



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2012.0903E
 Project Address: 580-582 Hayes Street
 Zoning: Hayes-Gough Neighborhood Commercial-Transit District
 40-X Height and Bulk District
 Hayes Valley Commercial Historic District
 Block/Lot: 0807/010
 Lot Size: 12,000 square feet
 Plan Area: Market and Octavia Neighborhood Plan
 Project Sponsor: Dan Schalit, Laguna Hayes, LLC – (415) 505-0078
 Staff Contact: Christopher Espiritu – (415) 575-9022, Christopher.Espiritu@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project would include the demolition of an existing single-story, approximately 18-foot-tall, 6,435-square-foot (sq ft) commercial building and 1,160-sq ft surface parking lot with four parking spaces. The project also includes the construction of a new five-story (55-feet-tall) mixed-use building with a basement-level garage, ground-floor retail space, and residential use on upper floors. The existing building, currently used for restaurant/retail purposes, would be demolished and the proposed building would include 29 dwelling units, 8,000 sq ft of ground-floor retail, and 20 off-street parking spaces in the basement garage. The new mixed-use building would be approximately 39,300 sq ft and 55-feet tall, excluding an approximately 16-foot-tall elevator penthouse. The project site is located on a corner lot, bounded by Ivy Street to the north, Hayes Street to the south, Octavia Street to the east, and Laguna Street to the west, within the Hayes Valley neighborhood. The project is within the Hayes-Gough Neighborhood Commercial-Transit (NCT) Zoning District and the Hayes Valley Commercial Historic District. (Continued on next page.)

EXEMPT STATUS:

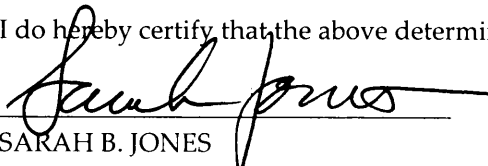
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

REMARKS:

(See next page.)

DETERMINATION:

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


 SARAH B. JONES
 Environmental Review Officer

April 29, 2014
 Date

cc: Dan Schalit, Project Sponsor; Supervisor London Breed, District 5; Kate Conner, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File, Historic Preservation Distribution List

PROJECT DESCRIPTION (continued):

The proposed project would include 29 dwelling units ranging from one- to three-bedroom units on each of the upper floors (Floors 2-5) and would provide 15 one-bedroom units, 12 two-bedroom units, and 2 three-bedroom units. The proposed project would provide 20 off-street parking spaces and 15 Class 1 bicycle parking spaces within a basement-level garage accessed from an entrance on Ivy Street. The proposed dwelling units would be accessed from a residential lobby located on Hayes Street. Also, the proposed project would include the excavation to a depth of 15 feet below ground surface and an estimated 5,800 cubic yards of soil disturbance.

Project Approval

The proposed project would require the following approvals:

- **Conditional Use Authorization** (*Planning Commission*). The proposed project would require a Conditional Use Authorization to allow development on a lot exceeding 10,000 sq ft.
- **Variance** (*Zoning Administrator*). The proposed project would require a variance from the Planning Code as the project would not meet the Code-required rear yard under Section 134.
- **Site Permit** (*Department of Building Inspection*). The proposed project would require approval from DBI for a site permit.

While the proposed project requires multiple approvals, the overall development would be collectively reviewed by the Planning Commission and the Zoning Administrator at a consolidated hearing. Approval Action for the proposed project would be granted through the approval of the Conditional Use Authorization under the Planning Code Section 303. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 580-582 Hayes Street project described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (FEIR) (Planning Department Case No. 2003.0347E and

State Clearinghouse No. 2004012118), which is the underlying EIR for the proposed 580-582 Hayes Street project. Project-specific studies summarized in this determination were prepared for the proposed project to determine if there would be any additional potentially significant impacts attributable to (i.e., "peculiar" to) the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, significant 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. In addition, this determination identifies mitigation measures contained in the FEIR that would be applicable to the proposed project. Relevant information pertaining to prior environmental review conducted for the FEIR as well as an evaluation of potential environmental effects are provided in the Community Plan Exemption (CPE) Checklist for the proposed project.¹

BACKGROUND:

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

Subsequent to the certification of the FEIR, in April 5, 2007, 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 FEIR. The legislation created several new zoning controls which allow 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 land use, density, and design of the proposed project at 580-582 Hayes Street are consistent with the assumptions used to evaluate future development of the site in the Market and Octavia Plan FEIR.

Individual projects that occur under the Plan undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, and the site at the time of development, and to determine if additional environmental review is required. This determination concludes that the proposed project at 580-582 Hayes Street is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Neighborhood Plan. Further, this determination finds that the FEIR adequately anticipated and described the impacts of the proposed project, and identified the applicable mitigation measures. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation is necessary.

¹ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2012.0903E.

PROJECT SETTING:

The project site, which is located on a corner lot on the north side of Hayes Street between Laguna and Octavia streets, is in the Hayes Valley neighborhood. Existing uses near the project site consists of mostly two- to three-story residential buildings, with ground floor commercial uses, located to the east of the project site. Directly across from the project site is a five-story mixed-use building and is the tallest building in the vicinity of the project site. To the west of the project site is a primarily residential area with two- to three-story residential homes along Hayes Street. There are no buildings under construction in the immediate surroundings of the project site. Proposed developments on former Central Freeway parcels located within a ¼-mile of the project site are currently under review by the department. The project site, similar to other parcels surrounding the project site, is zoned NCT. The project site has a height and bulk limit of 55-X, while surrounding parcels range from 40-X and 50-X.²

POTENTIAL ENVIRONMENTAL EFFECTS:

The Market and Octavia Neighborhood Plan FEIR included analyses of environmental issues including: land use and zoning; plans and policies; visual quality and urban design; population, housing, and employment (growth inducement); transportation; noise; air quality; wind and shadow; archeological resources; historic architectural resources; hazardous materials; geology and soils; public facilities, services, and utilities; hydrology; and biology. The proposed 580-582 Hayes Street project is within the allowable development density and consistent with the designated uses for the site described in the Market and Octavia FEIR and would represent a small part of the growth forecast for the Market and Octavia Area Plan. As a result, the Market and Octavia FEIR considered the incremental impacts of the proposed 580-582 Hayes Street project. The proposed 580-582 Hayes Street project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia FEIR. Topics for which the FEIR identified a significant program-level impact are addressed in this Certification of Determination, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.³ The following discussion demonstrates that the proposed 580-582 Hayes Street project would not result in significant impacts beyond those analyzed in the FEIR.

Significant and unavoidable impacts were identified in the Market and Octavia FEIR for the following topics: transportation and circulation, and shadow. The project, as proposed, would not contribute to the identified significant and unavoidable shadow impact since the FEIR found the potentially significant adverse shadow impacts would occur on the War Memorial Open Space from development on Franklin Street and the United Nations Plaza from the proposed tower development at the Market Street and Van Ness Avenue intersection. These sites are located more than a ¼-mile from the project site. Also, the proposed 580-582 Hayes Street building would not cast net new shadow on parks or open spaces under the jurisdiction of the Recreation and Parks Commission.⁴ As for the identified significant and

² Height and bulk districts of 40-X, 50-X, and 55-X, as established by Planning Code Section 250, states that proposed developments for lots located in these height and bulk districts would not exceed building heights of 40, 50, and 55 feet, respectively. Lots located in districts with an "X" bulk limit designation, have a maximum width for the base of the proposed building of approximately 55 to 65 feet (identified as the lowest portion of the building extending vertically to a streetwall height, per Section 270 of the Planning Code).

³ Ibid.

⁴ Kevin Guy, Current Planning Division – Preliminary Shadow Analysis for 580-582 Hayes Street, January 2, 2014. This document is available for review as part of Case File No. 2013.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

unavoidable impact related to transportation and circulation, the proposed project would add approximately 47 vehicles to the existing transportation network and would not contribute considerably to the critical vehicle movements that operate poorly at nearby intersections (Hayes/Gough and Hayes/Franklin streets) that were identified in the FEIR. Therefore, the proposed 580-582 Hayes Street project would not contribute to the significant and unavoidable transportation or shadow impacts identified in the Market and Octavia Plan FEIR.

The Market and Octavia Neighborhood Plan FEIR identified feasible mitigation measures to address other significant impacts related to: Shadow (A1), Wind (B1 and B2), Archeological Resources (C1 through C4), Transportation (D1 through D8), Air Quality (E1 and E2), Hazardous Materials (F1), and Geology, Soils, and Seismicity (G1). These mitigation measures would reduce impacts to less-than-significant level upon implementation, with the exception of Transportation (D1 through D8), which would remain significant impacts.

As analyzed and discussed in the CPE Checklist below, the following mitigation measures identified in the FEIR do not apply to the proposed project. Mitigation Measures related to Wind (B1 and B2) would not apply to the proposed project because these measures only apply to projects at proposed heights of 85 feet or taller. Mitigation Measures related to Archeological Resources (C1, C3, and C4) would not apply to the proposed project since these measures only apply to soils disturbing activities in archeologically documented properties, public streets and open spaces, and sites located within the Mission Dolores Archeological District (the project site is not located in one of these areas). Mitigation Measures related to Transportation (D1 through D8) would not apply to the project since traffic and transit mitigation measures have already been implemented or would need to be implemented by the San Francisco Municipal Transportation Agency (SFMTA). Mitigation Measure related to Air Quality (E1) in the Market and Octavia FEIR has been superseded by the Construction Dust Control Ordinance and therefore, Mitigation Measure (E1), is not applicable to the proposed project since the project would be required to implement the Dust Control Ordinance. Finally, the Mitigation Measure related to Hazards and hazardous materials (F1), would not apply to the proposed project since the project site does not contain any known (or documented) hazards or hazardous materials and there has been no previous industrial uses on-site.

As discussed in the CPE Checklist for the proposed 580-582 Hayes Street project below, Market and Octavia Neighborhood Plan FEIR Mitigation Measures related to Shadow (A1), Archeological Resources (C2), Air Quality (E2), and Geology, Soils, and Seismicity (G1) were determined to apply to the proposed project for the following reasons: 1) The proposed 580-582 Hayes Street project would not cast new shadow on parks subject to Section 295 of the Planning Code, however, the proposed project could potentially cast new shadows on parks and open space that are not subject to Section 295; thus, the Mitigation Measure related to Shadow (A1) would apply to the project. Mitigation Measure (A1) would ensure that the proposed project shall be designed and shaped to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. 2) The project requires excavation of up to approximately 15 feet on a site with no previous archeological documentation and therefore Mitigation Measure for Archeological Resources (C2) to mitigate potential

project-related impacts to archeological resources is applicable to the proposed 580-582 Hayes Street project. Mitigation Measure (C2) requires the preparation of a preliminary archeological sensitivity study to assess the potential for a proposed project to have a significant impact on archeological resources. 3) Since construction of the proposed project would include the use of construction-related vehicles and equipment, as well as soils disturbance and excavation, Mitigation Measures for Air Quality (E2) and Geology, Soils, and Seismicity (G1) are applicable to the proposed 580-582 Hayes Street project. Mitigation Measure (E2) would minimize short-term impacts on air quality due to construction-related equipment and vehicles. Mitigation Measure (G1) would ensure that best management practices, regarding soil erosion control would be developed and implemented. With implementation of these above-noted four mitigation measures from the Market and Octavia FEIR, as well as the Dust Control Ordinance, the proposed 580-582 Hayes Street project would not result in significant impacts beyond those analyzed in the underlying Market and Octavia Plan FEIR.⁵ In addition, and in accordance with the Market and Octavia Neighborhood Plan FEIR, the project sponsor has agreed to implement the following improvement measure addressing air pollutant impacts and to conform with Article 38 of the San Francisco Health Code: Improvement Measure 1 – Enhanced Ventilation Measures.⁶

Public Notice and Comment

A “Notification of Project Receiving Environmental Review” was mailed on October 9, 2012 to adjacent occupants and owners of properties within 300 feet of the project site. Department Staff received requests from the public to be included in future notices for the proposed project. No members of the public commented specifically on the physical environmental effects of the proposed project. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public.

Conclusion

The Market and Octavia Neighborhood Plan FEIR incorporated and adequately addressed all potential impacts of the proposed 580-582 Hayes Street project. As described above, the proposed 580-582 Hayes Street project would not have any project-specific significant adverse effects that are peculiar to the project or its site that were not examined in the Market and Octavia Neighborhood Plan FEIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia Neighborhood Plan FEIR. Thus, the proposed project would not have any new significant effects on the environment not previously identified in the Market and Octavia Neighborhood Plan FEIR, nor would any environmental impacts be substantially greater than described in the Market and Octavia Neighborhood Plan FEIR. Therefore, the proposed project is exempt from further environmental review pursuant to Section 21083.3 of CEQA and Section 15183 of the CEQA Guidelines.

⁵ Please refer the CPE Checklist for a complete discussion.

⁶ The full text of this improvement measure is included in the MMRP.



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: 2012.0903E
Project Address: 580-582 Hayes Street
Zoning: Hayes-Gough NCT – Neighborhood Commercial-Transit District
40-X Height and Bulk District
Block/Lot: 0807/010
Lot Size: 12,000 square feet
Plan Area: Market and Octavia Neighborhood Plan
Project Sponsor: Dan Schalit, Laguna Hayes, LLC – (415) 505-0078
Staff Contact: Christopher Espiritu – (415) 575-9022, Christopher.Espiritu@sfgov.org

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PROJECT DESCRIPTION:

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The proposed 580-582 Hayes Street project would require the following approvals:

Actions by the Planning Commission

- Approval of an application for a Section 303 Conditional Use Authorization. The proposed project requires exceptions for the required rear yard. Approval of the Section 303 Conditional Use Authorization would constitute the approval action for the purpose of establishing the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.16 of the San Francisco Administrative Code.

Actions by the Zoning Administrator

- Approval of a variance from the Planning Code as the project would not meet the Code-required rear yard under Section 134.

Actions by other City Departments

- **Site Permit** (*Department of Building Inspection*). The proposed project would require approval from DBI for a site permit.

EVALUATION OF ENVIRONMENTAL EFFECTS:

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether such impacts are addressed in the applicable programmatic FEIR (PEIR)¹ for the Market and Octavia Neighborhood Plan Final EIR (FEIR) (Planning Department Case No. 2003.0347E and State Clearinghouse No. 2004012118).² Items checked "Project-Specific Significant Impact Not Identified in PEIR" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR. Any project impacts not identified in the PEIR are addressed in the CPE Checklist below.

Items checked "Significant Unavoidable Impact Identified in PEIR" identify topics for which a significant impact is identified in the PEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the PEIR. Mitigation measures identified in the PEIR are discussed under each topic area, and mitigation measures that are applicable to the proposed project are identified under each topic area and on page 51 "Mitigation Measures".

For any topic that was found to result in less-than-significant (LTS) impacts in the PEIR and for the proposed project, or would have no impacts, the topic is marked "No Significant Impact (Project or PEIR)" and is discussed in the CPE Checklist below.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ In this CPE Checklist, the acronyms FEIR and PEIR both refer to the Market and Octavia Neighborhood Plan FEIR and are used interchangeably.

² Market and Octavia Neighborhood Plan Final EIR (Case No. 2003.0347E; State Clearinghouse No. 2004012118), certified by the San Francisco Planning Commission on April 5, 2007. The certification was appealed and upheld by the San Francisco Board of Supervisors on June 19, 2007. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed January 12, 2013.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. The proposed project would not construct a physical barrier to neighborhood access or remove an existing means of access. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalk adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. As a result, the proposed project would result in a less-than-significant impact with regards to Topic 1a and would not physically divide an established community.

The proposed 580-582 Hayes Street project is consistent with the Market and Octavia Neighborhood Plan’s goals of mixed-use, high-density development near transit. Furthermore, the proposed street-front retail along Hayes Street and related pedestrian-scale façade treatments are consistent with the Plan’s design principles. Additionally, the FEIR determined that since the primary focus of the Plan was to maximize housing development near transit, the Plan would not result in an increase in non-residential development within the Market and Octavia neighborhood. In effect, implementation of the Plan would redirect and concentrate non-residential development into higher density, mixed-use residential development near transit and more space in these new developments would be devoted to residential uses. The proposed residential uses are consistent with the primarily residential land use focus of the Market and Octavia Plan, which emphasized on concentrating mixed-use developments within the Plan Area. Therefore, the proposed project would result in a less-than-significant impact related to Topic 1b and the project would not conflict with any land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The project includes the construction of a new five-story, 55-foot-tall (excluding a 16-foot-tall elevator penthouse), mixed-use building with 29 dwelling units, 8,000 sq ft of ground-floor retail, and 20 parking spaces in the basement garage. The proposed project at approximately 39,300 sq ft of development and 55-feet tall is consistent with the height and bulk controls analyzed in the Market and Octavia FEIR for the project site. The proposed project would intensify uses in the project area, but not to the extent that would result in a significant environment impact related to land use and land use planning. The proposed new land uses would thus have a less-than-significant impact related to the effects on the

character of the vicinity with respect to what was identified in the FEIR. Therefore, the proposed project would have a less-than-significant impact related to Topic 1c and would not cause substantial impact on the existing character of the vicinity.

As determined by the Citywide and Current Planning divisions of the San Francisco Planning Department, the proposed project is (i) consistent with the Market and Octavia Neighborhood Plan, (ii) satisfies the requirements of the General Plan and the Planning Code, and (iii) is eligible for a Community Plan Exemption.^{3,4}

For these reasons, implementation of the proposed project would not result in significant impacts that were not identified in the Market and Octavia Neighborhood Plan FEIR related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
2. AESTHETICS—Would the project:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

³ Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 580-582 Hayes Street*. This document is on file and available for review as part of Case File No. 2012.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

⁴ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, 580-582 Hayes Street*. This document is on file and available for review as part of Case File No. 2012.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

- 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 three criteria and thus, this checklist does not consider aesthetics in determining the significance of project impacts under CEQA.⁷

Topics:	Project-Specific Significant Impact Not Identified in PEIR	Significant Unavoidable Impact Identified in PEIR	Mitigation Identified in PEIR	PEIR Mitigation Applies to Project	PEIR Mitigation Does Not Apply to Project	No Significant Impact (Project or PEIR)
3. 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan encourages transit-oriented development in the Plan Area by encouraging the creation of housing, jobs, and services near the existing transportation infrastructure. A net increase of 7,620 residents within the Plan Area is anticipated by the year 2025. The FEIR determined that while the additional development that would result from implementation of the Plan would generate population growth, it would not cause a significant adverse physical impact, since it would focus new housing development in San Francisco in an established urban area that already has a high level of transportation and other public services that could accommodate the expected population increase.

The FEIR concluded that there would be no significant population and housing impacts at the program level even though the residential population in the Plan area would increase and commercial/retail employment would increase with future development as called for in the Plan (see FEIR, pp. 4-74 to 4-79). The proposed 580-582 Hayes Street project’s proposed new residential units, office, and retail spaces are consistent with the projections in the FEIR and therefore would not result in significant environmental

⁷ San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 580-582 Hayes Street, February 20, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2012.0903E.

impact related to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

The proposed project would involve the demolition of an existing single-story, 6,435 sq ft commercial building and 1,160-sq ft parking lot with four parking spaces. The proposed building would be constructed with 29 new dwelling units and 8,000 sq ft of ground-floor retail space. While the proposed project would introduce approximately 46 new residents and 23 new workers on-site, the project would not displace existing housing units or people.¹⁰ These direct effects of the proposed project on area wide population and housing are within the scope of the population growth anticipated under the Market and Octavia Neighborhood Plan and evaluated in the Market and Octavia Neighborhood Plan FEIR.

The proposed project would not require the expansion of infrastructure, and it would not indirectly induce substantial, unaccounted for, population growth. Nor would the proposed project displace substantial numbers of people necessitating the construction of replacement housing.

For the above reasons, the proposed project would not result in significant impacts related to population and housing that were not identified in the Market and Octavia Neighborhood Plan FEIR. No mitigation measures were identified in the FEIR, and none are required for the project.

Topics:	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
4. 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 <i>Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁰ Estimated number of new residents based on average household size (1.60) of occupied housing units within Census Tract 162 and the proposed 29 new dwelling units [29 x 1.60 = 46.4 ≈ 46 residents].

Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historic resources are buildings or structures that are listed, or eligible for listing, in the California Register of Historical Resources, or identified in a local register of historic resources, such as Articles 10 and 11 of the San Francisco Planning Code. Historic resource surveys were conducted for the Market and Octavia Neighborhood Plan area subsequent to the adoption of the Market and Octavia FEIR, with interim controls for evaluation and protection of historic resources during the survey period. On December 17, 2008, the Landmarks Preservation Advisory Board endorsed the findings of the Market and Octavia Area Plan-level Historic Resource Survey, and on February 19, 2009, the San Francisco Planning Commission adopted the findings of the survey.

Given that the project site is located within two overlapping historic districts (Hayes Valley Commercial Historic District and Hayes Valley Residential Historic District); a separate Historic Resource Evaluation Report (HRER) has been prepared for the proposed 580-582 Hayes Street project and is summarized below.¹¹

The project site is currently occupied by a one-story commercial building, with a 15-space surface parking lot. The structure on-site was evaluated individually and as a potential contributor to the Hayes Residential Historic District and Hayes Commercial Historic District in the Market and Octavia Area Plan Historic Resources Survey. The character-defining features of the Hayes Valley Residential Historic District and the Hayes Valley Residential Historic District includes the following elements: 1) 1-3 story commercial/mixed use buildings (a few examples of industrial buildings), 2) Wood frame construction (a few examples of masonry and concrete construction), 3) Importance of ground floor as public realm element, 4) Basic storefront configuration of bulkhead (usually 18" high), glazing and transom, 5) Usually 25'-35' wide lots, with three bays (storefront, recessed entry, storefront), 6) Frontage on two sides of through-lots (main street and alley), 7) Common building types such as Victorian-era flats and dwellings, apartments, and mixed-use with ground floor commercial use, and 8) Uniform modulation at ground floor. The structure on-site was given a historic resource status code of 6L, which means that the building was "determined ineligible for local listing or designation through local government review. The structure on-site is not an individual resource and is considered a non-contributor to both historic districts in which the property is located. As the project includes the demolition of an existing building that was found to be a non-contributor to the historic districts, demolition of the existing building would not be considered a removal of any distinctive materials, features, finishes, or construction techniques or examples of craftsmanship that characterize either of the two historic districts in which the existing structure on-site is located.

As determined in the HRER, the proposed five-story mixed use building would have a contemporary design and use modern materials, and would be generally compatible with the overall scale, massing and character-defining features of the two overlapping historic districts. As proposed, the new building

¹¹ *Historic Resource Evaluation Response* (HRER) for 580-582 Hayes Street, San Francisco, CA by Lily Yegazu, Preservation Planner, November 22, 2013. This report is available for review as part of Case No. 2012.0903E.

would continue the tradition of commercial uses at the ground floor. The new building would be seen as a contemporary addition to the neighborhood and would not create a false sense of historical development.

The Department's Preservation Staff reviewing this project has determined that the proposed project would not cause an adverse impact to a historic resource such that the significance of a historic resource would be materially impaired. The proposed project would not result in the removal of any character-defining features and the new construction is compatible with the overall character of the historic districts.

For these reasons, the proposed project would result in a less-than-significant impact related to historic architectural resources and no new project-specific historical resources impacts that were not identified in the Market and Octavia Neighborhood Plan FEIR. No mitigation measures were identified in the FEIR, and none are required for the project.

Archeological Resources

The Market and Octavia FEIR identified potential archeological impacts and identified four archeological mitigation measures that would reduce impacts on archeological resources to less-than-significant levels. *Mitigation Measure 5.6.A1—Soil Disturbing Activities in Archaeologically Documented Properties*, only applies to properties within the Plan Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) has been completed. As the proposed project was not previously documented and no ARD/TP has been prepared, Mitigation Measure 5.6.A1 does not apply to the proposed project. *Mitigation Measure 5.6.A3—Soil Disturbing Activities in Public Street and Open Space Improvements*, only applies to proposed public street and open space improvement projects in the Plan Area. As the proposed 580-582 Hayes Street project is located on a privately-owned site, Mitigation Measure 5.6.A3 does not apply to the project. *Mitigation Measure 5.6.A4—Soil Disturbing Activities in the Mission Dolores Archaeological District*, applies only to any project within the Mission Dolores Archaeological District (MDAD). As the project site is located greater than a ½-mile away from the boundaries of the MDAD, Mitigation Measure 5.6.A4 does not apply to the proposed project. *Mitigation Measure 5.6.A2—General Soil Disturbing Activities (properties with no previous studies)*—applies to any project involving any soils-disturbing activities beyond a depth of four feet and located within those properties within the Market and Octavia Plan Area for which no archeological assessment report has been prepared. Since the proposed 580-582 Hayes Street Project was not previously documented and would include the excavation of approximately 15 feet, Mitigation Measure 5.6.A2 would be applicable to the project. Pursuant to Archeological Mitigation Measure 5.6.A2 from the Market and Octavia Neighborhood Plan FEIR, a Preliminary Archeological Review was conducted by the Department to determine archeological sensitivity for the proposed project.

Mitigation Measure 5.6.A2 requires the preparation of a preliminary archeological sensitivity study to assess the potential for a proposed project to have a significant impact on archeological resources. Accordingly, the Planning Department's archeologist conducted an archeological assessment of the project site and the proposed project on May 16, 2013. The Planning Department's archeologist reviewed

the project plans and technical studies produced for the proposed project.¹² Based on a review of the proposed ground-disturbance associated with project-related activities, no intact archeological resources are anticipated within the proposed ground-disturbance areas within project site.

Based on this assessment, as required under Mitigation Measure 5.6.A2, the Planning Department’s archeologist has determined that the project site has a low sensitivity for significant archeological resources, and that no CEQA-significant archeological resources are expected to be affected by the proposed project.¹³ Therefore, the proposed project would not result in significant impacts related to archeological resources that were not identified in the Market & Octavia Neighborhood Plan FEIR, and no further mitigation would be necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
5. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹² Rollo and Ridley, Geotechnical Evaluation — 580 Hayes Street, San Francisco, California, July 19, 2013. This document is on file and is available for review as part of Case No. 2012.0903E at 1650 Mission Street, Suite 400, San Francisco, California.

¹³ Randall Dean, Staff Archeologist, Preliminary Archeological Review—580 Hayes Street, San Francisco, California, September 7, 2007. This document is on file and is available for review as part of Case No. 2012.0903E at 1650 Mission Street, Suite 400, San Francisco, California.

Topics:	Project-Specific Significant Impact Not Identified in PEIR	Significant Unavoidable Impact Identified in PEIR	Mitigation Identified in PEIR	PEIR Mitigation Applies to Project	PEIR Mitigation Does Not Apply to Project	No Significant Impact (Project or PEIR)
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Market and Octavia FEIR anticipated that growth resulting from the Plan-related zoning changes could result in significant impacts related to traffic and transit ridership. Thus, the FEIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, it was anticipated that the significant adverse future impacts at seven intersections within the Plan Area and the significant cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated to less-than-significant levels. These impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Plan approval on May 30, 2008.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topic 16c from the CEQA Guidelines, Appendix G is not applicable.

Trip Generation

The proposed project would include the construction of 29 dwelling units (31,300 sq ft), 8,000 sq ft of ground-floor retail use, and a basement-level garage. The proposed basement-level garage would be accessed from an entrance on Ivy Street and would provide 20 off-street parking spaces and 15 Class 1 bicycle parking spaces. The proposed dwelling units would be accessed from a residential lobby located on Hayes Street.

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.¹⁴ The proposed project would generate an estimated 1,453 person trips (inbound and outbound) on a weekday daily basis, consisting of 827 person trips by auto, 238 transit trips, 340 walk trips and six trips by other modes, including bicycle trips. During the p.m. peak hour, the proposed project would generate an estimated 47 vehicle trips (accounting for vehicle occupancy data for this Census Tract 162).

¹⁴ San Francisco Planning Department, Transportation Calculations for 580-582 Hayes Street, November 2012. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.0903E.

Traffic

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 1,500 feet) include Hayes and Laguna, Hayes and Octavia, Hayes and Gough, Laguna and Fell, Oak and Octavia, and others. The proposed project would generate an estimated 47 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause nearby intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at nearby intersections that currently operate at unacceptable LOS.

Zoning changes studied in the Market and Octavia Plan FEIR anticipated significant and unavoidable impacts (even with incorporated mitigation measures) to traffic from implementation of the Plan and new development that could occur under the Plan. The program-level analysis, as well as project-level analysis for the planned development of the Central Freeway parcels (2025 with Plan development), determined that 12 intersections in the Plan Area would operate at unacceptable levels of service (LOS) in 2025 with implementation of the Plan, as opposed to only nine intersections in the 2025-without-Plan forecast. The additional three intersections that would operate at unacceptable LOS in 2025 with the Plan include Hayes/Gough streets, Hayes/Franklin streets, and Laguna/Market/Hermann/Guerrero streets. The project site is located on a corner lot, bounded by Ivy Street to the north, Hayes Street to the south, Octavia Street to the east, and Laguna Street to the west within two blocks from the Hayes/Franklin intersection. The proposed project would not contribute considerably to these conditions as its contribution of approximately 47 PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated overall by Market and Octavia's projects. The proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not result in significant cumulative traffic impacts.

For the above reasons, the proposed project would not result in significant impacts on traffic that were not identified in the Market and Octavia FEIR. Mitigation measures identified in the FEIR would not be applicable to the proposed project, since implementation of transportation- and transit-related mitigation measures would be implemented by the San Francisco Municipal Transportation Agency [SFMTA]. No further mitigation would be necessary for the proposed 580-582 Hayes Street project.

Transit

The project site is located within a ¼-mile of several local transit lines including the Muni Metro Historic Streetcar F Line and Muni bus routes 5, 6, 7, 16A, 16B, 21, 47, 49, 71, 71L, and 90. Muni's Van Ness Station with access to Muni Metro routes J, K, L, M, N is located approximately 1/3-mile and the Civic Center BART station with access to BART's regional rail lines is located approximately ¾-mile from the project

site. The proposed project would be expected to generate 238 daily transit trips, including 33 transit trips during the PM peak hour. Given the wide availability of transit in the project vicinity, the addition of 33 PM peak hour transit trips, with project development, would be accommodated by existing transit capacity. No project-specific transit impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR (to be implemented by SFMTA) would not be applicable to the proposed project. With the implementation of the Plan, including the development of Central Freeway parcels, the peak hour capacity utilization would not be substantially increased and the impact on Muni operations would be considered less-than-significant. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

The Market and Octavia FEIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service (21 Hayes bus route) as a result of increased delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Street, and Hayes Street/Gough Street. Mitigation measures proposed in the FEIR to address these impacts included changes to street configurations and traffic patterns. Even with the implementation of transit-related mitigation, however, cumulative impacts were found to remain significant and unavoidable and a Statement of Overriding Considerations was adopted as part of the Market and Octavia Plan approvals.

The proposed project would not contribute considerably to these cumulative conditions and future significant cumulative transit impacts identified for the Plan because of its minor contribution of 33 PM peak hour transit trips, which would not be a substantial proportion of the overall additional transit volume generated by future cumulative development anticipated under the Market and Octavia Plan. The proposed project would also not contribute considerably to 2025 significant cumulative transit conditions.

Overall, the proposed 580-582 Hayes Street project would not result in any significant cumulative transit impacts or contribute considerably to any significant cumulative transit impacts identified for the Market and Octavia Plan.

Pedestrian

The proposed project would not include sidewalk narrowing, roadway widening, or removal of a center median; or other conditions that could adversely affect pedestrians in the project area. The proposed project would include the removal of an existing curb cut on Hayes Street and the restoration of the sidewalk to support the ground-floor retail use along the project's Hayes Street frontage. Hayes Street is identified in the General Plan as a "Neighborhood Commercial Street;" however, the removal of the existing curb cut on this street would help minimize pedestrian/vehicle conflicts in the project vicinity. Also, the project would include shifting an existing curb cut along Ivy Street, approximately 15 feet east, further into Ivy Street, in order to accommodate the entrance to the proposed basement-level garage. The frequency of vehicles entering and exiting the project site from Ivy Street (approximately one per hour) would not be substantial enough to cause a hazard to pedestrians or otherwise interfere with pedestrian accessibility to the project site and adjoining areas. Overall, the proposed project would not cause a hazard to pedestrians or otherwise interfere with pedestrian accessibility in the project area. Pedestrian

activity may increase as a result of the proposed project, but not to a degree that would result in substantial overcrowding on nearby public sidewalks. For the above reasons, the proposed project would not result in significant impacts on pedestrian safety that were not identified in the Market and Octavia FEIR. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative pedestrian impacts.

Bicycle

There are five bicycle routes near the project site: route 30 along Market Street, route 32 along Page Street, route 45 on Octavia Boulevard, route 245 along Webster Street, and route 545 on McCoppin Street. Planning Code Section 155.5 requires one bicycle parking space for every two units in building with 50 or less units. The proposed project would provide a total of 15 Class I bicycle parking spaces. Although the proposed project would result in an increase in the number of vehicles in the project vicinity with the potential for bicycle and vehicle conflicts, this increase would not adversely affect bicycle travel in the area.

The proposed project would not cause a substantial amount of bicycle and vehicle conflict, as there are adequate sidewalk and crosswalk widths in the area surrounding the project site and the proposed garage entrance would be located along the project's Ivy Street frontage, which is a less heavily travelled street (Ivy Street is a back alley) compared to other streets surrounding the project such as Hayes Street. In addition, the frequency of vehicles entering and exiting the project site would be limited and would not be substantial enough to cause a hazard to bicyclists. For the above reasons, the proposed project would not result in significant impacts on bicycle safety that were not identified in the Market and Octavia FEIR. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative bicycle impacts.

Loading

As discussed in the FEIR, new curb cuts would not be allowed on transit preferential streets (which includes portions of Hayes Street, Haight Street, Duboce Avenue, 16th Street, Market Street, and other streets within the Area Plan boundaries). Off-street loading facilities for new residential developments located along these streets would need to occur from side streets or back alleyways. The proposed project would include the removal of an existing curb cut on Hayes Street and would restore the sidewalk to support the proposed retail use along the project's Hayes Street frontage. The Plan identified some parcels within the Plan Area as not having access to side streets or back alleyways, such as some parcels on Grove, Fell, and Oak streets. As a result, it may be difficult to adequately serve the loading and delivery needs of development projects in these parcels, which would lead to an increased potential for double-parking and the illegal use of sidewalks and bicycle lanes for loading/unloading activities. This would then result in disruptions to the traffic flow and transit operations on the adjacent streets, and could potentially affect transit, pedestrian and bicycle operations. However, these loading impacts related to the implementation of the Plan would not be considered significant and no mitigation measures would

be required for the following reasons. The project site is located on a street with access to a relatively less heavily travelled street such as a back alley (Ivy Street) where proposed loading activities for the ground-floor retail use would be located, as well as the proposed entrance to the basement-level garage. Therefore, the proposed project would have a less-than-significant impact related to loading. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative loading impacts.

Planning Code Section 152.1 requires no off-street loading for residential development less than 100,000 sq ft or retail use less than 10,000 sq ft in gross floor area. The proposed project includes approximately 31,300 sq ft of residential use and 8,000 sq ft of ground-floor retail space. Since the proposed retail space is less than 10,000 sq ft, the project would not be required to provide commercial loading spaces on-site. Therefore, the proposed project would meet the loading requirements of the Planning Code.

As discussed above, the proposed project would not require any commercial loading spaces and any loading activities for the proposed mixed-use building would be conducted along the back alley of the project site, which would not result in significant impacts related to loading that were not identified in the Market and Octavia FEIR. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative loading impacts.

Emergency Access

The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would not result in any significant impacts on emergency access that were not identified in the Market and Octavia FEIR. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative impacts related to emergency access.

Construction

The proposed project's construction activities would last approximately 18 months and would include the below-ground surface construction for a parking garage and building construction of a five-story mixed-use structure on-site. Although construction activities would result in additional vehicle trips to and from the project site from workers and material and equipment deliveries, these activities would not be substantial and would be limited in duration (18 months). Therefore, the proposed project's construction would not result in significant impacts on transportation that were not identified in the Market and Octavia FEIR. No mitigation measures were identified in the FEIR and none would be required for the project. Further, the proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative construction impacts.

Parking

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 three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.¹⁵ The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from 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. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

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 or other modes (walking and biking), would be in keeping with the City’s “Transit First” policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City’s Transit First Policy, established in the City’s Charter Article 8A, Section 8A.115, provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation.”

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

¹⁵ San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 580-582 Hayes Street, March 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.0903E.

parking at or near the project site and then seek parking farther away if convenient parking is unavailable. 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, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that 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, would reasonably address potential secondary effects.

The parking demand for the new residential and retail uses associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be for 46 spaces. The proposed project would provide 20 off-street spaces. Thus, as proposed, the project would have an unmet parking demand of an estimated 26 spaces. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity such as publicly-available parking garages on Gough Street and nearby on-street parking spaces located on Grove, Hayes, and Buchanan streets. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

Pursuant to Section 151.1, the maximum parking ratio that is allowed in the Hayes-Gough NCT for residential units is a ratio of 0.5 off-street parking spaces per dwelling unit, while a maximum parking ratio of 0.75 off-street parking spaces per dwelling unit could be proposed with a Conditional Use authorization request. Additionally, one off-street parking space per 1,500 sq ft of retail may be proposed. The proposed project would provide 20 off-street parking spaces in a basement-level garage, which would comply with the approximately 14 residential and six retail off-street parking spaces allowed in the NCT zoning district.

It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not 'bundled' with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 46 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

In summary, the proposed project would not result in a substantial parking shortfall that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
6. 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 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 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia FEIR noted that the key potential noise impacts associated with the Market and Octavia Neighborhood Plan are from increasing thoroughfare traffic and construction-related impacts from building demolition, excavation, and new construction. Nonetheless, the FEIR concluded that while certain intersections would become noisier due to arterial changes, increase in noise levels from mobile and stationary sources would result in a less-than-significant impact. The FEIR also noted that new development may introduce stationary sources of noise, such as electrical and mechanical air conditioning equipment located on rooftops, but that such increases in noise levels would be result in a less-than-significant impact. The FEIR noted that Plan Area development construction noise would be subject to Article 29 of the San Francisco Police Code, which limits the hours of construction and the

decibel levels of individual pieces of construction equipment; thus, construction noise impacts would be less than significant. The FEIR therefore found that no noise mitigation measures were required.

The Department of Building Inspection (DBI) is responsible for enforcing the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance) for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of DBI to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period. The Police Department is responsible for enforcing the Noise Ordinance during all other hours.

All construction activities for the proposed project would be subject to, and would comply, with the Noise Ordinance. During the construction period for the proposed project of approximately 18 months, occupants of the nearby properties could be disturbed by construction noise. There may be instances when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise 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 (approximately 18 months), intermittent, and restricted in occurrence and level, as the contractor would be subject to and would comply with the Noise Ordinance. Thus, the proposed project would result in a less-than-significant impact related to noise with regards to Topic 6a and would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.

The proposed project would include the excavation of approximately 15 feet for a basement-level garage and the placement of a mat foundation. The proposed project would not include the use of drilled piers and would not expose existing noise-sensitive receptors (residences) to extreme vibrations. The increase in construction-related vibrations in the project area would not be considered a significant impact of the proposed project, because the construction vibrations would be temporary (approximately 18 months), intermittent, and restricted in occurrence. Therefore, the proposed project would result in a less-than-significant impact related to noise with regards to Topic 6b and would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels related to project construction.

Ambient noise levels within the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are comprised of vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises and vibration generated by residential and commercial uses are common and are generally accepted in urban areas. Noise generated

as a result of the proposed project operations would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. The project would also not include any unusual vibration- or noise-generating activity or equipment (such as emergency generators, etc.). As a result, the proposed project would result in a less-than-significant impact with regards to Topic 6c and would not result in a substantial permanent increase in ambient noise levels.

Noise levels within the vicinity of the project site are typical of and expected in urban areas. The California Building Code and Title 24 of the California Code of Regulations have regulations to limit interior noise levels to 45 dBA L_{dn} .^{16, 17} In instances where exterior noise levels exceed 60 dBA L_{dn} , Title 24 requires an acoustical report to be submitted with the building plans describing the noise control measures that have been incorporated into the design of the proposed project to meet the noise requirements. The project site is located along a street with citywide modeled noise levels above 75 dBA L_{dn} (Hayes Street) and located in an area with nearby existing noise-generating land uses. Therefore, a project-specific noise study was prepared for the proposed 580-582 Hayes Street project which analyzed the surrounding noise environment for the proposed residential units and determined applicable measures to reduce noise-related impacts on the proposed project and its noise-sensitive receptors (residences).¹⁸

According to the noise report, two short-term and one long-term continuous noise measurements were collected at the project site in February 2013. Noise monitors were placed at a height of 10 feet above grade and located on Laguna Street and Hayes Street. The existing noise environment at the site was found to result primarily from vehicular traffic on adjacent roadways such as Laguna Street and Hayes Street. Other noise sources in the area include local commercial and retail uses; however, these sources are insignificant when compared to the noise levels from nearby roadway traffic. No other potentially significant noise-generating uses were identified within 900 feet of the site with a direct line-of-sight to the proposed project. Based on the results of the noise monitoring survey, the primary noise source affecting the project site was considered to be existing transportation noise on Laguna and Hayes Streets. Results of the noise study indicated that in order to meet the Building Code indoor decibel requirements (45 dB), the proposed design would need to incorporate sound-rated materials for the proposed building façades. The report also provided recommendations on specific noise-rated doors and windows that would be required to meet Building Code standards. The Department of Building Inspections (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the

¹⁶ dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

¹⁷ L_{dn} refers to the day-night average level or the average equivalent A-weighted sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10 PM and before 7 AM.

¹⁸ Illingworth and Rodkin Incorporated, *Laguna-Hayes Mixed Use Project, Environmental Noise Assessment*. This document is on file and available for review as part of Case File No. 2012.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

proposed residential development meet State standards regarding sound transmission for residents. Thus, the proposed project would result in a less-than-significant related to noise with regards to Topic 6d and 6g and would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing, and the project itself and its occupants would not be substantially affected by existing noise levels.

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, topics 12e and f from the CEQA Guidelines, Appendix G (and topics 6e and f on this Checklist) are not applicable.

The proposed 580-582 Hayes Street project would result in less-than-significant cumulative impacts related to noise (Checklist Topics 6a-6g), since the project would not include the addition of new noise-generating uses or cause a doubling of traffic volumes on nearby streets, would not substantially expose new sensitive receptors (residences) to existing noise levels, and would comply with existing California Building Code and Noise Ordinance requirements.

For the above reasons, the proposed project would not result in significant individual or cumulative noise impacts that were not identified in the Market and Octavia Neighborhood Plan FEIR.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
7. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.— Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and short-term construction exhaust emissions. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and

Octavia FEIR identified a significant impact related to construction air quality and determined that Mitigation Measure 5.8.A - Construction Mitigation Measure for Particulate Emissions, would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to a less than-significant level. Since the proposed 580-582 Hayes Street project would comply with the Construction Dust Control Ordinance, the proposed project would not result in a significant impact related to construction dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during project construction would be less than significant. Thus, Mitigation Measure 5.8A would not be applicable to the proposed project.

Article 38 of the San Francisco Health Code requires new residential development near high-volume roadways to include upgraded ventilation systems to minimize exposure of future residents to particulate matter. Since the proposed 580-582 Hayes Street project would include the addition of 29 residential units, the project sponsor has agreed to include the installation of air filters in the building's ventilation system which will reduce outdoor PM_{2.5} concentrations from habitable areas by at least 80% to comply with Article 38. A maintenance plan, along with a disclosure to buyers and renters, would also be required.

The Market and Octavia FEIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that *Mitigation Measure 5.8B – Construction Mitigation Measure for Short-Term Exhaust Emissions* would reduce impacts to less-than-significant levels. Since the proposed project includes construction activities, this mitigation measure would apply to the proposed project. In accordance with the Market and Octavia Neighborhood Plan FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1 (See page 44 Mitigation Measures).

Subsequent to certification of the Market and Octavia Neighborhood Plan FEIR, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD CEQA Air Quality Guidelines (Air Quality Guidelines),²⁰ which provided new methodologies for analyzing air quality impacts, including construction activities. The Air Quality Guidelines provide screening criteria for determining whether a project's criteria air pollutant emissions may 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. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air

²⁰ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011.

pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact.

For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("Air Pollutant Exposure Zone"). The Air Pollutant Exposure Zone was identified based on two health based criteria:

- (1) Excess cancer risk from all sources > 100; and
- (2) PM_{2.5} concentrations from all sources including ambient >10µg/m³.

Sensitive receptors²¹ within the Air Pollutant Exposure Zone are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside the Air Pollutant Exposure Zone. These locations (i.e., within the Air Pollutant Exposure Zone) require additional consideration when projects or activities have the potential to emit TACs, including DPM emissions from temporary and variable construction activities.

The project site is not located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors exposure to temporary and variable DPM emissions.²² Therefore, the construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

The proposed project would include development of a new mixed-use building with (29 residences) and is considered a sensitive land use for purposes of air quality evaluation. As discussed above, San Francisco, in partnership with the BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of the Air Pollutant Exposure Zone. The proposed project would site sensitive land uses (29 dwelling units), but not within the Air Pollutant Exposure Zone, therefore, the proposed project would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. To further reduce less-than-significant impacts related to this topic (and to comply with Article 38 of the Health Code), the project sponsor has agreed to implement Improvement Measure 1.²³

Improvement Measure 1 - Enhanced Ventilation Measures.

²¹ The BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) Residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. Bay Area Air Quality Management District (BAAQMD), Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

²² California Code of Regulations, Title 13, Division 3, § 2485.

²³ Dan Schalit, Village Properties. *580-582 Hayes Street Air Filtration Letter*. March 20, 2014. The letter is available for review as part of Case File No. 2012.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103

Air Filtration and Ventilation Requirements for Sensitive Land Uses. Prior to receipt of any building permit, the project sponsor shall submit an enhanced ventilation plan for the proposed building(s). The enhanced ventilation plan shall be prepared and signed by, or under the supervision of, a licensed mechanical engineer or other individual authorized by the California Business And Professions Code Sections 6700-6799. The enhanced ventilation plan shall show that the building ventilation system will be capable of achieving protection from particulate matter (PM_{2.5}) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration, as defined by American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 52.2. The enhanced ventilation plan shall explain in detail how the project will meet the MERV-13 performance standard identified in this measure.

Maintenance Plan. Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

Disclosure to buyers and renters. The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

For these reasons, the proposed project, with implementation of the Market and Octavia FEIR Mitigation Measure E2 (noted below on page 51), as well as Improvement Measure 1 (also noted below on page 51), would not result in significant impacts related to air quality. *Mitigation Measure E2 (or 5.8B)*, identified in the Market and Octavia FEIR and discussed above, is applicable to the proposed project.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
8. 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project’s Greenhouse Gas (GHG) emissions on the environment. The Market and Octavia FEIR was certified in 2007 and therefore did not analyze the effects of greenhouse gas emissions. In addition, the Bay Area Air Quality

Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (Air Basin), has prepared guidelines that provide methodologies for analyzing air quality impacts under CEQA, including the impact of GHG emissions. The following analysis is based on BAAQMD's guidelines for analyzing GHG emissions and incorporates amendments to the CEQA guidelines relating to GHGs. As discussed below, the proposed project would not result in any new significant environmental impacts related to GHG emissions.

Background

The primary GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone, and water vapor.²⁴ Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere are naturally occurring, CO₂, CH₄, and N₂O are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. GHGs are typically reported in "carbon dioxide-equivalent" measures (CO₂E).²⁵

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, already occur and will only become more frequent and costly.²⁶ Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.^{27/28}

The California Air Resources Board (ARB) estimated that in 2010 California produced about 452 million gross metric tons of CO₂E (MTCO₂E).²⁹ The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state generation and out-of-state imported electricity) at 21 percent and industrial sources at 19 percent. Commercial and residential fuel use (primarily for heating) accounted for 10 percent of GHG emissions.³⁰ In San Francisco, on-road transportation (vehicles on highways, city streets and other paved roads) and natural gas (consumption for residential, commercial, and industrial use) sectors were the two largest sources of GHG emissions accounting for 40 percent (2.1 million MTCO₂E) and 29 percent (1.5 million MTCO₂E), respectively, of San Francisco's 5.3 million MTCO₂E emitted in 2010. Electricity consumption (residential, commercial, municipal buildings and

²⁴ Additionally, although not a GHG, black carbon is also recognized as substantial contributor to global climate change.

²⁵ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

²⁶ California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov>. Accessed September 25, 2012.

²⁷ *Ibid.*

²⁸ California Energy Commission, California Climate Change Center, *Our Changing Climate 2012*, July 2012. Available online at: <http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>. Accessed August 21, 2012.

²⁹ California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2010— by Category as Defined in the Scoping Plan." Available online at: http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf. Accessed June 5, 2013.

³⁰ *Ibid.*

BART and Muni transportation systems) accounts for approximately 25 percent (1.3 million MTCO₂E) of San Francisco's GHG emissions.³¹

Regulatory Setting

Statewide GHG reduction targets are identified in Executive Order S-3-05 and Assembly Bill 32 (AB 32, also known as the Global Warming Solutions Act). Executive Order (EO) S-3-05 sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO₂E); by 2020, reduce emissions to 1990 levels (estimated at 427 million MTCO₂E); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E). As discussed above, California produced about 452 million MTCO₂E in 2010, thereby meeting the 2010 target date to reduce GHG emissions to 2000 levels. AB 32 requires ARB to develop and implement a plan, known as the Scoping Plan, which sets emission limits and identifies regulations and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In order to meet the goals of AB 32, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, about 15 percent from 2008 levels.³² The Scoping Plan estimates a reduction of 174 million MTCO₂E from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1: GHG Reductions from the AB 32 Scoping Plan Sectors.

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors³³

GHG Reduction Measures By Sector	GHG Reductions (million MT CO ₂ E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total Reductions Counted Toward 2020 Target	174
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	9
• Commercial Recycling	

³¹ San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

³² ARB, "California's Climate Plan: Fact Sheet." Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed August 23, 2012.

³³ *Ibid.*

<ul style="list-style-type: none"> • Composting • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing 	
Total Reductions from Other Measures	41.8-42.8
<p>Note: MTCO2E = metric tons of CO2E (carbon dioxide equivalent)</p>	

The Scoping Plan is currently undergoing an update that will define ARB’s climate change priorities for the next five years and lay the groundwork to reach post-2020 goals as set forth in EO S-3-05. The update will highlight California’s progress toward meeting the near-term 2020 GHG emission reduction goals defined in the original Scoping Plan (2008).

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 requires regional transportation plans developed by each of the State’s 18 Metropolitan Planning Organizations (MPOs) to incorporate a “sustainable communities strategy” (SCS) in each regional transportation plan that will achieve GHG emission reduction targets set by ARB. For the Bay Area, the per-capita GHG emission reduction target is a seven percent reduction by 2020 and a 15 percent reduction by 2035 from 2005 levels. The Metropolitan Transportation Commission’s 2013 Regional Transportation Plan, Plan Bay Area (adopted in July 2013), is the region’s first plan subject to SB 375.

In addition to statewide GHG reduction efforts, the BAAQMD’s *Clean Air Plan*, adopted in 2010, includes a goal of reducing GHG emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2035. In compliance with the *Clean Air Plan*, the BAAQMD issued CEQA Air Quality Guidelines, providing guidance to local agencies when reviewing projects in the Air Basin that are subject to CEQA. The BAAQMD advises that local agencies may consider adopting a Qualified Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which a project complies with a Qualified Greenhouse Gas Reduction Strategy.³⁴

In response, San Francisco prepared *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy),³⁵ which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s Qualified GHG Reduction Strategy in compliance with the BAAQMD’s guidelines. As identified in the GHG Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to: increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel

³⁴ BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2012. Available online at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en. Accessed September 25, 2012.

³⁵ San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. The final document is available online at: <http://www.sf-planning.org/index.aspx?page=2627>.

vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

In reviewing the GHG Reduction Strategy, the BAAQMD concluded that the strategy meets the criteria outlined in their guidelines and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."³⁶ San Francisco's collective actions, policies and programs have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's *Clean Air Plan*, Executive Order S-3-05, and AB 32.^{37,38} Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

No Project-Specific Significant Impact

The proposed project would increase the activity onsite by the addition of new residential uses (29 dwelling units) and continued commercial uses (8,000 sq ft of retail). Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to and required to comply with several regulations adopted to reduce GHG emissions as identified in the GHG Reduction Strategy. The regulations that are applicable to the proposed project include the Transit Impact Development Fee, Bicycle Parking requirements, Parking requirements for San Francisco's Mixed-Use zoning districts, San Francisco Water Efficient Irrigation Ordinance, Street Tree Planting Requirements for New Construction, Mandatory Recycling and Composting Ordinance, San Francisco Construction and Demolition Debris Recovery Ordinance, and the SF Green Building Requirements for Energy Efficiency, and Stormwater Management.

These regulations, as outlined in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be

³⁶ Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: <http://www.sf-planning.org/index.aspx?page=2627>. Accessed November 12, 2010.

³⁷ San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

³⁸ The *Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 goals, among others, are to reduce GHGs in the year 2020 to 1990 levels.

consistent with San Francisco’s GHG Reduction Strategy.³⁹ Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project’s contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project’s contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
9. WIND AND SHADOW—Would the project:						
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Wind

The Market and Octavia FEIR identified potentially significant wind impacts related to new construction and identified two mitigation measures to mitigate potential wind impacts. FEIR Mitigation Measure 5.5.B1 only applies to buildings in excess of 85 feet in height and thus, would not apply to the proposed project. FEIR Mitigation Measure 5.5.B2 applies to all new construction and would be applicable to the project. Mitigation Measure 5.5.B2 was intended to further reduce wind levels, which were already less than significant.

Wind impacts are directly related to building design, articulation, and surrounding site conditions. Based upon the experience of San Francisco environmental planners in reviewing wind analyses and expert opinion letters on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed 40- to 65-foot-tall building would be similar in height to existing buildings in the area and adjacent buildings to the east of the project site. The proposed building’s long axis is aligned along prevailing winds rather than across prevailing winds. The project site is located in an area (east of Gough Street) identified by the FEIR where the northwest/southeast street grid pattern results in less predictable pattern of wind variation at the pedestrian level; however, as identified in the FEIR, new developments due to implementation of the Market and Octavia Plan would not have direct effects on wind, climate or comfort. The proposed 580-582 Hayes Street project is not anticipated to cause substantial changes to the wind environment in

³⁹ Greenhouse Gas Analysis: Compliance Checklist. May 21, 2013. This document is on file and available for public review as part of Case File No. 2012.0903E.

pedestrian areas adjacent to or near the site. Therefore, wind mitigation measures identified in the FEIR would not apply to the proposed project.

As a result, the proposed project would not have any significant wind impacts, either individually or cumulatively.

Shadow

Planning Code Section 295 generally prohibits new buildings, over 40 feet in height, that would cast new shadow on open spaces that are 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. All future development, including those located in areas of the Plan where rezoning and changes in allowable building heights have occurred, as identified in the Market and Octavia FEIR, would be subject to the Planning Code Section 295 review process and the potential shadow impacts would be evaluated based on the guidelines of that code section. As the Planning Commission could not typically approve a project determined to have significant shadow impacts on parks (and open spaces) under the jurisdiction of the Recreation and Park Department, per Planning Code Section 295, implementation of the Plan would not be expected to result in significant shadow impacts, according to the Market and Octavia FEIR. No mitigation measures were included in the Market and Octavia FEIR for Parks and Open Space subject to Planning Code Section 295. No significant impacts were identified under the Market and Octavia Plan for existing Section 295 open spaces in the Plan area at the program level; however, potential shadow impacts on new and proposed non-Recreation and Park Department parks and open spaces that have not been constructed, during the preparation of the FEIR, were analyzed including Hayes [Patricia's] Green, Octavia Plaza, McCoppin Square, and Brady Park. The FEIR found that future development in the Plan Area could cast shadow on these non-Recreation and Park Department parks and open spaces and would therefore be subject to Section 295 or would be subject to Mitigation Measure 5.5A2; this was for facilities not under the jurisdiction of the Recreation and Park Department.

The proposed project would involve the construction a 55-foot-tall building; therefore, the Planning Department has prepared a shadow fan analysis to determine whether the proposed 55-foot building would have the potential to cast new shadow on nearby parks under the jurisdiction of the Recreation and Park Commission.⁴⁰ Previous preliminary shadow fans prepared by the Department indicated that new shadow could potentially be cast by the proposed project on Patricia's Green and Hayes Valley Playground, properties within the jurisdiction of the Recreation and Park Commission.

⁴⁰ Kevin Guy, Current Planning Division – Preliminary Shadow Analysis for 580-582 Hayes Street, January 2, 2014. This document is available for review as part of Case File No. 2013.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Department reviewed a supplemental shadow analysis prepared for the proposed project for compliance with Section 295 of the Planning Code.⁴¹ After reviewing and analyzing the supplemental analysis (dated July 18, 2013) the Department concurs with the analysis that no net new shadow would be cast by the development of the proposed project site upon Patricia's Green and Hayes Valley Playground for the following reasons:

- At no time would shadows from the project be long enough to reach Patricia's Green.
- Intervening existing development blocks most potential project-related shadow at times where the project could cast new shadow on Hayes Valley Playground.
- The existing retaining wall along the Hayes Street frontage of the Hayes Valley Playground intercepts shadows from the project before such shadows would reach the surface of the park.

Therefore, the project has been determined to be in compliance with Planning Code Section 295, and will not require any additional shadow analysis for the project design as it is currently proposed.

For parks and open spaces that are not subject to Section 295 parks and open space, the FEIR identified potential significant impacts on non-Section 295 open spaces related to all new Plan-related construction where the new developments' building height would exceed 50 feet in height. *Mitigation Measure 5.5A2: Shadow Mitigation Measure – Parks and Open Space not Subject to Section 295* was included, which dictated that buildings over 50 feet be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. Implementation of this mitigation measure would reduce, but may not eliminate, potentially significant shadow impacts on non-Section 295 parks and open space. Since the proposed project would include the construction of a building over 50 feet in height (55 feet), *Mitigation Measure 5.5A2* would be applicable to the project. With implementation of Project Mitigation Measure 2, impacts related to shadow on non-Section 295 properties would be reduced to a less-than-significant level. In accordance with Market and Octavia FEIR requirements, the project sponsor has agreed to implement Mitigation Measure 2 (See page 46 Mitigation Measures).

The proposed project would also 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 impact under CEQA. Although occupants of nearby property may regard the increase in shadow, due to the proposed project, as undesirable, the limited increase in shading of private properties and nearby streets and sidewalks as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project, with implementation of the Market and Octavia FEIR Mitigation Measure A1 (noted below), would not result in significant impacts related to all checklist

⁴¹ Charles Bennett, ESA - Proposition K Shadow Study, Proposed 580-582 Hayes Street Development, July 18, 2013. This document is available for review as part of Case File No. 2013.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

questions for the topic of wind and shadow. *Mitigation Measure A1 (or 5.5A2)*, identified in the Market and Octavia FEIR and discussed above, is applicable to the proposed project.

Topics:	Project-Specific Significant Impact Not Identified in PEIR	Significant Unavoidable Impact Identified in PEIR	Mitigation Identified in PEIR	PEIR Mitigation Applies to Project	PEIR Mitigation Does Not Apply to Project	No Significant Impact (Project or PEIR)
10. 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR found that the construction of new residential units within the Plan Area would increase the demand for open space in the Plan Area due to the increased population. However, it was anticipated that these residents would be adequately served by the existing parks in and adjacent to the Plan Area, along with additional parks that would be constructed as a result of the Plan, notably Patricia’s Green in Hayes Valley, McCoppin Square, Octavia Plaza, and Brady Park. As a result, no significant impact on recreation and open space facilities was expected to occur as a result of implementation of the Plan and new development occurring under the Plan. No mitigation measures related to recreation were identified in the Plan.

Additionally, the proposed project would provide on-site open space for passive recreational use for building residents through a 3,000 sq ft common rear yard on the 1st residential level of the building. The project site is also served by existing parks, such as the Hayes Valley Playground, Patricia’s Green in Hayes Valley, Buchanan Street Mall, Ella Hill Hutch Community Center, Rosa Parks Community Center, Page Street Community Garden, Page and Laguna Mini-Park, and Koshland Park, which are all located within ¼-mile of the project site.

With the proposed addition of 29 dwelling units, the proposed project would be expected to generate additional demand for recreational facilities, but this demand would not be substantial. The increase in demand would also be to some extent offset by the proposed 3,000-sq-ft rear yard open space proposed on the site. The project-related demand for open space would thus not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the areawide recreational facilities as a result of the project would be relatively minor compared with the existing use of these facilities, and therefore the proposed project would not result in substantial physical deterioration of

existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually or cumulatively, on existing recreation facilities, nor require the construction or expansion of public recreation facilities that would have a significant impact on the environment.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
11. 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 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 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia FEIR determined that implementation of the Plan, including development of the Central Freeway parcels, would not increase demand beyond that already anticipated by utility and service system providers, such as the San Francisco Public Utilities Commission (SFPUC). Therefore, the Plan would not result in a significant utilities and service systems impact. No mitigation measures were identified in the FEIR.

The Market and Octavia Neighborhood Plan accounted for the increased density and population throughout the Plan Area in its analysis of demand for utilities and service systems. The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB) and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue.

The FEIR determined that at a program level, the City's water and wastewater systems are adequate to meet existing and projected citywide demand. Proposed system-wide improvements to water and wastewater systems would ensure the continued adequacy of water supply and wastewater treatment services to meet projected demand for residential and commercial customer in the City, including those within the Market and Octavia neighborhood. Therefore, implementation of the Plan would not result in significant impacts to the water or wastewater services in San Francisco.

The proposed project would be required to comply with the City's Stormwater Management Ordinance, which requires the project to maintain or reduce the existing volume and rate of stormwater runoff discharged from the site. To achieve this, the project would implement and install appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit site discharges entering the combined sewer collection system. This, in turn, would limit the incremental demand on both the collection system and wastewater facilities resulting from stormwater discharges, and minimize the potential need for expanding existing facilities or constructing new facilities. Thus, the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

For the above reasons, the proposed project would not result in impacts related to utilities and services systems beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
12. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of specific impacts regarding parks are discussed under Topics 9 (Wind and Shadow) and 10 (Recreation). Implementation of the Market and Octavia Neighborhood Plan projected an increase in population within the Market and Octavia neighborhood and would increase the demand for public services. However, the FEIR found that the addition of new residents and the growth in population anticipated with the implementation of the Plan would not be so substantial that it would result in a significant impact on public services. No mitigation measures were identified in the FEIR.

The proposed project would result in the construction of a new five-story, mixed-use building with 29 residential units and 8,000 sq ft of ground floor retail space. The proposed project would add approximately 46 new residents and 23 new workers to the project site. This project-related population growth would generate an incremental increase in demand for public services, but this additional demand would not exceed the planned service levels and capacity discussed for the Plan Area in the Market and Octavia FEIR. In addition, no new facilities would need to be constructed, as a result of the proposed project, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services. For these reasons, implementation of the proposed project would not result in significant impacts on public services, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
13. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR found that the implementation of the Plan would not affect, or substantially diminish, plant or animal habitats. Also, implementation of the Plan would not interfere with any resident or migratory species nor would the Plan require the removal of substantial numbers of mature, scenic trees. The FEIR concluded that there would be no significant impact to biological resources and no mitigation would be required.

The project site is currently used as a one-story commercial building with a surface parking lot, located within a fully developed urban area, which does not support or provide habitat for any known rare or

endangered wildlife species, animal, or plant life or habitat, and does not contain any resident or migratory species. There are four existing street trees along the Hayes Street (two trees) and Laguna Street (two trees) frontages of the project site. All existing trees would be protected during construction of the proposed project and eight new street trees would be added along the Hayes Street and Laguna Street frontages of the project site, as well as along the Ivy Street frontage. There are no candidate, sensitive, or special-status species, riparian habitat, or wetlands on the project site, so implementation of the proposed project would not adversely affect a candidate, sensitive, or special-status species, a riparian habitat, or wetlands.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively referred to as "protected trees," located on private and public property. Landmark Trees, having the highest level of protection, are trees that meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and that have been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. Significant trees are trees either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, which are greater than 20 feet in height or which meet other criteria. A Tree Disclosure Statement prepared for the project noted that there are no Landmark or Significant Trees on the project site and that there are no Street Trees within the public right-of-way adjacent to the project site.⁴²

Eight new street trees would be planted within the right-of-way along the project site frontages on Hayes Street, Laguna Street, and Ivy Street in compliance with Planning Code Section 138.1, which addresses requirements for improvements of the public right-of-way associated with development projects. As a result, the project would not conflict with any local policies or ordinances protecting trees and would not result in significant impacts on migratory birds.

The existing trees located on the project site present the potential for the presence of nesting birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA). The project sponsor would be required to comply with the MBTA in order to protect nesting birds. California Department of Fish and Wildlife biologists have broadly defined the nesting season as February 1st through August 15th. Under the MBTA, the project sponsor and/or the construction contractor(s) is required to trim/remove all vegetation/tree limbs necessary for project construction between September 1 to January 31. Should construction activities or vegetation removal commence between February 1 to August 31, preconstruction surveys for nesting birds would be required for any affected tree(s) by a qualified biologist to ensure that no active nests would be disturbed during project implementation. A preconstruction survey would be required to be conducted no more than 14 days prior to the initiation of

⁴² Dan Schalit, Project Sponsor. *Affidavit for Tree Disclosure for 580-582 Hayes Street*, September 16, 2012. This document is available for review as part of Case File No. 2012.0903E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

demolition/construction activities. During this survey, the qualified person would inspect the trees and areas immediately adjacent for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged. The project site is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and compliance with the MBTA would ensure that it would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no significant impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

San Francisco is located within the Pacific Flyway, a major north-south route of travel for migratory birds along the western portion of the Americas, extending from Alaska to Patagonia, Argentina. Every year, migratory birds travel some or all of this distance in the spring and autumn, following food sources, heading to and from breeding grounds, or traveling to and from overwintering sites. High-rise buildings are potential obstacles that can injure or kill birds in the event of a collision, and bird strikes are a leading cause of worldwide declines in bird populations.

Planning Code Section 139, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes. This ordinance focuses on location-specific hazards and building feature-related hazards. Location-specific hazards apply to buildings in, or within 300 feet of and having a direct line of sight to, an Urban Bird Refuge, which is defined as an open space "two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water." The project site is not in or within 300 feet of an Urban Bird Refuge, so the standards related to location-specific hazards are not applicable to the proposed project. Feature-related hazards, which can occur on buildings anywhere in San Francisco, are defined as freestanding glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments of 24 square feet or larger. The proposed project would comply with the feature-related standards of Planning Code Section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards. As a result, the proposed project would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

There are no existing trees or other vegetation on the project site that would need to be removed as part of the proposed project. Implementation of the proposed project would include the planting of eight new street trees along the Hayes Street, Laguna Street, and Ivy Street frontages of the project site, in compliance with the provisions of the San Francisco Green Landscape Ordinance. As a result, the proposed project would not conflict with any local policies or ordinances that protect biological resources.

The project site is not within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, state, or regional habitat conservation plan. As a result, the proposed project would not conflict with the provisions of any such plan.

For these reasons, implementation of the proposed project would not result in significant impacts on biological resources, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
14. 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia FEIR identified the potential for temporary, construction-related exposure of soil erosion for new buildings and public improvements with the implementation of the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels. The FEIR identified one

construction-related mitigation measure that would reduce potential construction-related impacts to less-than-significant. The FEIR determined that *Mitigation Measure 5.11.A - Construction Related Soils Mitigation Measure* would reduce impacts to a less-than-significant level through the implementation of Best Management Practices (BMP) developed by the construction industry. The project site is located in an area where the topographic slope is approximately fairly level. Construction of the proposed project would alter the overall topography of the site, including the excavation of approximately 15 feet for a basement-level garage, a mat foundation, and an elevator pit, therefore, Mitigation Measure 5.11.A would be applicable to the project. Implementation of this measure would reduce any temporary construction impacts to a less-than-significant level. In accordance with the Market and Octavia FEIR, the project sponsor has agreed to implement Project Mitigation Measure 3 (See page 46 Mitigation Measures).

A preliminary geotechnical evaluation was conducted for the project site and the proposed 580-582 Hayes Street project and is summarized below.⁴³ The following discussion relies on the information provided in the geotechnical investigation.

The lot is currently occupied by a one-story concrete building and an asphalt parking lot. It is rectangular in shape and has maximum plan dimensions of approximately 100 feet by 120 feet. The site and vicinity are relatively level with site grades varying by one to two feet. On June 2013, two samples were collected on the project site and borings were drilled to a depth of 51.5 feet below the existing asphalt parking lot. Analysis of soil samples (borings) collected showed that the project site is underlain by sandy Fill, Dune Sand and Alluvial Deposits to the maximum depth explored.

During drilling of the 580-582 Hayes Street project site, groundwater was encountered at a depth of approximately 30 feet below the existing ground surface. Groundwater was also observed at a depth of 10 feet; however, this groundwater could be perched groundwater from either a buried stream channel or from surface infiltration (broken pipes, rain or landscaping irrigation). During an investigation at the nearby 355 Hayes Street site, groundwater was encountered at a depth of 14 feet and at 333 Fell Street, groundwater was observed between 12 and 15 feet. The investigation noted that seasonal fluctuations are likely the cause for the variations in groundwater observations.

Because the project site is in a seismically active region, the investigation also evaluated the potential for earthquake-induced geologic hazards. The major active faults in the area are the San Andreas, Hayward and San Gregorio Faults, as well as other active faults in the region are located approximately six miles (10 kilometers) away from the project site. According to the investigation, the project site has been subjected to strong ground shaking from moderate to large earthquakes on the San Andreas, Hayward, and Rodgers Creek faults, and future strong ground shaking should be expected.

Very strong shaking during an earthquake can result in ground failure such as that associated with soil liquefaction, lateral spreading, and differential compaction. The site does not fall within an area of San Francisco where known liquefaction has occurred. Furthermore, the sand layers encountered during our

⁴³ Rollo and Ridley, Geotechnical Evaluation – 580 Hayes Street, San Francisco, California, July 19, 2013. This document is on file and is available for review as part of Case No. 2012.0903E at 1650 Mission Street, Suite 400, San Francisco, California.

investigation below the planned basement level are medium dense to very dense and the soil has sufficient fines to resist liquefaction. Therefore, the investigation considered the likelihood of liquefaction to be low. The project site also has a low potential for differential compaction (also known as cyclic densification) caused by earthquake vibrations. Based on soil samples, fill material, comprising up to seven feet of medium dense sand was encountered. However, because there would be one basement level beneath the building, excavations would remove the fill and any potential risk for settlement should not affect the building foundations or settlement on-site would be less than about ½ inch. Additionally, the investigation noted that the project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the site. Therefore the risk of fault offset at the site from a known active fault is also low.

The geotechnical investigation for the project also provided recommendations regarding site preparation and grading, seismic design, site drainage, and the design of foundations, retaining walls, and slab floors. The investigation recommended the use of a shallow foundation system consisting of shallow interconnected continuous footings or a mat foundation should be used to support the proposed building.

Since groundwater was encountered during the soil sampling, the bottom of excavation may extend below the groundwater table. The investigation recommended that the contractor use a backhoe to dig a large test pit down to the depth of the proposed bottom of foundation in the center of the site, to evaluate and determine if groundwater would be present in the excavation during construction. If groundwater is present, the groundwater would need to be drawn down to a depth of at least three feet below the bottom of the planned excavation and maintained at that elevation until sufficient building weight is available to resist hydrostatic uplift forces. Additionally, foundation recommendations included the use of either shallow interconnected continuous footings or a mat. Should groundwater be encountered above foundation level in the test pit described, the investigation noted that the construction of a mat foundation would be significantly easier due to the ease of excavating to one level and placing waterproofing on a flat surface as opposed to trying to excavate continuous footings and place waterproofing between footings.

Further, during construction of the proposed project, if water were to accumulate in an open excavation area as a result of groundwater seepage or precipitation, dewatering could be required to maintain a somewhat dry working environment so that construction activities could proceed. Dewatering typically involves pumping water out of the excavated area and, following appropriate on-site treatment, discharging the water over land or into a nearby sewer drain or open channel. Discharge from construction dewatering to the San Francisco combined sewer system would require a permit from the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise. If construction requires discharge to an open channel or over land, it must be performed in accordance with municipal stormwater permits and the requirements of the Statewide General Construction Permit for Stormwater Discharges Associated with Construction Activity issued by the State Water Resources Control Board. During construction of the proposed project, any dewatering that occurs would be discharged into the City sewer system. The geotechnical investigation concluded that based on the review of the subsurface

conditions encountered during the investigation and engineering analysis, the proposed project is feasible for construction from a geotechnical standpoint.

The final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. DBI will review the geotechnical report and building plans for the proposed project to determine the adequacy of the proposed engineering and design features and to ensure compliance with all applicable San Francisco Building Code provisions regarding structural safety. The above-referenced geotechnical investigation report would be available for use by DBI during its review of building permits for the site. In addition, DBI could require that additional site specific soils report(s) be prepared in conjunction with permit applications, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils or geology.

For these reasons, the proposed project, with implementation of the Market and Octavia FEIR Mitigation Measure G1 (noted below), would not result in significant impacts related to all checklist questions for the topic of geology and soils. *Mitigation Measure G1 (or 5.11A)*, identified in the Market and Octavia FEIR and discussed above, is applicable to the proposed project.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
15. 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR noted that most of the plan area is paved or covered by structures. Implementation of the Plan would not substantially affect the area of impervious surface in the Plan Area or alter site drainage. Site-specific wastewater and stormwater would continue to flow to the City’s combined sanitary and stormwater sewer system. In addition, the Plan Area is not expected to be affected by extreme high tides or by a rise to 6.5 feet above mean sea level for a 100-year flood. The FEIR found that implementation of the Plan would not result in a significant impact associated with surface water runoff nor result in significant hydrological impacts associated with flooding or tsunamis.

The project site, which is currently occupied by a one-story commercial building with an adjacent parking lot, is completely covered by a concrete building and asphalt. Under the project, the project site would be changed and would be fully covered by the proposed mixed-use building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively. Thus, there would be no significant environmental impact related to the proposed project

or its site. No mitigation measure was identified in the Market and Octavia FEIR, and none would be required for the proposed project.

The proposed project would be constructed in compliance with all applicable federal, state and local regulations governing water quality and discharges to surface and ground water bodies. The proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into San Francisco Bay. In accordance with the City's Stormwater Management Ordinance (Ordinance No. 83-10), the proposed project would be subject to Low Impact Design (LID) approaches and stormwater management systems to comply with the Stormwater Design Guidelines. In addition, the project sponsor would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The SWPPP would specify best management practices and erosion and sedimentation control measures to prevent sedimentation from entering the City's combined stormwater/sewer system. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Groundwater is relatively shallow throughout the project site, approximately 30 feet below ground surface (bgs). The proposed project would not involve excavation to this depth and is therefore unlikely to encounter groundwater. However, any perched groundwater that is encountered during construction would be subject to requirements of the City's Sewer Use Ordinance (Ordinance Number 19-92, amended 116-97), as supplemented by Department of Public Works Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the San Francisco Public Utilities Commission. 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 sewer system. Effects from lowering the water table due to dewatering, if any, would be temporary and would not be expected to substantially deplete groundwater resources. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge.

The project site is not in a designated flood zone, so the proposed project would not place housing within a 100-year flood hazard area, would not impede or redirect flood flows in a 100-year flood hazard area, and would not 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. As shown on Map 5, Tsunami Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not within a tsunami hazard zone.⁴⁴ As a result, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.

⁴⁴ San Francisco Planning Department, San Francisco General Plan, Community Safety Element, p. 15. Available online at <http://www.sf-planning.org/ftp/General Plan/Community Safety Element 2012.pdf>

For these reasons, the proposed project would not result in significant impacts related to hydrology and water quality that were not identified in the Market and Octavia FEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
16. 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hazardous Building Materials

The Market and Octavia Neighborhood Plan FEIR identified potentially significant impacts from the release of contaminated soils, including petroleum hydrocarbons in the soil, serpentine rock, asbestos,

lead based paint, and radon, during the construction of subsequent projects within the Plan Area. The FEIR and identified *Mitigation Measure F1 (also known as 5.10A) – Hazardous Materials Mitigation Measure* which provided measures that generally apply to new developments in the Plan Area, including the development of Central Freeway parcels, that would have temporary impacts or risk during construction and noted that program or project level measures would vary depending upon the type and extent of contamination associated with each individual project. Because the proposed development includes demolition of an existing building, Mitigation Measure F1 would apply to the proposed project. In accordance with the Market and Octavia FEIR, the project sponsor has agreed to implement Project Mitigation Measure 4 (See page 47 Mitigation Measures).

Subsequently, the San Francisco Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the Department of Public Health (DPH) and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The proposed project would include the demolition of an existing on-site one-story commercial building and adjacent parking lot. Since the project site did not have a former industrial use and not located on a site that have known contaminated soils or groundwater, the proposed 580-582 Hayes Street project would not be subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH).

Soil and Groundwater Contamination

Since the proposed project would include ground disturbance and excavation of approximately 15 feet below ground surface for a basement-level garage, mat foundation, and the installation of an elevator pit, a Phase I ESA has been prepared for the proposed project to assess the potential for site contamination and has been summarized below.⁴⁵ The following discussion relies on the information provided in the geotechnical investigation.

The ESA noted that the project site was not listed on regulatory agency databases and no associated files were found at DPH and the Fire Department listing the site as a known or suspected location of hazards and hazardous materials. There are several facilities within the vicinity of the project site that are listed on regulatory databases for the presence of underground storage tanks and possible soil contamination; however, as determined in the Phase I, none of these facilities (500 Laguna Street and 599 Fulton Street) appear to be affecting the environmental conditions at the project site. The Phase I ESA concluded that based on the review of regulatory files, history of the project site, and site reconnaissance, the assessment revealed no evidence of recognized adverse environmental conditions in connection with the project site.

⁴⁵ Treadwell & Rollo, Inc., Phase I Environmental Site Assessment, 580 Hayes Street, San Francisco, California, November 3, 2004. Copies of this document are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2012.0903E.

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport, or in the vicinity of a private airstrip. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area due to these checklist topics.

In San Francisco, fire safety is ensured through the provisions of the Building Code and the San Francisco Fire Code. During the review of the building permit application, DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety. 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 impacts related to hazards and hazardous materials and would not contribute to the significant impacts related to hazards and hazardous materials identified in the Market and Octavia FEIR. *Mitigation Measure F1 (or 5.10A)*, identified in the Market and Octavia FEIR, would not be applicable to the proposed project.

Topics:	Project-Specific Significant Impact Not Identified in PEIR	Significant Unavoidable Impact Identified in PEIR	Mitigation Identified in PEIR	PEIR Mitigation Applies to Project	PEIR Mitigation Does Not Apply to Project	No Significant Impact (Project or PEIR)
17. 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The topic of Mineral and Energy Resources was not addressed in the Market and Octavia Neighborhood Plan FEIR. The California Energy Commission is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the state. These facilities could supply additional energy to the power supply grid within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency.

The energy demand for planned developments within the Plan Area would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include

any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the energy demand associated with the implementation of the Market and Octavia Neighborhood Plan would not have a significant impact to energy resources either individually or cumulatively.

The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not require a major expansion of power facilities. Additionally, the proposed project would be required to comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance. The project site is not designated as an area of significant mineral deposits or as a locally important mineral resource recovery site. The proposed project would not result in the loss of mineral resources that are of value to the region or the residents of the state, would not result in the loss of availability of a locally important mineral resource recovery site, and would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner.

For these reasons, the proposed project would not result in significant impacts on mineral and energy resources that were not identified in the Market and Octavia Neighborhood Plan FEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.— 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The topic of Agricultural and Forest Resources was not addressed in the Market and Octavia Neighborhood Plan FEIR. There are no known agricultural uses, forest resources, or timberland located within the project area. The proposed project would not convert farmland to non-agricultural use and would not convert forest land or timberland to non-forest use. Additionally, the project site and adjacent areas are not zoned for such uses. Therefore, the proposed project would not result in significant impacts related to agricultural and forest resources either individually or cumulatively.

For these reasons, the proposed project would have no impacts on agriculture or forest resources that were not identified in the Market and Octavia Neighborhood Plan FEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:						
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Project-Specific Significant Impact Not Identified in PEIR</i>	<i>Significant Unavoidable Impact Identified in PEIR</i>	<i>Mitigation Identified in PEIR</i>	<i>PEIR Mitigation Applies to Project</i>	<i>PEIR Mitigation Does Not Apply to Project</i>	<i>No Significant Impact (Project or PEIR)</i>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR identified significant and unavoidable impacts related to shadow, traffic, and transit. The FEIR determined that Mitigation measures reduced all impacts to less than significant, with the exception of those related to transportation (traffic impacts at seven intersections and transit impacts on one Muni line). As discussed in this document and the Certificate of Determination, 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 Neighborhood Plan FEIR.

The proposed project would include construction of a five-story mixed-use building with 29 residential units, 8,000 sq ft of ground-floor retail space, and a 20-space garage in a sublevel basement. As discussed in this document, the proposed project would not result in new, significant environmental effects,

MITIGATION MEASURES

Improvement Measure 1 - Enhanced Ventilation Measures.

Air Filtration and Ventilation Requirements for Sensitive Land Uses. Prior to receipt of any building permit, the project sponsor shall submit an enhanced ventilation plan for the proposed building(s). The enhanced ventilation plan shall be prepared and signed by, or under the supervision of, a licensed mechanical engineer or other individual authorized by the California Business And Professions Code Sections 6700-6799. The enhanced ventilation plan shall show that the building ventilation system will be capable of achieving protection from particulate matter (PM_{2.5}) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration, as defined by American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 52.2. The enhanced ventilation plan shall explain in detail how the project will meet the MERV-13 performance standard identified in this measure.

Maintenance Plan. Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

Disclosure to buyers and renters. The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

Project Mitigation Measure 1 – Short-term Construction Exhaust Emissions (Mitigation Measure 5.8B of the Market and Octavia FEIR).

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - a) Where access to alternative sources of power is available, portable diesel engines shall be prohibited;
 - b) All off-road equipment shall have:
 - i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, *and*
 - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).⁴⁶
 - c) Exceptions:
 - i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
 - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted

⁴⁶ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.

**TABLE A1
OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE***

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

*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

**Alternative fuels are not a VDECS

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. 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. Off-road equipment descriptions and information 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 VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date.

For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.

5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications. Refer to Appendix E for the Certification Statement.

Project Mitigation Measure 2 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR). Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.

Project Mitigation Measure 3 – Construction-related Soils (Mitigation Measure 5.11.A of the Market and Octavia FEIR). Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure;
- Control surface runoff and maintain low runoff velocities;
- Trap sediment onsite; and
- Minimize length and steepness of slopes.