



# SAN FRANCISCO PLANNING DEPARTMENT

## Community Plan Exemption Checklist

*Case No.:* 2013.1458E  
*Project Address:* **198 Valencia Street**  
*Zoning:* NCT-3 (Moderate Scale Neighborhood Commercial Transit) Use District  
50-X Height and Bulk District  
*Block/Lot:* 3502/108  
*Lot Size:* 9,000 square feet  
*Plan Area:* Market and Octavia Area Plan  
*Project Sponsor:* Victor Quan, Valencia Street, LLC – (415) 531-8311  
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### PROJECT DESCRIPTION

#### Project Location

The project site is located at the northern edge of the Mission neighborhood, adjacent to the South of Market and Western Addition neighborhoods, and the project area is characterized by residential uses and neighborhood commercial uses, including restaurants, bars, cafés, and a variety of retail establishments.

The project site is located on a parcel (Assessor's Block 3502; Lot 108) bordered by commercial uses to the north on Valencia Street, mixed use commercial and residential uses to the south on Valencia Street and to the east on Duboce Avenue, and residential uses to the west on Duboce Avenue. The parcel totals 9,000 square feet in size (approximately 0.21 acres) and is located in a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District, within the Market and Octavia Area Plan.

The project site is currently occupied by a one-story, 1,877 square foot oil change facility and a surface parking lot with seven off-street parking spaces. The project site has three existing curb cuts; two on Valencia Street and one on Duboce Avenue.

Parcels surrounding the project site are within NCT-3 and RTO (Residential Transit Oriented) Zoning Districts and a mixture of 40-X, 50-X, and 85-X Height and Bulk Districts, providing a number of one to four-story mixed-use buildings. The project site is also one block from the San Francisco Friends School, which is a kindergarten through 8<sup>th</sup> grade school. The project site is near the junction of three of the city's roadway grid systems: the north of Market, south of Market, and Mission grids meet at Market Street. Major roadways in the project vicinity include Dolores Street, Guerrero Street, Duboce Avenue, Mission Street, South Van Ness Avenue, Octavia Boulevard, and Van Ness Avenue. U.S. Highway 101 provides regional access to the project vicinity. The closest Bay Area Rapid Transit District (BART) stop is at Mission and 16<sup>th</sup> Streets, approximately 0.5 mile south of the site; and the closest San Francisco Municipal Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, approximately 0.4 miles northeast of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro

lines J, K, L, M, N, and T; streetcar line F, as well as Muni bus lines N Owl, 6, 14, 14L, 16X, 22, 33, 49, 71, and 71L.

Figure 1: Project Location



Source: SF Planning Department, January 2015.



**Existing Conditions**

Information pertaining to the existing oil change facility is summarized in Table 1 and shown on Figure 2.

**Table 1: Existing Uses on the Project Site**

Lot <sup>a</sup> Number	Address	Lot Size (square feet)	Building Area (square feet)	Date Constructed	Uses/Building Characteristics
108	198 Valencia Street	9,000	1,877	1994	One-story, oil change facility
<b>Total</b>	—	<b>9,000</b>	<b>1,877</b>	—	—
Notes:					
<sup>a</sup> The project site is located on Assessor's Block 3502.					

**Project Characteristics**

The proposed 198 Valencia Street project (project or proposed project) would demolish an existing one-story, 1,877 square foot oil change facility and surface parking lot built in 1994 and construct a five-story, 55 foot-tall, 33,795 gross square foot mixed-use building on the project site. The project would remove the two existing curb cuts on Valencia Street and would relocate the existing curb cut on Duboce Avenue.

The maximum allowable building height for the site is 50 feet, except with permitted exceptions such as the additional 5-foot height bonus that would be used (which is permitted when a project includes ground floor active uses per Planning Code Section 263.20) and the allowance for elevator shafts to protrude 16 feet beyond the height limit (Planning Code Section 260(b)(1)(A)) the allowance for elevator shafts to protrude 16 feet beyond the height limit (Planning Code Section 260(b)(1)(B)) and the allowance for stair penthouses to protrude 10 feet beyond the height limit (Planning Code Section 260(b)(1)(B)). Per Planning Code Sections 731.21 and 121.2, a non-residential use equal to, or exceeding, 6,000 square feet of floor area must seek Conditional Use Authorization. The project proposes two retail spaces, and each individual proposed retail space is less than 6,000 gross square feet. Nonresidential use size is defined by Planning Code Section 790.130 as pertaining to each individual use. Though the cumulative total of both proposed retail spaces exceeds 6,000 gross square feet, Conditional Use Authorization is not required for the reason that each individual retail use, as proposed, is less than 6,000 gross square feet in size.

The proposed 33,785 gross square foot mixed-use building would include 6,269 gross square feet of ground-floor commercial space and a subterranean garage (accessed via a 11-foot curb cut on Duboce Avenue) on the and 28 residential units (16 one-bedroom units and 12 two-bedroom units) on the first through fourth-floor levels. The proposed project would accommodate 19 off-street parking spaces and 28 Class I bicycle parking spaces in a subterranean garage. Four Class II bicycle parking spaces are proposed on the sidewalk adjacent to the project site along Valencia Street and Duboce Avenue. The proposed project would provide about 2,590 square feet of common open space on the roof for the residential uses and approximately 2,100 square feet of private terraces, and approximately 1,877 square feet of private open space via private terraces.

Project construction is anticipated to occur over a 15 month period. The proposed project would entail approximately 3,400 cubic yards of soil excavation (including soil removal) up to a depth of 14 feet below the ground surface. It is not anticipated that any soil would be imported to the project site. The project would not require pile-driving.

Figure 2 – Existing Site Plan

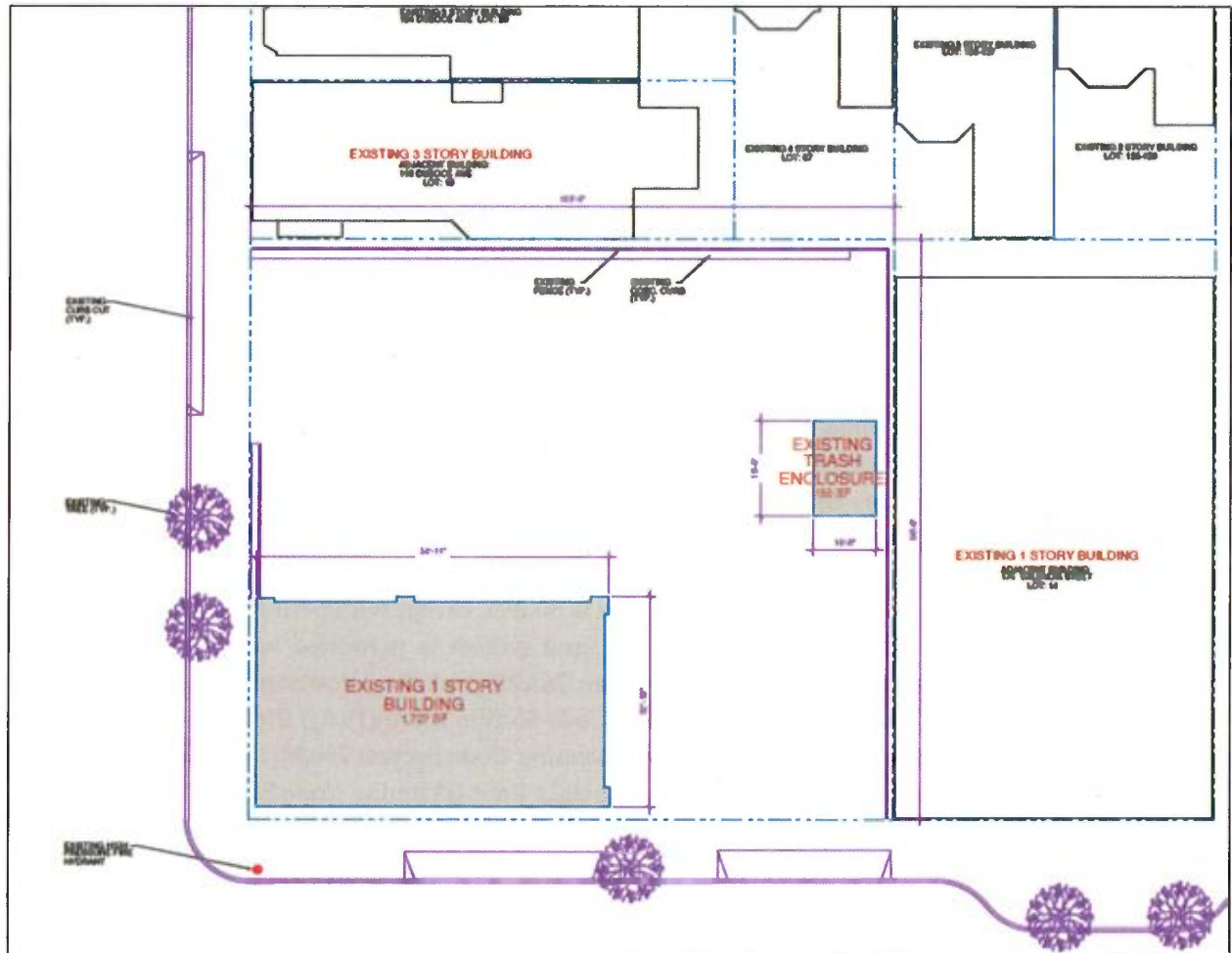


Table 2: Proposed Uses

<b>Lot</b>	<b>Dimensions</b>
Size	9,000 square feet
Width	100 feet (Valencia Street)
Length	90 feet (Duboce Avenue)
<b>Proposed Uses</b>	<b>Area (gross square feet)</b>
Residential	27,526
Commercial	6,269
Total	33,795
<b>Proposed Units/Parking Spaces</b>	<b>Amount (percent)</b>
Residential Units	28 (100%)
1-Bedroom	16 (57.1%)
2-Bedroom	12 (42.9%)
Commercial	1 space
Parking Spaces	19
Bicycle Parking Spaces	32 <sup>a</sup>
<b>Open Space</b>	<b>Area (gross square feet)</b>
Common roof terrace	2,590
<b>Building Characteristics</b>	<b>Levels/Height</b>
Valencia Street frontage	Five levels (ground-floor commercial/four levels residential)/ 55 feet plus 16-foot elevator penthouse
Duboce Avenue frontage	Five levels (ground-floor commercial/four levels residential)/ 55 feet plus 16-foot elevator penthouse
Parking	Below grade garage
Notes:	
<sup>a</sup> Bicycle parking spaces: 28 Class 1 bicycle parking spaces would be located in the garage and four Class 2 parking spaces would be located on the sidewalk adjacent to the project site along Valencia Street and Duboce Avenue for the residential and retail uses.	

Figure 3 – Proposed Ground Floor Plan

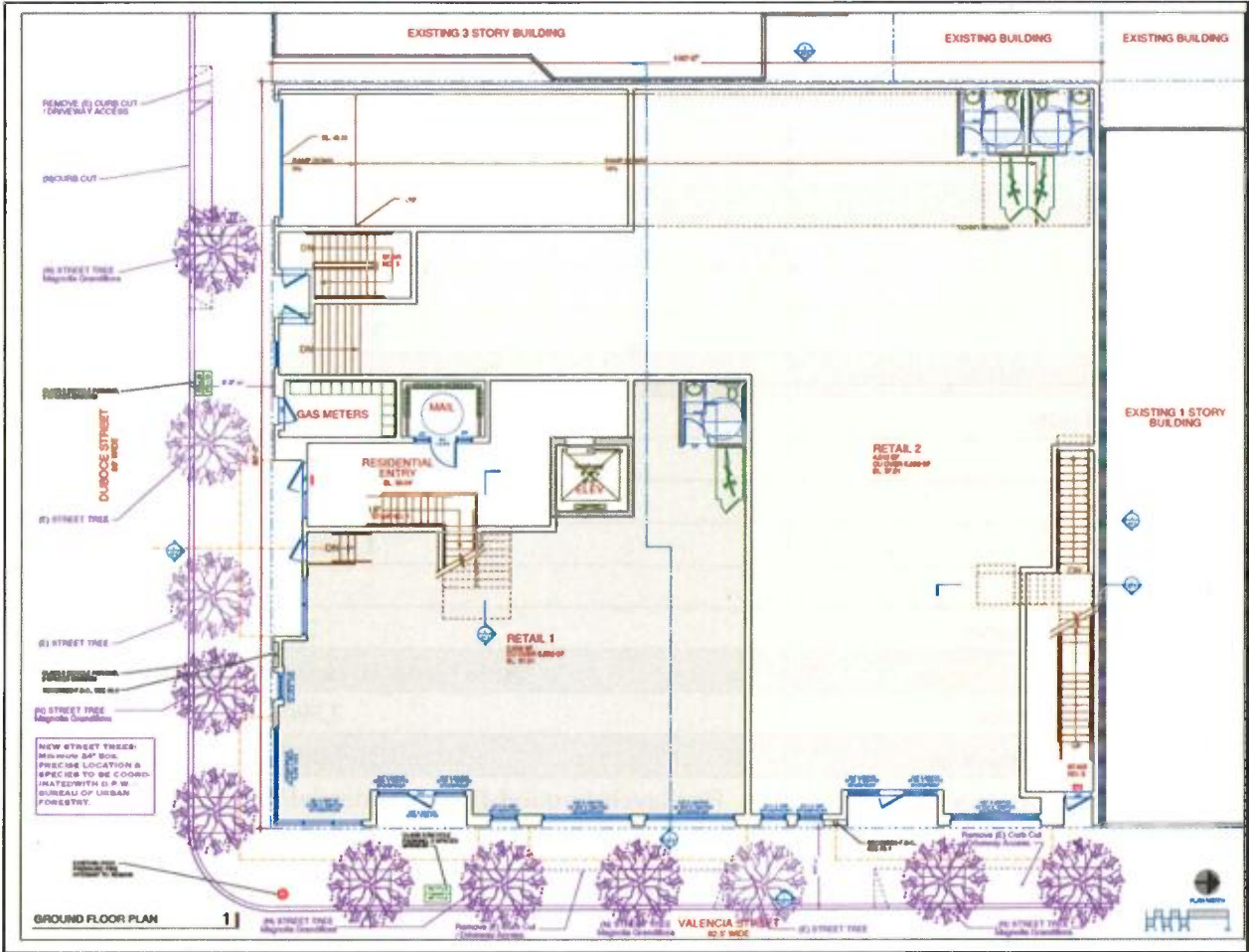




Figure 4 – Typical Residential Floor Plan

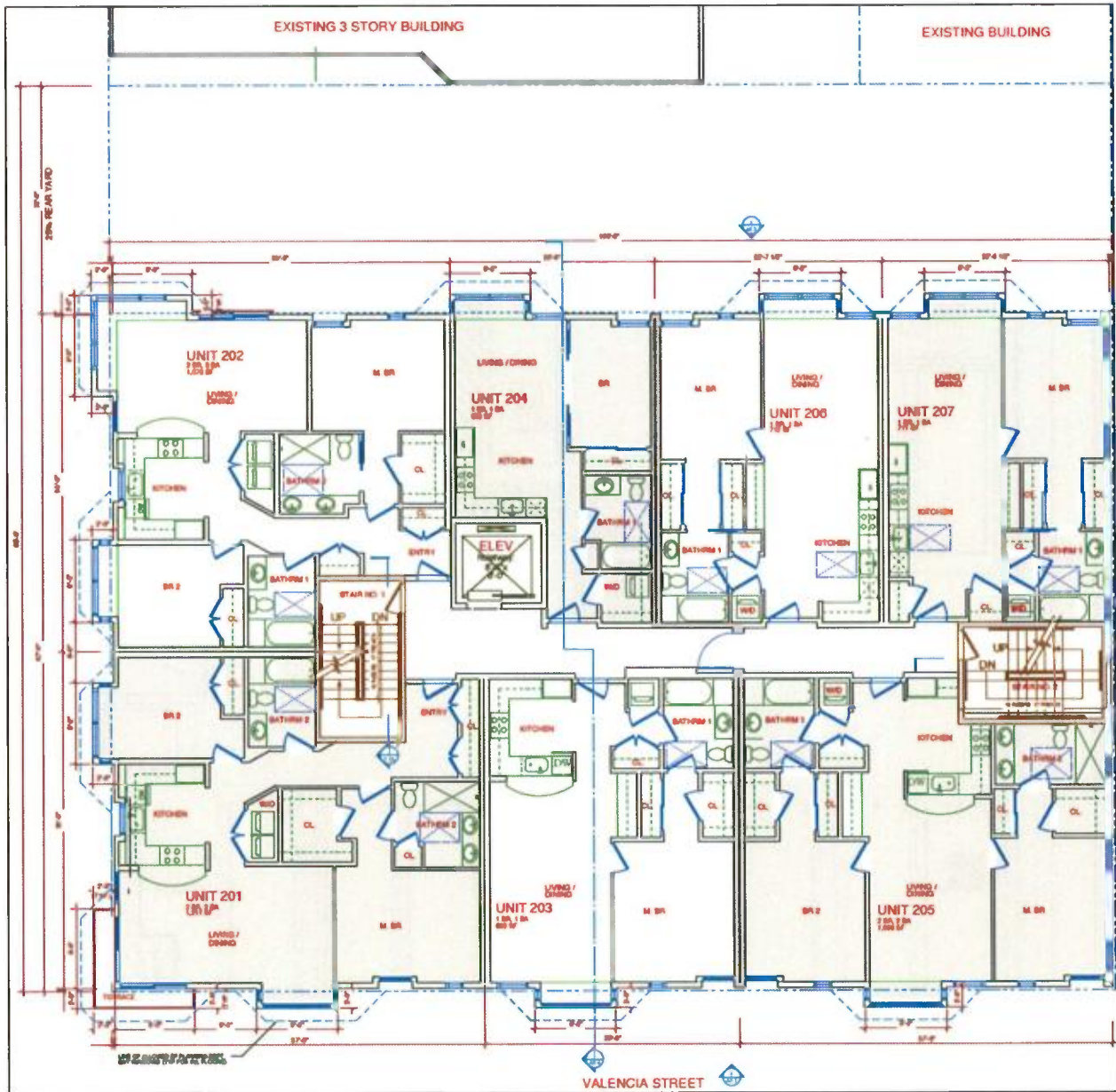


Figure 5 –Basement Floor Plan

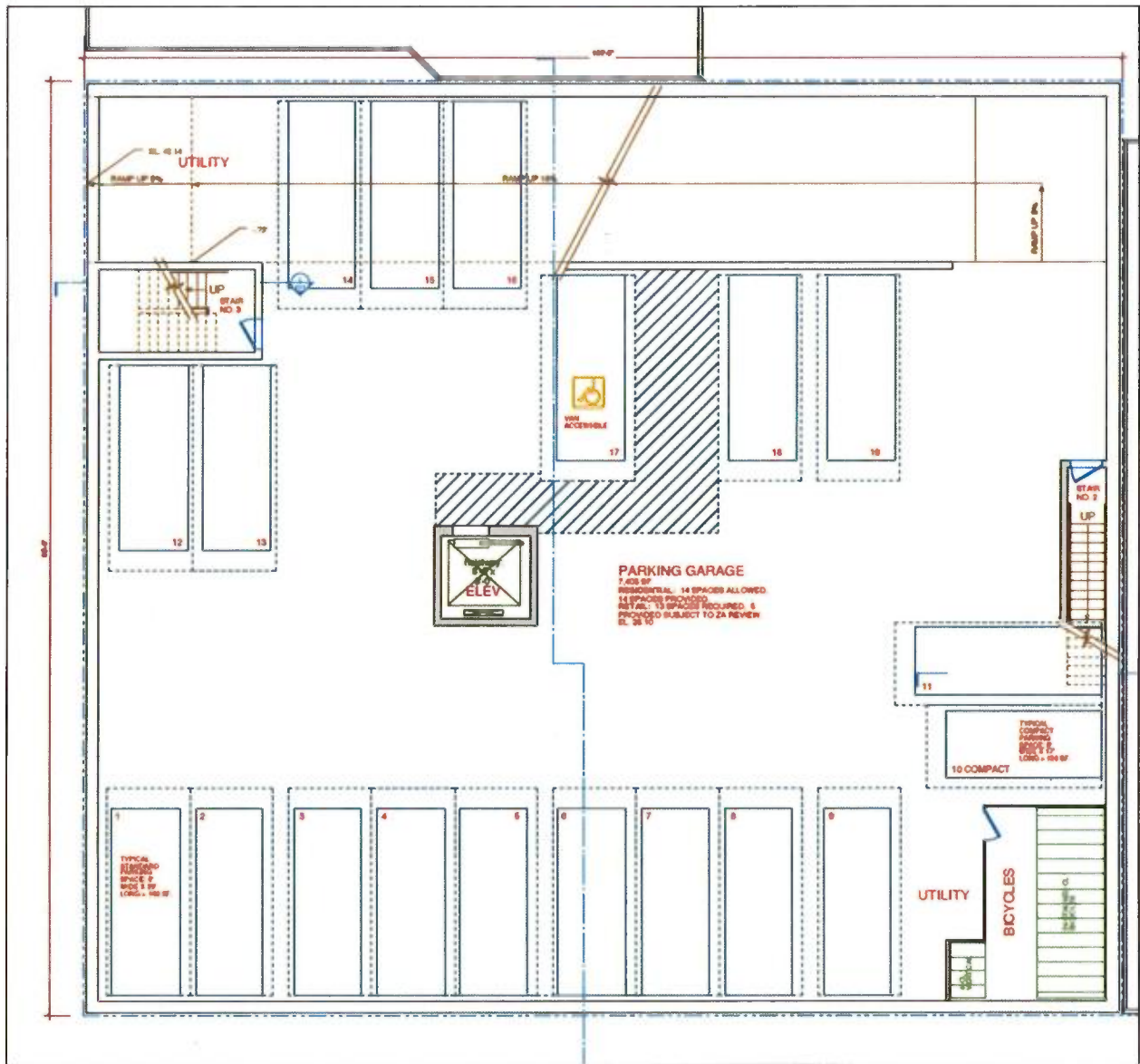




Figure 6 –Roof Plan

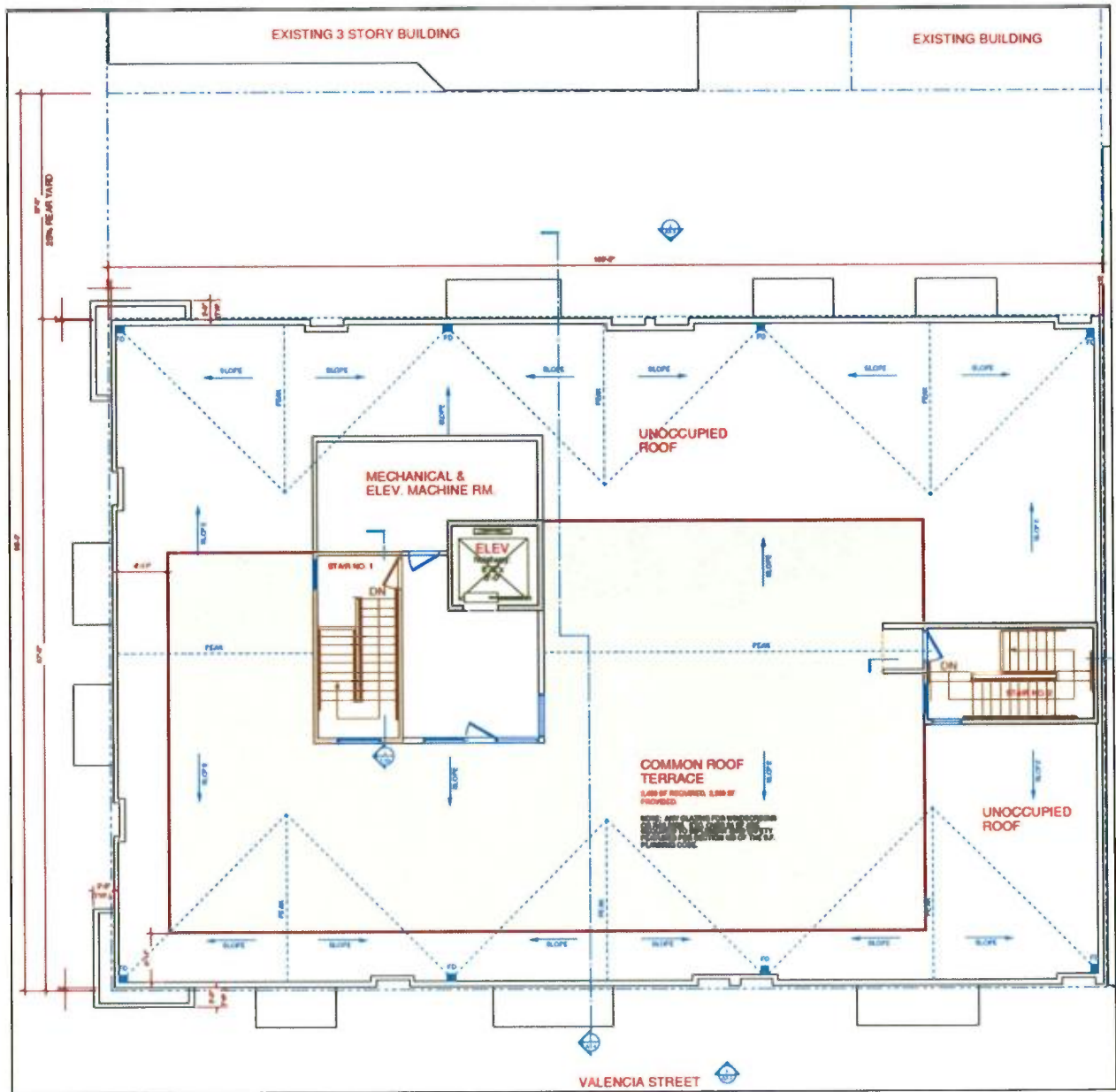


Figure 7 – Duboce Avenue Façade



Figure 8 – Valencia Street Façade





## PROJECT APPROVAL

The proposed 198 Valencia Street project would require the following approvals:

### Project Approvals

- **Department of Building Inspection (DBI).** Approval of site (building), demolition, grading permits for the demolition of the existing building and construction of the new building.
- **Department of Public Health (DPH).** Approval of a Site Mitigation Plan prior to the commencement of any excavation work.
- **San Francisco Municipal Transportation Agency (SFMTA).** Approval of the proposed curb modifications and parking garage operations plan.
- **Bureau of Street Use and mapping, San Francisco Public Works (SFPW).** Street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts.
- **San Francisco Public Utilities Commission (SFPUC).** 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—including a stormwater control plan—required for projects that result in ground disturbance of an area greater than 5,000 square feet.

### Approval Action

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection constitutes the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## EVALUATION OF ENVIRONMENTAL EFFECTS

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

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<sup>1</sup> San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, State Clearinghouse No. 2004012118, April 5, 2007. Available at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714). This document also is available for review at 1650 Mission Street Suite 400, San Francisco, CA, as part of Case No. 2003.0347E.

exempt from further environmental review in accordance with CEQA 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 Mitigation and Improvement 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 (the War Memorial Open Space and United Nations Plaza).

The proposed project would result in demolition of an existing building and surface parking lot and construction of a five-story, 55 foot tall (71 feet including the 16 foot tall elevator penthouse above the structural roof), 33,795 gross square foot mixed-use building on the project site. The proposed mixed-use building would include 28 residential units and approximately 6,269 gross square feet of ground-floor retail. As discussed below in this CPE 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.

## **SENATE BILL 743**

### **Aesthetics and Parking**

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup> Project elevations are included in the project description.

### **Automobile Delay and Vehicle Miles Traveled**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar

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<sup>2</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 –Modernization of Transportation Analysis for 198 Valencia Street*, April 8, 2016.

measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

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

<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>LAND USE AND LAND USE PLANNING</b> —Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that adoption of the Area Plan would not result in a significant adverse impact on land use or land use planning. Furthermore, 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 CEQA.<sup>4,5</sup>

<sup>3</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php).

<sup>4</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis for 198 Valencia Street*, August 18, 2015

<sup>5</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination Current Planning Division for 198 Valencia Street*, August 18, 2016.



The Market and Octavia rezoning process of 2007 rezoned the project site to a (NCT) Neighborhood Commercial Transit District with a height and bulk district designation of 50-X. The 50-X height and bulk District permits buildings up to 50 feet in height with no bulk restrictions. The NCT-3 District permits dwelling units with no density limitations, allowing, physical controls such as height, bulk, and setback to control dwelling unit density. At least 40 percent of all dwelling units must contain two or more bedrooms or 30 percent of all dwelling units must contain three or more bedrooms in the NCT-3 District.

The NCT-3 District permits non-residential development at a floor area ratio of 3.6:1. It also allows commercial and institutional uses up to 5,999 square feet per use as principally permitted uses. Uses with 6,000 square feet or more require a Conditional Use Authorization.

The project includes two ground-floor retail spaces that together total 6,269 gross square feet (4,045 gross square feet and 2,224 gross square feet), and is within the 3.6:1 FAR limit. Though the cumulative total of both proposed retail spaces exceeds 6,000 gross square feet, Conditional Use Authorization is not required for the reason that each individual retail use, as proposed, is less than 6,000 gross square feet in size. The project contains 28 dwelling units, 43 percent of which are 2-bedroom units. The building has been designed to include the required 25 percent rear yard setback requirement at all residential levels (2nd floor and above). The project would not exceed the applicable 55-foot height limit, (5-foot base height plus 5-foot height bonus permitted for projects that include ground floor active uses per Planning Code Section 263.20), as well as certain rooftop features such as open space features, mechanical screens, and stair and elevator penthouses as allowable by Planning Code Section 260(B).

As proposed, the project is permitted in the NCT-3 District and is consistent with the development density as envisioned in the Market and Octavia Plan.

The proposed project is consistent with the bulk, density, and land uses as envisioned in the Market and Octavia Plan. The project falls within the Neighborhood Commercial Transit zoning district (NCT3), meant to encourage moderate scale development concentrated near intensive transit services that mixes retail, limited office, and residential uses. As a residential development with ground-floor commercial uses, the proposed project is consistent with this designation. For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to land use and land use planning beyond those identified in the Market and Octavia PEIR 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>
<b>POPULATION AND HOUSING—</b>				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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) 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 Market and Octavia 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 in-fill development sites. The Market and Octavia PEIR analyzed a projected increase of 7,620 residents in the Plan Area by the year 2025 and determined that this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project would replace the existing oil change facility and surface parking lot on the site with 28 residential units and 6,269 gross square feet of ground-floor commercial space. The project would result in an increase of 27,015 gross square feet of residential use and 6,269 gross square feet of commercial use, and a decrease of 1,877 square feet of Production, Distribution and Repair (PDR) use. 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 project-specific or cumulative 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>
<b>CULTURAL RESOURCES—Would the project:</b>				
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 existing building and surface parking lot on the project site, constructed in 1994, is less than 50 years of age and is classified as Category C (properties determined not to be historic resources or properties for which the city has no information indicating that the property is an historic resource). In addition, the project site is not located within an eligible or identified historic district. Therefore, the site is not considered to be a historic resource for the purposes of CEQA and the proposed project would not result in the demolition or alteration of any historic resources. For these reasons, the proposed project would not contribute to significant project-specific or cumulative historic resource impacts identified in the Market and Octavia PEIR, and no historic resource mitigation measures would apply to the proposed project.

### 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 Properties<sup>6</sup> applies to properties that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2 – General Soils-Disturbing Activities<sup>7</sup> was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of 4 feet and located in those areas proposed in the Area Plan for which no archaeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archaeological Sensitivity Study (PASS) be prepared by a qualified consultant or that a Preliminary Archaeological Review (PAR) be conducted by Planning Department staff. Mitigation Measure C3 – Soil-Disturbing Activities in Public Street and Open Space Improvements<sup>8</sup> applies to improvements to public streets and open spaces if those improvements disturb soils beyond a depth of 4 feet; it requires an Archeological Monitoring Program. Mitigation Measure C4 – Soil-Disturbing Activities in the Mission Dolores Archeological District<sup>9</sup> applies to projects in the Mission Dolores Archeological District that result in substantial soils disturbance; it requires an Archeological Testing Program, as well as an Archeological Monitoring Program and Archeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archaeological deposits, and that Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Based on a review of San Francisco Planning Department records, no previous archaeological investigations have occurred at the project site. However, pursuant to Market and Octavia PEIR Mitigation Measure C2, a PAR was conducted by Planning Department staff for the proposed project. Based on the PAR, it has been determined that the Planning Department's third standard archaeological mitigation measure (testing) would apply to the proposed project.<sup>10</sup> Although no archaeological resources have been previously identified within the project area, the project site may harbor previously undiscovered California Register of Historical Resources- (CRHR) eligible prehistoric

<sup>6</sup> Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the project; mitigation numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the PEIR.

<sup>7</sup> Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

<sup>8</sup> Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

<sup>9</sup> Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.

<sup>10</sup> San Francisco Planning Department, *Planning Preliminary Archaeological Review 198 Valencia Street*. October 6, 2014.



and/or historic-era archaeological resources. Because the proposed project would require approximately 3,400 cubic yards of soil excavation (including soil removal) up to a depth of 14 feet below the ground surface, project ground-disturbing activities would have the potential to affect previously undocumented CRHR-eligible resources, were they to be present below the project site. Therefore, implementation of Mitigation Measure 1 – Archaeological Testing (Market and Octavia PEIR Mitigation Measure C2), listed in the Mitigation Measures section below, would reduce potential significant impacts of the proposed project to archaeological resources to a less-than-significant level.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts on archaeological resources that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>TRANSPORTATION AND CIRCULATION—Would the project:</b>				
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’s zoning changes would not result in significant 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 Mission Street/Otis Street/South Van Ness Avenue (northeast of the project site), and at Hayes Street/Van Ness Avenue (northeast of the project

site).<sup>11</sup> 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 *Market and Octavia Area Plan*.

The PEIR identified eight transportation mitigation measures—involving plan-level traffic management strategies; intersection and roadway improvements; and transit improvements—to be implemented by the Planning Department, SFPW, and 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.

As previously noted under “Senate Bill 743,” in response to state legislation that called for removing automobile delay from CEQA analysis, the Planning Commission adopted Resolution No. 19579 replacing automobile delay with a VMT metric for analyzing transportation impacts of a project. Therefore, impacts and mitigation measures from the Market and Octavia PEIR associated with automobile delay are not discussed in this checklist.

The Market and Octavia PEIR did not evaluate VMT or the potential for induced automobile travel. The VMT analysis and the Induced Automobile Travel analysis presented below evaluate the proposed project’s transportation effects using the VMT metric.

As discussed above, the *Market and Octavia Area Plan* would not result in significant impacts on pedestrians, bicyclists, loading, emergency access, or construction. The proposed project is within the scope of development projected under the *Market and Octavia Area Plan*, and there are no conditions that are specific to the project site or the proposed project that would result in additional impacts beyond those analyzed in the PEIR.

As discussed above, parking effects of the project are not to be considered significant impacts on the environment. The transportation analysis below accounts for potential secondary effects from a parking shortfall, such as drivers circling and looking for parking spaces 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 due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the project site 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.

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<sup>11</sup> The Market and Octavia PEIR identified Market Street/Van Ness Avenue as an intersection that would operate unsatisfactorily in the future; however, the Market and Octavia Area Plan would not contribute a substantial number of vehicles to this intersection, and its impact was considered less than significant.

## Vehicle Miles Traveled (VMT) Analysis

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

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

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>12,13</sup>

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>14</sup> For retail development, regional average daily retail VMT per employee is 14.9.<sup>15</sup> Table 2 shows the Daily Vehicle Miles Traveled, which includes the transportation analysis zone, 242, in which the project site is located.

<sup>12</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>13</sup> San Francisco Planning Department, *Executive Summary: Resolution Modifying Transportation Impact Analysis*, Appendix F, Attachment A, March 3, 2016.

<sup>14</sup> Includes the VMT generated by the households in the development.

<sup>15</sup> Retail travel is not explicitly captured in SF-CHAMP, rather, there is a generic "Other" purpose which includes retail shopping, medical appointments, visiting friends or family, and all other non-work, non-school tours. The retail efficiency metric captures all of the "Other" purpose travel generated by Bay Area households. The denominator of employment (including retail; cultural, institutional, and educational; and medical employment; school enrollment, and number of households) represents the size, or attraction, of the zone for this type of "Other" purpose travel.

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research’s (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (“proposed transportation impact guidelines”) recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets screening criteria, then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required.

For residential development, the existing regional average daily household VMT per capita is 17.2, and the future 2040 regional average household VMT per capita is 16.1. For retail development, the existing regional average daily employee VMT per capita is 14.9, and the future 2040 regional average daily retail employee VMT per capita is 14.6.

**Table 3: Daily Vehicle Miles Traveled**

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 242	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 242
Households (Residential)	17.2	14.6	4.5	16.1	13.7	3.8
Employment (Retail)	14.9	12.6	8.9	14.6	12.4	9.1

The project site is in transportation analysis zone (TAZ) 242, and the proposed project would include 28 dwelling units and 6,295 square feet of ground-floor commercial space.

In TAZ 242, the existing average daily household VMT per capita is 4.5, and the existing average daily retail employee VMT per capita is 8.9. The TAZ 242 VMT averages are more than 15 percent below the existing regional VMT averages of 17.2 and 14.9, respectively, and the proposed project would not result in substantial additional VMT.

In TAZ 242, the future 2040 average daily household VMT per capita is 3.8, and the future 2040 average daily retail employee VMT per capita is 9.1. The TAZ 242 VMT averages are more than 15 percent below the future 2040 regional VMT averages of 16.1 and 14.6, respectively, and the proposed project would not result in substantial additional VMT.

Furthermore, the project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project’s residential and retail uses would not cause substantial additional VMT. For these reasons, the proposed project would not result in significant traffic impacts.



### **Induced Automobile Travel Analysis**

A project would have a significant effect on the environment if it would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network. OPR's proposed transportation impact guidelines includes a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types), then it is presumed that VMT impacts would be less than significant and a detailed VMT analysis is not required.

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. The two existing curb cuts on Valencia Street would be removed and one existing curb cut on Duboce Avenue would be relocated. The proposed project would also include the installation of Class II bicycle parking facilities on the sidewalk adjacent to the project site. These features fit within the general types of projects that would not substantially induce automobile travel, and the impacts would be less than significant.

### **Trip Generation**

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines), developed by the San Francisco Planning Department.<sup>16</sup> The proposed project would generate an estimated 1,180 person trips (inbound and outbound) on a weekday daily basis, consisting of an estimated 399 person trips by auto, 223 transit trips, 228 walk trips, and 47 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 42 auto trips.

### **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; streetcar line F, as well as Muni bus lines N Owl, 6, 14, 14L, 16X, 22, 33, 49, 71, and 71L. The proposed project would be expected to generate 223 daily transit trips, including 29 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 29 p.m. 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 such that significant adverse impacts in transit service could result.

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 these conditions as its contribution of 29 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Market and Octavia projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts. For the above reasons, the proposed project would not result in significant project-specific impacts related to transit that were not identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR

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<sup>16</sup> San Francisco Planning Department, *Transportation Calculations for 198 Valencia Street*, May 17, 2016.

**Pedestrians**

The project site is adjacent to a sidewalk on Valencia Street and Duboce Avenue. Both of these streets are part of the City's Vision Zero High Injury Network. The proposed project would generate 52 PM peak-hour walk trips (that is, 23 PM peak-hour walk-trips and 29 PM peak-hour transit trips, which include walk trips). The proposed project would provide vehicular access to the new garage through a relocated and smaller, 11 foot curb cut on Duboce Avenue. The project would also remove two existing curb cuts on Valencia Street. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrians. Therefore, the project would not result in an increased amount of potentially hazardous conditions between pedestrians and vehicles entering and exiting the project site. The increase in daily pedestrian person-trips generated by the proposed project would not substantially overcrowd sidewalks in the project vicinity or otherwise interfere with pedestrian accessibility to the site and adjoining areas. In addition, the San Francisco Municipal Transportation Agency is working on Vision Zero improvements to the intersection at Duboce and Valencia Streets; including, signal timing upgrades and vehicle turn restrictions to help improve the safety of this intersection. Therefore, no significant impacts related to pedestrians would occur.

**Bicycles**

Valencia Street is designated as a bicycle route. Several bike routes are within a ¼ mile of the project site. The nearest routes are located on Valencia Street (adjacent to the project site), Market Street, McCoppin Street, and 14<sup>th</sup> Street. The proposed project would provide a total of 32 bicycle parking spaces. Twenty-eight Class I bicycle parking spaces would be provided in the subterranean garage with access from Duboce Avenue and two Class II bicycle parking spaces would be provided on Valencia Street and Duboce Avenue. The proposed project would generate 7 PM peak-hour other trips, including bicycle trips. The minimal increase of bicycle trips generated by the proposed project would be accommodated by the existing bicycle network and the proposed project would not create potentially hazardous conditions for bicyclists; therefore, no significant impacts related to bicyclists would occur.

**Construction Traffic**

Construction of the proposed project is expected to occur over the course of a 15-month period. During that time, it is anticipated that the majority of the construction-related truck traffic would use I-80, I-280, and U.S. 101 to access the project site from the East Bay, South Bay, and North Bay and from locations within the City. Due to the slower movement and larger turning radii of trucks, there would be a temporary reduction in the capacities of local streets. The addition of worker-related vehicle or transit trips would not substantially affect these roadways or local streets near the project site. Construction workers who drive to the site would cause a temporary increase in traffic volume and demand for on-street parking. Overall construction activities would result in a small incremental increase in traffic (worker vehicles and equipment) and only slightly reduce the availability of on-street parking during working hours. Construction related travel and parking lanes and sidewalk closures are subject to review and approval by the Transportation Advisory Staff Committee (TASC) an interdepartmental committee, including the Police, Public Works, Planning, and Fire Departments and SFMTA Muni Operations. TASC would review and address issues of circulation (traffic, pedestrians, and bicycle), safety, parking and other project construction activities in the area, including, but not limited to, any potential conflicts with the Cable Car lines prior to insurance of an encroachment permit. Therefore, there would be no significant construction-related traffic impacts.

For the above reasons, the proposed project would not result in significant project-specific impacts related to transportation that were not identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transportation impacts that were 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>
<b>NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Construction Impacts**

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

All construction activities for the proposed project (approximately 15 months) would be subject to and would comply with the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 A-weighted decibels (dBA) at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the

Director of SFPW or the Director of DBI to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of SFPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during the normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Although pile-driving is not proposed, the installation of drilled displacement columns and soil-cement mixing columns could result in increased noise. Nonetheless, during the construction period for the proposed project of approximately 15 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

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

### **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,<sup>17</sup> which would prevent significant impacts to sensitive receptors during project operations.

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, the proposed project would generate 42 vehicle-trips during the p.m. peak-hour. Given existing traffic volumes in the project vicinity, the 42 vehicle-trips during the p.m. peak-hour would not double the traffic volumes on any given street in the area. Therefore, the proposed project would not result in a significant noise impacts from project-related traffic, and the proposed project would not contribute to a considerable increment or to any cumulative noise impacts related to traffic.

Existing ambient noise in the vicinity of the project site was assessed in the noise study completed for the proposed project.<sup>18</sup> The noise environment at the project site is predominantly affected by vehicular traffic

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<sup>17</sup> San Francisco Planning Department, *San Francisco General Plan, Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise*, December 2004. Available at [www.sf-planning.org/ftp/general\\_plan/l6\\_Environmental\\_Protection.htm](http://www.sf-planning.org/ftp/general_plan/l6_Environmental_Protection.htm).

<sup>18</sup> Shen Milsom Wilke, Inc., *198 Valencia Street, Residential Development, San Francisco, California, Environmental Noise Report SM&W Project #14431*, December 5, 2014.



along Valencia Street and Duboce Avenue. Other sources of noises include local bars and restaurants, the elevated U.S. Highway 101, and pedestrian activity. Noise measurements were conducted at the project site between November 24, 2014, and November 25, 2014, to quantify the existing noise environment. The noise monitoring survey included a 24-hour equivalent continuous noise measurement on the roof of the existing oil change facility. The resulting 24-hour equivalent continuous noise level measurement at this location was a day-night sound level (DNL or L<sub>dn</sub>) of 73.3 dB(A) L<sub>dn</sub>.

Additional 15-minute spot measures were taken during the same time period to extrapolate the 24-hour noise levels to different locations on the project site. The resulting noise levels measured at 73.6 dB(A) L<sub>dn</sub> on the ground-floor level at the corner of Valencia Street and Duboce Avenue; 69.0 dB(A) L<sub>dn</sub> along Valencia Street, and 74.3 dB(A) L<sub>dn</sub> along Duboce Avenue.

Based on expected implementation of the noise study recommendations, such as sound rated windows with minimum sound transmission ratings for the commercial and residential spaces, the proposed project would attain acceptable interior noise levels.<sup>19</sup> During the review of the building permit, DBI would check project plans for compliance with applicable noise standards. Compliance with applicable noise standards would ensure that project-related impacts from exposure of building residents to ambient noise and project-related operational noise would result in less-than-significant impacts.

The proposed project would not include mechanical equipment such as backup generators that could produce operational noise. Therefore, noise impacts related to proposed project's operation would be less-than-significant. The proposed building would also not contribute to a considerable increment to any cumulative noise impacts related to noise from mechanical equipment.

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 project-specific or cumulative 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>
<b>AIR QUALITY</b> —Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>19</sup> Ibid.

<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>
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. Market and Octavia PEIR Mitigation Measure E-1 and E-2 address air quality impacts during construction. All other air quality impacts were found to be less than significant.

**Construction Dust Control**

Market and Octavia PEIR Mitigation Measure E-1 – Construction Mitigation Measure for Particulate Emissions requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities.

In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping and other measures.

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 E-1, the portion of PEIR Mitigation Measure E-1 that addresses dust control and exhaust emissions are no longer applicable to the proposed project.

### Criteria Air Pollutants

The Bay Area Air Quality Management District's (BAAQMD) *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>20</sup> for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. The proposed project includes the demolition of the existing one-story, 1,877 square foot oil change facility and surface parking lot and construction of a five-story, 71 foot-tall (including the 16 foot-tall elevator penthouse above the structural roof of a 55 foot-tall building), 33,795 gross square foot mixed-use building with 28 dwelling units, and 6,269 gross square feet of retail space on the project site. Based on the Air Quality Guidelines' screening criteria, the proposed project would meet the criteria for operational pollutant screening size for the operations of a low-rise residential use (451 dwelling units) and the criteria air pollutant screening size for the construction of a low-rise residential use (240 dwelling units).<sup>21</sup> 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, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance 224-14, effective December 8, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments. The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ, such as the proposed project, 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 APEZ; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during the anticipated 15-month construction period. Thus, Project Mitigation Measure 2 – Construction Air Quality has been identified to implement the portions of Market and Octavia PEIR Mitigation Measure E-2 related to exhaust emissions by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 2 – Construction Air Quality would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to

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<sup>20</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2011.

<sup>21</sup> *Ibid.*

uncontrolled construction equipment.<sup>22</sup> Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 2 –Construction Air Quality. The full text of Project Mitigation Measure 2 – Construction Air Quality is provided in the Mitigation Measures Section below.

**Siting Sensitive Land Uses**

For sensitive use projects within the APEZ 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 DPH that achieves protection from PM<sub>2.5</sub> (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.<sup>23</sup> 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.

**Siting New Sources**

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. The proposed project would not include backup diesel generators. Therefore, impacts related to new sources of health risk would be less than significant.

For the above reasons, Project Mitigation Measure 2 (implementing Market and Octavia PEIR Mitigation Measure E-2) is applicable to the proposed project and the project would not result in significant air quality impacts that were not identified in the PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>GREENHOUSE GAS EMISSIONS</b> —Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>22</sup> 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).

<sup>23</sup> Department of Public Health, *Application for Article 38 Compliance Assessment 2015. 198 Valencia Street*, February 12, 2015.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) 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. In addition, the BAAQMD has prepared guidelines that provide methodologies for analyzing air quality impacts under CEQA, including the impact of GHG emissions. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project’s GHG emissions and allow for projects that are consistent with a GHG reduction strategy to conclude that the project’s GHG emissions are less than significant. The following analysis is based on BAAQMD and CEQA guidelines for analyzing GHG emissions. As discussed below, the proposed project would not result in any new significant impacts related to GHG emissions.

**Proposed Project**

San Francisco’s *Strategies to Address Greenhouse Gas Emissions* <sup>24</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>25</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD’s *Bay Area 2010 Clean Air Plan*,<sup>26</sup> Executive Order S-3-05,<sup>27</sup> and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>28,29</sup> In addition, San Francisco’s GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05 and B-30-15.<sup>30,31</sup> Therefore, projects that are consistent with San Francisco’s GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations. The proposed project would increase the intensity of use of the site by introducing 28 dwelling units, and 6,295 square feet of commercial space, and 19 parking spaces to replace a 1,877 square foot oil change

<sup>24</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>25</sup> ICF International, *Technical Review of the 2012 Community-wide GHG Inventory for the City and County of San Francisco*, January 21, 2015.

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

<sup>27</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016.

<sup>28</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill\\_asm\\_ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill_asm_ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

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

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

<sup>31</sup> San Francisco’s GHG Reduction Goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.



facility and surface parking lot for seven vehicles. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

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

Compliance with the City's Transportation Sustainability Fee and bicycle parking requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation Ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>32</sup>

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>33</sup> and reducing the energy required to produce new materials. Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>34</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>35</sup>

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. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market & Octavia PEIR and not mitigation measures are necessary.

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<sup>32</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>33</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>34</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>35</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 198 Valencia Street*, January 1, 2015.

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

**Wind**

The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to ground-level wind hazards. Mitigation Measure B1 – Buildings in Excess of 85 Feet in Height<sup>36</sup> and Mitigation Measure B2 – All New Construction,<sup>37</sup> identified in the PEIR, require individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measures. The Market and Octavia PEIR concluded that implementation of Mitigation 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. PEIR Mitigation Measure B1 is not applicable to the proposed project, because the proposed project does not exceed a height of 85 feet. PEIR Mitigation Measure B2 is applicable to the proposed project. As discussed below, the project sponsor has fulfilled the requirements of PEIR Mitigation Measure B2.

A proposed project’s wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 85 feet generally has little potential to cause substantial changes to ground-level wind conditions. At a height of 55 feet (71 feet at the building’s tallest point), the proposed project would be similar in height to existing buildings further west along Duboce Avenue. The proposed building would be five stories. It would be about 15 feet taller than the adjacent building to the west, but any overhead winds that are intercepted by the top two stories of the proposed building would be redirected onto the roof of the adjacent building instead of downward to the sidewalk along Duboce Avenue. Furthermore, the project site is at the base of a hill. The upsloping terrain to the north and west amplifies the shelter from prevailing winds provided by existing structures further uphill.<sup>38</sup> Given its height, orientation, design, location, and surrounding development context, the proposed building has little potential to cause substantial changes to ground-level wind conditions adjacent to and near the project site.

For these reasons, the proposed project would not result in any significant project-specific or cumulative wind impacts that were not identified in the Market and Octavia PEIR.

<sup>36</sup> Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

<sup>37</sup> Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

<sup>38</sup> Donald Ballanti, *Wind and Comfort Analysis of the Proposed 198 Valencia Street Project, San Francisco*, June 29, 2015.

## Shadow

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

The Market and Octavia PEIR analyzed impacts to existing and proposed parks under the jurisdiction of the San Francisco Recreation and Park Commission, as well as the War Memorial Open Space and the United Nations Plaza, which are not under the commission's jurisdiction. The Market and Octavia PEIR found no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the PEIR identified potential significant impacts related to new construction of buildings over 50 feet tall, and determined that Mitigation Measure A1 – Parks and Open Space not Subject to Section 295<sup>39</sup> would reduce, but may not eliminate, significant shadow impacts on the War Memorial Open Space and United Nations Plaza. Specifically, the PEIR noted that potential new towers at Market Street and Van Ness Avenue could cast new shadows on the United Nations Plaza, and that Mitigation Measure A1 would reduce, but may not eliminate, significant shadow impacts on the United Nations Plaza. The PEIR determined shadow impacts to United Nations Plaza could be significant and unavoidable.

The proposed project would construct a 55 foot-tall building (71 feet in height including the 16 foot-tall elevator penthouse above the structural roof); therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.<sup>40</sup> The preliminary shadow fan analysis indicated that no properties under the control of the Recreation and Parks Department would be affected by the proposed project.

Although the project would not cast new shadow on any outdoor recreational facilities under the jurisdiction of the Recreation and Parks Department, a Shadow Analysis Report<sup>41</sup> was prepared to evaluate potential shadow impacts on the SOMA West Dog and Skate Park, which is located approximately 150 feet to the southeast of the project site. The analysis confirmed that no parks and open spaces under the control of the San Francisco Recreation and Parks Department would receive any new shading from the project, however SOMA West Dog and Skate Park, would receive new shading by the project.

The SOMA West Dog and Skate Park was recently constructed and opened to the public in July of 2014 and is located partially beneath an elevated portion of the Central Freeway (US 101). The dog park is bounded by Valencia Street to the west and Stevenson Street to the east. The dog park is located on the southern edge of Block 3513, Lot 074, which it shares with a City of San Francisco surface parking lot and has a total parcel area of 21,500 square feet. The skate park is located on Block 3513, Lot 071 with a parcel area of 33,223 square feet and is bounded by Stevenson Street to the west and Otis Street to the east. Both are fenced, with daily hours of operation of 5:00 a.m. to midnight for the dog park and 9:00 a.m. to 9:00 p.m. for the skate park.

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<sup>39</sup> Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

<sup>40</sup> San Francisco Planning Department, *Preliminary Shadow Fan*, January 6, 2015.

<sup>41</sup> PreVision Design, *Shadow Analysis Report for the Proposed 198 Valencia Street Project*, June 10, 2015.

The dog park is comprised of two separated areas, a smaller section designed for little dogs and a longer, larger section intended for bigger dogs. Other park features include two water fountains, artificial grass and three fixed benches along with approximately 10 landscaped areas with shrubs, grasses, small trees and climbing vines ranging in height from 1 feet to 6 feet. The skateboard portion of the park is entirely paved and sculpted for use for skateboarders. There are six large circular freeway support pillars in the skateboard area covered by murals.

The analysis included both quantitative and qualitative elements in order to determine whether or not the proposed project would create new shadow in a manner that substantially affects outdoor recreational facilities or other public areas. The proposed project would result in new shadow falling on both sections of the park. The dog park would receive approximately 337,951 net new annual square-foot-hours (sfh) of shadow, increasing sfh of shadow by 1.07 percent above current levels, and resulting in a new cumulative annual total shading of 52.00 percent. The skate park would receive approximately 14,124 net new annual sfh of shadow, increasing sfh of shadow by 0.02 percent above current levels, and resulting in a new cumulative annual total shading of 70.67 percent. New shadow from the proposed project would occur within the dog park from late summer through mid-spring (August 17-April 25) in the later portions of the afternoon. At the skate park, new shadow would be present during two periods in the spring and fall (February 17 - May 2 and again August 10 - October 24) also in the later portions of the afternoon. New shadow would occur on grassy areas throughout the small dog play area as well as portions of the larger dog play area, and at various times fall on two fixed benches. At the skate park, new shading would occur on portions of the western skate area.

The SOMA West Dog and Skate Park were constructed in an area that experiences substantial shading by the Central Freeway. Annual total shading under existing conditions is 16,115,115 sfh (50.93 percent) at the dog park and 55,277,651 sfh (70.65 percent) at the skate park. Because it was constructed in an area that is shaded most of the time, it is reasonable to conclude that the use and enjoyment of this park is not dependent on access to sunlight. Thus, the proposed project's incremental contribution to shadow at the SOMA West Dog and Skate Park would not substantially affect the use and enjoyment of this outdoor recreation facility.

The Preliminary Shadow Fan and the Shadow Analysis Report indicate that surrounding properties may receive some additional new shadow by the proposed project, including adjacent neighborhood's rear yards and the patio of the Zeitgeist bar. Portions of adjacent neighborhoods rear yards on Duboce Avenue would receive some new shading during the morning and afternoon (6:48 a.m. to 12:00 p.m.) of the summer solstice, during the morning and afternoon of the vernal/autumnal equinox (7:58 a.m. to 12:00 p.m.), and during the morning and afternoon of the winter solstice (8:22 a.m. to 12:00 p.m.). The Zeitgeist patio would receive some new shading during the evening of the summer solstice (6:00 p.m. to 7:00 p.m.) and during the evening of the vernal/autumnal equinox (5:00 p.m. to 6:06 p.m.). While shadow on private property may be a concern to nearby neighbors, it is not considered a significant impact under CEQA. Therefore, the proposed project would not have any significant impacts related to shadow.

For the above reasons, the proposed project would not result in significant project-specific or cumulative 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>
<b>RECREATION</b> —Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

The proposed project would have approximately 2,590 square feet of common open space on the roof terrace for the proposed residential uses and would provide 2,100 square feet of private open space. Because it would not degrade recreational facilities, and would be within the scope of development projected under the Market and Octavia Area Plan, the proposed project would not result in any significant project-specific or cumulative impacts on recreational resources 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>
<b>UTILITIES AND SERVICE SYSTEMS</b> —Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<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>
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 (28 residential units and approximately 6,269 gross square feet of ground-floor commercial space) would be within the scope of development projected under the Market and Octavia Area Plan, there would be no additional project-specific or cumulative impacts on utilities and service systems 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>
<b>PUBLIC SERVICES—</b> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population 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 (28 residential units and approximately 6,269 gross square feet of ground-floor commercial space) would be within scope of the development projected under the Market and Octavia Area Plan, there would be no additional project-specific or cumulative 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>
<b>BIOLOGICAL RESOURCES</b> —Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.

The project site is entirely covered with an existing building and a paved parking lot. The site contains no special-status plant or wildlife species and no native habitat. As such, the proposed project would have no impact on biological resources. The proposed project would be within the scope of development projected under the Market and Octavia Area Plan and would not result in any project-specific or cumulative impacts on biological resources that were not identified in the Market and Octavia PEIR.

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

<sup>42</sup> Mitigation Measure G1 is Mitigation Measure 5.11.A in the Market and Octavia PEIR.

Subsequent to certification of the Market and Octavia PEIR, the Board of Supervisors amended the San Francisco Public Works Code adding Section 146, Construction Site Runoff Control<sup>43</sup>, and Section 147, Stormwater Management<sup>44</sup>. Section 146.3 requires any person performing *land disturbing activities*<sup>45</sup> to implement and maintain BMPs as necessary to minimize surface runoff erosion and sedimentation. In addition, Section 146.5 requires projects disturbing 5,000 square feet or more of ground surface to obtain a Construction Site Runoff Control Permit from the SFPUC and to implement an Erosion and Sediment Control Plan that includes BMPs to prevent stormwater runoff and soil erosion during construction. Section 147.2 requires projects disturbing 5,000 square feet or more to implement a Stormwater Control Plan that meets the requirements of the SFPUC's Stormwater Design Guidelines. (Projects on Port of San Francisco property must meet the Port's stormwater guidelines.) Public Works Code Sections 146 and 147 supersede Market and Octavia PEIR Mitigation Measure G1.

Because the proposed project would involve land disturbing activities, the construction contractor is required to implement and maintain BMPs as necessary to minimize surface runoff erosion and sedimentation pursuant to Section 146.3. In addition, since it would disturb more than 5,000 square feet of ground surface, the proposed project is subject to the Section 146.5 Construction Site Runoff Control Permit and Section 147.2 Stormwater Control Plan requirements described above. Compliance with these requirements would ensure that the proposed project would not have a significant impact relate to soil erosion that was not identified in the Market and Octavia PEIR.

A geotechnical investigation was prepared for the proposed project.<sup>46</sup> The following discussion relies on the information provided in the geotechnical report.

The topography in the vicinity of the site slopes downward toward the southeast at an average inclination of approximately 30:1 (horizontal: vertical). For the geotechnical investigation, a soil boring near the northwest corner of the project site was excavated to a maximum depth of approximately 51.5 feet below the ground surface. Based on the soil analysis of the boring, the project site is generally underlain by medium dense to very dense, silty soil. The soil appears medium dense at a depth of about five feet and medium dense to very dense below 20 feet. Dense to very dense, silty sand was encountered from a depth of about 40 feet to 51.5 feet be four to 15 feet thick beneath the project site and is underlain by medium dense to very dense sand, commonly referred to as dune sand. The dune sand extends to depths of 23 to 53 feet below the ground surface. Groundwater at the project site was measured at a depth of 26 feet below the ground surface at the time of the investigation. However, the recorded depths are not considered the stabilized groundwater table, and are expected to vary several feet annually, depending upon rainfall.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone as defined by the California Division of Mines and Geology. No known active faults cross the project site. The closest mapped active fault in the vicinity of the project site is the San Andreas Fault, located approximately 6.8 miles southwest of the site. However, like the entire San Francisco Bay Area, the project site is subject to strong ground

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<sup>43</sup> Added by Ord. 260-13, File No. 130814, App. 11/14/2013, Eff. 12/14/2013.

<sup>44</sup> Added by Ord. 83-10, File No. 100102, 4/22/2010.

<sup>45</sup> Pursuant to Public Works Code Section 146.1, *land-disturbing activities* is defined as any movement of earth or a change in the existing soil cover or existing topography that may result in soil erosion from wind, or water, and the movement of sediments into or upon waters, lands, or public rights-of-way within the City and County of San Francisco, including, but not limited to building demolition, clearing, grading, grubbing, filling, stockpiling, excavating and transporting of land.

<sup>46</sup> H. Allen Gruen, *Report Geotechnical Investigation – Planned Development at 198 Valencia Street, San Francisco, California*. February 8, 2014.

shaking during an earthquake. The project site is located within a potentially liquefiable area as indicated in the State of California Hazard Zones, City and County of San Francisco Official Map.<sup>47</sup> Based on the project site conditions, a quantitative liquefaction analysis was performed and determined that the potential for liquefaction is low. In addition, there is a low risk of damage to the improvements from seismically induced lateral spreading and the magnitude of settlement would be less than one-inch.

The geotechnical investigation provided recommendations for the proposed project’s site preparation and grading, foundation design, and recommends that the proposed 198 Valencia Street building be supported on a stiffened matt foundation. Underpinning may be required where excavations extend downward and outward from the edge of the existing footings or improvements. Drilled, reinforced concrete piers may be used for shoring excavation walls and underpinning adjacent improvements during construction. The geotechnical investigation concluded that the proposed project would not cause significant geological or soil impacts if recommendations in the geotechnical investigation are implemented. The project sponsor has agreed to follow the recommendations of the geotechnical investigation and incorporated them into the final building design, subject to the building review process by DBI.

The final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors’ working knowledge of areas of special geologic concern. DBI will review the geotechnical report and building plans for the proposed project to determine the adequacy of the proposed engineering and design features and to ensure compliance with all applicable San Francisco Building Code provisions regarding structural safety. The above-referenced geotechnical investigation report would be available for use by DBI during its review of building permits for the project site. In addition, DBI could require that additional site-specific soil report(s) be prepared in conjunction with permit applications, as needed. Implementation of the recommendations in the geotechnical report, in combination with the requirement for a geotechnical report and the review of the building permit application pursuant to the DBI’s implementation of the Building Code would minimize the risk of loss, injury, or death due to seismic or other geologic hazards.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to geology and soils 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>
<b>HYDROLOGY AND WATER QUALITY</b> —Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>47</sup> City and County of San Francisco, Map of State of California Division of Mines and Geology, 2000. Seismic Hazard Zones, November 17, 2000. <http://www.sfgsa.org/modules/showdocument.aspx?documentid=10438>, accessed December 19, 2014.



<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 an oil change facility and a surface parking lot, and is completely covered by impervious surfaces. Overall, runoff and drainage would not be substantially changed with the proposed project. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plan before being discharged into the San Francisco Bay. In accordance with the City's Stormwater Management

Ordinance (Ordinance No. 83-10), the proposed project would be subject to Low Impact Design (LID) approaches and stormwater management systems to comply with the Stormwater Design Guidelines. Therefore, the proposed 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. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. 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.

During the geotechnical investigation, groundwater was encountered at a depth of approximately 26 feet on the project site.<sup>48</sup> The proposed project would entail up to 14 feet of subsurface excavation, and therefore it is but unlikely that groundwater would be encountered during excavation. Any groundwater that is encountered during construction would be subject to requirements of the City’s Sewer Use Ordinance (Ordinance Number 19-92, amended 116-97), as supplemented by SFPW Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the SFPUC. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge to the combined sewer system. Project-related effects from lowering the water table due to dewatering, if any, would be temporary and would not be expected to substantially deplete groundwater resources. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge.

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

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>HAZARDS AND HAZARDOUS MATERIALS—Would the project:</b>				
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"/>

<sup>48</sup> H. Allen Gruen, *Report Geotechnical Investigation – Planned Development at 198 Valencia Street, San Francisco, California*, September 16, 2015.

<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>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at the site could result in exposure to hazardous materials during construction. The Market and Octavia PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations; and implementation of Mitigation Measure F1 – Program or Project Level Mitigation Measures for Hazardous Materials,<sup>49</sup> which would require implementation of construction BMPs to reduce dust emissions; and tracking of contaminated soils beyond the site boundaries, by way of construction vehicles tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under 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 Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by BAAQMD. Compliance with the Asbestos ATCM would ensure that the proposed project would not create a significant hazard to the public or the

<sup>49</sup> Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

During operations, the Market and Octavia 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 fire hazards, emergency response, and evaluation 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 project 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.

The existing building on the project site was constructed in 1994. Therefore, asbestos-containing materials and lead paint are not likely to be found within the building. The proposed project would be required to comply with all applicable requirements and 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 entail approximately 3,400 cubic yards of soil excavation (including soil removal) up to a depth of 14 feet below the ground surface at the project site and the project is currently an existing oil-change facility. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by DPH. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or ground water sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH.<sup>50</sup> As part of the Maher Application Requirements, a Phase I ESA<sup>51</sup>, Work Plan for Site Investigation<sup>52</sup>, and a Phase II<sup>53</sup> ESA have been prepared to assess the potential for site contamination. The proposed project would be required to remediate potential soil and/or groundwater contamination at the project site, as described above, in accordance with Article 22A of the Health Code. With the required remediation, the proposed project would not result in any significant project-specific or cumulative impacts related to the release of hazardous materials that were not identified in the Market and Octavia PEIR and no mitigation measures are necessary.

**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 any significant project-specific or cumulative impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

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

<sup>50</sup> Department of Public Health, *Subsurface Investigation Workplan Approval, Residential and Commercial Development, 198 Valencia Street, San Francisco, CA 94102, EHB-SAM No. 1034, September 15, 2014.*

<sup>51</sup> Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment Report, Oil Changer, 198 Valencia Street, San Francisco, California, 9410, January 31, 2014.*

<sup>52</sup> Department of Public Health, *Subsurface Investigation Workplan Approval, Residential and Commercial Development, 198 Valencia Street, San Francisco, CA 94102, EHB-SAM No. 1034, September 15 2014.*

<sup>53</sup> Partner Engineering and Science, Inc., *Subsurface Investigation Report, Oil Changer, 198 Valencia Street, San Francisco, California, 94013, October 28, 2014.*

The Market and Octavia PEIR did not analyze the effects on mineral resources and no mitigation measures were identified. The project site includes an existing on-site oil change facility and surface parking lot and is located within the Plan Area analyzed under the Market and Octavia PEIR. The Market and Octavia Plan Area does not include any natural resources routinely extracted.

The Market and Octavia PEIR determined that the Area Plan would facilitate the construction of both residential and commercial uses. 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 project-specific or cumulative impacts related to the use of fuel, water, or energy in a wasteful manner, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>AGRICULTURE AND FOREST RESOURCES: —</b>				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural uses, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the effects on agricultural and forest resources and no mitigation measures were identified.

The project site includes an existing one-story, oil change facility and surface parking lot and is located within the Plan Area analyzed under the Market and Octavia PEIR. No agricultural uses, forest land, or timberland exist at the project site. For the above reasons, the proposed project would not result in significant project-specific or cumulative impacts that were not identified in the Market and Octavia PEIR related to agricultural and forest resources.



**MITIGATION MEASURES****Project Mitigation Measure 1 – Archaeological Testing (Market and Octavia PEIR Mitigation Measure C2)**

Based on a reasonable presumption that archaeological resources may be present on 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 Planning Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the 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. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

**Consultation with Descendant Communities.** On discovery of an archaeological site<sup>54</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>55</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site, and to consult with ERO regarding appropriate archaeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

**Archaeological Testing Program.** The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological 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 archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the

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<sup>54</sup> The term "archaeological site" is intended to minimally include any archaeological deposit, feature, burial, or evidence of burial.

<sup>55</sup> An "appropriate representative" of the descendant group is defined, in the case of Native Americans, as 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 Planning Department archaeologist.

archaeological consultant finds that significant archaeological resources may be present, the ERO, in consultation with the archaeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archaeologist. If the ERO determines that a significant archaeological 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 archaeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.

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

The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archaeological consultant, shall determine which project activities shall be archaeologically 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.), or site remediation shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.

The archaeological 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 archaeological resource.

The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits.

The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.

If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological 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 archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

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

**Archaeological Data Recovery Program.** The archaeological data recovery program shall be conducted in accordance with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological 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 archaeological resource is expected to contain. 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 archaeological 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 De-accession Policy.** Description of and rationale for field and post-field discard and de accession policies.

**Interpretive Program.** Consideration of an onsite/offsite public interpretive program during the course of the archaeological data recovery program.

**Security Measures.** Recommended security measures to protect the archaeological 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, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 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.

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

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### **Project Mitigation Measure 2 – Construction Air Quality (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 manufacture 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.