



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: 2013.1179E
Project Address: 1700 Market Street
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District
 85-X Height and Bulk District
Block/Lot: 0855/016
Lot Size: 3,471 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Warner Schmalz, Forum Design, (925) 309-2503
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PROJECT DESCRIPTION

The project site is located on the northern side of Market Street between Gough and Octavia Streets, within the Western Addition neighborhood, adjacent to the Downtown/Civic Center and South of Market neighborhoods. The 3,471-square-foot triangular site has frontage along Market, Gough, and Haight streets (See Figure 1). The project would involve the demolition of the existing two-story, 6,800-square-foot commercial building on the site (constructed in 1890, substantially altered in the 1940s) and the construction of an 8-story, mixed-use residential building with ground floor retail. The proposed building would be approximately 85-feet tall (approximately 100-feet tall with mechanical penthouse) and would include 48 residential units (26 studios and 22 one-bedroom units) and 1,549 square feet (sf) of commercial space. The proposed project would include 50 bicycle parking spaces located at the ground floor. No off-street vehicle parking spaces are being proposed as part of the project. The proposed project would involve excavation of up to six feet in depth and soil disturbance of approximately 400 cubic yards. (See Figures 2 to 6)

PROJECT APPROVALS

The proposed 1700 Market Street project would require the approvals listed below.

Actions by the Planning Commission

- **Approval of an application for a Conditional Use Authorization.** Per Planning Code Section 207.6, the proposed project would require a Conditional Use Authorization to provide less than the 40 percent required unit mix of two-bedroom dwelling units.

Actions by City Departments

- **San Francisco Planning Department (Planning Department).** Variance approval by the Zoning Administrator, pursuant to Planning Code Section 136, to include bay windows that project over the public right-of-way on Market, Gough, and Haight Streets at the second, third, sixth, and seventh

floors. Rear Yard Modification approval by the Zoning Administrator, pursuant to Planning Code Section 134, to provide less than the required rear yard depth of approximately 12 feet 8 inches.

- **Department of Building Inspection (DBI).** Demolition, grading, and building permits for the demolition of the existing building and construction of the new building.
- **Department of Public Works (DPW).** Street and sidewalk permits for any modifications to public streets and sidewalks. Approval of a condominium map if requested.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines.

EVALUATION OF ENVIRONMENTAL EFFECTS

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

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

The Market and Octavia PEIR identified significant impacts related to archaeology, transportation, air quality, wind, shadow, geology, and hazardous materials. Mitigation measures were identified for the above impacts and reduced all impacts to less than significant, with the exception of those related to transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line), and shadow impacts on two open spaces (War Memorial and United Nations Plaza).

The proposed project would include the demolition of an existing two-story, 6,800-square-foot commercial building and the construction of an 8-story, approximately 85-foot-tall (approximately 100 feet tall with mechanical penthouse), 31,673-square-foot mixed-use residential building with 1,549 square feet of ground floor commercial space. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia PEIR.

¹ San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at www.sf-planning.org/index.aspx?page=1714 or at the Planning Department, 1650 Mission Street, Suite 400.

Figure 1 - Project Site



Figure 2 - Site Plan

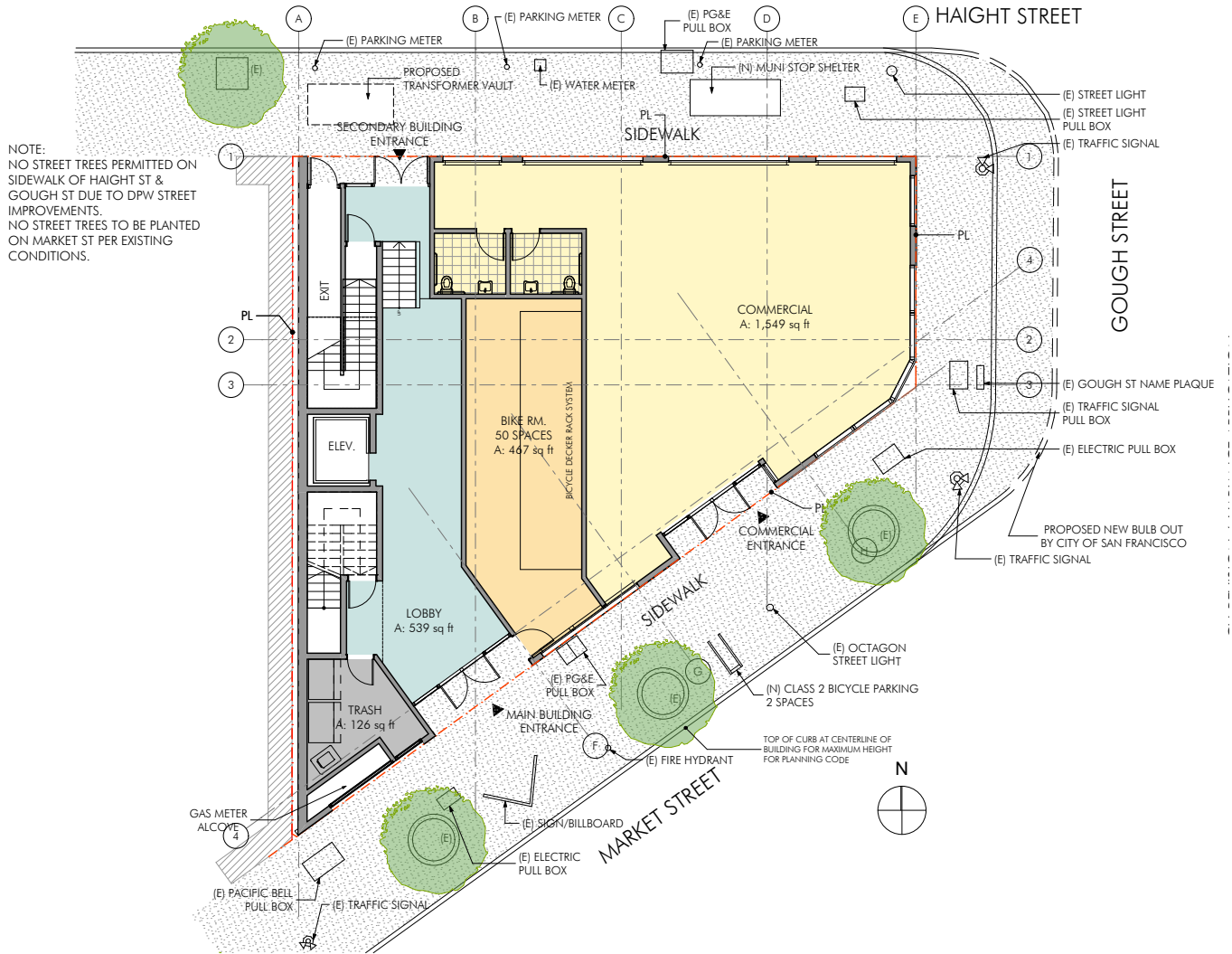


Figure 3 - Representative Typical Floor Plan

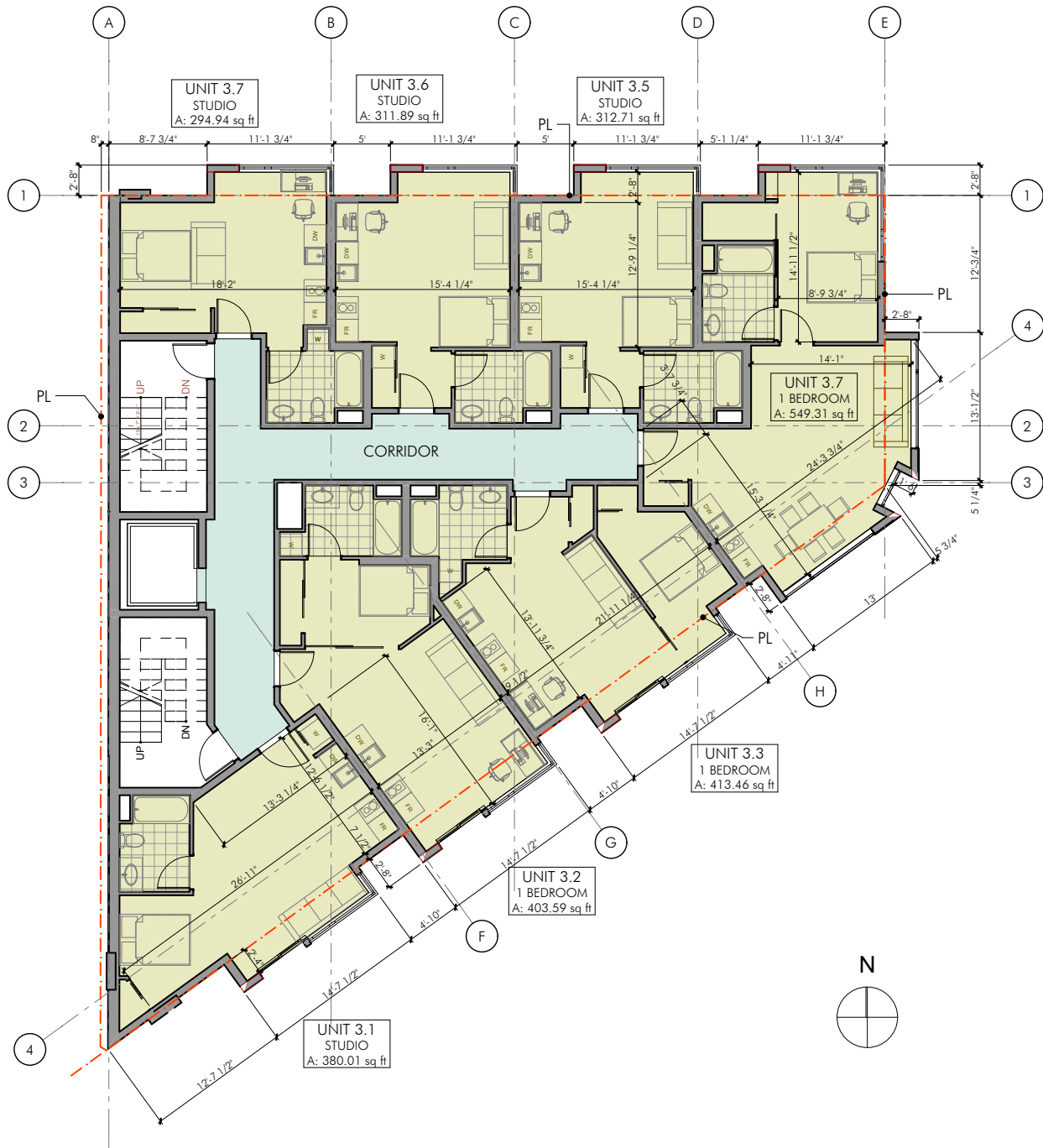


Figure 4 - Roof Plan

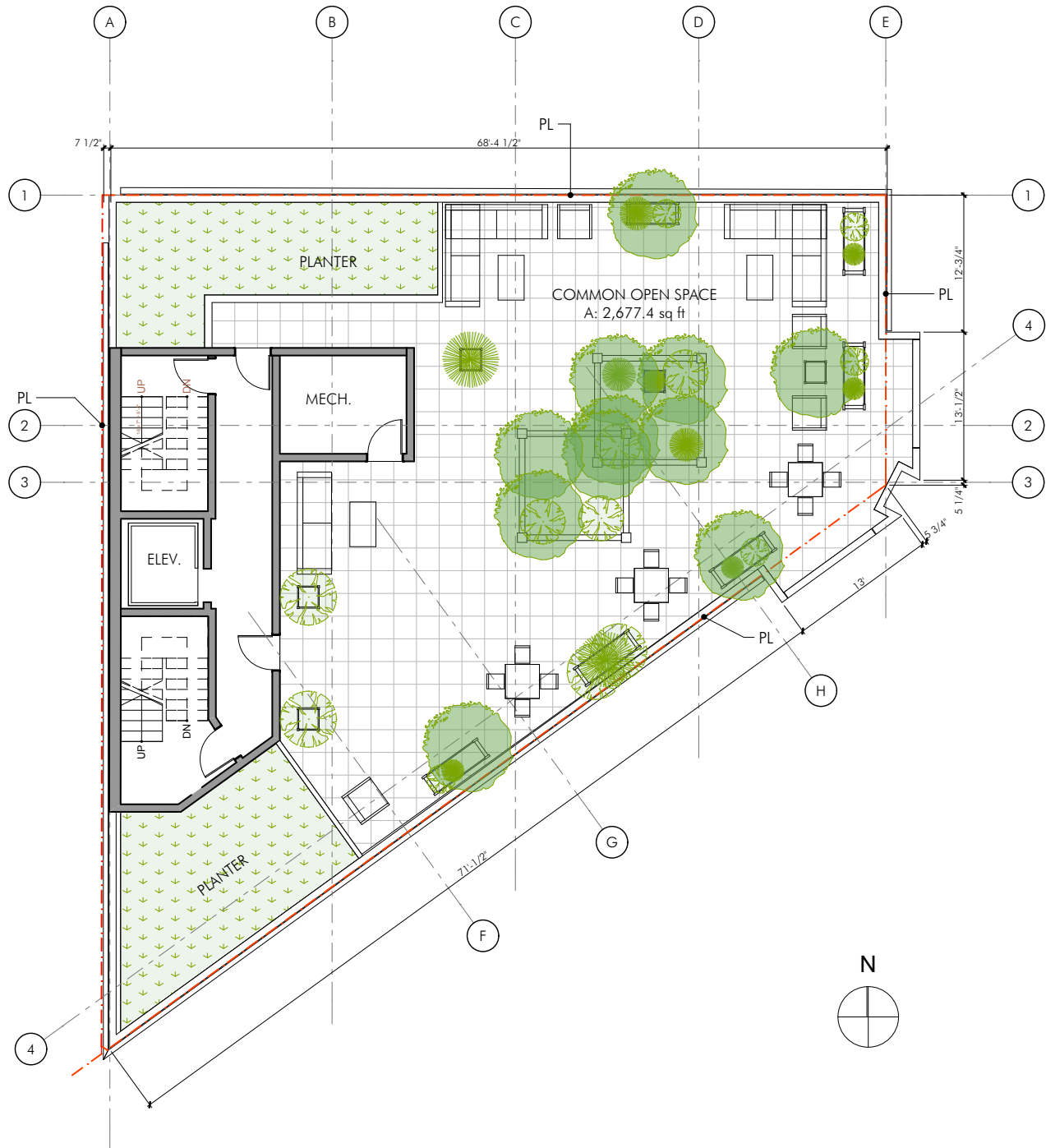


Figure 5 - Facade along Market Street

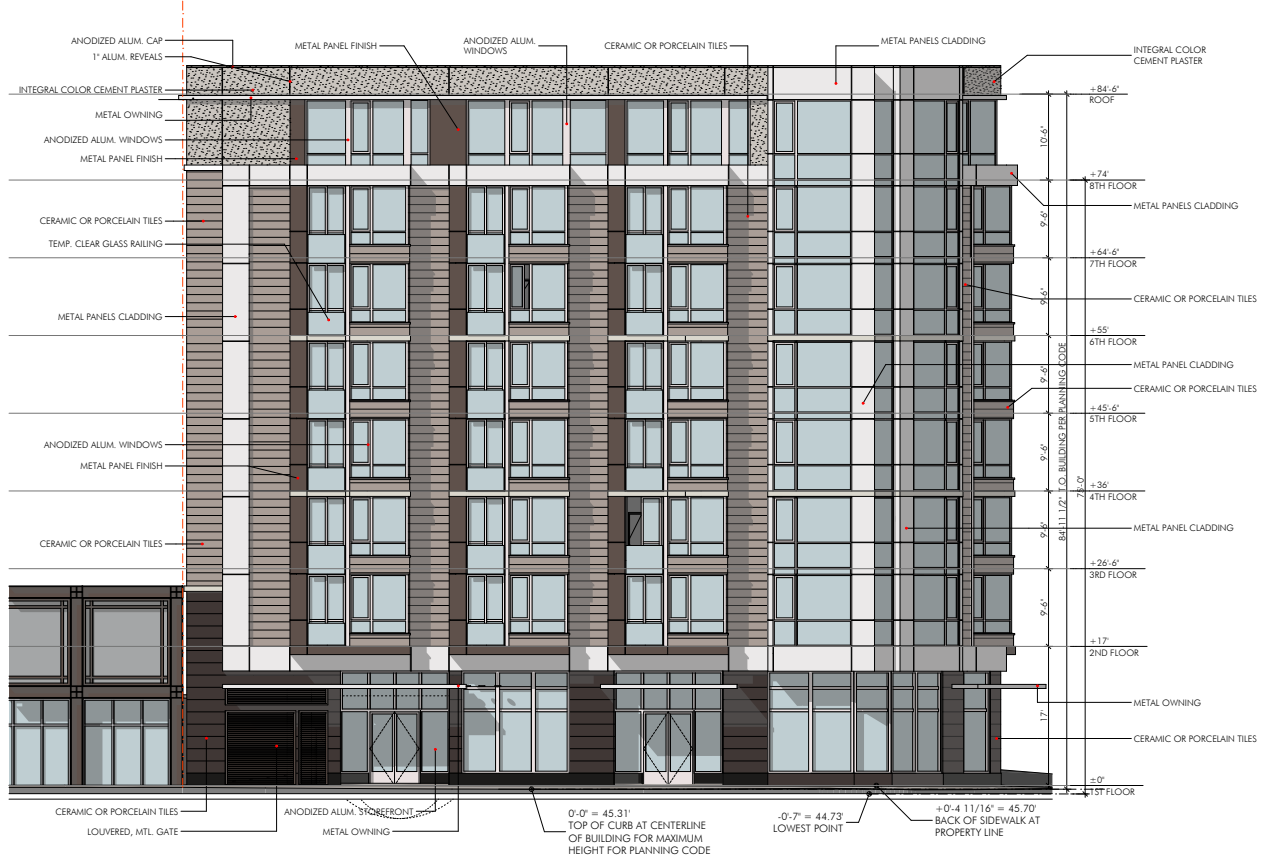
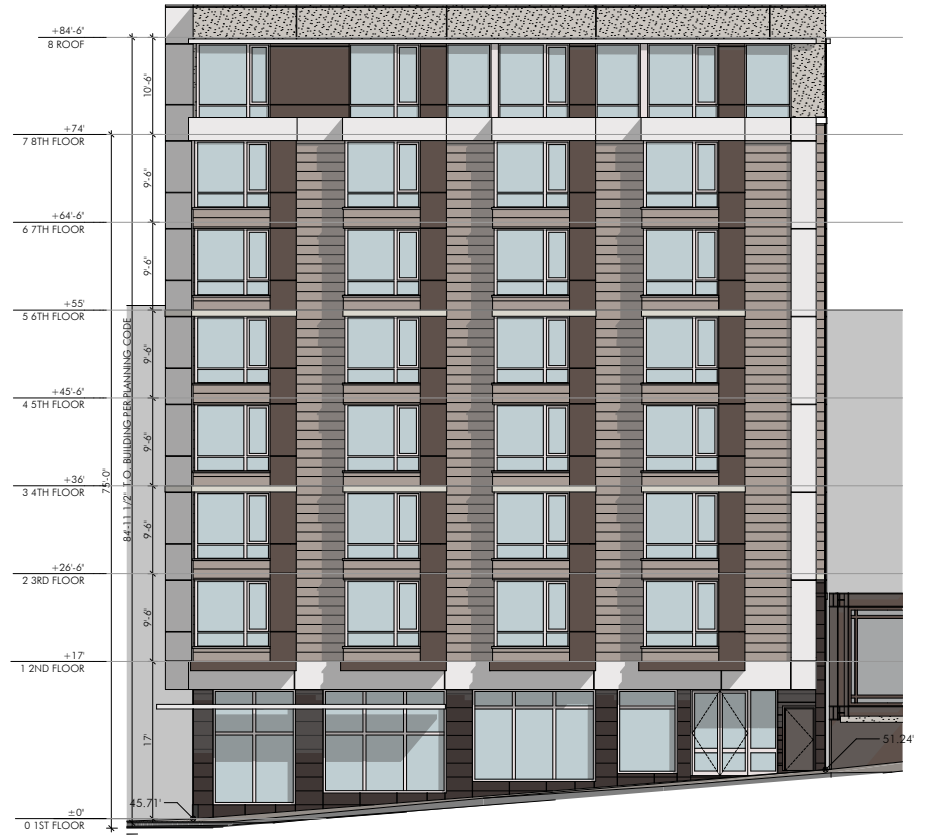


Figure 6 - Facade along Haight Street



Aesthetics and Parking Impacts for Transit Priority Infill Development

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

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

The proposed project meets each of the above criteria; therefore, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.² Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.

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

The Market and Octavia PEIR determined that adoption of the Market and Octavia Area Plan (Area Plan) would not result in a significant adverse impact on land use or land use planning. As determined by the Citywide and Current Planning divisions of the Planning Department, the proposed project is permitted in the zoning district in which the project site is located, and is consistent with the bulk, density, and land uses as envisioned in the Area Plan, described below.^{3,4} The Area Plan designates the site land use district (zoning district) NCT-3 (Moderate Scale Neighborhood Commercial Transit District) and the height and bulk district 85-X. The NCT-3 zoning district encourages mixed-use, moderate scaled development concentrated near transit. The Area Plan also encourages transit and streetscape improvements and reduced off-street

² San Francisco Planning Department, 2014. Transit-Oriented Infill Project Eligibility Checklist for 1700 Market Street. January 8. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

³ San Francisco Planning Department, 2015. Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis for 1700 Market Street, from Adam Varat. January 8. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

⁴ San Francisco Planning Department, 2015. Community Plan Exemption Eligibility Determination Current Planning Division for 1700 Market Street, from Jeff Joslin. January 15. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

parking to encourage travel by public transit and other alternative travel modes. As a mixed-use residential building with ground floor retail uses and no off-street vehicle parking proposed, the project is consistent with the goals of the Area Plan. The project is consistent with the bulk, density, and land uses as envisioned in the Market and Octavia Area Plan.

For these reasons, implementation of the proposed project would not result in significant impacts, which were not identified in the PEIR related to land use and land use planning, and no mitigation measures are necessary.

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

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

The proposed project would require the demolition of the existing building, which provides approximately 6,800 square feet of commercial space that includes retail on the ground floor and office use on the second floor. The proposed project would include the construction of 48 dwelling units and 1,549 sf of ground-floor commercial space. The project would result in a net increase in housing and net decrease in jobs on the project site as follows: an increase of 30,124 sf of residential uses (48 dwelling units), and a decrease of 5,251 sf of commercial uses. These direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Market and Octavia Area Plan and evaluated in the Market and Octavia PEIR.

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

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

Historic Architectural Resources

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

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

The proposed project consists of demolition of the existing building on the project site that was constructed in 1890 and substantially altered in the 1940s. A previous historic resource survey of the project site⁵ concluded that the existing building is not a historic resource under CEQA. Additionally, the project site is not located within a historic district or a California Register of Historical Resources eligible district.⁶ As such, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

Archaeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archaeological resources, and identified four mitigation measures that would reduce these potential impacts to a less-than-significant level (Mitigation Measures C1 through C4). Mitigation Measure C1 — Soil-Disturbing Activities in Archaeologically Documented Properties⁷ applies to properties that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2 – General Soils-Disturbing

⁵ Kelley & VerPlank, 2010. State of California – Department of Parks and Recreation (DPR) 523 Form for 1700 Market Street. May 1. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

⁶ San Francisco Planning Department, 2014. Email from Tina Tam, 1700 Market Street – HRCL rescinded. June 27. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

⁷ Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the project; mitigation numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the PEIR.

Activities⁸ was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of 4 feet and located in those areas proposed in the Area Plan for which no archaeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archaeological Sensitivity Study (PASS) be prepared by a qualified consultant. Mitigation Measure C3 – Soil-Disturbing Activities in Public Street and Open Space Improvements⁹ applies to improvements to public streets and open spaces if those improvements disturb soils beyond a depth of 4 feet; it requires an Archeological Monitoring Program. Mitigation Measure C4 – Soil-Disturbing Activities in the Mission Dolores Archaeological District¹⁰ applies to projects in the Mission Dolores Archeological District that result in substantial soils disturbance; it requires an Archaeological Testing Program, as well as an Archaeological Monitoring Program and Archaeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archaeological deposits, and Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Market and Octavia PEIR Mitigation Measure C2 states that any project resulting in soils disturbance beyond a depth of four feet and located within properties within the Plan Area for which no archeological assessment report has been prepared shall be required to conduct a preliminary archeology sensitivity study (PASS) prepared by a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. Based on the study, a determination shall be made if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. The Planning Department's archeologist conducted a preliminary archeological review of the project site in conformance with the study requirements of Mitigation Measure C2 and determined that the Planning Department's third standard archeological mitigation measure (testing) would apply to the proposed project.¹¹ The Preliminary Archeological Review and its requirements (e.g., testing) are consistent with Mitigation Measure C2 from the Market and Octavia PEIR. With implementation of this mitigation measure, impacts related to archaeological resources would be less than significant. In accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure M-CP-1 – Archaeological Testing, listed in the Mitigation Measures section below. With compliance with Project Mitigation Measure M-CP-1, the proposed project would not result in significant impacts that were not identified in the Market and Octavia PEIR related to archaeological resources. For these reasons, the proposed project would not result in significant impacts on archaeological resources that were not identified in the Market and Octavia PEIR.

⁸ Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

⁹ Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

¹⁰ Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.

¹¹ San Francisco Planning Department, 2014. Email from Randall Dean, Preliminary Archeo Review results. September 18. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

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

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

The Market and Octavia PEIR identified several significant traffic impacts at seven intersections, and one transit impact. In the vicinity of the proposed project, the Market and Octavia PEIR identified cumulatively considerable impacts at the intersections of Octavia Boulevard/Market Street/McCoppin Street (southwest of the project site), Oak Street/Octavia Boulevard (northwest of the project site) and at Oak Street/Gough Street (north of the project site). The Market and Octavia PEIR identified a significant and unavoidable cumulative transit delay impact to the 21 Hayes route in the weekday PM peak hour. This impact was a result of the increased vehicle delay along Hayes Street from Van Ness Avenue to Gough Street due to the proposed reconfiguration of Hayes Street included in the Plan.

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

Trip Generation

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines), developed by the San Francisco Planning Department.¹² The proposed project would generate an estimated 592 person trips (inbound and outbound) on a weekday daily basis, consisting of 302 person trips by auto, 154 transit trips, 96 walk trips, and 41 trips by other modes. During the PM peak hour, the proposed project would generate an estimated 31 vehicle trips.

Traffic

Vehicle trips associated with the proposed project would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by Level of Service (LOS), which ranges from A to F, and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

As shown in Table 1, the LOS data for intersections within several blocks of the project site indicate that these intersections operate at LOS C or better during the weekday PM peak hour—except for one intersection, which operates at LOS D. Intersections operating at LOS C or better include Gough Street/Market Street, Franklin Street/Market Street, Valencia Street/Market Street, Oak Street/Octavia Boulevard, and Oak Street/Gough Street. Octavia Boulevard/Market Street/McCoppin Street operates at LOS D. Cumulative (2025) conditions represent future conditions after the buildout of the Market and Octavia Area Plan. These intersections would operate at LOS D or better, except for Octavia Boulevard/Market Street/McCoppin Street, Oak Street/Octavia Boulevard, and Oak Street/Gough Street, which would operate at LOS E. Table 3 lists the existing and cumulative LOS conditions for these intersections per the PEIR.

Table 1 – Weekday PM Peak Hour Level of Service at Nearby Intersections

Intersection	Existing LOS (2008)	Cumulative LOS (2025)
Gough Street/Market Street	C	D
Franklin Street/Market Street	C	D
Valencia Street/Market Street	A/B	A/B
Octavia Boulevard/Market Street/McCoppin Street	D	E
Oak Street/Octavia Boulevard	A/B	E
Oak Street/Gough Street	A/B	E
Source: Market and Octavia PEIR, 2007.		

¹² San Francisco Planning Department, 2015. Transportation Calculations for 1700 Market Street. January 8. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1179E.

The proposed project would generate an estimated 13 net new PM peak-hour vehicle-trips that could travel through surrounding intersections. This number of new PM peak-hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections; would not substantially increase average delay to the degree that intersections currently operating at acceptable LOS would deteriorate to unacceptable LOS; and would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions, because its contribution of an estimated 13 net new PM peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Market and Octavia Area Plan projects. The proposed project would also not contribute considerably to 2025 cumulative conditions; therefore, the proposed project would not have any 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 PEIR.

Transit

The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; as well as Muni bus lines F, N Owl, 6, 9/9L, 14/14L (and 14 Owl), 16X, 47, 49, 71/71L, and 90. The proposed project would be expected to generate 154 daily transit trips, including 25 during the PM peak hour. Given the wide availability of nearby transit, the addition of 20 net new PM peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in delays or operating costs.

As described above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21 Hayes route. The proposed project would not contribute considerably to this impact, because its minor contribution of 13 net new PM peak-hour vehicle trips would not be a substantial proportion of the overall traffic generated by development anticipated from implementation of the Market and Octavia Area Plan. Also, 21 Hayes would be unlikely to be a heavily used peak hour route due to the fact that there are many closer routes.

For the above reasons, the proposed project would not result in significant impacts related to transit that were not identified in the Market and Octavia PEIR. In addition, it would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR.

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 whether 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; therefore, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.¹³ 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 only.

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 peak evening demand for parking would be for 62 (or 36 net new compared to existing demand) spaces. The proposed project would not provide any off-street spaces. Therefore, as proposed, the project would have an unmet peak evening parking demand of an estimated 62 (or 36 net new) spaces. At this location, the unmet parking demand could be accommodated in existing on-street and off-street parking spaces within a reasonable distance from the project vicinity. 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 in such a way that hazardous conditions or significant delays would be created.

The Market and Octavia PEIR identified two improvements measures to reduce parking demand with the implementation of the Plan. The first included coordinating with carsharing providers to promote the use of car-sharing, and designating a certain portion of new parking spaces for carshare spaces. The second improvement measure considered a reduced vehicle ownership scenario, entailing a combination of improvements to transit, pedestrian, and bicycle circulation and access in the Market and Octavia Plan Area; this, combined with reduced off-street parking spaces, would likely reduce the number of vehicles per household, and the overall parking demand for projects in the Plan Area. The proposed project would implement one of these improvement measures as it would not include any off-street parking.

Parking conditions are not static, because parking supply and demand varies from day to day, from day to night, from month to month, etc. The availability of parking spaces (or lack thereof) is therefore not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Although 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 automobile 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

¹³ San Francisco Planning Department, 2014. Transit-Oriented Infill Project Eligibility Checklist for 1700 Market Street. January 8. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

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 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 by others who are aware of constrained parking conditions in a given area, and therefore 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.

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

Construction Impacts

The Market and Octavia PEIR noted that the background noise level in San Francisco is elevated primarily due to traffic noise, and that some streets have higher background sound levels, such as Market Street. The PEIR identified an increase in the ambient sound levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that

compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) would reduce construction impacts to less-than-significant levels. DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 AM to 5:00 PM). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Existing ambient noise in the vicinity of the project site was assessed in the noise study completed for the proposed project.¹⁴ The noise environment at the site is predominantly controlled by vehicular traffic along adjacent streets. Also, Market Street and Haight Street serve as a route for a number of transit lines. Noise measurements were conducted at the project site between July 9, 2013, and July 13, 2013, to quantify the existing noise environment. In the vicinity of the project site, the measured outdoor ambient day-night sound level (DNL or L_{dn}) was 76.4 decibels (dB) along Market Street, 73.6 dB along Gough Street, and 71.0 dB along Haight Street.

Construction of the proposed project is anticipated to occur over 14 months. The proposed project would involve the installation of a conventional spread footing foundation or a mat foundation so while pile-driving is not proposed, other construction techniques used would result in increased noise. The closest noise sensitive receptors are residential uses located adjacent to the project site at 11 Haight Street. Even though the project construction activities would be subject to and would comply with the Noise Ordinance, construction noise may at times interfere with indoor activities in nearby residences and businesses near the project site, and may be considered an annoyance by occupants of nearby properties. However, the increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be subject to and would comply with the San Francisco Noise Ordinance.

Operational Impacts

The PEIR noted that land use changes would have the potential for creating secondary noise impacts associated with fixed heating, ventilating or air-conditioning (HVAC) equipment or local noise-generating activities. The PEIR determined that existing ambient noise conditions in the Plan Area would generally mask noise from new on-site equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The PEIR also determined that all new development in the Plan Area would comply with Title 24 of the California Code of Regulations (CCR), and with the Land Use Compatibility Guidelines for Community Noise of the General Plan,¹⁵ which would prevent significant impacts to sensitive receptors during project operations.

Based on expected implementation of the noise study recommendations with respect to controlling exterior noise intrusion, acceptable interior noise levels would be attained by the proposed project. During review of the building permit, DBI would review project plans for compliance with applicable noise standards. Compliance with applicable standards and with the City's General Plan would ensure that effects from exposure to ambient noise would result in less-than-significant impacts.

To achieve the objectives of the San Francisco General Plan Environmental Protection Element pertaining to lessening noise intrusion and development of appropriate uses that are compatible with the noise guidelines (Objectives 10 and 11), projects that are in noisy areas should protect open space, to the

¹⁴ Walsh Norris & Associates, Inc., 2014. Exterior Noise Evaluation for 1700 Market Street. July 17. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

¹⁵ San Francisco Planning Department, 2004. San Francisco General Plan, Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise. Last amended December. Available online at: www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm.

maximum feasible extent, from existing ambient noise levels. The rooftop terrace open space would be shielded by an approximately 3.5-foot parapet with some landscaping around the roof perimeter.

The project includes mechanical equipment that could produce operational noise, such as that from heating and ventilation systems. These operations would be subject to Section 2909 of the San Francisco Noise Ordinance. The proposed project would comply with Article 29, Section 2909, by including acoustical construction improvements to achieve an interior day-night equivalent sound level of 45 A-weighted decibels (dBA). Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would be less than significant, and the proposed building would not contribute, to a considerable increment, to any cumulative noise impacts from mechanical equipment.

Ambient noise levels in San Francisco are largely influenced by traffic. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (3-dB increase). As described in Section 4, Transportation, during the PM peak hour the proposed project would generate 13 net new vehicle-trips during the PM peak hour. Since the proposed project would not include off-street parking, the vehicle trips would park on the surrounding streets. However, even if all of the 13 net new PM peak-hour vehicle trips associated with the proposed project are added to a single street such as Market Street, Gough Street or Hayes Street, the proposed project would not double the traffic volumes along these streets. Therefore, the proposed project would not double traffic volumes, and would not result in a perceptible noise increase from project-related traffic.

The project site is not in an airport land use plan area, within 2 miles of a public airport, or in the vicinity of a private airstrip. Therefore, Checklist questions e and f above are not applicable.

For the above reasons, implementation of the proposed project would not result in significant impacts related to noise and vibration that were not identified in the PEIR, and no mitigation measures are necessary.

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

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

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

Construction Dust Control

Market and Octavia PEIR Mitigation Measure E1 – Construction Mitigation Measure for Particulate Emissions, requires that individual projects involving construction activities include dust control measures.¹⁶ The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work, to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of measures such as watering disturbed areas, covering stockpiled materials, and sweeping streets and sidewalks.

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure E1. Therefore, PEIR Mitigation Measure E1 is not applicable to the proposed project.

Criteria Air Pollutants

The BAAQMD's *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria¹⁷ for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria as it would not exceed the mid-rise apartment construction criteria pollutant screening size of 240 residential units and the operational criteria pollutant screening size of 494 dwelling units. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Health Risk

Subsequent to certification of the Market and Octavia PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure

¹⁶ Mitigation Measure E1 is Mitigation Measure 5.8.A in the Market and Octavia PEIR.

¹⁷ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, updated May 2011. See pp. 3-2 through 3-3.

Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

Construction

The project site is located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. Market and Octavia PEIR Mitigation Measure E2 – Construction Mitigation Measure for Short-Term Exhaust Emissions, requires construction equipment to be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants.¹⁸ The proposed project would require heavy-duty off-road diesel vehicles and equipment during approximately two months of the anticipated 14-month construction period. Thus, in accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure M-AQ-1 - Construction Air Quality, which would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.¹⁹ Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure M-AQ-1 - Construction Air Quality. The full text of Project Mitigation Measure M-AQ-1 - Construction Air Quality is provided in the Mitigation Measures Section below.

Siting Sensitive Land Uses

For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance Article 38, the project sponsor has submitted an initial application to DPH.²⁰ The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

¹⁸ Mitigation Measure E2 is Mitigation Measure 5.8.B in the Market and Octavia PEIR.

¹⁹ PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

²⁰ George McNabb, Paragon Real Estate Group, 2014. Application for Article 38 Compliance Assessment. July 23. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E

Siting New Sources

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day and would not include a backup diesel generator. Thus, the proposed project would not be introducing any new sources of health risk.

Conclusion

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

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

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

The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy,²¹ which is comprised of regulations that have proven effective in reducing San Francisco’s overall GHG emissions; San Francisco’s GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project’s contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project’s contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

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

²¹ Forum Design, 2014. Compliance Checklist Table for Greenhouse Gas Analysis for 1700 Market Street, June 27. . This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E

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

Wind

The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to ground-level wind hazards. Mitigation Measure B1 – Buildings in Excess of 85 Feet in Height²² and Mitigation Measure B2 – All New Construction,²³ identified in the PEIR, require individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measures. The Market and Octavia PEIR concluded that implementation of Mitigation Measure B1 and Mitigation Measure B2, in combination with existing San Francisco Planning Code requirements, would reduce both project-level and cumulative wind impacts to a less-than-significant level.

Because of the height of the proposed approximately 85-foot-tall building (approximately 100 feet-tall with mechanical penthouse), PEIR Mitigation Measure B1 would apply to the proposed project. In addition, PEIR Mitigation Measure B2, which applies to all new construction, would apply to the proposed project. To determine project compliance with these mitigation measures, a pedestrian wind assessment was prepared by a qualified wind consultant for the proposed project.²⁴ The evaluation states that the proposed project's exposure to prevailing winds is limited by: shelter from existing structures; the proposed project's articulated design with vertical and horizontal cut-outs (although the upper stories of the building on the Haight Street façade could be exposed to moderately windy conditions); and the orientation of the proposed building's long axis aligned along a west to east direction with the prevailing wind direction. Based on the consideration of the exposure, massing and orientation of the proposed project, the proposed project as designed would not have the potential to result in a significant wind hazard impact.

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

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between 1 hour after sunrise and 1 hour before sunset, at any time of the year, unless that

²² Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

²³ Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

²⁴ Donald Ballanti, 2014. Wind Evaluation of the Proposed 1700 Market Street Project, San Francisco. December 16. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

shadow would not result in a significant adverse effect on the use of the open space. Private open spaces that are required under the Planning Code as part of an individual development proposal are not subject to Section 295.

The Market and Octavia PEIR analyzed impacts to existing and proposed parks under the jurisdiction of the San Francisco Recreation and Park Commission, as well as the War Memorial Open Space and the United Nations Plaza, which are not under the commission’s jurisdiction. The Market and Octavia PEIR found no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the PEIR identified potential significant impacts related to new construction of buildings over 50 feet tall, and determined that Mitigation Measure A1 – Parks and Open Space not Subject to Section 295²⁵ would reduce, but may not eliminate, significant shadow impacts on the War Memorial Open Space and United Nations Plaza. Specifically, the PEIR noted that potential new towers at Market Street and Van Ness Avenue could cast new shadows on the United Nations Plaza, and that Mitigation Measure A1 would reduce, but may not eliminate, significant shadow impacts on the United Nations Plaza. The PEIR determined shadow impacts to United Nations Plaza could be significant and unavoidable.

The proposed project would involve construction of an 85-foot-tall building (100 feet tall with mechanical penthouse). Based on the preliminary shadow fan analysis prepared by the Planning Department, the proposed project would not cast new shadow on nearby parks, including the United Nations Plaza or any new and proposed parks and open spaces developed since the time of the Market and Octavia PEIR (e.g., Patricia’s Green).²⁶ Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

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

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

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

²⁵ Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

²⁶ San Francisco Planning Department, 2015. Shadow Fan Study, 1700 Market Street. January 9. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR concluded that implementation of the Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Market and Octavia PEIR.

Because the proposed project would not degrade recreational facilities, and would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on recreation beyond those analyzed in the Market and Octavia PEIR.

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

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

Because the proposed project would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on utilities and service systems beyond those analyzed in the Market and Octavia PEIR.

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

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

Because the proposed project would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on public services beyond those analyzed in the Market and Octavia PEIR.

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

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

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

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

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

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

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

The Market and Octavia PEIR identified a potential significant impact related to soil erosion during construction. The PEIR found that implementation of Mitigation Measure G1 – Construction Related Soils Mitigation Measure,²⁷ which consists of construction best management practices (BMPs) to prevent erosion and discharge of soil sediments to the storm drain system, would reduce any potential impacts to a less-than-significant level.

Market and Octavia PEIR Mitigation Measure G1, referred to in this CPE Checklist as Project Mitigation Measure M-GE-1, would apply to the proposed project, and would address potential impacts related to soil erosion during construction. As stated above, this measure would require implementation of construction BMPs to prevent erosion and discharge of soil sediments to the storm drain system, and would reduce any potential impacts to a less-than-significant level. In accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure M-GE-1 – Construction Related Soils Mitigation Measure, listed in the Mitigation Measures section below.

A geotechnical investigation was prepared for the proposed project at 1700 Market Street and includes information gathered from reconnaissance of the site and site vicinity and review of geotechnical data.²⁸

²⁷ Mitigation Measure G1 is Mitigation Measure 5.11.A in the Market and Octavia PEIR.

²⁸ H. Allen Gruen, 2013. Geotechnical Evaluation Proposed Development at 1700 Market Street, San Francisco, California. December 19. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

Nearby soil borings (that went up to depths up to 21 feet bgs) encountered sand of varying densities over clay of varying stiffness. While free groundwater was not encountered with the soil borings, mapping indicates that groundwater in the project site vicinity is about 20 feet below ground surface. The maximum depth of excavation for the proposed project would be up to a maximum of six feet bgs, so groundwater would not likely be encountered during project construction.

The geotechnical report evaluated the project site for the potential for seismic surface ruptures, liquefaction, lateral spreading, and densification and found these risks to be low. The geotechnical report recommends that the proposed building be supported on either a conventional spread footing foundation or a mat foundation. While the geotechnical report indicates that the potential for damage from slope instability is low, temporary slopes for more than a few feet in depth during site excavation would not be able to be maintained due to the project site’s relatively clean sand. Therefore, the geotechnical report recommends phased excavations, retaining walls for cuts less than three feet deep, stabilization of sands with chemical grout, and/or installation of shoring. The project site is in an area that would be exposed to strong ground shaking in the event of an earthquake. The project sponsor would be required to adhere to the San Francisco Building Code, which specifies seismic design parameters for the design of earthquake resistant structures and would minimize the potential for structural damage from earthquakes. The geotechnical report concludes that the project site is suitable for the proposed project improvements with incorporation of the report recommendations.

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

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

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

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

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

The project site is occupied by a single building, and is completely covered by impervious surfaces. The proposed project would slightly decrease the amount of impervious surface area by installing landscaping on the common roof terrace. Overall, runoff and drainage would not be substantially changed. Therefore, the project would not substantially alter the existing drainage pattern of the site or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or in substantial erosion or siltation, nor would it exceed the capacity of existing or planned stormwater drainage systems. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface- and groundwater bodies.

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
15. HAZARDS AND HAZARDOUS MATERIALS—				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at the site could result in exposure to hazardous materials during construction. The Market and Octavia PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations; and implementation of Mitigation Measure F1 – Program or Project Level Mitigation Measures for Hazardous Materials,²⁹ which would require implementation of construction BMPs to reduce dust emissions; and tracking of contaminated

²⁹ Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

soils beyond the site boundaries, by way of construction vehicles tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under Air Quality, subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by the BAAQMD. Compliance with the Asbestos ACTM would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

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

Hazardous Building Materials

Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials may include asbestos, lead-based paint, and PCBs, universal waste and other hazardous building materials such as fluorescent light bulbs and ballasts, as well as batteries and mercury switches in thermostats.

Asbestos is a common material previously used in buildings, and sampling of suspected asbestos-containing material prior to demolition is required by the BAAQMD to obtain a demolition permit. If asbestos is identified, it must be abated in accordance with applicable laws prior to construction or renovation. Pursuant to state law, the DBI will not issue a permit for the proposed project until compliance with regulations is completed.

Lead-based paint and PCB-containing materials could also be encountered as a result of dust-generating activities that include removal of walls and material disposal during construction. Compliance with Chapter 36 of the San Francisco Building Code would ensure no adverse effects due to work involving lead paint. PCB-containing materials must be managed as hazardous waste in accordance with Occupational Safety and Health Administration worker protection requirements. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

Soil and Groundwater Contamination

The proposed project would involve approximately 400 cubic yards of excavation with a maximum excavation depth of six feet. The project site is not within the mapped San Francisco Health Code Article 22A Maher area. A Phase I Environmental Site Assessment prepared for the project site determined that

there is no evidence that the soil and/or groundwater at the project site may contain hazardous substances.³⁰

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

Emergency Response and Fire

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 or hazardous materials that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore the CPE Checklist topic 15e and 15f are not applicable.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
16. FUEL, WATER, AND ENERGY RESOURCES— Would the project:				
a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the Area Plan would facilitate the reuse and rehabilitation of existing buildings, as well as the construction of new structures. Development of these uses would not result in use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects, and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the CCR, enforced by DBI. Therefore, the proposed project would not result in any significant impacts related to the use of fuel, water, or energy in a wasteful manner.

³⁰ Environmental Service, 1997. Phase I Environmental Site Assessment of 1700-1714 Market Street and 1 Haight Street, San Francisco, California. April 22. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

MITIGATION MEASURES

Project Mitigation Measure M-CP-1 – Archaeological Testing (Implementing Mitigation Measure C2 of the Market and Octavia PEIR):

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

Consultation with Descendant Communities: On discovery of an archeological site³¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative³² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

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

³¹ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

³² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

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

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

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

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

archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated

funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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

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

Project Mitigation Measure M-AQ-1 – Construction Air Quality (Implementing Mitigation Measure E2 of the Market and Octavia PEIR):

The project sponsor or the project sponsor's Contractor shall comply with the following

A. *Engine Requirements.*

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

specifications.

B. *Waivers.*

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

Table – Off-Road Equipment Compliance Step-down Schedule

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

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative

1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: 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, the description shall also specify the type of alternative fuel being used.
2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the

Contractor agrees to comply fully with the Plan.

3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The ERO shall review and approve. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Project Mitigation Measure M-GE-1 – Construction-Related Soils (Mitigation Measure G1 of the Market and Octavia PEIR):

Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures:

BMPs 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 on site.
- Minimize length and steepness of slopes.