elements to be included and determined by developers based on specific program, site constraints, design approach, and other considerations. Planning Department staff reviews proposals for overall consistency with the intent of the guidelines. Planning Department staff reviewed the proposed project and concluded that the proposed project is generally consistent with and meets the intent of the UMCDP guidelines for land use, building height, massing, ground floor and upper story design, and architectural context.

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[1] Jose Campos, 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.

[2] 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.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor checked below.

☐ Land Use	☐ Air Quality	☐ Biological Resources
☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☐ Wind and Shadow	☐ Hydrology and Water Quality
☐ Cultural and Paleo. Resources	☐ Recreation	☒ Hazards/Hazardous Materials
☐ Transportation and Circulation	☐ Utilities and Service Systems	☐ Mineral/Energy Resources
☐ Noise	☐ Public Services	☐ Agricultural and Forest Resources
	☒ Mandatory Findings of Significance	

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

An initial analysis, in the form of a Community Plan Exemption Checklist and Determination, was conducted by the Planning Department to evaluate potential project-specific environmental effects peculiar to the 2175 Market Street project, and it incorporated by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (Case No. 2003.0347E; State Clearinghouse No. 2004012118). This initial analysis assessed the proposed project's potential to cause environmental impacts and concluded that, with the exception of hazardous materials, the proposed project would not result in new, potentially significant peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Neighborhood Plan Final EIR.[3] Due to the potentially significant peculiar impact concerning hazardous materials, this Focused Initial Study was prepared for that topic area only.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
1. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐
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?	☐	☐	☐	☐	☒

3 Community Plan Exemption Checklist, 2175 Market Street, August 15, 2012. 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.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
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?	☐	☐	☐	☒	☐

The project site is not included on the Department of Toxic Substances Control (DTSC) list compiled pursuant to Government Code Section 65962.5 of hazardous materials sites in San Francisco, and therefore, Topics 1d is not applicable to the proposed project. The project site is not located within an airport land use plan area, nor is it in the vicinity of a private airstrip, and therefore, Topics 1e and 1f are not applicable to the proposed project.

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

Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, disposal, handling or emission of hazardous materials. (Less than Significant)

The project would involve the demolition of an existing gasoline and service station and the construction of a mixed-use building with 88 dwelling units and approximately 6,286 square feet of commercial use. As with other residential and commercial developments, the development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during

project operation would not pose any substantial public health or safety hazards related to hazardous materials. Thus, there would be less-than-significant impacts related to hazardous materials use, with development of the proposed project.

Impact HZ-2: Demolition and excavation of the project site would result in handling and accidental release of contaminated soils and hazardous building materials associated with historic uses. (Less than Significant with Mitigation Incorporated)

The project site is currently developed with an automobile gasoline and service station. Potential subsurface contamination that could be encountered related to a gasoline and service station land use includes potential soil and groundwater contamination with petroleum hydrocarbons (gasoline, diesel, and oil), volatile organic compounds (VOCs) such as benzene and MTBE, metals, and PCBs. A Phase I Environmental Site Assessment (ESA) was prepared for the project site addressing the potential for hazardous material exposure that could result from the demolition of the existing automobile gasoline and service station, closure of the three existing underground fuel storage tanks and project construction.[4] An ESA describes current and prior uses of the property, reviews environmental agency databases and records, reports site reconnaissance observations, and summarizes potential soil and groundwater contamination issues. The following is a summary from the Phase I ESA for the proposed project.

According to the ESA, the project site has been a service station from 1930 to the present. In the 1893 and 1899 Sanborn Maps, the site is vacant with some single- and two-story dwellings to the north of Market Street and south across 15th Street. 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. In 1914, the center of the site contains two tanks that are labeled "asphalt kettles." The surrounding areas to the east and south contain mostly one- and two-story dwelling and commercial businesses. In the 1946 aerial photograph and the 1950 Sanborn Map, the site is occupied by a used car sales and service station with a small office building near the western side of the property. The adjoining property to the east is a two-story auto sales and service building. Across Market Street to the north is a service station located at 2198 Market Street and various one- and two-story businesses and residential

[4] Treadwell & Rollo, Updated Phase I Environmental Site Assessment, 2175 Market Street, San Francisco, 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.

buildings. The surrounding area to the east and south appears occupied by one- and two-story business and residential buildings.

There are several facilities within the study area that appear on the regulatory agency lists. The potential for the documented nearby off-site sources of chemical constituents affecting the environmental conditions of the site is judged in the ESA to be minimal. The chief transport mechanism for the migration of the off-site chemical impacts to the on-site environment, if any, would likely be via groundwater flow.

Based on a review of regulatory files, the site history, and site reconnaissance, the ESA concluded that detectible levels of petroleum hydrocarbon contamination are present in the soil and groundwater at the site. The source of its contamination is from a documented release from a former underground storage tank located at the site and also potentially from an off-site halogenated volatile organic compounds (HVOCs) source migrating on-site, possibly through the groundwater flow. Groundwater monitoring revealed that these low levels of petroleum hydrocarbons and HVOCs in the groundwater have reduced over the last four quarters of monitoring in 2009 to 2010.

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 and no additional environmental investigation or groundwater monitoring is required.[5] Therefore, potential hazardous materials impacts related to groundwater would be less-than-significant. As such, the mitigation measures discussed below pertain to potential soil contamination.

The proposed project would involve the construction of a six-story mixed-use building over an underground parking garage that would require excavation of up to approximately 18 feet below grade. The risk of direct contact with the underlying soil and groundwater by future site users is minimal, given that the maximum site concentrations of constituents in soil are below residential screening levels, including vapor intrusion. Moreover, given the depth to groundwater (i.e., 40

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

feet to 50 feet below ground surface) dermal contact is not a complete pathway. Finally, groundwater concentrations are below vapor intrusion screening levels.

Any potential significant risk would be fully mitigated by encapsulating the soil and groundwater with a concrete foundation system, as the concrete foundation system would effectively cap the site. The encapsulation would further reduce any health risk through dermal contact, inhalation, and ingestion by providing a physical barrier between any contaminations and site users.

The three existing underground fuel storage tanks would require closure, i.e., in-place closure, or excavation and removal in accordance with the SFDPH. There are currently three groundwater monitoring wells located on-site, which would need to be removed as part of the proposed project and are subject to approval by the SFDPH and San Francisco RWQCB. After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure and certification report to DPH for review and approval.

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. Implementation of **Mitigation Measures M-HZ-2A to M-HZ-2C**, which would include the preparation of a soil management plan and a health and safety plan prior to construction and were developed in consultation with the SFDPH's Environmental Health Section, would reduce this impact to a less-than-significant level. The following mitigation measures would mitigate any long-term environmental or health and safety risks caused by the presence of the low-level petroleum hydrocarbons in the soil and groundwater.

Mitigation Measure M-HZ-2A: UST Removal and/or Monitoring

In accordance with San Francisco Health Code Article 21, the project sponsor shall file an application with the San Francisco Department of Public Health (DPH) for removal and/or monitoring of any underground storage tanks (USTs) that are identified during project construction. If the proposed excavation activities encounter groundwater, the groundwater shall also be tested for contaminants. Copies of the test results shall be submitted to the DPH, Division of Environmental Health, and to the Planning Department's Environmental Review Officer, prior to the start of construction.

If contamination or abandoned tanks are encountered, the project sponsor shall immediately notify the DPH, Division of Environmental Health, and shall take all necessary steps to ensure

the safety of site workers and members of the public. USTs shall be removed by an appropriate licensed UST contractor under permit by the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. If petroleum hydrocarbon contamination is found in soil or if the UST has holes, it shall be referred to the Local Oversight Program (LOP) for cleanup under State regulations. This may be separate from the soil cleanup for lead if groundwater is impacted. If excavation for the project includes the UST area, the LOP will have appropriate remediation.

Imported fill shall be characterized to be below residential ESLs. A health and safety plan shall be submitted to DPH SAM two weeks prior to the commencement of work. DPH requires confirmatory sampling to occur following excavation of the site to confirm the removal of contaminated soils. These steps shall include implementation of a health and safety plan prepared by a qualified professional, and disposal of any contaminated soils removed from the site at an approved facility. In addition, the project shall be constructed, so that all remaining site soils are entirely capped beneath a concrete slab. If confirmation testing following site excavation indicates that contaminated soils remain on site, a deed restriction notifying subsequent property owners of the contamination and the necessity of maintaining the cap, shall be executed, prior to a certificate of occupancy.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH SAM. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH SAM for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH SAM for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to

be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the Department of Public Health (DPH) for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils
(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

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

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

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

(e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

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

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

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:
- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

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

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

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

Impact HZ-3: The proposed project would emit hazardous emissions or handle hazardous materials within the vicinity of a school. (Less than Significant)

There are five schools located within a quarter mile of the project site: Sanchez Elementary School, Everett Middle School, McKinley Elementary School, Mission High School, and Children's Day School. Construction and operation of the proposed building would require the limited use of hazardous materials, such as fuels, lubricants, and cleaning solvents. Storage and use of hazardous materials during construction at the site could result in the accidental release of small quantities of hazardous materials which could degrade soil and groundwater quality, and/or surface water quality in downstream water bodies. The most likely incidents involving these hazardous materials are associated with minor spills or drips.

As discussed in Impact HZ-1 above, hazardous materials would be stored, handled and used in accordance with applicable regulations. All equipment and materials storage would need to be routinely inspected for leaks, and records maintained for documenting compliance with the storage and handling of hazardous materials.

As described above, project operation would not require the storage, handling, or disposal of significant quantities of hazardous materials at the project site and would not otherwise include any uses that would include emissions of hazardous substances. Therefore, the proposed project would have a less than significant impact related to hazardous emissions or materials within a quarter of a mile of a school.

Impact HZ-4: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)

The implementation of the proposed project could add to congested traffic conditions in the immediate area in the event of an emergency evacuation. However, the proposed project would be relatively insignificant within the dense urban setting of the project site and it is expected that traffic would be dispersed within the existing street grid such that there would be no significant adverse effects on nearby traffic conditions. Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

Impact HZ-5: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires. (Less than Significant)

San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. The project would conform to these standards, which may include development of an emergency procedure manual and an exit drill plan for the proposed development. Potential fire hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the permit review process. Conformance with these standards would ensure appropriate life safety protections. Consequently, the project would not have a significant impact on fire hazards nor interfere with emergency access plans.

Impact C-HZ: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not have a substantial cumulative impact with hazards and hazardous materials. (Less than Significant)

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any hazards present at surrounding sites would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to levels considered less than significant. Overall, with implementation of Mitigation Measures M-HZ-2A to M-HZ-2C described above, the proposed project would not contribute to any cumulatively considerable significant effects related to hazards and hazardous materials.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
2. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐

The proposed project would involve demolition of the existing gasoline service station and the construction of a new six-story, mixed-use building with 88 dwelling units and approximately 6,286 square feet of commercial space. As previously discussed, an initial analysis was conducted and found that, with the exception of hazardous materials, the proposed project would not result in any new, peculiar potentially significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia FEIR. Due to the peculiar impact found concerning hazardous materials, this Focused Initial Study was prepared for this topic area only.

The foregoing analysis identifies potentially significant impacts regarding hazardous materials, which would be mitigated to a less-than-significant level through implementation of Mitigation Measures M-HZ-2A to M-HZ-2C, as set forth above, would reduce the potential impacts of the proposed project to less-than-significant levels. Therefore, the proposed project would not result in any new significant environmental impacts not already described in the Market Octavia Plan Program EIR.

F. MITIGATION MEASURES

Mitigation Measure M-HZ-2A: UST Removal and/or Monitoring

In accordance with San Francisco Health Code Article 21, the project sponsor shall file an application with the San Francisco Department of Public Health (DPH) for removal and/or monitoring of any underground storage tanks (USTs) that are identified during project construction. If the proposed excavation activities encounter groundwater, the groundwater shall also be tested for contaminants. Copies of the test results shall be submitted to the DPH, Division of Environmental Health, and to the Planning Department's Environmental Review Officer, prior to the start of construction.

If contamination or abandoned tanks are encountered, the project sponsor shall immediately notify the DPH, Division of Environmental Health, and shall take all necessary steps to ensure the safety of site workers and members of the public. USTs shall be removed by an appropriate licensed UST contractor under permit by the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. If petroleum hydrocarbon contamination is found in soil or if the UST has holes, it shall be referred to the Local Oversight Program (LOP) for cleanup under State regulations. This may be separate from the soil cleanup for lead if groundwater is impacted. If excavation for the project includes the UST area, the LOP will have appropriate remediation.

Imported fill shall be characterized to be below residential ESLs. A health and safety plan shall be submitted to DPH SAM two weeks prior to the commencement of work. DPH SAM requires confirmatory sampling to occur following excavation of the site to confirm the removal of contaminated soils. These steps shall include implementation of a health and safety plan prepared by a qualified professional, and disposal of any contaminated soils removed from the site at an approved facility. In addition, the project shall be constructed, so that all remaining site soils are entirely capped beneath a concrete slab. If confirmation testing following site excavation indicates that contaminated soils remain on site, a deed restriction notifying subsequent property owners of the contamination and the necessity of maintaining the cap, shall be executed, prior to a certificate of occupancy.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH SAM. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH SAM for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall

prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH SAM for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the Department of Public Health (DPH) for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils
(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

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

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

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

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

disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

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

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

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.

- Posting of "no trespassing" signs.

- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

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

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

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

G. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 18, 2012 to owners of properties within 300 feet of the project site and adjacent occupants. Ten members of the public expressed concerns related to the proposed project but none of the comments were related to hazardous materials. All concerns raised by the public were addressed in the Community Plan Exemption Certificate.[6]

[6] Community Plan Exemption Certificate, 2175 Market Street. This document is on file and available for review as part of Case No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

H. DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning

DATE August 13, 2017