



SAN FRANCISCO PLANNING DEPARTMENT

Initial Study - Community Plan Evaluation

Case No.: 2015-002825ENV
Project Address: 1965 Market Street/255-291 Duboce Avenue
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit District)
RTO (Residential Transit Oriented District)
40-X, 50-X, 85-X
Block/Lot: 3534/058, 059, 061, 062
Lot Size: 16,823 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Keller Grover Properties, LLC, Contact: David Prowler, 415-544-0445
Staff Contact: Alana Callagy, 415-575-8734, alana.callagy@sfgov.org

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PROJECT DESCRIPTION

Project Site

The project location and vicinity map is shown in **Figure 1**. The project site is located on the southern side of Duboce Avenue at the corner of Duboce Avenue and Market Street, between Market Street and Guerrero Street, Lots 58, 59, 61, and 62 of Assessor's Block 3534. The parcel includes the addresses 1965 Market Street, and 255, 263, 275-277, and 291-293 Duboce Avenue.

The property is within both the NCT-3 (Moderate Scale Neighborhood Commercial Transit District) and the 40- and 85-X Height and Bulk District (1965 Market Street); and, the RTO (Residential Transit Oriented District) and 50-X Height and Bulk District (255, 263, 275-277, and 291-293 Duboce Avenue). The property is within the boundaries of the Market and Octavia Area Plan.

The property is within the Mission neighborhood and borders the Western Addition and Castro/Upper Market Street neighborhoods. The project site is located next to a Pet Food Express, across Dolores Avenue from a Whole Foods Market (grocery), and across Market Street from a Safeway shopping center (grocery). Across Market Street to the north is an eight story, 115-unit residential building, farther to the west is the U.S. Mint. To the east of the project site along the southern side of Duboce Avenue is a mix of two to four story residential buildings. To the south of the project site is a mix of two to four story residential development, including units along Clinton Park that border to the rear of the project site. On the northern side of Duboce Avenue to the east of the project are one to two story commercial buildings and a two story residential building. Along Market Street, parcels are zoned for heights up to 85 feet. Along Duboce Avenue, parcels are zoned for heights up to 50, 60/65, and 80 feet.

Major roadways in the project vicinity include Market Street, Duboce Avenue, Dolores Street, Guerrero Street, and Buchanan Street. Interstate 80 and U.S. 101 provide regional access to the project vicinity. The project site is within a quarter mile of several local transit lines, including Muni Metro lines F, J, KT, L, M, and N; as well as Muni bus lines 6, 7, 22, and 37. The 16th Street Mission and Civic Center BART stations are located 0.7 and 0.9 mile from the site, respectively.

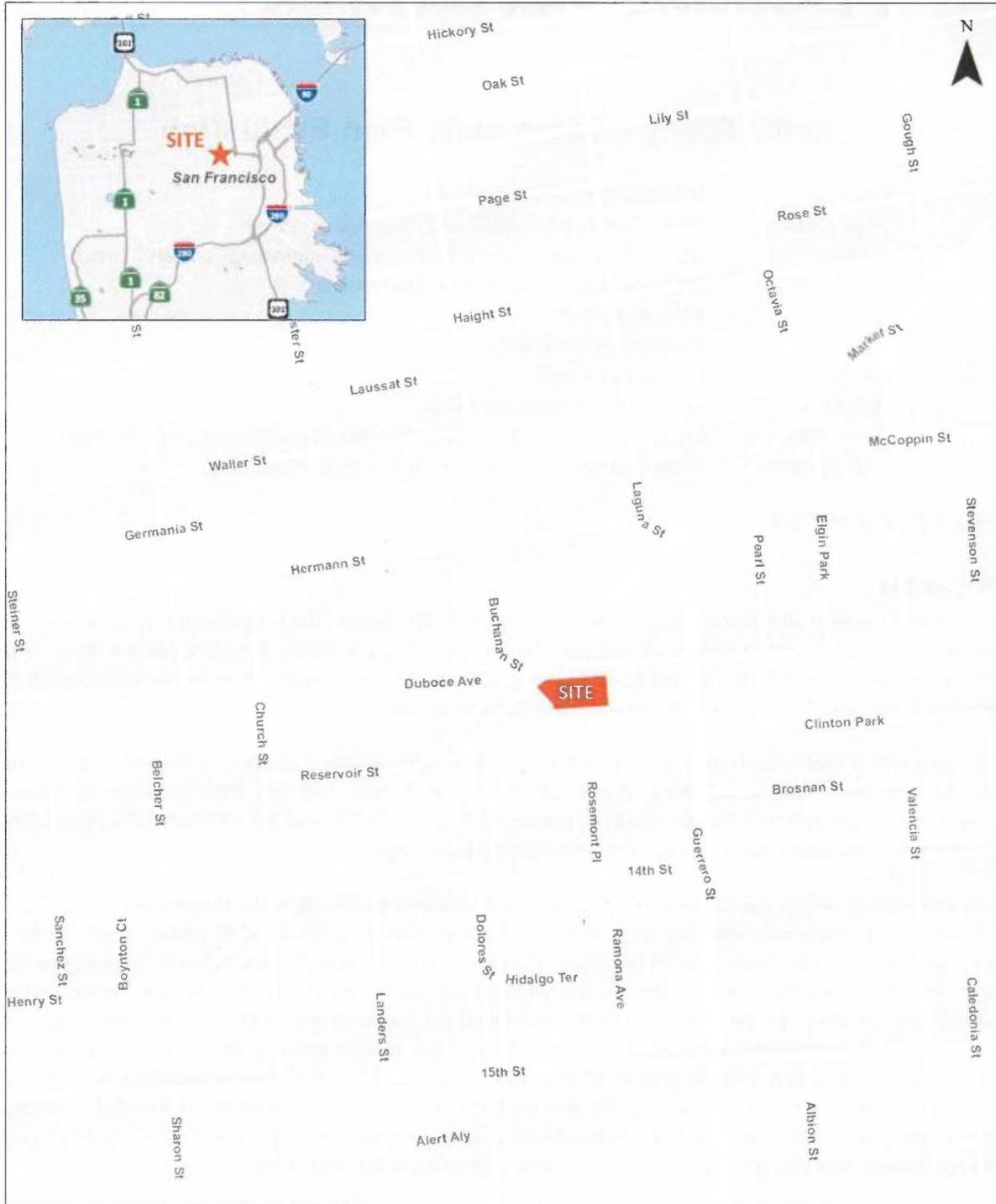


Figure 1: Project Location

Source: Kittelson & Associates transportation study, July 2017

Existing Uses

The project site totals 16,823 square feet and is currently composed of one existing two- and three-story commercial building, with retail (3,760 square feet) and commercial office (10,000 square feet) uses, and a surface parking lot to the east of the building along Duboce Avenue. The 25-space off-street surface parking lot is accessed by two curb cuts along Duboce Avenue (a 31-foot-wide entry driveway that loops to an eastern 58-foot-wide exit driveway). Additionally, at the eastern edge of the building next to the surface lot, a 12-foot curb cut on Duboce Avenue supports an at grade garage large enough to fit up to three tandem parking spaces. A FedEx location currently operates out of the retail space and the office space currently includes law offices, a real estate company, and vacant office space. The parking lot is used by office tenants and for FedEx customer parking and loading.

Proposed Project

The project would merge four lots comprising the project site into one lot. The project proposes a total of 96 dwelling units (52 one-bedroom and 44 two-bedroom), including 14 onsite affordable units, and would retain the 3,760 square feet of retail space for retail/restaurant use, as discussed below.

The proposed project would include a vertical addition of four to five floors of residential dwelling units above a portion of the existing building (to the seventh floor). A new eight-story residential building addition is proposed on the existing surface parking lot. While the proposed design has the appearance of two separate, but complementary buildings, new construction would result in an interconnected structure. Project plans and elevations are shown in **Figures 2** through **11**.

Existing Structure and Frontage

The proposed project would retain 1965 Market Street's historically significant façade and stylistically distinct materials, features, roof line, wall openings, and portions of the existing building interior. Within the retained façade and preserved interior, non-original, incompatible alterations presently obscuring the building's character-defining features would be removed where possible.

The retained historic features along Market Street and Duboce Avenue would contain the main points of entry for the building and would include the residential entrance and lobby on Duboce Avenue and a corner-anchoring neighborhood retail space along Market Street. The new extended portion of the building, eastward along Duboce Avenue, would include residential stoops connecting directly with the sidewalk and the driveway entrance to the below-grade parking garage.

The existing structure at 1965 Market Street was built in 1924 as a mortuary and funerary chapel and included two residential units. A third floor addition was added in 1933.

As a way to convey the historic appearance and significant historic uses that have occupied the double-height space of the former funerary chapel, the project sponsor will commission and install a high quality historical interpretive display, to be permanently installed in the building's new retail space as a part of the proposed project. Through a combination of images and text, the interpretive display will enable the viewer to comprehend all three of the building's areas of historic significance, which include its association with Reconstruction-era commercial development in the Inner Mission North neighborhood and Market and Octavia Area Plan area; the quality of its distinctive Spanish Colonial/Mission Revival architectural style; and its association with Atlas Savings & Loan, which was the first financial institution in the United States established by a partnership of gays and lesbians.

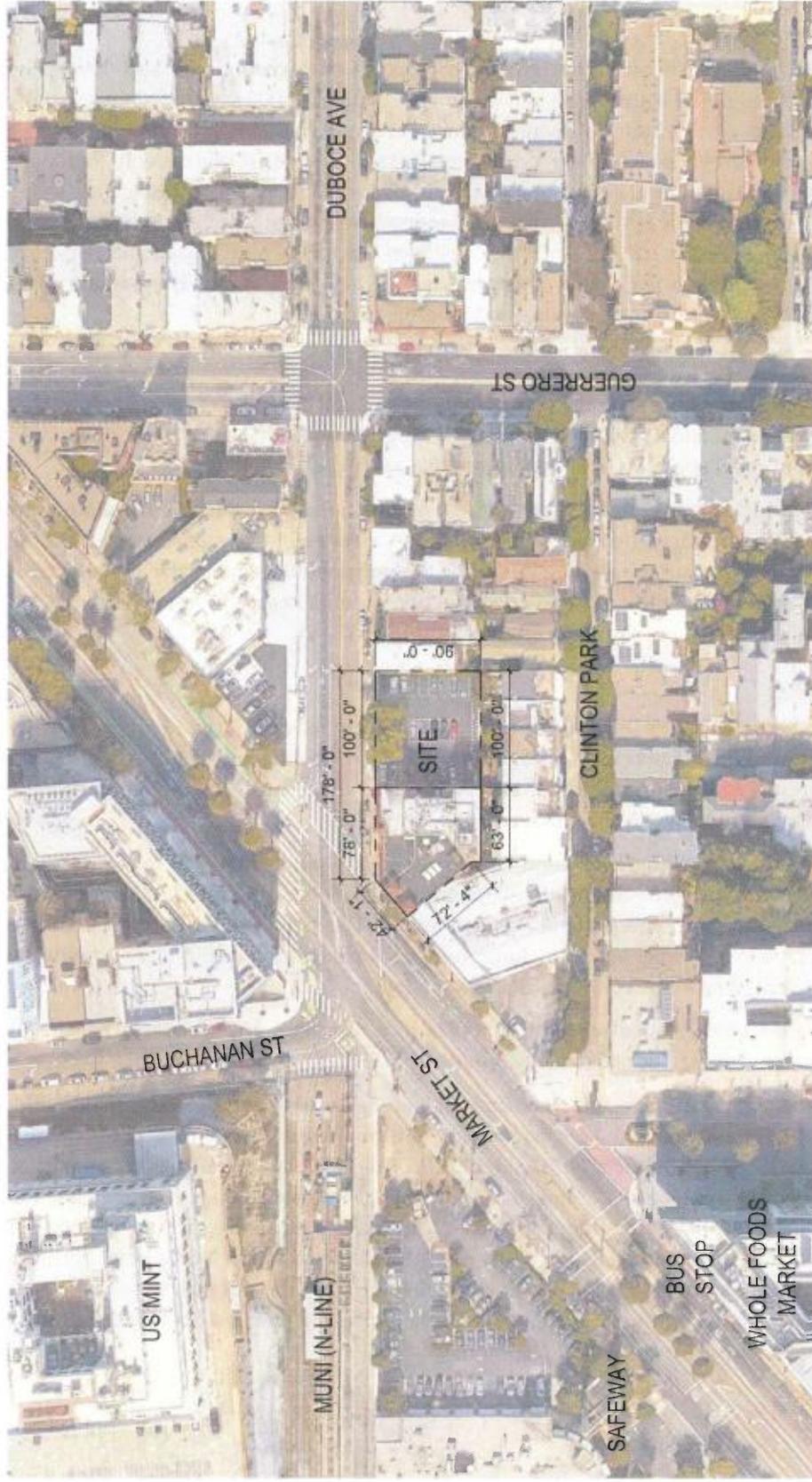


Figure 2: Existing Site Plan

Source: David Baker Architects, Feb. 2 2017



Figure 3: Proposed Floor Plan – Level 1

Source: David Baker Architects, Feb. 2 2017

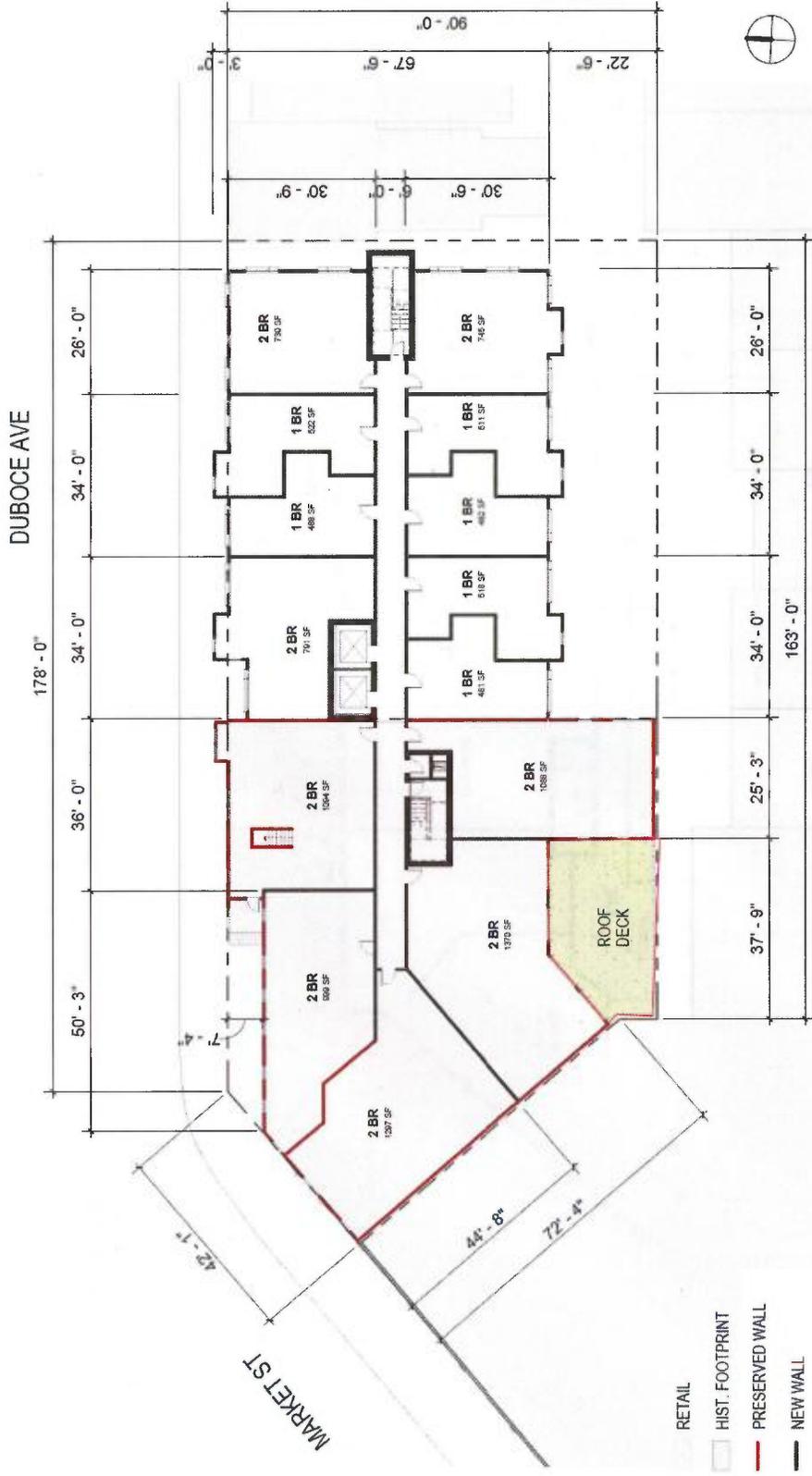


Figure 4: Proposed Floor Plan – Level 2

Source: David Baker Architects, Feb. 2 2017

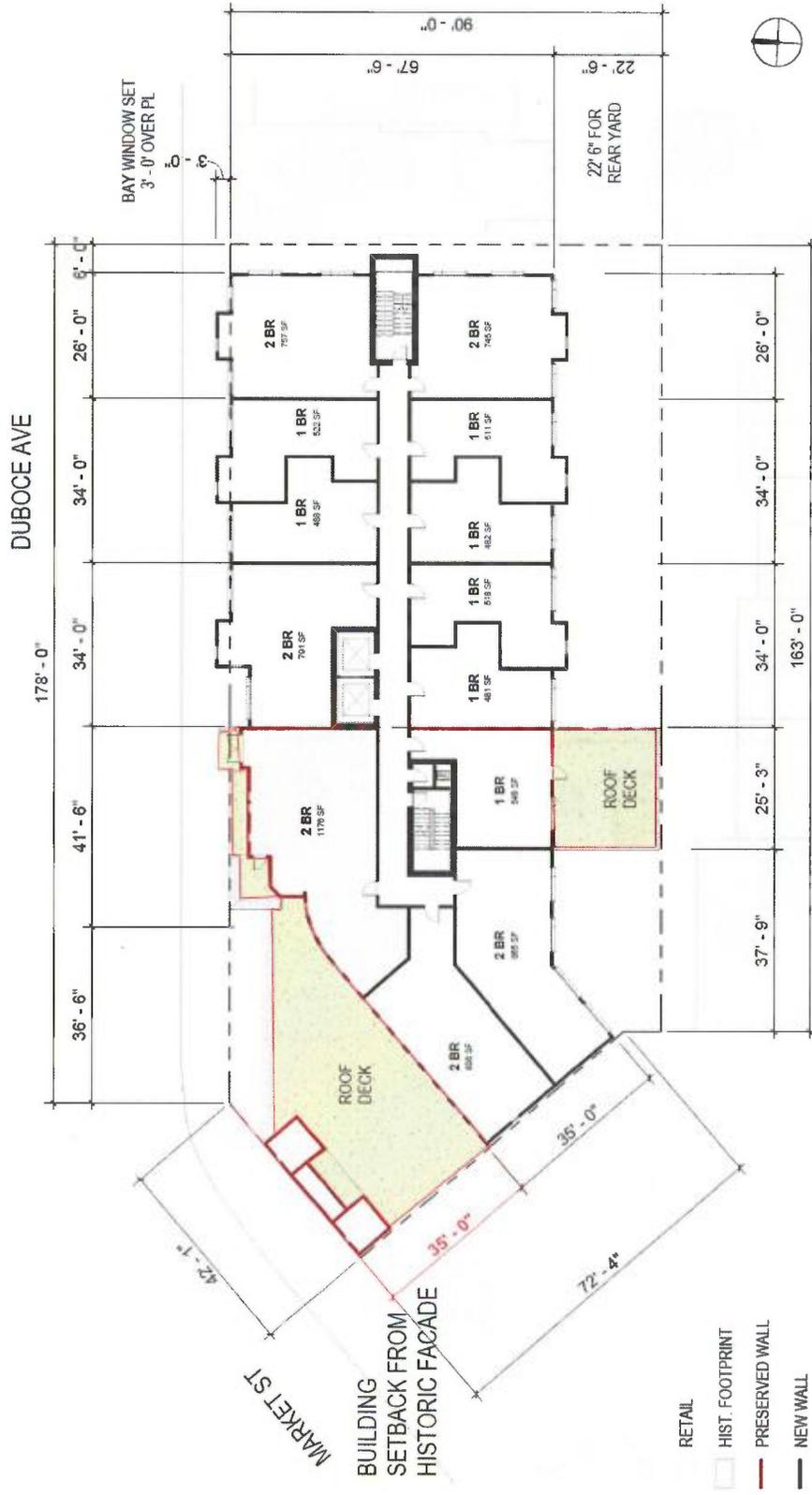


Figure 5: Proposed Floor Plan – Level 3

Source: David Baker Architects, Feb. 2 2017

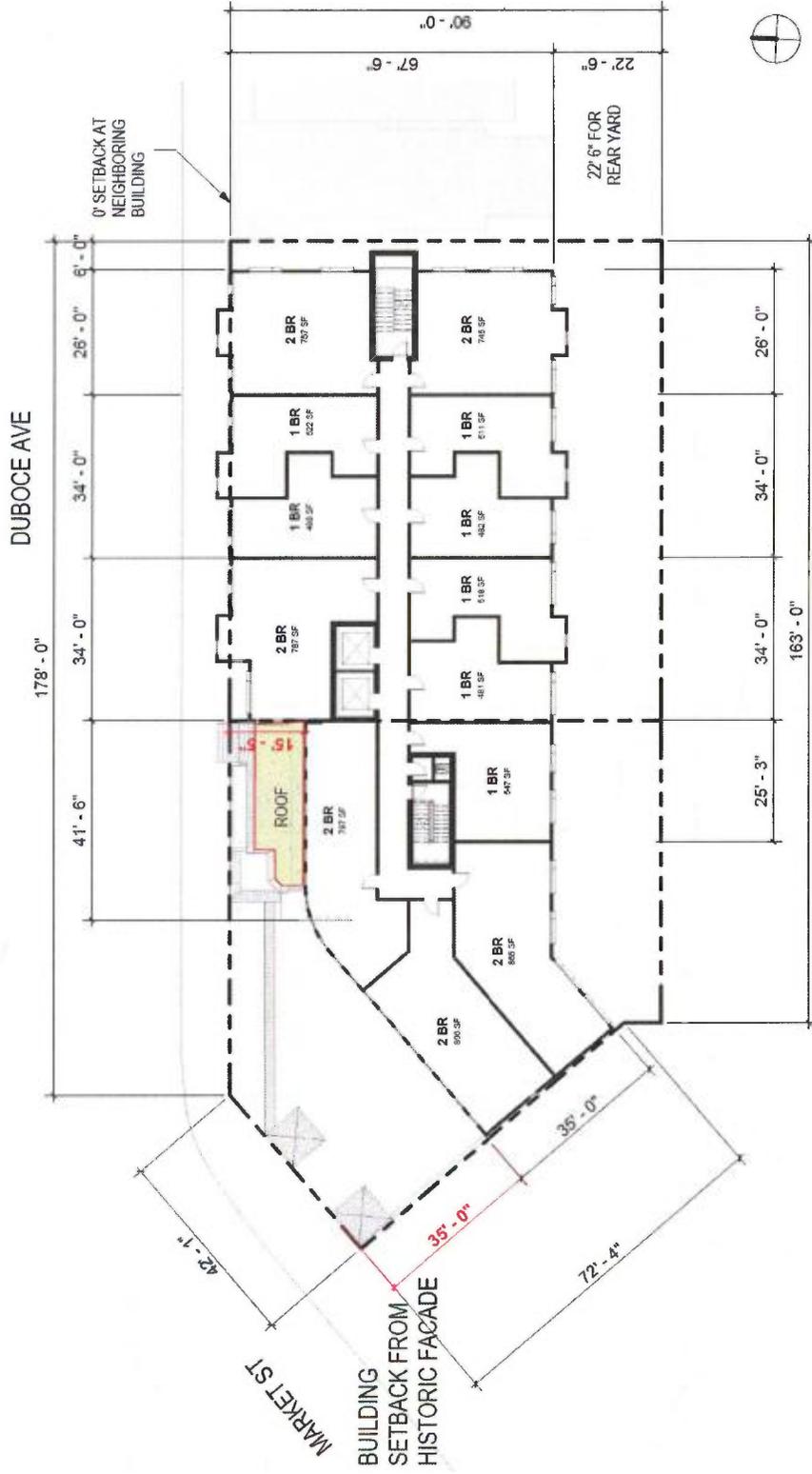


Figure 6: Proposed Floor Plan – Level 4

Source: David Baker Architects, Feb. 2 2017

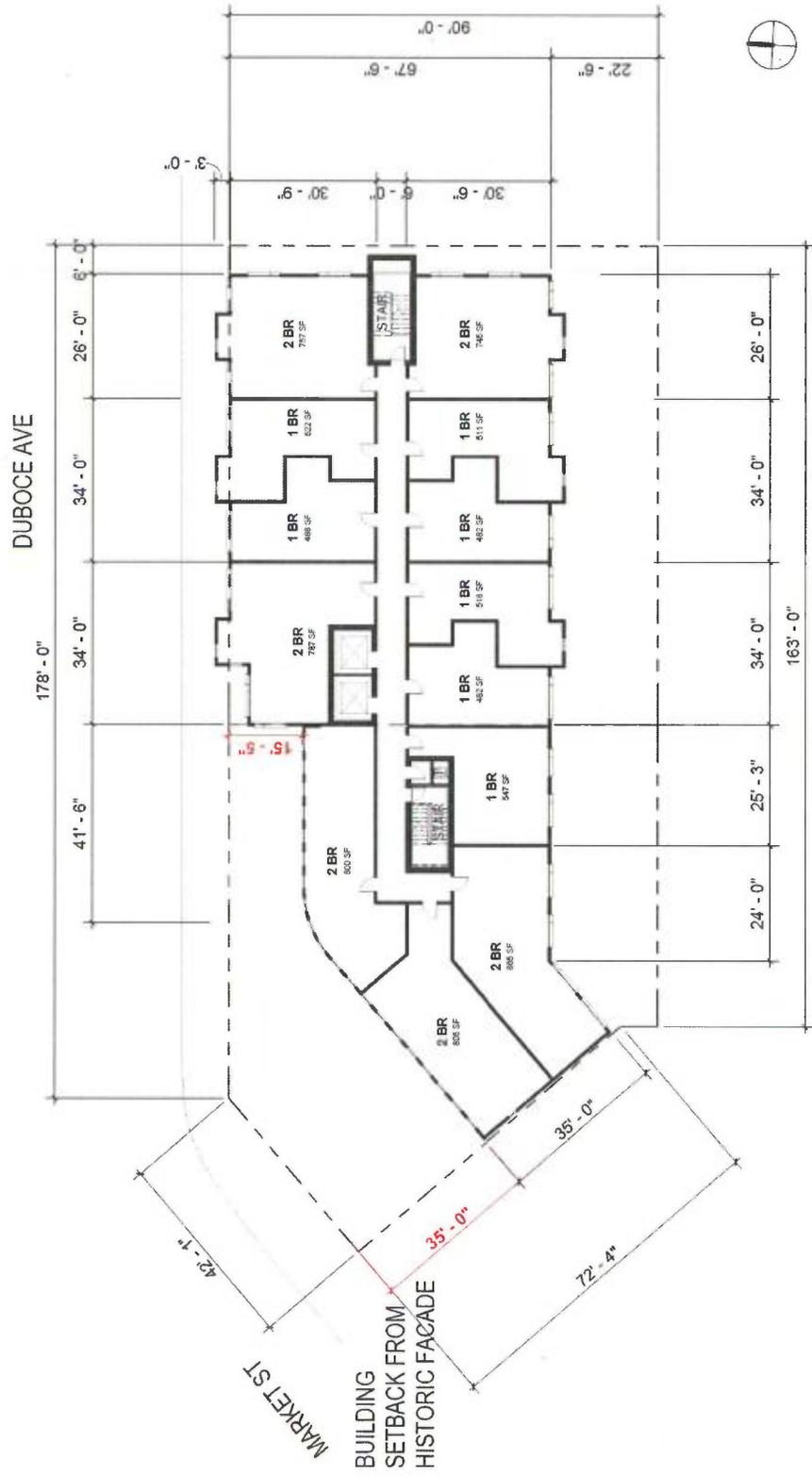


Figure 7: Proposed Floor Plan – Levels 5 through 7

Source: David Baker Architects, Feb. 2 2017

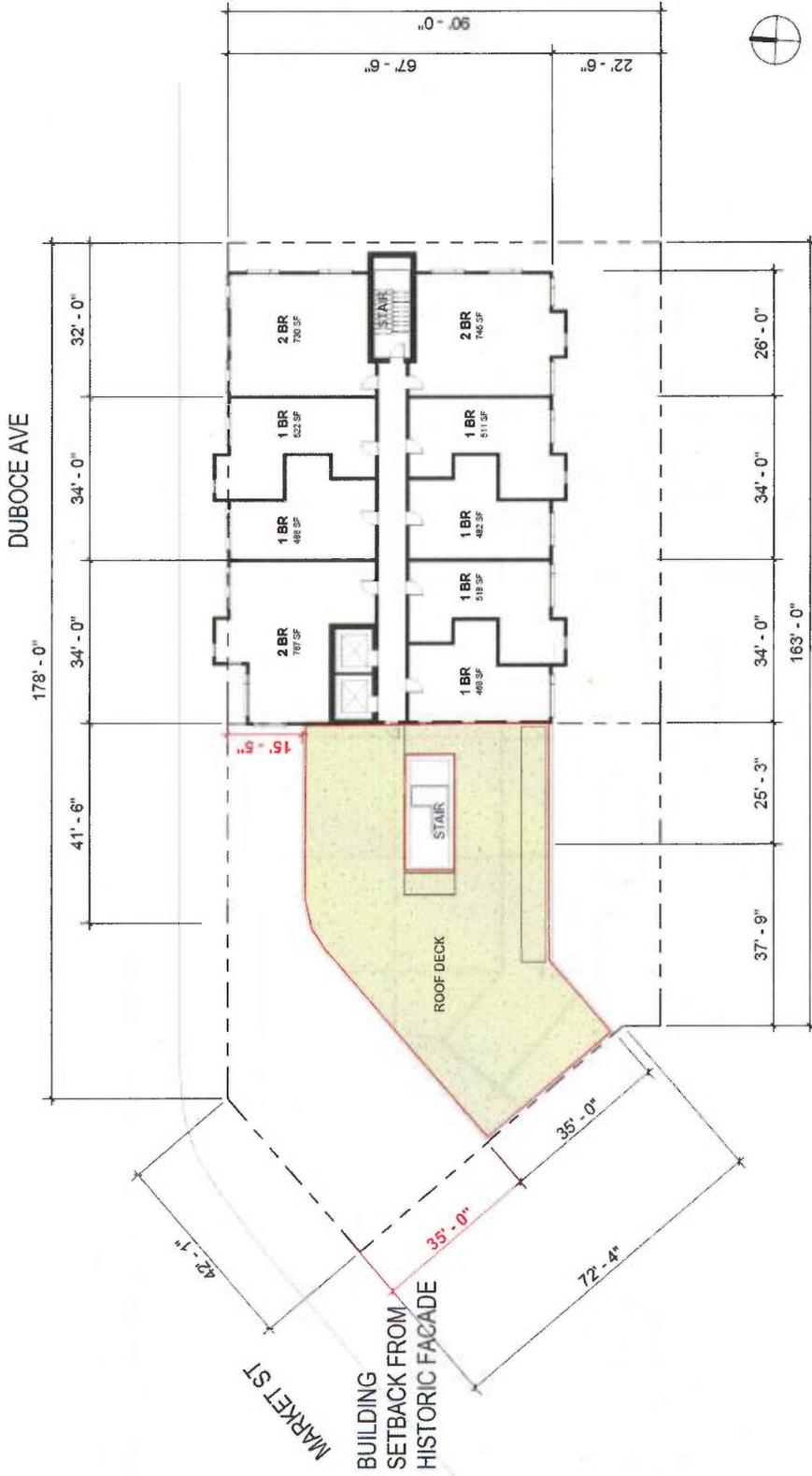


Figure 8: Proposed Floor Plan – Level 8
Source: David Baker Architects, Feb. 2 2017



Figure 9: Existing Elevations
Source: David Baker Architects, Feb. 2 2017

ELEVATOR PENTHOUSE/MECH.
EQUIPMENT COMPLIANT WITH
SEC. 260 B(1)



Figure 10: Proposed Elevations, North

Source: David Baker Architects, September 18, 2017

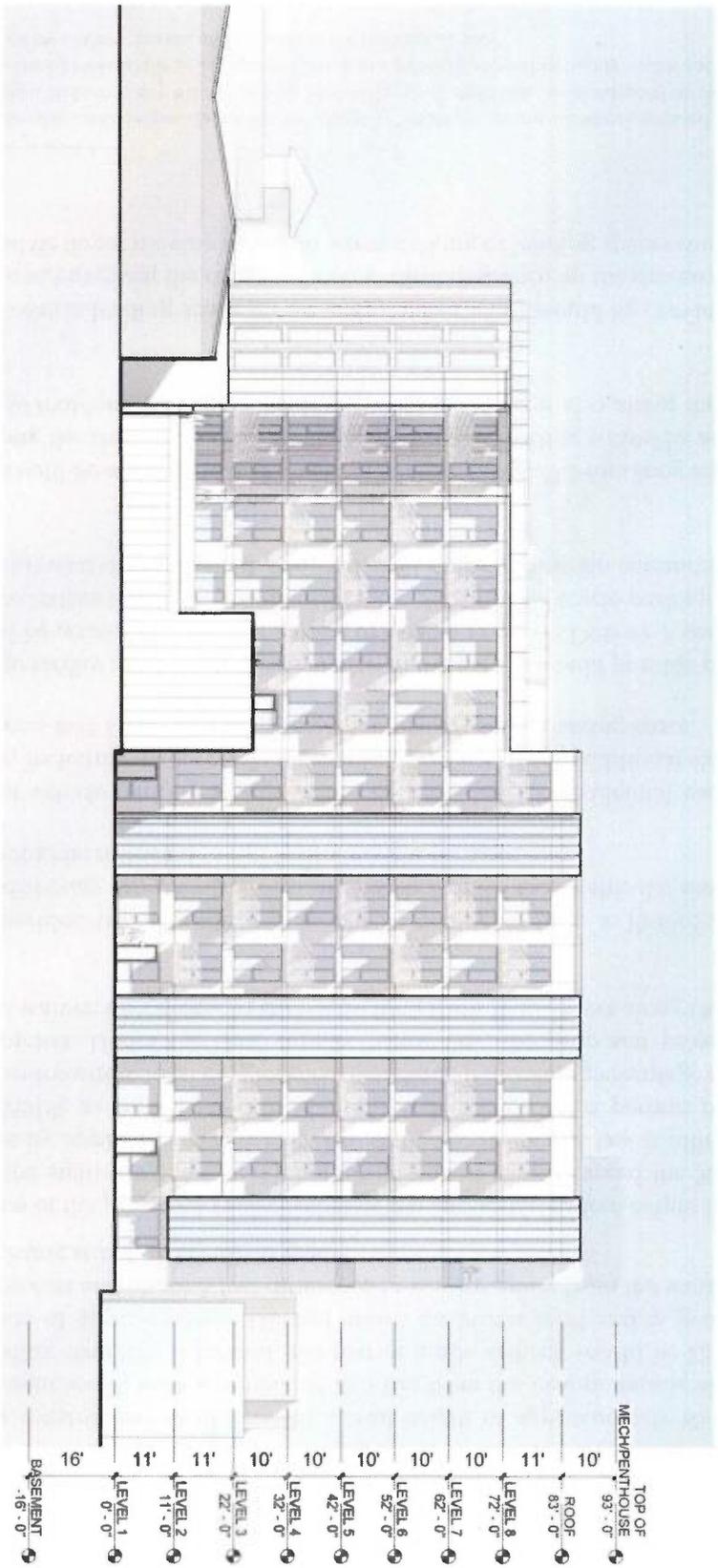


Figure 11: Proposed Elevations, South

Source: David Baker Architects, September 18, 2017

Building Heights and Massing

Along Market Street, the proposed design would rise to a total height of approximately 75 feet in seven levels (85 feet with rooftop structures). The new portion of the building along Market Street would be set back 35 feet from the historic façade, which is consistent with the existing partial third floor. Along Duboce Avenue, new construction would rise to a total height of approximately 85 feet (95 feet with rooftop structures in eight levels, with a setback of 15.5 feet from the historic façade along this frontage. Except where the existing structure is located, the rear at grade setback would be 22.5 feet. The site is situated at an elevation of approximately 110 feet above mean sea level and is generally flat with a downward slope to the east and about 5 feet difference in surface grade from the western to the eastern side of the site. The existing structure is built at grade

The seven-story portion of the proposed project is below the applicable 85-foot height limit along Market Street. The height of the eight-story residential building element would exceed the 50-foot height limit along Duboce Avenue by approximately 35 feet. The state density bonus law (California Government Code sections 65915-65918), as implemented by planning code section 206.6, permits project sponsors to select waivers or concessions from local development standards if a certain percentage of affordable units are included in the project. Under the state density bonus law, the proposed project is seeking one development standard waiver: an increase in the height limit from 50 to 85 feet along Duboce Avenue.

Parking and Loading

Parking would be provided below-grade and would be accessible from a 10-foot-wide curb cut on Duboce Avenue and driveway ramp with a vertical clearance of 8.5 feet. Vehicular movements into and out of the driveway would be restricted to right-turn in/right-turn out only.

A total of 48 off-street vehicle parking spaces would be provided for residential use in the proposed basement-level garage, including 42 spaces in mechanical stackers, three additional standard spaces not in stackers, two *Americans with Disabilities Act* spaces, and one car share parking space.

A *class 1* bicycle storage facility and bicycle repair station in the garage would provide parking for at least 97 bicycles and would be accessible from the garage driveway ramp on Duboce Avenue and from two elevators located in the hallway near the residential lobby. Additional bicycle parking spaces (16 *class 2* spaces in sidewalk racks) would be provided along sidewalks near pedestrian entrances on Market Street and Duboce Avenue.¹

Commercial loading would be accommodated on-street in a proposed 77.5-foot-long commercial loading (yellow curb) zone along the Duboce Avenue frontage. Pedestrian loading would be accommodated on-street in a proposed 40-foot-long passenger loading (white curb) zone also along the Duboce Avenue frontage.

One off-street service vehicle loading space (8 feet wide, 20 feet long) would be provided in the parking garage for residential use, but given the constraints on vertical clearance on the driveway ramp (8.5 feet), it would not accommodate larger moving vans. On-street parking or loading spaces could be reserved for

¹ Section 155.1(a) of the planning code defines class 1 bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees" and defines class 2 bicycle spaces as "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use."

larger moving trucks through the San Francisco Municipal Transportation Agency's (SFMTA) temporary signage program.

Retail/Restaurant Space

It is possible that the current retail tenant, FedEx, would return to the retained 3,760 square feet of ground-floor retail space. If that is the case, their loading operations would be relocated from the surface parking lot to the proposed on-street commercial loading (yellow curb) zone on Duboce Avenue. No off-street loading is proposed for the retail space.

However, the tenant for the retail space has not yet been finalized. To represent a conservative analysis, this initial study assumes a restaurant could occupy the 3,760 square feet of ground-floor retail space. Evaluation of a restaurant is more conservative for purposes of the California Environmental Quality Act (CEQA) environmental review because restaurant use generates a larger number of visitors than commercial use such as retail.

There would be no other changes in the project site other than the type of tenant to occupy the retail space.

Open Space

The project proposes common open space in the form of a rear yard, side yard, and roof deck at the eighth floor totaling approximately 5,100 square feet. Additional roof decks on levels two, three, four, and eight, totaling approximately 2,500 square feet, provide private open space. Private terraces are proposed along the southern and eastern side of the building, providing a total of approximately 2,000 square feet of additional private open space.

Work within the Public Right-of-Way (Sidewalks, Curb Cuts, and Loading)

The three existing curb cuts on the project site's Duboce Avenue frontage (total of 101 linear feet) along with the two on-street parking spaces (located within Residential Permit Parking zone "S") would be removed. The Duboce Avenue frontage would be modified to provide one 40-foot-long passenger loading (white curb) zone and one 77.5-foot-long commercial loading (yellow) zone, as well as a new 10-foot-wide curb cut to provide access to the proposed below grade parking garage.

The existing 15-foot-wide sidewalk along Market Street would remain and the existing 10-foot-wide sidewalk along Duboce Avenue would be reconstructed with landscaping and other amenities.

The elimination of existing curb cuts, construction of new curb cuts, conversion of curb space, and sidewalk modifications would be subject to the review and approval of SFMTA.

Construction

Detailed construction plans have not been finalized. However, preliminary information regarding construction activity has been provided by Keller Grover Properties, LLC (project sponsor). Based on this information, it is anticipated that construction activities would take approximately 27 months to complete. Work is expected to occur Monday through Friday from 7 a.m. to 8 p.m. On occasion, construction may also take place on Saturdays from 8 a.m. to 4 p.m. on an as-needed basis, and subject to compliance with the *San Francisco Noise Ordinance* and Department of Building Inspection permit provisions. Construction staging would occur primarily within the confines of the project site, but would

occasionally use portions of the public right-of-way along both Market Street and Duboce Avenue, subject to coordination with SFMTA.

Excavation would occur over an approximately 16,800-square-foot area to depths up to 20 feet. It is estimated that up to approximately 12,430 cubic yards would be excavated and exported from the site.

The building would be constructed on a spread footing foundation, and no pile driving is proposed.

Project Approvals

The proposed project would require the following approvals:

Actions by the Planning Commission

- Conditional use authorization for development of a lot larger than 10,000 square feet in the NCT-3 zoning district and for the merger of lots creating a lot greater than 5,000 square in the RTO zoning district

Actions by other City Departments

San Francisco Public Works

- Approval of lot merger and subdivision applications
- If sidewalks are used for construction staging and pedestrian walkways are constructed in the curb lanes, approval of a street space permit from the bureau of street use and mapping

San Francisco Department of Building Inspection

- Approval of demolition, grading, and building permit applications

San Francisco Municipal Transportation Agency

- Approval of the placement of bicycle racks on the sidewalk, and of sidewalk landscaping, by the sustainable streets division
- If sidewalks are used for construction staging and pedestrian walkways are constructed in the curb lanes, approval of a special traffic permit from the sustainable streets division
- Approval of the on-street commercial (yellow zone) and passenger (white zone) loading spaces proposed on Duboce Avenue

San Francisco Public Utilities Commission

- Approval of an erosion and sediment control plan, in accordance with article 4.1 of the San Francisco Public Works Code
- Approval of post-construction stormwater design guidelines, including a stormwater control plan that complies with the City's stormwater design guidelines

San Francisco Department of Public Health

- Approval of an enhanced ventilation proposal as required pursuant to article 38 of the health code
- Approval of a dust control plan as required pursuant to article 22B of the health code

- Approval of a work plan for soil and groundwater characterization and, if determined necessary by the department of public health, a site mitigation plan, pursuant to article 22A of the health code

The San Francisco Planning Commission action on the conditional use authorization would constitute the *approval action* for the proposed project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

EVALUATION OF ENVIRONMENTAL EFFECTS

This initial study 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).² The initial study 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 Market and Octavia PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such topics are identified, no additional environmental review shall be required for the project beyond that provided in the Market and Octavia PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

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

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 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).

As discussed below in this initial study, 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.

CHANGES IN THE REGULATORY ENVIRONMENT

Since the certification of the Market and Octavia PEIR in 2007, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment

² San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at <http://www.sf-planning.org/index.aspx?page=1893>.

and/or environmental review methodology for projects in the Market and Octavia Area Plan area. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have implemented or will implement mitigation measures or further reduce less-than-significant impacts identified in the Market and Octavia PEIR. These include:

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing *level of service* (LOS) analysis of automobile delay with *vehicle miles traveled* (VMT) analysis, effective March 2016 (see Automobile Delay and Vehicle Miles Traveled heading below)
- *San Francisco Bicycle Plan* update adoption in June 2009, *San Francisco Better Streets Plan* adoption in 2010, *San Francisco Transit Effectiveness Project* (aka "Muni Forward") adoption in March 2014, *San Francisco Vision Zero* adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the *San Francisco Transportation Sustainability Program* (see initial study Transportation section)
- San Francisco ordinance establishing noise regulations related to residential uses near places of entertainment effective June 2015 (see initial study Noise section)
- San Francisco ordinances establishing construction dust control, effective July 2008, and enhanced ventilation required for urban infill sensitive use developments, amended December 2014 (see initial study Air Quality section)
- *San Francisco Clean and Safe Parks Bond* passage in November 2012 and *San Francisco Recreation and Open Space Element* of the *San Francisco General Plan* adoption in April 2014 (see initial study Recreation section)
- *San Francisco 2010 Urban Water Management Plan* adoption in 2011 and *San Francisco Sewer System Improvement Program* process (see initial study Utilities and Service Systems section)
- Article 22A of the health code amendments effective August 2013 (see initial study Hazardous Materials section)

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 initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.³ Project elevations are included in the project description for informational purposes.

Automobile Delay and Vehicle Miles Traveled

In addition, CEQA section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁴ recommending that transportation impacts for projects be measured using a VMT metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Market and Octavia PEIR associated with automobile delay are not discussed in this checklist, including Market and Octavia PEIR Mitigation Measures D1 Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F p.m. peak hour), D2 Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (LOS D to LOS F p.m. peak hour), D3 Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E p.m. peak hour), D4 Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay p.m. peak hour), D5 Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay p.m. peak hour), D6 Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Avenue Intersection (LOS F to LOS F with increased delay p.m. peak hour), and D7 Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay p.m. peak hour). Instead, a VMT analysis is provided in the Transportation section.

³ San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 1965 Market Street*, August 7, 2017. This document, and other documents cited in the initial study, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2015-002825ENV.

⁴ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

<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>
1. LAND USE AND LAND USE PLANNING—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"/>

The Market and Octavia PEIR determined that adoption and implementation of the area plan and rezoning would not result in a significant adverse impact related to land use and land use planning, and no mitigation measures were identified.

The proposed project represents a removal of 10,000 square feet of office space, retention of the existing 3,760 square feet of retail for retail or restaurant use, and the addition of 96 housing units. The proposed project is within the scope of development projected under the area plan.

The area plan designates the site land use districts (zones) NCT-3 (Moderate Scale Neighborhood Commercial Transit District), which is described as a moderate- to high-density mixed-use district near transit services that supports neighborhood-serving commercial uses on lower floors and housing above, and RTO (Residential Transit Oriented), which is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. The project’s proposed land uses are permitted within the NCT-3 and RTO districts. The Citywide Planning and Current Planning divisions of the San Francisco Planning Department have determined that the proposed project is permitted in the NCT-3 and RTO districts and is consistent with the height, bulk, density, and land uses as envisioned in the area plan and the state density bonus law.^{5,6}

The site is also in the 40- and 80-X (along Market Street) and 50-X (along Duboce Avenue) height and bulk districts. The state density bonus law permits a waiver of the 50-foot height limit on the eight-story portion of the project.

Because the proposed project is consistent with the development density established in the area plan, implementation of the proposed project would not result in significant impacts that were not identified in the Market and Octavia PEIR related to land use and land use planning, and no mitigation measures are necessary.

⁵ Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 1965 Market Street, October 26, 2017.
⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 1965 Market Street, Oct 11, 2017.

<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>
2. POPULATION AND HOUSING—				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<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"/>

One goal of the area plan is to implement citywide policies to increase the supply of high-density housing in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and infill development sites. The Market and Octavia PEIR analyzed a projected increase of 7,620 residents in the plan area by the year 2025 and determined that this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the Market and Octavia PEIR.

The proposed project would retain the existing 3,760 square feet of retail space for retail or restaurant use, and remove 10,000 square feet of office space. Between the existing structure and the additional new construction, the proposed project totals 96 dwelling units. The project would result in a net increase in housing and net decrease in jobs on the project site as follows: an increase of 81,143 square feet of residential uses (96 dwelling units with approximately 180 residents), and a decrease of 10,000 square feet (approximately 36 employees) of office uses.⁷ These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the area plan and would not result in new or substantially more severe significant impacts on the physical environment beyond those identified in the Market and Octavia PEIR. The project’s contribution to indirect effects on the physical environment attributable to population growth are evaluated in this initial study under land use, transportation and circulation, noise, air quality, greenhouse gas emissions, recreation, utilities and service systems, and public services.

⁷ The Market and Octavia PEIR assumed that the plan area would have an average household size of 1.87 residents per dwelling unit in the year 2025. Employment was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*, specifically one employee per 276 square feet of office.

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>
3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in article 10 or article 11 of the San Francisco Planning Code?	<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) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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

Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the *California Register of Historical Resources* or are identified in a local register of historical resources, such as articles 10 and 11 of the San Francisco Planning Code. 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 step is to determine whether the property is a historical resource as defined in CEQA Guidelines section 15064.5(a)(3). If it is determined to be a historical resource, the second step is to evaluate whether the action or project proposed would cause a substantial adverse change.

The proposed project would result in changes to the existing structure at 1965 Market Street. As previously noted, 1965 Market was built in 1924 as a mortuary and funerary chapel, and included two residential units. A third floor addition was added in 1933. The 2011 Inner Mission North Historic Resources Survey found the building an individually eligible historic resource.⁸ As such, a *historical resource evaluation* was prepared by SWCA Environmental Consultants/Turnstone⁹ for the proposed project and a *historic resource evaluation response* prepared by the planning department¹⁰ that includes a determination regarding the historical resource status of the building on the project site and the potential project impacts to historic resources.

8 San Francisco Planning Department, *Inner Mission North Historic Resources Survey*, 2011. On file with City and County of San Francisco Planning Department.

9 SWCA Environmental Consultants/Turnstone, *Parts I and II Historic Resource Evaluation Report & Secretary of the Interior's Standards Analysis*, 1965 Market Street/255-293 Duboce Avenue, Final July 10, 2017.

10 Elizabeth Jonckheer (Preservation Planner), San Francisco Planning Department, *Historic Resource Evaluation Response*, 1965 Market Street/255-293 Duboce Avenue, July 14, 2017.

The historical resource evaluation identified the following eligibility for listing in the *National Register of Historic Places* and California register based on the historical significance of the property:

- National register and California register-eligible under Criteria A/1 for its association with Reconstruction-era commercial development in the Inner Mission North neighborhood and Market and Octavia Area Plan area (period of significance: 1924-1970)
- National register and California register-eligible under Criteria C/3 for the quality of its distinctive Spanish Colonial/Mission Revival architectural style (period of significance: 1924-1970)
- California register -eligible under Criterion 3 for its association with Atlas Savings & Loan, which was the first financial institution in the United States established by a partnership of gays and lesbians (period of significance 1981-1985)

The evaluation also found that despite some alterations and the change of use of the building from a mortuary and funerary chapel with two residential units to a retail and office building, the property retains integrity and continues to convey its historic significance under all the above criteria.

The proposed project calls for the demolition of some elements of the subject building, including the southwest, south, and east elevations; most of the interior walls at the second floor level and all of the interior walls at the third floor level; and portions of the roof, starting from a point behind the elements capped with red clay tile.

The proposed project would retain some elements of the property. All levels of the primary (north and northwest) façade would be retained to the height of and behind the roof elements capped with red clay tile, where the majority of the property's character-defining features are located. Within the retained areas of the primary façade, the proposed project would retain and preserve all original doors and windows. While non-historic doors and windows would be updated to contemporary materials, the project would not change the size or decorative detail of any of the door or window openings on the primary façade. The proposed project would alter the recessed quarter turn stair that leads to a former residential entrance at the second floor level to allow access to the first floor level, although the proposed project would conceal the changes behind the cheek wall of the façade.

Although little historic material remains within the interior of the property, the proposed project would retain some interior elements, including the walls of the existing retail space at the first floor level, and several walls at the second floor level. New construction at the second floor level would remove the double-height ceiling in the former funerary chapel and replace it with a single-height ceiling.

Under CEQA, a "project with an effect that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment." Substantial adverse change is defined as: "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired." The significance of a historic resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of a historic resource that convey its historical significance" and that justify its inclusion in, or eligibility for inclusion in, the California register, or account for its inclusion in a local register.¹¹ Thus, a project may cause a substantial change in a historic

¹¹ CEQA Guidelines section 15064.5(b)

resource but still not have a significant adverse effect on the environment as defined by CEQA as long as the change has an impact on the historic resource that is determined to be less than significant, negligible, neutral, or even beneficial. For example, alterations that are consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, are considered to have a less than significant impact on a historical resource.¹²

The historical resource evaluation assesses the proposed changes to the physical characteristics of the property that convey its historical significance, as summarized below:

New Construction: The proposed project includes the vertical addition of four to five levels of new construction above a portion of the existing building, and eight levels of new construction directly to the east of the building, which would change the character-defining external spatial relationships of the property. In evaluating the effects of these changes on the historical significance of the structure, the planning department's preservation staff considered the following factors:

- The overwhelming majority of the distinctive elements at the property are unaffected by the proposed project, including its historic mixed retail and residential use, historic materials, and distinctive architectural features.
- At the primary (north and northwest) façade, which is the location of the majority of the character-defining features, the proposed project would retain and preserve the cladding, decorative detail, fenestration pattern, and original fenestration where it is extant.
- The portion of the proposed project located above a portion of the existing building is differentiated by a setback at the primary (north and northwest) façade ranging between 15.6 feet at the east and 35 feet at the west, which strongly differentiates the new construction from the original construction while also enabling the original character-defining height, massing, and scale of the property to continue to be conveyed.

Based on these factors, the department determined that the change to the property's external spatial relationships including new construction would not impact the property to the degree that it would no longer be able to convey its historic significance.

Removal of Double-Height Ceiling: The proposed project would include new interior construction that would remove the double-height ceiling in the former funerary chapel and replace it with a single-height ceiling at the first floor level and two new residential units at the second floor level, which would impact the character-defining interior spatial relationships of the property. While the former funerary chapel has undergone routine alterations and does not retain its historic features and materials, the spatial volume reflects the building's historic use. In evaluating whether this change would materially impair the historical significance of the property, the planning department preservation staff considered the following factors:

- The space of the former funerary chapel was historically a portion of the building that was in public use, and the proposed project would keep the space accessible to the public through retail use.

¹² Ibid.

- While the project would remove the double-height ceiling, and the new ceiling would be single-height, it would be a high (11-foot) single-height ceiling, and the horizontal dimensions of the space would be retained: these factors combine to enable the space to continue to generally convey its primacy within the spatial hierarchy of the design of the building.
- The former funerary chapel has been altered repeatedly in the course of tenant improvements, and already lacks most of the identifying materials or features that would enable it to convey its historic appearance: while its double-height volume is a character-defining feature, the existence of the volume alone suggests but does not strongly convey the space's historic use or appearance.
- The overwhelming majority of the property's distinctive elements would not be affected by the proposed project, including its historic mixed retail and residential use, historic materials, and distinctive architectural features.

Based on these factors, the department determined that the change to the property's interior spatial relationships, including removal of the double-height ceiling, would not impact the property to the degree that it would no longer be able to convey its historic significance.

Removal of Much of the Third Floor: The proposed project would retain only a small portion of the third floor of the property, while removing the majority of the level, which would change the building's historic appearance. The third floor of the building is an addition that was constructed in 1933, within the building's period of significance for Reconstruction-era commercial development and Spanish Colonial/Mission Revival architectural style, and has therefore acquired significance in its own right. In evaluating whether this change would materially impair the historical significance of the property, planning department preservation staff considered the following factors:

- The proposed project would retain the portion of the third floor that includes character-defining elements such as massing, original fenestration and cladding, and roof elements, which are considered character-defining. The portion of the third floor proposed for removal includes areas of the east elevation considered to be of secondary character-defining importance, and non-historic, non-character defining aluminum-frame windows.
- The design of the proposed project, both in the portion above the existing building and the portion directly east of the existing building, are recessed from or flush with, respectively, the third floor in a way that enables the third floor to continue to convey massing and character-defining features and materials.

Based on these factors, the department determined that the proposed removal of a significant portion of the third floor would not impact the property to the degree that it would no longer be able to convey its historic significance.

The analysis in the historical resource evaluation indicates that the proposed project would not result in the loss of ability of the property to convey its historic appearance or affect the site's eligibility for either the national or California registers. The proposed project would not have a significant impact on the historic resources on the site.

The property is adjacent to several known historical resources, including the national register-eligible Guerrero Street Fire Line Historic District and the California register-eligible 1975 Market Street, adjacent to the west. Although the proposed project would result in a change to the massing of 1965 Market Street, it would not result in adverse indirect effects resulting in material impairment to adjacent historical

resources. Thus, the proposed project would result in a less-than-significant impact on offsite historical resources.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not previously identified in the Market and Octavia PEIR. No historic resource mitigation measures would apply to the proposed project.

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 less-than-significant levels (Market and Octavia PEIR Mitigation Measures C1 through C4). Market and Octavia PEIR Mitigation Measure C1: Soil-Disturbing Activities in Archeologically Documented Properties¹³ applies to properties that have a final *archeological resource design/treatment plan* on file; it requires an addendum to that plan. Market and Octavia PEIR Mitigation Measure C2: General Soil-Disturbing Activities was determined applicable to any project involving any soil-disturbing activities below a depth of 4 feet below ground surface and located in areas for which no archeological assessment report has been prepared. Market and Octavia PEIR Mitigation Measure C2 requires that a *preliminary archeological sensitivity study* be prepared by a qualified consultant or that a *preliminary archeological review* be conducted by planning department staff. Market and Octavia PEIR Mitigation Measure C3: Soil-Disturbing Activities in Public Street and Open Space Improvements applies to improvements to public streets and open spaces if those improvements disturb soils below a depth of 4 feet below ground surface; it requires an *archeological monitoring program*. Market and Octavia PEIR Mitigation Measure C4: Soil-Disturbing Activities in the Mission Dolores Archeological District applies to projects in the *Mission Dolores Archeological District* that result in substantial soils disturbance. It requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology, as well as an archeological monitoring program and archeological data recovery program if appropriate.

The Market and Octavia PEIR anticipated that development at the project site would have the potential to disturb archaeological deposits. Because the project site is not an archaeologically documented property, is not a public street or open space project, and is not located within the Mission Dolores archeological district, Market and Octavia PEIR Mitigation Measures C1, C3, and C4 are not applicable to the proposed project. The planning department conducted a preliminary archeological review of the project site and determined that while there are no known archaeological resources at the site, because the proposed project would require excavations to depths of approximately 16 to 20 feet below ground surface, project ground-disturbing activities would have the potential to affect previously undocumented historic resources, were they to occur on the project site.¹⁴ Therefore, it has been determined that the planning department's first standard archaeological mitigation measure (Accidental Discovery) would apply to the proposed project. The preliminary archeological review and resultant requirements (e.g., procedures in the event of accidental discovery) are consistent with Market and Octavia PEIR Mitigation Measure C2. With implementation of this mitigation measure, impacts related to archaeological resources would be less than significant. In accordance with the Market and Octavia PEIR requirements, the project sponsor

¹³ Throughout this CPE, project mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the proposed project at 1965 Market Street/255-291 Duboce Avenue.

¹⁴ Allison Vanderslice, Archeologist and Preservation Planner, San Francisco Planning Department, *Environmental Planning Preliminary Archeological Review*, email 3/22/2017.

has agreed to implement Project Mitigation Measure 1: Accidental Discovery, listed in the Mitigation and Improvement Measures section below.

For these reasons, the proposed project would not result in significant impacts on archeological resources 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>
4. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<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) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, initial study topic 4c is not applicable.

The Market and Octavia PEIR anticipated that growth resulting from the area plan’s zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction. The Market and Octavia PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, traffic hazards and construction transportation impacts are specific to individual development projects, and that project-specific analyses would need to be conducted for future development projects under the area plan.

Accordingly, the planning department conducted project-level analysis of the pedestrian, bicycle, loading, emergency access, traffic hazards, and construction transportation impacts of the proposed project as part of the *transportation impact study* conducted for the proposed project.¹⁵ Based on this project-level review, the department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site. The project sponsor has agreed to implement transportation study-recommended improvement measures to further lessen the proposed project's less-than-significant transportation impacts, including Project Improvement Measures 1: Queue Abatement, 2: Reserve Temporary "No Parking" or "No Stopping" Signs for Large Trucks, 3: Schedule and Coordinate Loading Activities, and 4: Construction Management Plan, are listed in the Mitigation and Improvement Measures section below.

The Market and Octavia PEIR anticipated that growth resulting from future projects within the plan area could result in a significant impact on the 21-Hayes Muni route during the weekday p.m. hour, and identified one transit-specific transportation mitigation measure, which is described further below in the Transit sub-section. Even with mitigation, however, it was anticipated that the significant adverse cumulative impacts on the transit time could not be reduced to a less-than-significant level. Thus, the Market and Octavia PEIR found this impact significant and unavoidable.

As discussed above under "Automobile Delay and Vehicle Miles Traveled," in response to state legislation that called for removing automobile delay from CEQA analysis, the planning commission adopted resolution 19579 replacing automobile delay with a VMT metric for analyzing traffic impacts of a project. Therefore, impacts and mitigation measures from the Market and Octavia PEIR associated with automobile delay are not discussed in this checklist.

The Market and Octavia PEIR did not evaluate VMT. The VMT analysis presented below evaluates the proposed project's transportation effects using the VMT metric.

Vehicle Miles Traveled Analysis

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones (TAZ). Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority uses the *San Francisco chained activity model process* to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in this model

¹⁵ Kittelson & Associates, Inc., *1965 Market Street Transportation Impact Study*, Final Report August 10, 2017.

process is calibrated based on observed behavior from the *California Household Travel Survey 2010-2012*, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. The model uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The transportation authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the transportation authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.^{16,17}

For residential development, the existing regional average daily VMT per capita is 17.2.¹⁸ For retail development, regional average daily retail VMT per employee is 14.8.¹⁹ Average daily VMT for the two land uses are projected to decrease in future 2040 cumulative conditions. Refer to **Table 1**, which includes the TAZ in which the project site is located, TAZ 242.

Table 1: Daily Vehicle Miles Traveled

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 242	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 242
Households (Residential)	17.2	14.6	4.5	16.1	13.7	3.8
Employment (Retail)	14.8	12.6	8.9	14.6	12.4	9.1

A project would have a significant effect on the environment if it would cause substantial additional VMT. OPR's *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (proposed transportation impact guidelines) recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (*map-based screening, small projects, and proximity to*

16 To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

17 San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

18 Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

19 Retail travel is not explicitly captured in San Francisco Chained Activity Model Process, rather, there is a generic "Other" purpose that includes retail shopping, medical appointments, visiting friends or family, and all other non-work, non-school tours. The retail efficiency metric captures all of the "Other" purpose travel generated by Bay Area households. The denominator of employment (including retail; cultural, institutional, and educational; and medical employment; school enrollment, and number of households) represents the size, or attraction, of the zone for this type of "Other" purpose travel.

transit stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-based screening is used to determine if a project site is located within a transportation analysis zone that exhibits low levels of VMT; small projects are projects that would generate fewer than 100 vehicle trips per day; and the proximity to transit stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the planning code without conditional use authorization, and are consistent with the applicable sustainable communities strategy.

The above map-based screening demonstrates that the proposed project is located in an area where VMT is more than 15 percent below the projected regional average for the proposed land uses and therefore meets that screening criterion. Therefore, the proposed project would not cause substantial additional VMT and impacts would be less than significant.

Trip Generation

The proposed project would retain the existing 3,760 square feet of retail space for retail or restaurant use, remove 10,000 square feet of office space, and construct 96 new residential dwelling units and 48 below-grade vehicle parking spaces (an increase of 23 spaces from those existing in a surface lot today).

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review*, developed by the planning department. Assuming the proposed project would retain FedEx in the retail space, the proposed project would generate an estimated 1,395 person trips (inbound and outbound) on a weekday daily basis, consisting of 760 person trips by auto, 292 transit trips, 251 walk trips, and 92 trips by other modes. During the p.m. peak hour, the proposed project with retention of FedEx would generate an estimated 55 vehicle trips.

Assuming the proposed project would result in placement of a restaurant in the retail space instead of FedEx, the proposed project would generate an estimated 3,085 person trips (inbound and outbound) on a weekday daily basis, consisting of 1,849 person trips by auto, 495 transit trips, 618 walk trips, and 123 trips by other modes. During the p.m. peak hour, the proposed project with a restaurant in the commercial space would generate an estimated 143 vehicle trips.

Transit

The project site is within a quarter mile of several local transit lines, including Muni Metro lines F, J, KT, L, M, and N; as well as Muni bus lines 6, 7, 22, and 37. The 16th Street Mission and Civic Center BART stations are located 0.7 and 0.9 mile from the site, respectively.

The proposed project would be expected to generate 51 (if FedEx remains) or 82 (if a restaurant occupies the retail space) p.m. peak hour transit trips. A review of the proposed project's weekday p.m. peak hour contribution to the corridor-level and screenline-level ridership was conducted to determine if the proposed project would have a significant contribution to the unacceptable condition. As detailed in the transportation study, the increase in the level of transit ridership represents less than five percent of the overall ridership on the corridor for routes operating over the 85 percent capacity utilization threshold. Therefore, the proposed project would be considered to have a less than significant impact on ridership and capacity utilization for local transit operators during the weekday p.m. peak hour.

As described above, the Market and Octavia PEIR identified a significant and unavoidable cumulative impact relating to transit delays to the 21-Hayes route. This degradation of 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 is approximately 0.5 mile north of the project site, and as stated above, the project site is well served by several other transit lines. Therefore, the increase in p.m. peak trips on the 21 Hayes from the proposed project would not be cumulatively considerably to this significant cumulative transit impact.

For the above reasons, the proposed project would not result in significant impacts related to transit that were not identified in the Market and Octavia PEIR. In addition, it 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>
5. NOISE—Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<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"/>

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topic 12e and f of the checklist are not applicable.

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 Market and Octavia PEIR determined that implementation of the plan would not result in

significant noise impacts during construction activities. The Market and Octavia PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the plan would be less than significant. No mitigation measures related to noise were identified in the Market and Octavia PEIR.

Construction Noise

The Market and Octavia 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 Market and Octavia PEIR determined that compliance with the noise ordinance, codified as article 29 of the *San Francisco Police Code*, would reduce construction impacts to less-than-significant levels.

All construction activities for the proposed project (approximately 27 months) would be subject to the noise ordinance. Construction noise is regulated by the noise ordinance, which requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the director of public works or the director of the building department 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 p.m. and 7 a.m. unless the Director of public works authorizes a special permit for conducting the work during that period.

The building department is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8 a.m. to 5 p.m.). The police department is responsible for enforcing the noise ordinance during all other hours.

Construction of the proposed project is anticipated to occur over 27 months, with the greatest noise generated during site preparation, excavation, and foundation work during the first few months. Although pile-driving is not proposed, other construction techniques used would result in increased noise. Even though the project construction activities would be subject to and would comply with the noise ordinance, construction noise may at times interfere with indoor activities in nearby residences and businesses near the project site, and may be considered an annoyance by occupants of nearby properties. However, the increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the noise ordinance, which would reduce construction noise impacts to a less-than-significant level.

Operational Noise

The Market and Octavia PEIR noted that 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 Market and Octavia PEIR determined that existing ambient noise levels in the plan area would generally mask noise from new onsite equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The Market and Octavia 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,²⁰ which would prevent significant operational impacts on sensitive receptors.

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. Title 24 establishes uniform noise insulation standards. The title 24 acoustical requirement for residential structures is incorporated into section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. The acoustical requirements of title 24 are incorporated into the San Francisco Building Code. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with title 24, the building department would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet title 24 acoustical requirements. If determined necessary by the building department, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

Additionally, the proposed project is located within 300 feet of a place of entertainment (The Mint Karaoke Lounge approximately 230 feet to the north of the project site at 1942 Market Street) and would be subject to the noise regulations relating to residential uses near places of entertainment (ordinance 70-15, effective June 19, 2015). The intent of these regulations is to address noise conflicts between residential uses in noise critical areas, such as in proximity to highways and other high-volume roadways, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. In accordance with the adopted regulations, residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design would limit exterior noise to 45 decibels in any habitable room. Furthermore, the regulations require the planning department and planning commission to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

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

²⁰ *San Francisco General Plan*. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise. Last amended December. Available online at: www.sf-planning.org/ftp/general_plan/16_Environmental_Protection.htm, accessed March 1, 2016.

<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>
6. AIR QUALITY—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* during construction of development projects under the area plan. The Market and Octavia PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures E1 and E2 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 E1: 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. The San Francisco Board of Supervisors subsequently 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 intent of the 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 onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the building department. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the 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, street and sidewalk sweeping and other measures.

The regulations and procedures set forth by the 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 E1, which is no longer necessary to reduce construction-related dust impacts of the proposed project. Therefore, the proposed project would not result in

significant impacts related to construction dust that were not identified in the Market and Octavia PEIR and no mitigation is required.

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 air district's *CEQA Air Quality Guidelines* provide screening criteria²¹ 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. The proposed project, with a total of 96 dwelling units, is below both the construction screening criterion ("apartment, mid-rise, 240 dwelling units" land use type) and the operational screening criterion ("apartment, mid-rise, 494 dwelling units" land use type). Therefore, the proposed project would not result in any significant impact 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

Since certification of the Market and Octavia PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health codes, generally referred to as the *enhanced ventilation required for urban infill sensitive use developments* or health code, article 38 (ordinance 224-14, amended December 8, 2014)(article 38). The *air pollutant exposure zone* as defined in article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative *fine particulate matter* (PM_{2.5}) concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. For sensitive use projects within the exposure zone, such as the proposed project, the ordinance requires that the project sponsor submit an *enhanced ventilation proposal* for approval by the public health department that achieves protection from PM_{2.5} equivalent to that associated with a *minimum efficiency reporting value 13* filtration. The building department will not issue a building permit without written notification from the director of public health that the applicant has an approved enhanced ventilation proposal. In compliance article 38, the project sponsor has submitted an initial application to the health department.²²

Construction

The project site is located within an identified air pollutant exposure zone; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during the anticipated 27-month construction period. Thus, Project Mitigation Measure 2: Construction Air Quality has been identified to implement Market and Octavia PEIR Mitigation Measure E2 related to emissions exhaust by requiring engines with

²¹ Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, May 2017, pp. 3-1 to 3-5.

²² City and County of San Francisco Department of Public Health. 2017. Application for Article 38 Compliance Assessment. March 10, 2017.

higher emissions standards on construction equipment. Project Mitigation Measure 2: Construction Air Quality would reduce diesel particulate matter exhaust, a toxic air contaminant, from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.²³ Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 2: Construction Air Quality. The full text of Project Mitigation Measure 2: Construction Air Quality is provided in the Mitigation and Improvement Measures section below.

Siting New Sources

The proposed project would not include any sources that would emit diesel particulate matter or other *toxic air contaminants*. Therefore, impacts related to siting new sources of pollutants would be less than significant.

Conclusion

For the above reasons, none of the Market and Octavia PEIR air quality mitigation measures are applicable to the proposed project and the project would not result in significant air quality impacts that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
7. GREENHOUSE GAS EMISSIONS— 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 CEQA Guidelines were amended in 2010 to require an analysis of a project’s greenhouse gas emissions on the environment. The Market and Octavia PEIR was certified in 2007 and, therefore, did not analyze the effects of greenhouse gas emissions.

²³ PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency’s *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

The air district's air quality guidelines provide methodologies for analyzing air quality impacts under CEQA, including the impact of greenhouse gas emissions. These guidelines are consistent with CEQA Guidelines sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts from a proposed project's greenhouse gas emissions and allow for projects that are consistent with a greenhouse gas reduction strategy to conclude that the project's greenhouse gas emissions are less than significant. The following analysis is based on air district and CEQA Guidelines for analyzing greenhouse gas emissions. As discussed below, the proposed project would not result in any new significant impacts related to greenhouse gas emissions.

Proposed Project

San Francisco's *Strategies to Address Greenhouse Gas Emissions*²⁴ presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's greenhouse gas reduction strategy in compliance with the air district and CEQA Guidelines. These greenhouse gas reduction actions have resulted in a 28 percent reduction in greenhouse gas emissions in 2015 compared to 1990 levels,²⁵ exceeding the year 2020 reduction goals outlined in the air district's *Bay Area 2010 Clean Air Plan*,²⁶ Executive Order S-3-05,²⁷ and Assembly Bill 32 (also known as the Global Warming Solutions Act).^{28, 29} In addition, San Francisco's greenhouse gas reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05,³⁰ B-30-15,^{31, 32} and Senate Bill 32.^{33, 34} Therefore, projects that are consistent with San Francisco's greenhouse gas reduction strategy

²⁴ San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf, accessed March 3, 2016.

²⁵ SF Environment, San Francisco's 2015 Greenhouse Gas Emissions, June 2017. Available at <https://sfenvironment.org/carbon-footprint>, accessed June 30, 2016.

²⁶ Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

²⁷ Office of the Governor, Executive Order S-3-05, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

²⁸ California Legislative Information, Assembly Bill 32, September 27, 2006. Available at http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf, accessed March 3, 2016.

²⁹ Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan* set a target of reducing greenhouse gas emissions to below 1990 levels by the year 2020.

³⁰ Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of greenhouse gases need to be progressively reduced, as follows: by 2010, reduce greenhouse gas emissions to 2000 levels (approximately 457 million MTCO₂E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO₂E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E).

³¹ Office of the Governor, Executive Order B-30-15, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state greenhouse gas emissions reduction goal of 40 percent below 1990 levels by the year 2030.

³² San Francisco's greenhouse gas reduction goals are codified in section 902 of the Environment Code and include: (i) by 2008, determine City greenhouse gas emissions for year 1990; (ii) by 2017, reduce greenhouse gas emissions by 25 percent below 1990 levels; (iii) by 2025, reduce greenhouse gas emissions by 40 percent below 1990 levels; and (iv) by 2050, reduce greenhouse gas emissions by 80 percent below 1990 levels.

³³ Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

³⁴ Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

would not result in greenhouse gas emissions that would have a significant effect on the environment and would not conflict with state, regional, and local greenhouse gas reduction plans and regulations.

The proposed project would increase the intensity of use of the site by resulting in the construction of 96 new residential units. Therefore, the proposed project would contribute to annual long-term increases in greenhouse gases as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in greenhouse gas emissions.

The proposed project would be subject to regulations adopted to reduce greenhouse gas emissions as identified in the greenhouse gas reduction strategy. As discussed below, compliance with the applicable regulations would reduce the proposed project's greenhouse gas emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants:³⁵

Compliance with the City's commuter benefits program, emergency ride home program, bicycle parking requirements, parking requirements for low-emitting/fuel-efficient vehicles, and car sharing requirements would reduce the proposed project's transportation-related emissions. Additionally, the project will pay the required transportation sustainability fee to improve local transit services. These regulations reduce greenhouse gas emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower greenhouse gas emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's green building code and the residential water conservation ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related greenhouse gas emissions.³⁶

The proposed project's waste-related emissions would be reduced through compliance with the City's recycling and composting ordinance, construction and demolition debris recovery ordinance, and green building code requirements. These regulations reduce the amount of materials sent to a landfill, reducing greenhouse gases emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy³⁷ and reducing the energy required to produce new materials.

The proposed project would be required to comply with environment/conservation sector regulation, including street tree planting, runoff pollution prevention, compliance with regulations requiring

³⁵ San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 1965 Market Street/255-291 Duboce Avenue, December 5, 2015.

³⁶ Compliance with water conservation measures reduce the energy (and greenhouse gas emissions) required to convey, pump, and treat water required for the project.

³⁷ Embodied energy is the total energy required for the extraction, processing, manufacture, and delivery of building materials to the building site.

low-emitting finishes would reduce volatile organic compounds,³⁸ and absence of wood-burning fireplaces.

Thus, the proposed project was determined to be consistent with San Francisco’s greenhouse gas reduction strategy.

Therefore, the proposed project’s greenhouse gas emissions would not conflict with state, regional, and local greenhouse gas reduction plans and regulations, and the proposed project’s contribution to greenhouse gas emissions would not be cumulatively considerable or generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to greenhouse gas emission. For these reasons, the proposed project would not result in significant impacts beyond those identified in the Market and Octavia 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>
8. WIND AND SHADOW—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 ground-level winds. Market and Octavia PEIR Mitigation Measure B1: Buildings in Excess of 85 Feet in Height, and Market and Octavia PEIR Mitigation Measure B2: All New Construction, identified in the Market and Octavia PEIR, require individual project sponsors to minimize the wind effects of new buildings developed under the area plan through site and building design measures. The Market and Octavia PEIR concluded that implementation of Market and Octavia PEIR Mitigation Measures B1 and B2, in combination with existing planning code requirements, would reduce both project-level and cumulative wind impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures B1 and B2 are applicable to the proposed project. As discussed below, the project sponsor has fulfilled the requirements of Market and Octavia PEIR Mitigation Measures B1 and B2.

Based on the height and location of the proposed up to approximately 85-foot-tall building, a pedestrian wind assessment was prepared by a qualified wind consultant for the proposed project.³⁹ The objective of

³⁸ While not a greenhouse gas, volatile organic compounds are precursor pollutants that form ground-level ozone. Increased ground-level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing volatile organic compound emissions would reduce the anticipated local effects of global warming.

the wind assessment was to provide a qualitative evaluation of the potential wind impacts of the proposed development, which provides a screening-level estimation of the potential wind impact.

The site is located at a large intersection with a parking lot west of the intersection. Low buildings form the general surroundings in all directions. A row of taller buildings is located to the north of Duboce Avenue that stops at the U.S. Mint building, approximately 400 feet northwest of the site. The general open and low surroundings to the west-southwest and west leave the site exposed to winds from those directions, and to some extent, west-northwest as well. The taller buildings cause winds from these directions to downwash to street level and subsequently accelerate around the building corner at the intersection.

Wind conditions on and around the site under existing conditions are expected to be suitable for pedestrian activity and in compliance with the hazard criterion throughout the year, as defined in the planning code. Wind speeds exceeding the 11 mph comfort criterion are expected under the existing condition along Market Street, Duboce Avenue and Buchanan Street, particularly near the taller buildings at the intersection, due to the exposure of the area to the prevailing winds and redirection of winds by the existing taller buildings.

At a height reaching approximately 85 feet, the proposed building would be comparable in height to the taller buildings north of Duboce Avenue, and taller than buildings to the west and southwest. The proposed project would result in the downwashing and channeling of winds around the intersection. However, the setback and roof decks proposed on the north side wrapping around to the northwest of the project at levels three and four, and the lower building roof adjacent to the project to the west are favorable features. The low surfaces would capture and disrupt downwashed winds and reduce potential wind impact at street level. The proposed project and closely spaced buildings in the surroundings would shelter downwind areas (east and south of the project) from the prevailing winds.

In light of the wind flow patterns in the area, with addition of the proposed project, wind speeds west and north of the project are projected to remain unchanged, while wind speeds at the intersection of Market Street, Duboce Avenue and Buchanan Street, and along Duboce Avenue could increase slightly compared to the existing conditions. However, due to the wind protection offered by the surroundings and the favorable design features of the project, it is projected that the general wind conditions would be comparable to those that exist currently in the area – i.e., winds at the intersection would exceed the 11 mph comfort criterion described in the planning code; however, winds are expected to comply with the planning code's wind hazard criterion.

Therefore, with the addition of the proposed project, compared to the existing conditions, a slight increase in wind speeds is expected at the intersection of Market Street and Duboce Avenue, and along Duboce Avenue. Similar to current conditions, the winds in these areas would continue to exceed the planning code's comfort criterion of 11 mph. Exceedance of the pedestrian comfort criteria is not a significant wind impact under CEQA. Exceedance of the hazard criterion would be considered a CEQA impact; however, the proposed project would not cause exceedance of the wind hazard criterion at any locations. The existing tall buildings to the north and northwest, adjacent low buildings to the west and the stepped form of the proposed project's north and northwest faces are positive attributes in terms of wind control. Clinton Park and Guerrero Street would be sheltered by the project and therefore wind

³⁹ Rowan Williams Davies & Irwin Inc., *Screening-Level Wind Analysis for 1965 Market Street*, February 28, 2017.

speeds would be lower or similar to the existing conditions. Suitable wind conditions are predicted at the main entrances of the project since they would be recessed from the main facade.

For these reasons, the proposed project would not result in any significant project-specific or cumulative wind impacts that were not identified in the Market and Octavia PEIR and no further mitigation would be required.

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 one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Public open spaces that are not under the jurisdiction of the San Francisco Recreation and Park Commission as well as private open spaces are not subject to planning code section 295.

The Market and Octavia PEIR analyzed shadow impacts on nearby existing and proposed open spaces under the jurisdiction of the San Francisco Recreation and Park Commission as well as those that are not (e.g., the War Memorial Open Space and United Nations Plaza). The Market and Octavia PEIR determined that implementation of the area plan would not result in a significant shadow impact on section 295 open spaces at the program or project level but identified potentially significant shadow impacts on non-section 295 open spaces. Mitigation Measure A1: Parks and Open Space Not Subject to Section 295 would reduce but may not eliminate significant shadow impacts on the War Memorial Open Space and United Nations Plaza. The Market and Octavia PEIR determined that shadow impacts on non-section 295 open spaces could be significant and unavoidable.

The proposed project would construct a building up to approximately 85 feet; therefore, the planning department prepared a shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.⁴⁰ Based on the shadow fan analysis, the proposed project would not cast new shadow in a manner that would substantially affect nearby parks, including any new and proposed parks and open spaces developed since preparation of the Market and Octavia PEIR. Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

The proposed project would shade portions of nearby streets and sidewalks and private property at times within 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 effect under CEQA. Although occupants of nearby properties 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 project-specific or cumulative shadow impacts that were not identified in the Market and Octavia PEIR.

⁴⁰ San Francisco Planning Department, Shadow Fan Analysis, 1965 Market Street, August 15, 2017.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
9. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<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"/>

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 Market and Octavia PEIR, the voters of San Francisco passed the 2012 San Francisco clean and safe neighborhood parks bond, providing the recreation and park 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* of the general plan was adopted in April 2014. The amended recreation element 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 recreation element identifies locations where proposed open space connections should be built, specifically streets appropriate for potential “living alleys.” In addition, the amended recreation element 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 and Octavia Area Plan area: Marina Green to Dolores Park (Route 15) and Bay to Beach (Route 4).

Furthermore, the planning code requires a specified amount of new usable open space (either private or common) for each new residential unit. Some developments are also required to provide privately owned, publicly accessible open spaces. The planning code open space requirements would help offset some of the additional open space needs generated by increased residential population to the project area. The proposed project would provide usable open space in the form of a rear yard, roof decks, and terraces. This usable open space would help alleviate the demand for recreational facilities.

The proposed project would be within the scope of development projected under the area plan and would not result in any significant project-specific 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>
10. UTILITIES AND SERVICE SYSTEMS—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 Market and Octavia PEIR.

Since certification of the Market and Octavia PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2010 urban water management plan in June 2011. The water management plan update includes city-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the water management plan update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20 percent reduction in per capita water use by 2020. The water management plan includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The water management plan projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the sewer system improvement program, which is a 20-year, multi-billion dollar citywide upgrade to the City's stormwater/sewer system infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will

serve development in the plan area including at the Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects such as the Wiggle Neighborhood Green Corridor.⁴¹

The proposed project would be within the scope of development projected under the area plan and would not result in any significant project-specific 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>
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11. PUBLIC SERVICES—Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <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 substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the Market and Octavia PEIR.

The proposed project would be within the scope of development projected under the area plan and would not result in new or substantially more severe project-specific 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>
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12. BIOLOGICAL RESOURCES—Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

⁴¹ SFPUC, Green Infrastructure Projects, June 2017. Available at <http://sfwater.org/index.aspx?page=671>, accessed June 30, 2017.

<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) 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"/>
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 plan area is 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 area plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the Market and Octavia PEIR concluded that implementation of the area plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

The project site is within the area covered by the area plan, and the proposed would not result in any project-specific or cumulative impacts on biological resources 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>
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13. GEOLOGY AND SOILS—Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<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>
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 type="checkbox"/>
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 Market and Octavia PEIR concluded that implementation of the area plan would indirectly increase the population that would be exposed to geologic hazards such as earthquakes, seismic ground shaking, liquefaction, and landslides, the Market and Octavia 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 acceptable levels 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 Market and Octavia PEIR found that implementation of Market and Octavia Mitigation Measure G1: Construction-Related Soils Mitigation Measure, which consists of construction *best management practices* to prevent erosion and discharge of soil sediments into the storm drain system, would reduce any potential impacts to less-than-significant levels.

Subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors amended the San Francisco Public Works Code adding section 146, "Construction Site Runoff Control,"⁴² which requires all construction sites, regardless of size to implement best management practices to prevent construction site runoff discharges into the City's combined stormwater/sewer system. 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 that includes best management practices to prevent stormwater runoff and soil erosion during construction.

Because the proposed project would involve land-disturbing activities, the construction contractor is required to implement best management practices in compliance with these regulations. Market and Octavia PEIR Mitigation Measure G1, Construction-Related Soils Mitigation Measure, is no longer necessary to reduce any potential impacts of surface runoff and sedimentation. Compliance with these requirements would ensure that the proposed project would not have a significant effect related to soil erosion that was not identified in the Market and Octavia PEIR.

A *preliminary geotechnical investigation* was prepared for the proposed project.⁴³ The site does not include a known fault line and the site soils do not have potential for liquefaction, lateral spreading, or densification. Groundwater was not encountered during preliminary investigations, but historic high groundwater in the site vicinity is known to be between depths of 10 to 30 feet below ground surface. Design-level investigation would determine actual high groundwater level at the site, and if it is above the proposed basement floor subgrade, basement walls and floor would be designed for additional hydrostatic pressures and include waterproofing and underslab drainage.

The preliminary geotechnical investigation identifies that the primary geotechnical concerns for the proposed project are providing adequate lateral support for proposed cuts near adjacent buildings to minimize the potential for construction-induced movement of those structures and considerations for the proposed buildings influence on the Muni subway that runs beneath Market Street. The preliminary geotechnical investigation concludes that the proposed project may be constructed as planned, provided the recommendations presented in the investigation are incorporated into the project plans and specifications. The preliminary geotechnical investigation concludes that the proposed building can be supported on conventional spread footings bearing on bedrock. Because of the depth of the proposed excavation, the building foundations would be outside of the subway zone of influence and would not add additional loads of pressure on the subway structure. *Soil-nail wall* or a *soldier-pile-and-lagging shoring system with tieback anchors* are recommended as appropriate for support of excavations located outside of the subway zone of influence and that excavations within the zone of influence should be supported on soldier-pile and lagging shoring system with internal bracing.

The proposed project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. The building department will review the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site specific soils report(s) through the building permit application process, as needed. The building department requirement for a geotechnical report and review of the building permit

⁴² Added by Ordinance No. 260-13, File No. 103814, Effective December 14, 2013.

⁴³ Rockridge Geotechnical, Preliminary Geotechnical Investigation, Proposed Mixed-Use Building, 1965 Market Street, March 30, 2016.

application pursuant to the building inspection department’s implementation of the building code would ensure that the proposed project would have no significant impacts related to soils, seismic, or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
14. HYDROLOGY AND WATER QUALITY—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"/>
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"/>

<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>
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 stormwater/sewer system and the potential for combined stormwater/sewer outflows. Groundwater encountered during construction would be required to be discharged in compliance with the City’s industrial waste ordinance (ordinance 199-77) and would meet specified water quality standards. No mitigation measures were identified in the Market and Octavia PEIR.

The project site is currently covered by impervious surfaces including the existing building and surface parking lot. The proposed project would decrease the amount of impervious surface through inclusion of a 2,285 square-foot rear yard representing 13.6 percent of the site. Landscaping on roof decks and terraces could additionally act to capture stormwater. Therefore, the proposed project would not increase the rate or amount of surface runoff in a manner that would result in flooding or in substantial erosion or siltation, nor would it exceed the capacity of existing or planned stormwater/sewer system. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface- and groundwater bodies. 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 Plant 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.

Based on a review of historic high-water maps, the groundwater level is mapped at between 10 to 30 feet below ground surface.⁴⁴ The proposed project would entail excavation to a depth of approximately 20 feet below ground surface, and therefore it is possible that groundwater would be encountered during excavation. Any groundwater that is encountered during construction would be subject to requirements of the City’s sewer use ordinance (ordinance 19-92, amended 116-97), as supplemented by San Francisco Public Works Department order 158170, requiring a permit from the wastewater enterprise collection system division of the SFPUC. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge to the combined stormwater/sewer system. Effects from lowering the water table due to dewatering, if any, would be temporary and not expected to substantially deplete groundwater resources. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge.

⁴⁴ Rockridge Geotechnical, Preliminary Geotechnical Investigation, Proposed Mixed-Use Building, 1965 Market Street, March 30, 2016.

For the above reasons, the proposed project would not result in significant project-specific 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>
15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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 related to hazards and 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. In addition, the discovery of contaminated soils and groundwater at a construction 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*. The Market and Octavia PEIR found that compliance with existing regulations and implementation of Market and Octavia PEIR Mitigation Measure F1: Program- or Project-

Level Mitigation Measures for Hazardous Materials, which would require implementation of construction best management practices 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 less-than-significant levels.

As discussed under topic 6, Air Quality, subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors adopted the construction dust control ordinance. The regulations and procedures set forth by the construction dust control ordinance would ensure that construction dust impacts would not be significant. In addition, construction activities in areas containing naturally occurring asbestos are subject to regulation under the state asbestos airborne toxic control measures for construction, grading, quarrying, and surface mining operations, which is implemented in San Francisco by the air district. Compliance with the state asbestos control measures would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of naturally occurring asbestos. With mandatory compliance with these regulations, Market and Octavia PEIR Mitigation Measure F1 is no longer necessary to reduce the construction-related impacts from release of dust and hazardous materials. The proposed project would not result in significant impacts related to construction dust and no mitigation is required.

Hazardous Building Materials

The Market and Octavia PEIR determined that future development in the plan area may involve demolition or renovation of existing structures containing hazardous building materials that could expose workers or the community to hazardous building materials if improperly handled. Implementation of the proposed project would result in the alteration and demolition of a portion of the existing lobby and interior core of the building. Because this structure was built before the 1980s, hazardous building materials such as polychlorinated biphenyls, mercury, asbestos and lead-based paint are likely to be present. Demolition of portions of and alterations to the existing structure could expose workers or the community to hazardous building materials.

Hazardous building materials addressed in the Market and Octavia PEIR include asbestos and lead-based paints. The air district regulates the demolition and renovation of buildings that may contain asbestos. The air district must be notified of all demolitions and renovation of 100 square feet of asbestos and requires abatement of asbestos-containing materials in accordance with applicable regulations prior to the start of demolition or renovation activities. Pursuant to state law, the building inspection department will not issue a demolition permit until asbestos abatement has been completed. California's health and safety code and San Francisco building code section 3407 requires compliance with work practices for all pre-1979 buildings undergoing additions, alterations, or demolition that may disturb or remove lead-based paints to minimize or eliminate the risk of lead contamination of the environment. California law requires that fluorescent lamps and tubes (which contain mercury) be recycled or disposed of at a hazardous waste disposal facility.⁴⁵ In addition, electrical equipment such as transformers and light ballasts that may contain polychlorinated biphenyls or *DEHP* (a toxic phthalate) must be removed and disposed of properly.⁴⁶

⁴⁵ CCR Title 22, section 66261.50 et seq.

⁴⁶ CCR Title 22, section 67426.1 et seq.

Required compliance with applicable federal, state, and local regulations would ensure that the proposed project would not result in any significant impacts related to hazardous building materials that were not identified in the Market and Octavia PEIR.

Soil and Groundwater Contamination

Since certification of the Market and Octavia 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, remediation 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 Area Plan area are subject to this ordinance.

The project site would be excavated up to approximately 20 feet below ground surface and would therefore disturb more than 50 cubic yards of soil in an area with current industrial/fuel-related uses. Therefore, the project is subject to the Maher ordinance, which is administered and overseen by the health department. The Maher ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *phase I environmental site assessment* that meets the requirements of health code section 22.A.6.

In compliance with the Maher ordinance, the project sponsor has submitted a Maher application to the health department and a site assessment has been prepared to assess the potential for site contamination. The site assessment conclusions are summarized below.⁴⁷

Previous activities on the site that used or are likely to have used hazardous materials include former mortuary and funerary chapel operations (e.g., use of embalming chemicals) that began by 1930 and operated until sometime between 1970 and 1977. Wastewater from such uses can include embalming chemicals such as formaldehyde, phenol, and methanol. The potential for concern over releases of wastewater containing embalming chemicals is highest where embalming fluids are discharged to a septic system and therefore can be concentrated at the site. However, based on the assumed long-term discharge of wastewater to a combined stormwater/sewer system, the potential for release of reportable quantities of chemicals is not anticipated, and as such, the previous discharges of embalming fluids at the project site is not considered a significant environmental concern.

Therefore, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR.

Fire Hazards and Emergency Response

In San Francisco, fire safety is ensured through the provisions of the San Francisco building and fire codes. During the review of the building permit application, the building department and the San Francisco Fire Department will review the project plans for compliance with all fire safety

⁴⁷ PES Environmental, Inc., Phase I Environmental Site Assessment, 1965 Market Street and 255-277 and 291-293 Duboce Avenue, June 18, 2015.

regulations. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to hazards and hazardous materials that were not identified in the Market and Octavia 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>
16. MINERAL AND ENERGY RESOURCES—Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<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 Market and Octavia PEIR determined that the area plan would facilitate the construction of both new 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 enforced by the building department.

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

MITIGATION AND IMPROVEMENT MEASURES

Mitigation Measures

Project Mitigation Measure 1: Accidental Discovery) (Implementing Market and Octavia PEIR Mitigation Measure C2)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines section 15064.5(a) and (c). The project sponsor shall distribute the planning department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project

sponsor shall provide the environmental review officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the ALERT Sheet.

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

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

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

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

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

Project Mitigation Measure 2: Construction Air Quality (Implementing Market and Octavia PEIR Mitigation Measure E2)

The project sponsor or the project sponsor's contractor shall comply with the following:

A. *Engine Requirements.*

1. All off-road equipment greater than 25 horse power and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency or California Air Resources Board tier 2 off-road emission standards, and have been retrofitted with an air board level 3 verified diesel emissions control strategy. Equipment with engines meeting "tier 4 interim" or "tier 4 final" off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

1. The planning department's environmental review officer (ERO) may waive the alternative source of power requirement of subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of subsection (A)(1).
2. The ERO may waive the equipment requirements of subsection (A)(1) if: a particular piece of off-road equipment with an air board level 3 emissions control is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an air board level 3 emissions control. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to table below.

Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control*
1	Tier 2	Level 2
2	Tier 2	Level 1
3	Tier 2	Alternative Fuel

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

* California Air Resource Board verified diesel emissions control strategy level or alternative fuels, which is not an emissions control.

- C. *Construction Emissions Minimization Plan.* Before starting onsite construction activities, the contractor shall submit a construction emissions minimization plan to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the requirements of section A.
1. The plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For emissions control installed, the description may include: technology type, serial number, make, model, manufacturer, air board verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
 2. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The plan shall include a certification statement that the contractor agrees to comply fully with the plan.
 3. The contractor shall make the plan available to the public for review onsite during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the construction emissions minimization plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.

The project sponsor has agreed to implement all of the following improvement measures:

Improvement Measures

Project Improvement Measure 1: Queue Abatement

As an improvement measure to minimize the vehicle queues at the project driveway into the public right-of-way, the project would be subject to the planning department's vehicle queue abatement conditions of approval:

It will be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility will employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics

and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the planning director, or his or her designee, suspects that a recurring queue is present, the department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the department for review. If the department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.

Project Improvement Measure 2: Reserve Temporary "No Parking" or "No Stopping" Signs for Large Trucks

To ensure the availability of curb space for large truck (i.e., semi-truck) deliveries, the commercial tenant/building management will request temporary tow away no stopping signage and reserve the necessary curb space for all large truck deliveries. The commercial tenant/building management will follow San Francisco Municipal Transportation Agency's (SFMTA) application process for temporary signage. The process and applicable fees are outlined on the program website: <https://www.sfmta.com/services/streets-sidewalks/temporary-signage>.

To minimize the disruption of the flow of traffic and transit vehicles on adjacent streets, the commercial tenant/building management will work with delivery providers and, to the extent possible, schedule deliveries to occur during off-peak hours or on weekends.

The commercial tenant/building management will instruct delivery services that trucks are not permitted to stop on Market Street, or to impede the movement of transit vehicles, other vehicles, or bicycles. Freight loading/service vehicles will be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along Market Street.

Project Improvement Measure 3: Schedule and Coordinate Loading Activities

The commercial tenant/building management will work with delivery providers to schedule and coordinate loading activities to ensure that any freight loading/service vehicles can be accommodated either in the proposed on-street or onsite/off-street loading space. Deliveries will be scheduled to minimize loading activities during peak periods and reduce potential for conflicts with traffic, transit, bicyclists, and pedestrians on Duboce Avenue and Market Street.

The commercial tenant/building management will monitor loading activity and in the event that the on-street commercial loading zone becomes permanently unavailable, or is consistently occupied, the

commercial tenant/building management will work with delivery providers to encourage the use of smaller delivery vehicles that can be accommodated in the onsite/off-street loading space.

The commercial tenant/building management will instruct delivery services that trucks are not permitted to stop on Market Street, or to impede the movement of transit vehicles, other vehicles, or bicycles. Freight loading/service vehicles will be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along Market Street.

Project Improvement Measure 4: Construction Management Plan

The project sponsor and/or construction contractor will develop a construction management plan to minimize potential disruptions to transit, traffic, and pedestrian and bicyclists. The construction management plan will include, but not necessarily be limited to, the following:

- Coordinate with SFMTA, public works, and construction manager(s)/contractor(s) for nearby developments, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic in the area
- Establish construction phasing/staging schedule and sequence that minimizes impacts of a work zone on traffic by using operationally-sensitive phasing and staging throughout the life of the project
- Coordinate and schedule utilities work to minimize potential work disruptions or interruptions and reduce overall construction duration
- Identify arrival/departure times for trucks and construction workers to avoid peak periods of adjacent street traffic and minimize traffic effects
- Identify optimal truck routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists
- Encourage construction workers to commute via sustainable means of transportation, including public transit, ridesharing, bicycling, and walking
- Identify off-street parking alternatives for construction workers

The construction management plan will disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The program will supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by SFMTA, public works, or other city departments and agencies, including the California Department of Transportation (Caltrans).