



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2008.1328E
 Project Title: 1 Franklin Street
 Zoning: Moderate-Scale Neighborhood Commercial Transit (NCT-3) Use District
 50-X/85-X Height and Bulk District
 Block/Lot: 0837/003
 Lot Size: 6,600 square feet
 Plan Area: Market-Octavia
 Project Sponsor: Warner Schmalz, Forum Design, (415)252-7063
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PROJECT DESCRIPTION:

The project site is located at 1 Franklin Street on the northwest corner of Franklin and Page Streets in the Downtown/Civic Center Neighborhood. The proposed project would replace an existing 32-space surface parking lot with a mixed-use building. The new building would include 35 dwelling units, approximately 2,378-square-feet of ground floor retail space and 18 off-street parking spaces in a below-ground parking garage. The proposed building would be up to 85 feet tall, with the northwestern most part of the building stepping down to 55 feet. The project would include approximately 1,650 square feet of rear yard open space at the second level and 3,200 square feet of common open space area at the sixth level and roof of the building. Access to the underground parking garage, the residential lobby, and the ground floor retail would be from Page Street.

EXEMPT STATUS:

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

REMARKS:

(see next page)

DETERMINATION:

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

BILL WYCKO
 Environmental Review Officer

Date

cc: Warner Schmalz, Project Contact
 Tim Frye, Neighborhood Planning Division
 Kearstin Dischinger, Citywide Planning Division

Supervisor Chris Daly, District 6
 Exemption/Exclusion File
 Virna Byrd, M.D.F.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 1 Franklin Street mixed-use project described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (FEIR). Project specific studies summarized in this determination were prepared for the proposed project at 1 Franklin Street to determine if there would be significant impacts attributable to the proposed project. These studies examined that project's potential environmental effects on shadow, wind, and air quality.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. This determination does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies a mitigation measure contained in the FEIR that would be applicable to the proposed project at 1 Franklin Street. Relevant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects.

Background

On April 5, 2007, San Francisco Planning Commission certified the FEIR for the Market and Octavia Plan Area (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The FEIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Area Plan, an element of the San Francisco General Plan. The FEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Plan. The 1 Franklin Street site was designated and envisioned as a site with a building up to 85 feet in height and containing residential and commercial uses.

Subsequent to the certification of the FEIR, in May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia Plan EIR. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by

considering people movement over auto movement, and builds walkable “whole” neighborhoods meeting everyday needs. The Plan, as evaluated FEIR and as approved by the Board of Supervisors, accommodates the proposed use, design and density of the 1 Franklin Street building.

As noted in the FEIR, “individual projects that could occur in the future under the Plan would undergo project level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and additional environmental review would be required.” This determination concludes that the proposed mixed-use project at 1 Franklin Street is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Plan, that the FEIR adequately described the impacts of the proposed 1 Franklin Street project, and identified the necessary mitigation measures in the FEIR, as adapted for project-specific conditions described in this Certificate of Exemption. The proposed project is also consistent with the zoning controls for the project site. Therefore, the 1 Franklin Street project is consistent with the adopted Market and Octavia Plan FEIR, its impacts are adequately addressed in the FEIR, and no further CEQA evaluation is necessary.

Potential Environmental Effects

The Market and Octavia FEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historical and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 1 Franklin Street project is in conformance with the height, use and density for the site described in the FEIR and would represent a small part of the growth that was forecast for the Market and Octavia Neighborhood in the FEIR. Thus, the project analyzed in the FEIR considered incremental impacts of the proposed 1 Franklin Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the FEIR. The following discussion demonstrates that the project would not result in significant impacts beyond those analyzed in the DEIR, including assessment of project-specific impacts related to transportation, shadow, wind, air quality, and land use and aesthetics.

Land Use and Aesthetics

Planning Department staff has determined that the proposed project is consistent with the Market and Octavia Plan and satisfies the requirements of the General Plan and the Planning Code. The proposed project would replace an existing parking lot with an 85-foot-high building constructed to the Page and Franklin Streets property lines. The proposed building is consistent with the height and bulk controls on the site analyzed in the FEIR. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed building would not be substantially taller than the existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Air Quality

The proposed project would replace an existing 32-space surface parking lot with a mixed-use building. The new building would include 35 dwelling units, approximately 2,378-square-feet of ground floor retail space and 18 off-street parking spaces in a below-ground parking garage. The proposed project is expected to generate approximately 698 CO₂-eq tons/year net new greenhouse gases (GHG) emissions

during annual operations.¹ The project would also generate 674 CO₂-eq tons/year during construction. A recent evaluation of San Francisco's community-wide greenhouse gas emissions inventory indicates that in 2005 San Francisco emitted 7.09 million CO₂-eq tons/year.² The proposed project's annual operations would represent an approximately 0.01 percent addition of greenhouse gases to San Francisco's community-wide emissions. Therefore, the project would not result in any significant impacts related to GHG emissions.

Article 38 of the San Francisco Health Code requires all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone to perform an Air Quality Assessment to determine whether the PM 2.5 concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m³).³ Sites where the PM 2.5 concentration exceeds the 0.2 ug/m³ threshold are required to install ventilation systems or otherwise redesign the project to reduce the PM 2.5 concentration for the habitable areas for the dwelling units. The project site is located within the Potential Roadway Exposure Zone triggering the application of San Francisco Health Code Article 38.

An Air Quality Assessment was completed by the Department of Public Health for the project site on April 28, 2009. The results indicate that the maximum average annual exposure would be about 0.16 ug/m³. This level is below the action threshold for mitigation recommended in the *Department of Public Health's Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*. Therefore, the project would have no significant air quality impacts on residents due to roadway emissions.

Cultural Resources

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

The proposed project is not located in a known Historic District and it is not anticipated that the project would result in any adverse impacts on offsite historical resources.

Pursuant to Archeological Mitigation Measure 5.6.A2 of the Market and Octavia Neighborhood Plan FEIR, an archeological sensitivity memorandum was prepared for the proposed project and is summarized here.⁴ It is not known when the project site was first developed, but by the late 1880s there

¹ Jessica Range, San Francisco Planning Department, Memorandum, *RE: Greenhouse Gas Calculations, 1 Franklin Street*, May 22, 2009. This document is on file and available for review by appointment as part of Case File No. 2008.1328E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

² This inventory does not include waste-related emissions or emission from wastewater operations.

³ See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

⁴ Randall Dean, MEA archeologist, memorandum to Don Lewis, MEA planner, June 30, 2008. This memorandum is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1328E.

were six one-story buildings on the site consisting of three commercial buildings and two or three residential buildings that may have been single-family residences. On the corner of Page and Franklin was a two-story structure with a commercial tenant at street level (Sanborn Fire Insurance Co. 1886-93). There was no Sanborn map available for the 1899-1900 period so it is uncertain how much the project site may have changed in land-use, residential/commercial tenancy, and demographic composition by the end of the century.

Historic fill present in the project site is relatively shallow (4 to 7 ft bgs) and consists of sand indicating that the natural surface of the site was perhaps lower the existing grade. The absence of rubble and debris within the fill, and the lack of indications on the Sanborn map of the project site, suggests that little soils disturbance has occurred within the project site.

Many prehistoric shell midden sites and other types of prehistoric sites in San Francisco have been encountered within and below Holocene sand dune deposits, sometimes at very great depths below the historic grade. A prehistoric midden deposit was discovered within three blocks of the project site within recent years.

Although it is possible that prehistoric deposits may be within the zone of proposed ground disturbance, it is not expected to affect archeological deposits. Therefore, it is unlikely that the proposed project would adversely affect California Register-eligible archeological resources, should such resources be present. As applied to the proposed project, Mitigation Measure 5.6.A2 indicates that the project would not result in significant impacts with implementation of the Department's measures for accidental discovery. Nevertheless, in the event such resources are encountered during ground-disturbing activities, implementation of Archeological Mitigation Measure 5.6.A2 from the FEIR reduces potential effects to a less-than-significant level (see Project Mitigation Measure 1 on page 8).

Wind

Project-specific evaluation of the probable wind impacts of the proposed project was completed by Donald Ballanti.⁵ This study concluded that the proposed building has no exposed, continuous building faces oriented towards the prevailing wind directions that would suggest it would generate strong wind accelerations at pedestrian level, and that based on consideration of the exposure, massing, design, and orientation of the proposed building, the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. As a result, the proposed project would not have any significant wind impacts.

Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow 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. To determine whether the proposed project would

⁵ Donald Ballanti, Certified Consulting Meteorologist, *Wind/Comfort Impact Evaluation for the 1 Franklin Street Project*, April 30, 2009. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2008.1328E.

conform to Section 295, a shadow fan analysis was prepared by Planning Department staff. This analysis concluded that the proposed project would not have the potential to cast new shadow on any property under the jurisdiction of the Recreation and Park Department.⁶ The new proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows created by the proposed project would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

Furthermore, the loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. Although residents may regard the increase in shadow as an inconvenience, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

Transportation

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.⁷ The proposed project would generate about 657 gross person trips (inbound and outbound) on a weekday daily basis, consisting of 336 person trips by vehicle, 174 transit trips, 118 walk trips and 29 trips by other modes. During the p.m. peak hour, the proposed project would generate 28 vehicle trips. These estimated 28 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block, but would not substantially increase traffic volumes at these intersections. The proposed project could result in an increase in the average delay per vehicle at these intersections, but the increase would not be substantial or noticeable, and the proposed project would not significantly change the existing Levels of Service at the intersections surrounding the project site.

The proposed project would not be required to provide off-street parking spaces, and 18 subterranean parking spaces are proposed. Based on the methodology presented in the *2002 Transportation Guidelines*, on an average weekday, the demand for parking would be 45 spaces. Thus, the project would have an unmet parking demand of 27 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

⁶ San Francisco Planning Department, letter dated March 16, 2009 (Case No. 2008.1328K), Shadow Analysis. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2008.1328K.

⁷ Don Lewis, San Francisco Planning Department, *Transportation Calculations*, April 3, 2009. These calculations are available for review by appointment as part of Case File No. 2008.1328E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents, should however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines §15131a). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

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

According to the Market and Octavia Neighborhood Plan FEIR, the following intersections in the vicinity are anticipated to fail under 2025 with Plan during weekday p.m. peak hour: Market Street/Van Ness/South Van Ness (one block away) at LOS E and South Van Ness/Mission Street (approximately two blocks away) at LOS F. Under the same conditions, the intersection of Franklin Street/Page Street (project site) is anticipated to operate at LOS D.

By implementation of the proposed project, it is not anticipated that intersections around the project site would deteriorate to unacceptable levels. However, if they did, these conditions would occur with or without the project, and the proposed project's contribution of 28 p.m. peak hour vehicle trips would not

be a substantial proportion of the overall traffic volume or the new vehicle trips generated by these projects, should they be approved. Since the proposed project would not contribute considerably to 2025 Cumulative conditions, it would therefore not have any significant cumulative transportation impacts.

Implementation of Program EIR Mitigation Measure

The project sponsor has agreed to implement the following mitigation measure pursuant to Mitigation Measure 5.6.A2 of the Market and Octavia Neighborhood Plan FEIR.

Project Mitigation Measure 1 – Archeological Resources

The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried historical resources as defined in CEQA Guidelines Sections 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

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

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

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery

program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

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

Conclusion

The FEIR for the Market and Octavia Plan incorporated and adequately addressed all potential impacts of the proposed 1 Franklin Street project. As described above, the 1 Franklin Street project would not have any additional or peculiar significant adverse effects not examined in the FEIR, nor has any new or additional information come to light that would alter the conclusions of the FEIR. Thus, the proposed 1 Franklin Street project would not have any new significant or peculiar effects on the environment not previously identified in the FEIR for the Market and Octavia Plan, nor would any environmental impacts be substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code (CEQA).

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

