



# SAN FRANCISCO PLANNING DEPARTMENT

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## Community Plan Exemption Checklist

*Case No.:* **2014.0519E**  
*Project Address:* **2100 Market Street**  
*Zoning:* Upper Market Neighborhood Commercial Transit Zoning District  
40-X, 60/65-X Height and Bulk District  
*Block/Lot:* 3542/041  
*Lot Size:* 10,416 square feet  
*Plan Area:* Market and Octavia Area Plan  
*Project Sponsor:* Brian Spiers, (415) 445-4670  
*Staff Contact:* Don Lewis, (415) 575-9168  
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### PROJECT DESCRIPTION

The project site is located on an irregular-shaped lot on the northwest corner of Church, Market and 14<sup>th</sup> streets in the Castro/Upper Market neighborhood. The project site is occupied by a 20-foot-tall, two-story, commercial building approximately 4,406 square feet in size with a surface vehicular parking lot containing 13 spaces. The existing building was constructed in 1955 and is currently vacant, but was formerly occupied by a restaurant ("Home"). The proposed project involves the demolition of the existing building, the removal of the surface parking lot, and construction of a 65-foot-tall (81-foot-tall with elevator penthouse), seven-story, mixed-use building approximately 61,678 square feet in size. The proposed building would step down to four stories along its 14<sup>th</sup> Street frontage. The proposed building would include 62 residential units and 2,600 square feet of ground-floor commercial use. The proposed mix of units would be 6 studio units, 31 one-bedroom units, and 25 two-bedroom units. The proposed building would include 62 Class I bicycle spaces at the ground-floor level and five Class II bicycle spaces would be located on the Market Street sidewalk in front of the project site. The proposed project would remove the existing 19-foot-wide curb cut on Market Street and would reduce the existing curb cut on 14<sup>th</sup> Street from 30 to 11 feet. The proposed project would provide two off-street parking spaces at the ground-floor level for service vehicles only. The proposed garage entrance would include a warning signal. The proposed project would widen the 14<sup>th</sup> Street sidewalk from 9 to 12 feet where feasible. The proposed building would include a 4,800-square-foot, common roof deck. The nine existing street trees along Market Street would remain and seven new street trees would be planted along 14<sup>th</sup> Street. During the approximately 20-month construction period, the proposed project would require approximately five feet of excavation below ground surface and approximately 222 cubic yards of soil is proposed to be removed from the project site. Construction of the proposed project would require deep soil mixing (DSM) to improve the soil for the portion of the project site that is not located within the Bay Area Rapid Transit (BART) Zone of Influence (ZOI) area. DSM columns or panels would be installed in a regular grid pattern and the proposed building would be supported on a mat designed to span between areas of improved soil. The portion of the proposed structure that is located within the ZOI would be supported on drilled piers.

## PROJECT APPROVALS

The proposed 2100 Market Street project would require the approvals listed below.

### Actions by the Planning Commission

- Approval of Conditional Use Authorization from the Planning Commission for development of a lot greater than 9,999 square feet in area.

### Actions by other Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work;
- Approval of proposed streetscape improvements from San Francisco Municipal Transportation Agency (SFMTA);
- Approval of street and sidewalk permits from San Francisco Public Works for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts;
- Approval of building permits from the San Francisco Department of Building Inspection for demolition and new construction; and
- Approval of shoring and foundation work within a “Zone-of-Influence” area from the San Francisco Bay Area Rapid Transit.

The approval of the Conditional Use Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project, and indicates whether such impacts are addressed in the Programmatic Environmental Impact Report for the Market and Octavia Area Plan (Market and Octavia PEIR).<sup>1</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the Market and Octavia PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Market and Octavia PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such topics are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures section at the end of this checklist.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for

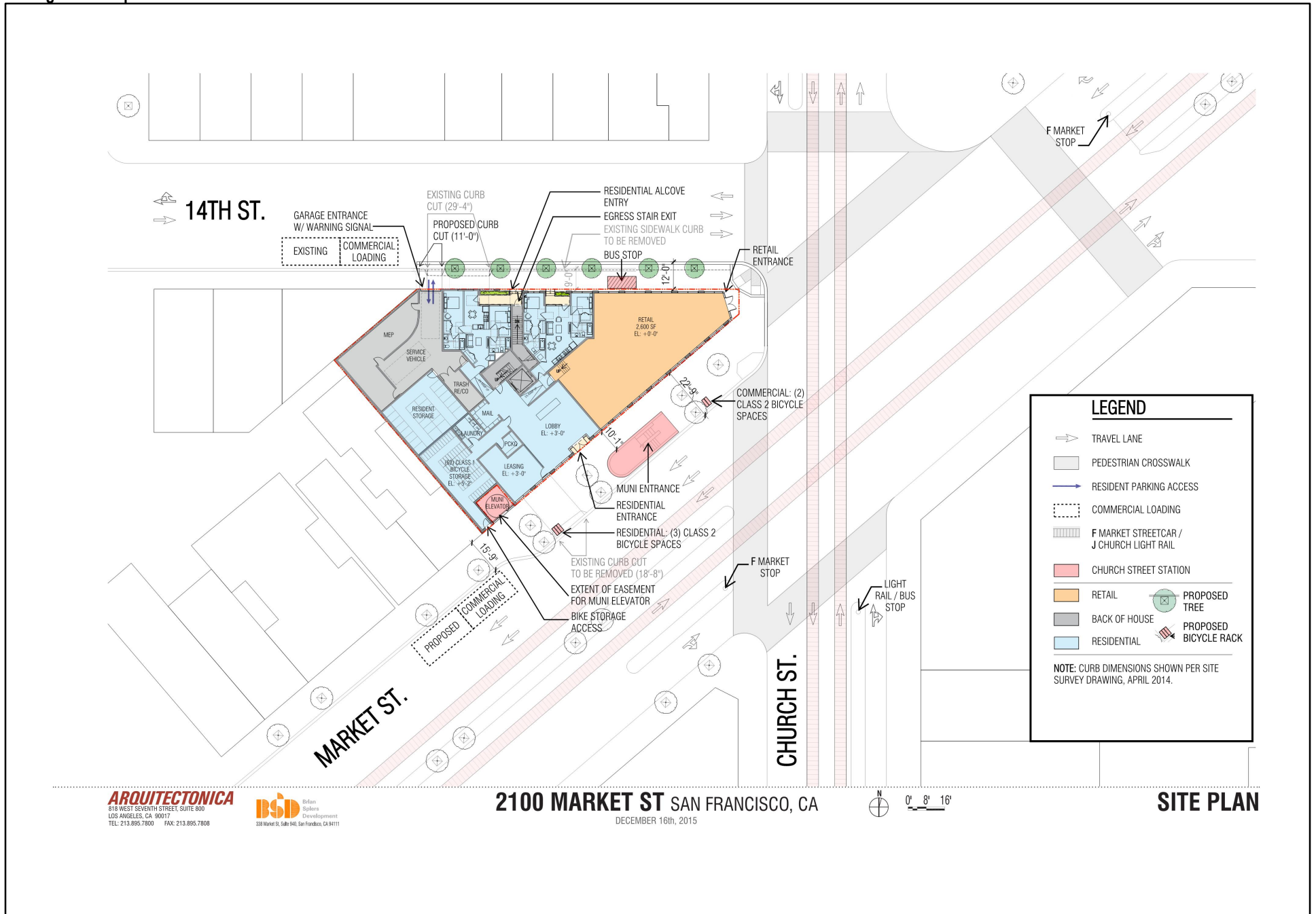
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<sup>1</sup> San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document, and other cited documents, are available online at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714) or at the Planning Department, 1650 Mission Street, Suite 400.

Figure 1: Project Location



Figure 2. Proposed Site Plan



Comments: Not to Scale  
Source: Arquitectonica, December 16, 2015.

Figure 3. Proposed Ground Floor



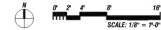
Figure 4. Proposed Upper Floor



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**2100 MARKET ST SAN FRANCISCO, CA**  
AUGUST 28th, 2015



**LEVEL 2 PLAN**

Comments: Not to Scale  
Source: Arquitectonica, December 16, 2015

Figure 5. Proposed Roof Plan



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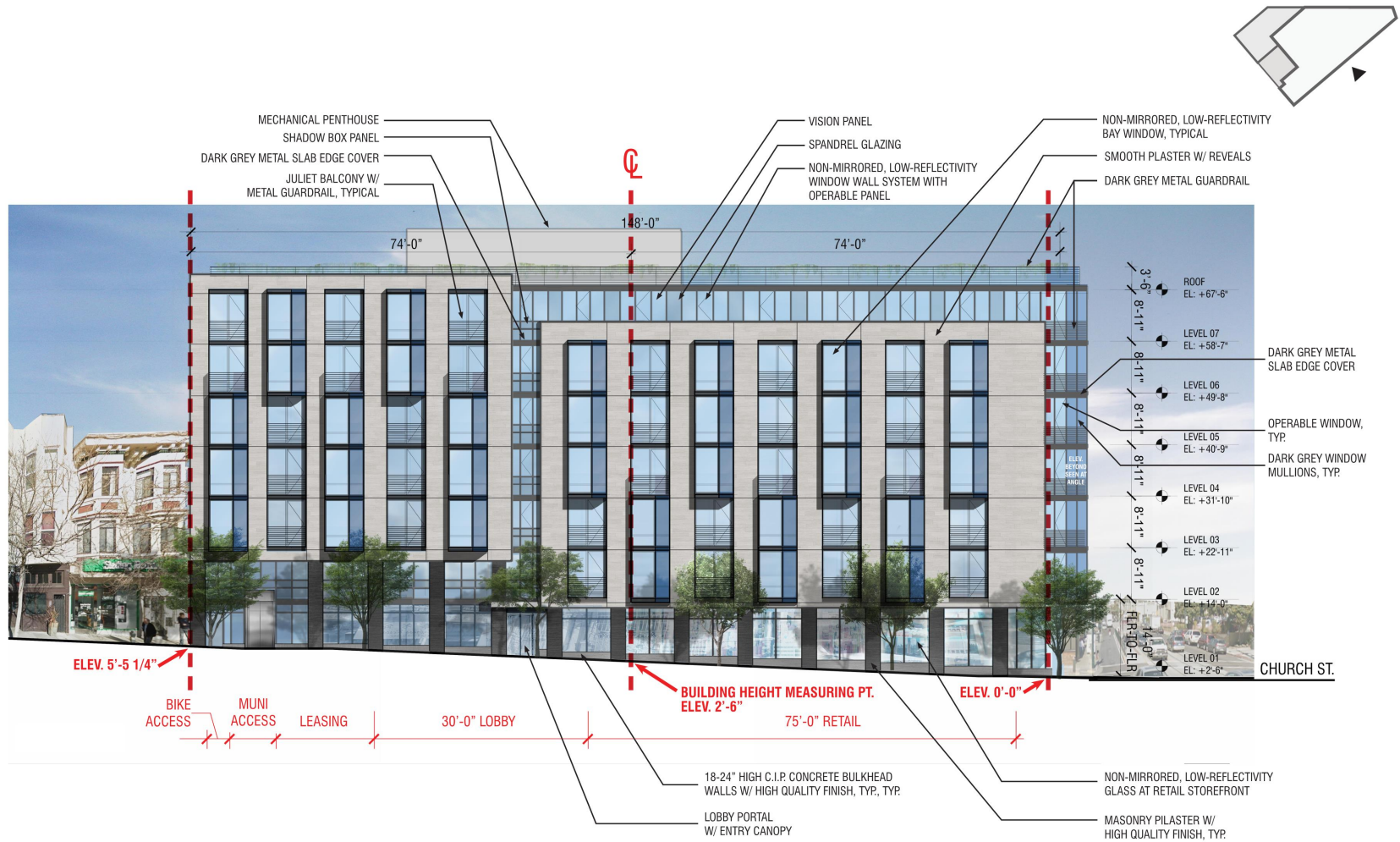
**2100 MARKET ST SAN FRANCISCO, CA**  
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**ROOF DECK PLAN**

Comments: Not to Scale  
 Source: Arquitectonica, December 16, 2015

Figure 6. Proposed Market Street Elevation



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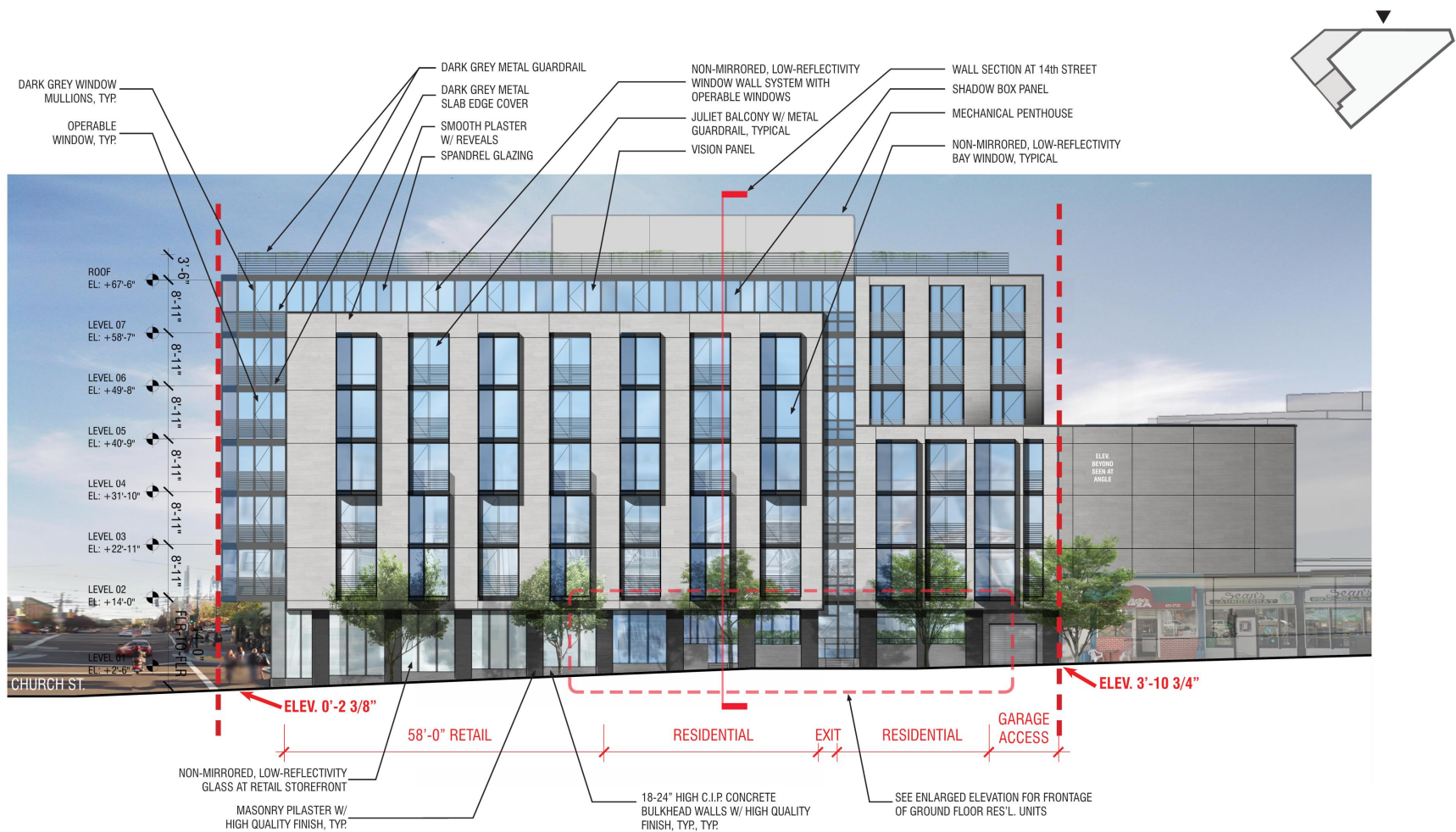
DECEMBER 16th, 2015

**MARKET STREET ELEVATION**

Comments: Not to Scale  
 Source: Arquitectonica, December 16, 2015



Figure 7. Proposed 14th Street Elevation



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 DECEMBER 16th, 2015

**14TH STREET ELEVATION**

Comments: Not to Scale  
 Source: Arquitectonica, December 16, 2015

these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line).

Implementation of the proposed project would result in the demolition of the existing two-story commercial building and construction of a 65-foot-tall, seven-story, mixed-use building approximately 61,678 square feet in size with 62 residential units and 2,600 square feet of ground-floor commercial use.

As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia PEIR.

**AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT**

Public Resources Code Section 21099(d), effective January 1, 2014, provides that “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria; therefore, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>1. LAND USE AND LAND USE PLANNING—</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that implementation of the *Market and Octavia Area Plan* would not result in a significant adverse impact related to land use and land use planning, and no mitigation

<sup>2</sup> San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 2100 Market Street, November 12, 2015.

measures were identified. The PEIR also determined that implementation of the Plan would not physically divide or disrupt an established community.

The proposed project consists of the demolition of a two-story, 4,400-square-foot commercial building with surface parking containing 13 spaces and the construction of a 65-foot-tall mixed-use building containing 62 dwelling units and approximately 2,600 square feet of ground-floor retail space. The proposed project is within the scope of development projected under the Market and Octavia Area Plan.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Upper Market NCT<sup>3</sup>, and is consistent with the bulk, density, and land uses envisioned in the Market and Octavia Area Plan. The Upper Market NCT is meant to encourage mixed-use development in keeping with the character of the area’s existing neighborhood commercial districts. The zoning district allows for residential uses on all floors, and retail uses on the 1<sup>st</sup> and 2<sup>nd</sup> floors. As a mixed-use project with ground-floor commercial and residential uses above, the proposed development is consistent with this designation.<sup>4,5</sup>

For these reasons, the proposed project would not result in significant project-level or cumulative impacts related to land use and land use planning that were not identified in the Market and Octavia PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING—</b>				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A goal of the Area Plan is to implement citywide policies to increase the housing supply at higher densities in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and infill development sites. The Area Plan anticipates an increase of 7,620 residents in the Plan Area by the year 2025. The Market and Octavia PEIR determined that although the additional development that would result from adoption of the Area Plan would generate household growth, this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

<sup>3</sup> As a result of the Market and Octavia Area Plan, the project site was rezoned from Upper Market Neighborhood Commercial District to Upper Market Neighborhood Commercial Transit Zoning District.

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 2100 Market Street, April 2, 2015.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 2100 Market Street, January 12, 2016.

The proposed project involves the demolition of the existing two-story commercial building and construction of a 65-foot-tall, seven-story, mixed-use building approximately 61,678 square feet in size with 62 residential units and 2,600 square feet of ground-floor commercial use. With implementation of the proposed project, 62 new dwelling units would be added to San Francisco’s housing stock. These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Market and Octavia Area Plan and evaluated in the Market and Octavia PEIR.

For the reasons described above, the proposed project would not result in significant project-level or cumulative impacts on population and housing that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>3. CULTURAL RESOURCES</b> —Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Historic Architectural Resources**

The Market and Octavia PEIR noted that although development would be allowed in the Plan Area, the implementation of urban design guidelines and other rules, such as evaluation under CEQA, would reduce the overall impact on historic architectural resources to a less-than-significant level. No mitigation measures were identified.

Under CEQA, evaluation of the potential for proposed projects to impact historical resources is a two-step process: the first is to determine whether the property is an historical resource as defined in Section 15064.5(a)(3) of CEQA; and, if it is determined to be an historical resource, the second is to evaluate whether the action or project proposed would cause a substantial adverse change.

Department staff finds that the project site at 2100 Market Street is not individually eligible for inclusion in the California Register of Historical Resources and that the project site, which is within the California Register-eligible Upper Market Street Commercial Historic District (District), is considered a non-contributor to the District as the project site no longer retains historic integrity.<sup>6</sup> The subject building was constructed in 1955 and was substantially altered in 1962. The proposed building is glazed from the ground floor to the roof with each floor delineated by horizontal dark gray metal bands. The ground floor would include metal transom and storefront windows on concrete bulkheads while the upper floors would be clad with light gray smooth plaster with a combination of slightly recessed punched window

<sup>6</sup> Preservation Team Review Form, 2100 Market Street, January 6, 2016.

openings and projecting bays and balconies that are consistent with fenestration patterns found within the District. Although many District buildings are wood-clad, smooth plaster or stucco, as proposed, is also present. Other proposed cladding materials, while contemporary, appear to be appropriate within the District. The proposed building steps down in height along 14<sup>th</sup> Street to relate more closely to the scale and use pattern on the surrounding block. Department staff finds that the design of the proposed building is compatible with the Upper Market Street Commercial Historic District.

Immediately adjacent to the west of the project site is the 2120-2122 Market Street building which was constructed in 1911. This building was evaluated in the *Market and Octavia Historic Resource Survey*, and was given a rating of “3CD,” which designates the property as “appears eligible for California Register (CR) as a contributor to a CR eligible district through a survey evaluation.”<sup>7</sup> A “substantial adverse change” on a historical resource is defined by CEQA Guidelines Section 15064.5 as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” While the proposed project would be constructed adjacent to a building that is considered a potential historic resource, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. Construction adjacent to historic resources is a common occurrence in San Francisco, and the Department of Building Inspection (DBI) permit procedures adequately address this situation. In light of the above, the proposed project would not materially impair the adjacent contributing resource and there would be no impacts to off-site historic resources.

Therefore, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

### Archeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources, and identified four mitigation measures that would reduce these potential impacts to a less-than-significant level (Mitigation Measures C1 through C4). Mitigation Measure C1 – Soil-Disturbing Activities in Archeologically Documented Properties<sup>8</sup> applies to properties that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2 – General Soils-Disturbing Activities<sup>9</sup> was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of 4 feet and located in those areas proposed in the Area Plan for which no archeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archeological Sensitivity Study (PASS) be prepared by a qualified consultant. Mitigation Measure C3 – Soil-Disturbing Activities in Public Street and Open Space Improvements<sup>10</sup> applies to improvements to public streets and open spaces if those improvements disturb soils beyond a depth of 4 feet; it requires an Archeological Monitoring Program. Mitigation Measure C4 – Soil-Disturbing Activities in the Mission Dolores Archeological District<sup>11</sup> applies to projects in the Mission Dolores Archeological District that result in

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<sup>7</sup> The survey evaluation is available online at: <http://50.17.237.182/docs/DPRForms/3542004.pdf>, accessed January 7, 2016.

<sup>8</sup> Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the project; mitigation numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the PEIR.

<sup>9</sup> Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

<sup>10</sup> Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

<sup>11</sup> Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.

substantial soils disturbance; it requires an Archeological Testing Program, as well as an Archeological Monitoring Program and Archeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archeological deposits, and Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Market and Octavia PEIR Mitigation Measure C2 states that any project resulting in soils disturbance beyond a depth of four feet and located within properties within the Plan Area for which no archeological assessment report has been prepared shall be required to conduct a preliminary archeology sensitivity study (PASS) prepared by a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. Based on the study, a determination shall be made if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. The Planning Department’s archeologist conducted a preliminary archeological review (PAR) of the project site in conformance with the study requirements of Mitigation Measure C2 and determined that the Planning Department’s third standard archeological mitigation measure (testing) would apply to the proposed project.<sup>12</sup> The PAR and its requirements (e.g., testing) are consistent with Mitigation Measure C2 from the Market and Octavia PEIR. With implementation of this mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement this mitigation measure as Project Mitigation Measure 1 (full text provided in the “Mitigation Measures” section below).

For the above reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Market and Octavia PEIR.

<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION—</b>				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>12</sup> San Francisco Planning Department, 2014. Email from Randall Dean, Preliminary Archeo Review results. September 18. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR anticipated that growth resulting from the zoning changes under the *Market and Octavia Area Plan* would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction.

The Market and Octavia PEIR identified significant traffic impacts at seven intersections and one significant transit impact. In the vicinity of the project site, the Market and Octavia PEIR identified cumulatively considerable impacts at the intersections of Market Street/Church Street/14th Street (intersection at project site) and Market Street/Sanchez Street/15th Street (one block west of the project site). The Market and Octavia PEIR identified a significant and unavoidable cumulative transit impact on the 21 Hayes Muni route during the weekday p.m. peak hour. This impact was a result of the increased vehicle delay along Hayes Street from Van Ness Avenue to Gough Street due to the proposed reconfiguration of Hayes Street under the *Market and Octavia Area Plan*.

The PEIR identified eight transportation mitigation measures involving plan-level traffic management strategies, intersection and roadway improvements, and transit improvements to be implemented by the Planning Department, the Department of Public Works (DPW), and the San Francisco Municipal Transportation Agency (SFMTA). The PEIR did not identify project-level transportation mitigation measures to be implemented by project sponsors for future development under the *Market and Octavia Area Plan*. The PEIR determined that, even with implementation of the identified plan-level mitigation measures, the significant adverse effects at seven intersections and the cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable.

Because the proposed project is within the scope of development projected under the *Market and Octavia Area Plan* and the proposed project is not designed in a manner to create potential hazardous conditions or accessibility issues to users of the transportation system, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the PEIR.

### **Trip Generation**

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines), developed by the San Francisco Planning Department.<sup>13</sup> The proposed project would generate an estimated 918 person trips (inbound and outbound) on a weekday daily basis, consisting of 367 person trips by auto, 338 transit trips, 133 walk trips, and 79 trips by other modes. During the PM peak hour, the proposed project would generate an estimated 30 vehicle trips.

<sup>13</sup> San Francisco Planning Department, Transportation Calculations for 2100 Market Street, April 29, 2015.

## Traffic

Vehicle trips associated with the proposed project would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by 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 Market and Octavia PEIR analyzed traffic impacts at 32 intersections in the Plan Area. Of these 32 intersections, the four intersections closest to the project site are shown in Table 1: Weekday P.M Peak-Hour Levels of Service at Nearby Intersections. As shown in Table 1, the LOS data for these four intersections indicate that all four of these intersections operate at LOS D or better during the weekday p.m. peak hour under existing conditions. Cumulative (2025) conditions represent future conditions after the buildout of the *Market and Octavia Area Plan*. Under cumulative conditions, two of the four intersections closest to the project site would operate at LOS C or better during the weekday p.m. peak hour. The other two intersections (Market Street/Church Street/14th Street and Market Street/Sanchez Street/15th Street) would operate at LOS E due to increased delays in the p.m. peak hour, resulting in a significant impact.

**Table 1: Weekday PM Peak-Hour Levels of Service at Nearby Intersections**

Intersection	Existing LOS (2008)	Cumulative LOS (2025)
Market Street/Church Street/14th Street	D	E
Market Street/Sanchez Street/15th Street	D	E
Duboce Street/Church Street	B	C
16th Street/Church Street	B	B

Source: Market and Octavia PEIR, Table C-9, 2007.

Notes:

(1) **Bold** indicates intersection operates at unacceptable LOS conditions (LOS E or F).

The Market and Octavia PEIR proposed a specific mitigation measure (5.7.E) for the Market/Church/14th streets intersection that included minor changes to signal timing to allow for more time for impacted movements to improve intersection conditions. However, the PEIR 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 PEIR 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 PEIR, the Planning Commission found that the impact to the Market/Church/14th streets intersection was significant and unavoidable.



The Market and Octavia PEIR proposed a specific mitigation measure (5.7D) for the Market/Sanchez/15th streets intersection that included minor changes to signal timing in conjunction with the addition of a right-turn pocket on the westbound approach on 15th 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 PEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Church/14th streets intersection and the Market/Sanchez/Fifteenth streets intersection that could potentially contribute to worsening the LOS. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure.

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on traffic that were not identified in the Market and Octavia PEIR.

### **Transit**

The project site is well served by public transportation. Within 250 feet of the project site, the San Francisco Municipal Railway (Muni) operates the F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines and the 22-Fillmore and 37-Corbett bus lines.

The proposed project would be expected to generate 338 daily transit trips, including 56 transit trips during the PM peak hour. Given the wide availability of nearby transit, the addition of 56 PM peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in transit delays or operating costs such that significant adverse impacts to transit service would result.

As discussed above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21 Hayes Muni route. This degradation to transit service would occur as a result of changes to the configuration of Hayes Street, which were designed to enhance local vehicle circulation. The 21 Hayes route does not run near the vicinity of the project site, and as stated above, the project site is well served by other transit lines. Therefore, the proposed project would not contribute considerably to this 2025 significant cumulative transit impact.

For these reasons, the proposed project would not result in significant project-level impacts related to transit beyond those identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE</b> —Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Construction Impacts**

The Market and Octavia PEIR noted that the background noise levels in San Francisco are elevated primarily due to traffic noise and that some streets, such as Market Street, have higher background noise levels. The PEIR identified an increase in the ambient noise levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that compliance with the San Francisco Noise Ordinance (Noise Ordinance), codified as Article 29 of the San Francisco Police Code, would reduce construction impacts to less-than-significant levels. No mitigation measures related to noise from construction were identified in the Market and Octavia PEIR.

All construction activities for the proposed project (approximately 20 months) would be subject to and would comply with the Noise Ordinance, which requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA<sup>14</sup> at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and

<sup>14</sup> The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called “A” weighting, and the data are reported in A-weighted decibels (dBA).

7:00 a.m. unless the Director of the DPW authorizes a special permit for conducting the work during that period.

The DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Although pile driving is not required or proposed, occupants of nearby properties could be disturbed by construction noise during the 20-month construction period for the proposed project. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise levels in the project vicinity during construction of the proposed project would not be considered a significant impact, because the construction noise would be temporary, intermittent, and restricted in occurrence and level due to required compliance with the Noise Ordinance.

For these reasons, the proposed project would not result in significant project-level or cumulative construction-related noise and vibration impacts that were not identified in the PEIR, and no mitigation measures are necessary.

### **Operational Impacts**

The PEIR noted that Area Plan-related land use changes would have the potential to create secondary noise impacts associated with projects' fixed-location heating, ventilating, or air-conditioning equipment and other localized noise-generating activities. The PEIR determined that existing ambient noise levels in the Plan Area would generally mask noise from new on-site equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The PEIR also determined that all new development in the Plan Area would be required to comply with Title 24 of the California Code of Regulations and with the Land Use Compatibility Guidelines for Community Noise in the Environmental Protection Element of the of the *General Plan*, which would prevent significant operational impacts on sensitive receptors.

The project sponsor has conducted an environmental noise study demonstrating that the proposed project can feasibly attain acceptable interior noise levels.<sup>15</sup> The study concluded that outdoor noise levels would range from 70 to 78 dBA (Ldn) along the proposed building façade on Market Street and from 60 to 78 dBA (Ldn) along the proposed building façade on 14<sup>th</sup> Street. To meet the 45 dBA interior noise level, the noise study provided the following recommendations: (1) the exterior windows facing 14<sup>th</sup> Street should provide an Outside-Inside Transmission Class (OITC) rating of 26 to 34 for levels 2 through 4, and a rating of 29 to 34 for levels 5 through 7; (2) the exterior windows facing Market Street should provide an OITC rating of 31 to 34 for levels 2 through 5, and a rating of 29 to 34 for levels 6 and 7; and (3) supplemental mechanical ventilation should be provided for all residential units to allow the windows to be closed if desired. The noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units. In addition, the noise study concluded that the existing ambient noise levels would not limit the enjoyment of the proposed roof-top open space.

The proposed project includes the installation of mechanical equipment, such as heating and ventilation systems, that could produce operational noise. The operation of this equipment would be required to

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<sup>15</sup> Shen Milson Wilke, Environmental Noise Report, 2100 Market Street Residential Development, San Francisco, CA, May 22, 2015.

comply with the standards set forth in Section 2909 of the Noise Ordinance, which would minimize noise from building operations. Therefore, noise impacts related to the proposed project’s operation would be less than significant. The proposed building would also not contribute to a considerable increment or to any cumulative noise impacts related to noise from mechanical equipment.

Ambient noise levels in San Francisco are largely influenced by traffic. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (a 3 decibel increase). As discussed under CPE Checklist Topic 4, Transportation and Circulation, the proposed project would generate 30 vehicle trips during the p.m. peak hour. Given the existing traffic volumes in the project vicinity, the 30 vehicle trips during the p.m. peak hour would not double the traffic volumes on any given street in the project vicinity. Therefore, the proposed project would not result in a perceptible increase in noise levels from project-related traffic and would not contribute to a considerable increment or to any cumulative noise impacts related to traffic.

During the review of the building permit, DBI would check project plans for compliance with applicable noise standards. Compliance with applicable noise standards would ensure that project-related impacts from exposure of building residents to ambient noise and project-related operational noise would result in less-than-significant impacts.

The project site is not in an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, CPE Checklist Topics 5e and 5f above are not applicable.

For these reasons, the proposed project would not result in significant project-level or cumulative noise and vibration impacts that were not identified in the PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY</b> —Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter (DPM) during

construction of development projects under the Area Plan. The PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures E-1 and E-2 address air quality impacts during construction. All other air quality impacts were found to be less than significant.

### **Construction Dust Control**

Market and Octavia PEIR Mitigation Measure E2: Construction Mitigation Measure for Particulate Emissions requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants.<sup>16</sup> Subsequent to the certification of the Market and Octavia PEIR, 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 No. 176-08, effective August 29, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, sweeping streets and sidewalks, and other measures.

The regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure E1. Therefore, PEIR Mitigation Measure E1 is no longer applicable to the proposed project.

### **Criteria Air Pollutants**

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District's *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria<sup>17</sup> for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the *Air Quality Guidelines*, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a seven-story, 62-unit residential building which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). Therefore, the proposed project would not result in any significant project-level or

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<sup>16</sup> Mitigation Measure E1 is Mitigation Measure 5.8.A in the Market and Octavia PEIR.

<sup>17</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2011, pp. 3-2 to 3-3.

cumulative impacts related to criteria air pollutants that were not identified in the Market and Octavia PEIR. A detailed air quality assessment is not required, and no mitigation measures are necessary.

### **Health Risk**

Subsequent to certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 7, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The project site is not within an APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

### ***Construction***

Market and Octavia PEIR Mitigation Measure E2 – Construction Mitigation Measure for Short-Term Exhaust Emissions requires construction equipment to be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants.<sup>18</sup> Since the project site is not within an identified APEZ, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, PEIR Mitigation Measure E2 is not applicable to the proposed project.

### ***Siting Sensitive Land Uses***

Implementation of the proposed project would result in the development of residential uses, which are considered sensitive land uses for the purposes of air quality evaluation. As discussed above, the project site is not in an APEZ. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial, and Article 38 is not applicable to the proposed project.

### ***Siting New Sources***

The proposed project would not generate 100 truck trips per day or 40 refrigerated truck trips per day. Furthermore, the proposed project would not include a backup diesel generator or other equipment that would emit DPM or other toxic air contaminants. As discussed above, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and Article 38 is not applicable to the proposed project.

### **Conclusion**

For these reasons, the proposed project would not result in significant air quality impacts beyond those identified in the PEIR.

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<sup>18</sup> Mitigation Measure E2 is Mitigation Measure 5.8.B in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>7. GREENHOUSE GAS EMISSIONS</b> —Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project’s greenhouse gas (GHG) emissions on the environment. The Market and Octavia PEIR was certified in 2007, and therefore did not analyze the effects of GHG emissions. However, information on the effect of greenhouse gas emissions on climate was known well before the certification of the PEIR in 2007.

The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy,<sup>19</sup> which is comprised of regulations that have proven effective in reducing San Francisco’s overall GHG emissions; San Francisco’s GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project’s contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project’s contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

For the above reasons, the proposed project would not result in significant impacts due to GHG emissions that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW</b> —Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Wind**

The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to

<sup>19</sup> Greenhouse Gas Analysis: Compliance Checklist, 2100 Market Street, September 15, 2015.

ground-level wind hazards. Mitigation Measure B1 – Buildings in Excess of 85 Feet in Height<sup>20</sup> and Mitigation Measure B2 – All New Construction,<sup>21</sup> identified in the PEIR, require individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measures. The Market and Octavia PEIR concluded that implementation of Mitigation Measures B1 and B2, in combination with existing San Francisco Planning Code requirements, would reduce both project-level and cumulative wind impacts to a less-than-significant level.

A proposed project's wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 85 feet generally has little potential to cause substantial changes to ground-level wind conditions. At a height of 65 feet (approximately 81 feet with mechanical penthouse) with seven stories, the proposed project would be three to four stories taller than most of the existing development adjacent to the site and would be similar in height to new development in the project vicinity, including the six-story building at 2175 Market Street and the six-story building at 2198 Market Street.<sup>22</sup> In addition, the proposed project's long axis is aligned along the prevailing wind directions instead of across the prevailing wind directions (i.e., the proposed project's Market Street façade would allow overhead winds to continue flowing eastward instead of intercepting them and driving them down toward the sidewalk). Given its height, orientation, design, location, and surrounding development context, the proposed 65-foot-tall building has little potential to cause substantial changes to ground-level wind conditions adjacent to and near the project site.

Because of the height of the proposed building at 65 feet tall (approximately 81 feet-tall with mechanical penthouse), PEIR Mitigation Measure B1 would not apply to the proposed project. PEIR Mitigation Measure B2, which applies to all new construction, would apply to the proposed project. However, since the proposed project does not have the potential to result in significant wind impacts, a project-level wind analysis is not required, and the project sponsor has fulfilled the requirements of PEIR Mitigation Measure B2.

For the above reasons, the proposed project would not result in significant wind hazard impacts that were not identified in the Market and Octavia PEIR.

### Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between 1 hour after sunrise and 1 hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Private open spaces that are required under the Planning Code as part of an individual development proposal are not subject to Section 295.

The Market and Octavia PEIR analyzed impacts to existing and proposed parks under the jurisdiction of the San Francisco Recreation and Park Commission, as well as the War Memorial Open Space and

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<sup>20</sup> Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

<sup>21</sup> Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

<sup>22</sup> Additionally there are two proposed developments west of the project site along Market Street. There is a proposal for a new five-story building at 2140 Market Street and a proposal for a new six-story building at 2201 Market Street.



the United Nations Plaza, which are not under the commission’s jurisdiction. The Market and Octavia PEIR found no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the PEIR identified potential significant impacts related to new construction of buildings over 50 feet tall, and determined that Mitigation Measure A1 – Parks and Open Space not Subject to Section 295<sup>23</sup> would reduce, but may not eliminate, significant shadow impacts on the War Memorial Open Space and United Nations Plaza. Specifically, the PEIR noted that potential new towers at Market Street and Van Ness Avenue could cast new shadows on the United Nations Plaza, and that Mitigation Measure A1 would reduce, but may not eliminate, significant shadow impacts on the United Nations Plaza. The PEIR determined shadow impacts to United Nations Plaza could be significant and unavoidable.

The proposed project would involve construction of a 65-foot-tall building (81 feet tall with mechanical penthouse). Based on the preliminary shadow fan analysis prepared by the Planning Department, the proposed project would not cast new shadow on nearby parks, including the United Nations Plaza or any new and proposed parks and open spaces developed since the time of the Market and Octavia PEIR (e.g., Patricia’s Green).<sup>24</sup> Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

However, at various times during the day, the proposed project would shade portions of nearby streets and sidewalks and private property in the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant impact under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant impacts related to shadow that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION</b> —Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>23</sup> Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

<sup>24</sup> San Francisco Planning Department, Shadow Fan Analysis, 2100 Market Street, April 29, 2015.

The Market and Octavia PEIR concluded that implementation of the Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Market and Octavia PEIR. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies locations where proposed open space connections should be built, specifically streets appropriate for potential “living alleys”. In addition, the amended ROSE identifies the role of both the Better Streets Plan and the Green Connections Network in open space and recreation. Green Connections are streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Two routes identified within the Green Connections Network cross the Market-Octavia Plan area: Marina Green to Dolores Park (Route 15) and Bay to Beach (Route 4).

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-level or cumulative impacts related to recreation that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS</b> —Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population under the Area Plan would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-level or cumulative impacts on utilities and service systems that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES</b> —Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population under the Area Plan would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any project-level or cumulative impacts on public services that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>12. BIOLOGICAL RESOURCES</b> —Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As described in the Market and Octavia PEIR, the Market and Octavia Area Plan is in a developed urban environment completely covered by structures, impervious surfaces, and introduced landscaping. No known, threatened, or endangered animal or plant species are known to exist in the project vicinity that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Market and Octavia Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

Because the proposed project would not result in significant impacts on biological resources, and would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on biological resources beyond those analyzed in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>13. GEOLOGY AND SOILS</b> —Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not identify any significant operational impacts related to geology, soils, and seismicity. Although the PEIR concluded that implementation of the Area Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides, the PEIR noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area.

The Market and Octavia PEIR identified a potential significant impact related to soil erosion during construction. The PEIR found that implementation of Mitigation Measure G1 – Construction Related Soils Mitigation Measure, which consists of construction best management practices (BMPs) to prevent erosion and discharge of soil sediments to the storm drain system, would reduce any potential impacts to a less-than-significant level. In 2013, the San Francisco Public Utilities Commission (SFPUC) adopted the Construction Site Runoff Ordinance (Public Works Code, Ordinance 260-13) which requires all construction sites, regardless of size to implement BMPs to prevent construction site runoff discharges into the combined or separate sewer systems. Further, construction sites that disturb 5,000 square feet or more of ground surface are required to apply for a Construction Site Runoff Control Permit from the SFPUC and submit an Erosion and Sediment Control Plan which includes BMPs to prevent stormwater runoff and soil erosion during construction. Therefore, the project would be subject to the Construction Site Runoff Ordinance, which supersedes the Market Octavia PEIR Mitigation Measure G1.

A geotechnical investigation was prepared for the proposed project at 2100 Market Street.<sup>25</sup> The project site is underlain by approximately 19 feet of fill underlain by an approximately six-foot-thick layer of medium dense sand underlain by dense to very dense sand to the maximum depth explored of 101 feet below ground surface (bgs). The project site is located within a liquefaction area and therefore the existing fill is not suitable for the support of the proposed structure. Considering the excessive

<sup>25</sup> Langan Treadwell Rollo, Geotechnical Investigation, 2100 Market Street, San Francisco, California, August 21, 2014.

anticipated ground deformations and the project site’s proximity to the BART/Muni tunnel/station, shallow foundation systems, such as spread footings or a mat foundation, are not considered feasible unless the potential for liquefaction and lateral spreading is eliminated. The geotechnical report concluded that deep soil mixing (DSM) is the most feasible soil improvement method for the portion of the project site that is not located within the BART Zone of Influence (ZOI) area. DSM columns or panels should be installed by advancing a drill stem, cutter head or blades/paddles into the soil to a pre-determined depth and pumping cement slurry through the tip of the tools during penetration. The soil is mixed in-situ with the cement slurry, forming the columns or panels which may be installed in a regular grid pattern. The structure can then be supported on a mat designed to span between areas of improved soil. The portion of the structure that is located within the ZOI should be supported on drilled piers that gain frictional support from the dense to very dense sand. The drilled piers should be double-cased so that the proposed structure is not imposing loads on the existing BART/Muni walls.

The project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City, and which is enforced by DBI. The final building plans will be reviewed by DBI to ensure compliance with all applicable San Francisco Building Code provisions regarding structural safety. The above-referenced geotechnical investigation report would be available for use by DBI during its review of building permits for the site. In addition, DBI could require that additional site specific soils report(s) be prepared in conjunction with permit applications, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI’s implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils or geology.

For these reasons, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Market and Octavia PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>14. HYDROLOGY AND WATER QUALITY</b> —Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population as a result of implementation of the Area Plan would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. Groundwater encountered during construction would be required to be discharged in compliance with the City’s Industrial Waste Ordinance (Ordinance Number 199-77), and would meet specified water quality standards. No mitigation measures were identified in the PEIR.

The project site, which is occupied by an existing commercial building and surface parking, is completely covered by impervious surfaces. Implementation of the proposed project would not substantially change existing surface runoff and drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or substantial erosion or siltation. The rate or amount of surface runoff would not increase to the point that it would exceed the capacity of existing or planned stormwater drainage systems. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges into surface and underground bodies of water.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface and ground water bodies. Implementation of the proposed project would not increase the amount of impervious surface area on the project site, which is completely paved and covered by an existing structure. Implementation of the proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City’s combined stormwater/sewer system,

ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plan before being discharged into the San Francisco Bay. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The project site is not within an area in the City prone to flooding during storms.

For these reasons, the proposed project would not result in significant project-level or cumulative impacts on hydrology and water quality that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—</b>				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to



hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at the site could result in exposure to hazardous materials during construction. The Market and Octavia PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations and implementation of Mitigation Measure F1 – Program or Project Level Mitigation Measures for Hazardous Materials,<sup>26</sup> which would require implementation of construction BMPs to reduce dust emissions and tracking of contaminated soils beyond the site boundaries, by way of construction vehicles tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under CPE Checklist Topic 6, Air Quality, subsequent to the certification of the Market and Octavia PEIR, 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). The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by the BAAQMD. Compliance with the Asbestos ACTM would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

During operations, the PEIR found that businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community from exposure to hazardous materials during operations. In addition, compliance with existing building and fire codes would reduce potential fire hazards, emergency response, and evacuation hazards to a less-than-significant level.

### Hazardous Building Materials

Implementation of the proposed project would result in the demolition of the existing commercial building on the project site, which was built in 1955. Because this structure was built before the 1970s, hazardous building materials such as polychlorinated biphenyls (PCBs), mercury, asbestos and lead-based paint are likely to be present in this structure. Demolishing the existing structure could expose workers or the community to hazardous building materials.

Asbestos is a common material that was used in the construction of buildings prior to 1978. Prior to obtaining a demolition or renovation permit, the BAAQMD requires sampling of suspected asbestos-containing material. If asbestos is detected, it must be abated in accordance with applicable regulations prior to the commencement of demolition or renovation activities. Pursuant to state law, the Department of Building Inspection (DBI) will not issue a permit for a proposed project until compliance with applicable regulations has been completed.

Lead-based paint and PCB-containing materials could also be encountered as a result of dust-generating activities that include removal of walls and material disposal during construction. Compliance with Chapter 36 of the San Francisco Building Code would ensure no adverse effects due to work involving

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<sup>26</sup> Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

lead paint. PCB-containing materials must be managed as hazardous waste in accordance with Occupational Safety and Health Administration worker protection requirements. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

### Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Market and Octavia Plan area are subject to this ordinance.

The project site is located within the Article 22A (Maher) area of the San Francisco Health Code, and the proposed project would require approximately five feet of excavation below ground surface and approximately 222 cubic yards of soil is proposed to be removed. Therefore, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA<sup>27</sup> to DPH<sup>28</sup>. The Phase I ESA stated that the property was vacant through 1899 and by about 1913, the project site was occupied by buildings that covered the entire parcel, including a drug store, offices, a restaurant, stores, and a saloon. In 1950, the property remained completely occupied by structures shown as stores and a transfer warehouse and by 1965 the property was occupied by a restaurant in a single building. According to city directory listings the project site was occupied by various restaurants from 1957 to 2008. In 1953, the listings include a market, an "opportunity shop", a moving company, and a musical instrument repair shop. The Phase I ESA revealed no evidence of Recognized Environmental Conditions (RECs) associated with the project site. However, since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

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<sup>27</sup> Piers Environmental Services, *Phase I Environmental Site Assessment for 2100 Market Street, San Francisco, CA*, November 2013.

<sup>28</sup> Russell Yim, SFDPH, email to Don Lewis, 2100 Market Street, May 6, 2015

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>16. MINERAL AND ENERGY RESOURCES—</b>				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally imported mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities, which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the Area Plan’s effects on mineral and energy resources, and no mitigation measures were identified. The project site is not a designated mineral resource recovery site, and implementation of the proposed project would not result in the loss of availability of any mineral resources.

The PEIR determined that the *Market and Octavia Area Plan* would facilitate the new construction of both residential and commercial uses. Development of these uses would not result in the use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection.

For these reasons, the proposed project would not result in any significant project-specific or cumulative impacts related to mineral and energy resources, and no mitigation measures are necessary.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES: —Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural uses, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of fore land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environmental which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the Area Plan’s effects on agriculture and forest resources, and no mitigation measures were identified. The project site is not zoned for or occupied by agricultural uses, forest land, or timberland, and implementation of the proposed project would not convert agricultural uses, forest land, or timberland to non-agricultural or non-forest uses.

For these reasons, the proposed project would have no project-specific or cumulative impacts related to agriculture and forest resources, and no mitigation measures are necessary.

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**MITIGATION MEASURES**

**Project Mitigation Measure 1 – Archeological Testing (Implementing Mitigation Measure C2 of the Market and Octavia PEIR):**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>29</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>30</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities,

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<sup>29</sup> By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>30</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

- such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
  - The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
  - The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
  - If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities\_and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological 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 Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.