



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

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

Case No.: 2014.1060ENV
Project Address: 1870 Market Street
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit) District
85-X Height and Bulk District
Block/Lot: 0871/004
Lot Size: 2,474 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Victor Quan, Bridgeway Vista LP – (415) 531-8311
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PROJECT DESCRIPTION

The project site is an approximately 2,474-square-foot (sf) lot in the Western Addition neighborhood. The lot is on the irregularly-shaped block bounded by Market Street to the southwest, Waller Street to the north, Laguna Street to the west, and Octavia Street to the northeast. The project site is currently developed with a vacant single-story, 600-gross-square-foot (gsf) commercial building and a four-vehicle surface parking lot. The parking lot is accessed via an existing 21-foot-wide curb cut on Market Street. The proposed project would demolish the existing structure and parking lot and construct an approximately 16,345-gsf, eight-story, 85-foot-tall (with an additional 16 feet for the mechanical and staircase penthouses) mixed-use development. The new structure would include approximately 12,859 sf of residential space and 395 sf of ground-floor commercial space. The proposed project would provide approximately 10 dwelling units.


(Continued on next page.)

CEQA DETERMINATION

The project is eligible for streamlined environmental review per section 15183 of the California Environmental Quality Act (CEQA) Guidelines and CEQA section 21083.3

DETERMINATION

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

for 

Lisa Gibson

9/21/17

Date

Environmental Review Officer

cc: Victor Quan, Project Sponsor; Supervisor Jeff Sheehy (via Clerk of the Board), District 8; Claudine Asbagh, Current Planning Division; Virna Byrd, M.D.F.; Distribution List; Exemption/Exclusion File

PROJECT DESCRIPTION (CONTINUED):

The proposed project would provide approximately 955 sf of private open space and 895 sf of common open space on the roof terrace. Eleven *class 1* bicycle parking spaces would be provided on the ground floor and three *class 2* bicycle parking spaces would be installed on Market Street.¹ The proposed project would remove the existing curb cut. No off-street vehicle parking is proposed. The proposed project would also include excavation of approximately 450 cubic yards of material, and may include piers drilled to a maximum depth of approximately 25 feet below grade to accommodate the proposed building's foundation.

PROJECT APPROVALS

The proposed 1870 Market Street project would require the approvals listed below.

ACTIONS BY THE PLANNING COMMISSION

The proposed 1870 Market Street project would require a variance from the zoning administrator for: (1) providing less than the minimum required rear yard pursuant to planning code section 134.

ACTIONS BY OTHER CITY DEPARTMENTS

- Approval of demolition, grading, building and occupancy permits for demolition of the existing structure and construction of a new building from the Department of Building Inspection;
- Approval of a Site Mitigation Plan pursuant to the Maher Ordinance prior to the commencement of any excavation work, and approval of a soil mitigation plan and dust control plan prior to construction-period activities from the Department of Public Health;
- Approval of all proposed changes in sidewalks, curb cuts and parking zones pursuant to the San Francisco Municipal Transportation Agency's (SFMTA) Color Curb Program, and coordination with the SFMTA Interdepartmental Staff Committee on Traffic and Transportation to coordinate temporary construction-related changes to the transportation network.

Approval Action: Approval of the building permit would be the *approval action* for the 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.

COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code section 21083.3 and CEQA Guidelines section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent; (c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or (d) are

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

previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 1870 Market Street project described above, and incorporates by reference information contained in the Programmatic Final Environmental Impact Report for the Market and Octavia Area Plan (Market and Octavia PEIR).² Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.³ The PEIR analyzed amendments to the San Francisco General Plan (General Plan) to create the Market and Octavia Area Plan and amendments to the planning code and Zoning Maps, including the creation of the Upper Market Street NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Area Plan. The proposed 1870 Market Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the Market and Octavia Plan area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 1870 Market Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Upper Market Street NCT District is located on Market Street from Church to Noe streets and portions of side streets that intersect Market Street. This district is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods but also serves as a shopping district for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. This district is well served by transit and is anchored by the Market Street light rail, with underground stations at Church Street and Castro Street, and the F-Market historic streetcar line. All light rail lines in the City travel through this district. Market Street is also a primary bicycle corridor. In order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic, off-street residential parking is not required and is generally limited. Commercial establishments are discouraged or prohibited from providing accessory off-street parking. In addition, there are prohibitions on access (curb cuts, driveways, and garage entries) to off-street parking and loading facilities on Market and Church streets. As part of the City's Better Neighborhoods Program, these concepts were fully articulated in the Market and Octavia Area Plan.

In May 2008, subsequent to the certification of the Market and Octavia PEIR, the Board of Supervisors approved and the Mayor signed into law revisions to the planning code, zoning maps, and general plan that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs,

² San Francisco Planning Department, *Market and Octavia Area Plan Final EIR*, Case No. 2003.0347E, State Clearinghouse No. 2004012118, April 5, 2007. Available at <http://sf-planning.org/area-plan-eirs>, accessed on March 29, 2016. This document (and all other documents contained herein) is available for review at 1650 Mission Street, Suite 400, as part of Case No. 2003.0347E.

³ San Francisco Planning Commission Motion No. 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=568>, accessed March 29, 2016.

reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The Market and Octavia Area Plan, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 1870 Market Street project.

Individual projects that could occur in the future under the Market and Octavia Area Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 1870 Market Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 1870 Market Street project, and identified the mitigation measures applicable to the 1870 Market Street project. The proposed project is also consistent with the zoning controls and the provisions of the planning code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 1870 Market Street project is required. Overall, the Market and Octavia PEIR and this certificate of exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

As previously noted, the subject block is bounded by Market, Laguna, Waller, and Octavia streets. In the project vicinity, Laguna Street (running north/south) and Waller Street (running east/west) are one-lane, two-way streets with parallel parking on both sides. Octavia Street (running north/south) is a one-lane, one-way street with parallel parking on the west side of the street. Market Street (running northeast/southwest) is a two-lane, two-way street with dedicated bike lanes. Parallel parking is provided on both sides of Market Street, with the exception of the red zone that runs from the southwest corner of the Market Street and Laguna Street intersection to approximately 20 feet north of the project site.

The project vicinity is characterized by a mix of residential, retail, office, institutional, entertainment, and open space uses. The southwest and northeast corners of the triangular subject block, including the project site, are within a NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District. The lots adjacent to 1870 Market Street, between Duboce Avenue and Brady Street, are also zoned NCT-3. The remainder of the subject block and the majority of the blocks directly south of the project site in a RTO (Residential Transit Oriented) District; the block directly west of the project site is in a NC-3 (Neighborhood Commercial, Moderate Scale) District; and the block just northwest of the project site is in a RM-3 (Residential – Mixed, Medium Density) District between Laguna and Buchanan Streets. The subject block is within an 85-X Height and Bulk District, along with the lots directly west, south, and east of the project site. The project vicinity includes 40-X Height and Bulk Districts (on lots north and directly south of the project site) and 50-X Height and Bulk Districts (on lots northwest and further south of the project site).

⁴ Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 1870 Market Street*, May 27, 2015. This document (and all other documents cited in this report, unless otherwise noted), is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2014.1060ENV.

⁵ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, 1870 Market Street*, February 11, 2016.

The medium-density scale of development in the project site vicinity includes three- to seven-story mixed-use (residential over commercial) buildings. An eight-story mixed-use building is located on the adjacent lot to the east of the project site and a three-story mixed-use building is located the adjacent lot to the west of the project site. The San Francisco LGBT Community Center (the “LGBT Community Center”) is located on the far eastern corner of the subject block with frontage on Market Street, Octavia Street, and Waller Street. The LGBT Community Center provides institutional, office, retail, and recreation uses. The portion of the LGBT Community Center fronting Octavia Street is the three-story Carmel Fallon Building, City Landmark No. 223 pursuant to article 10 of the planning code. The other portion of the LGBT Community Center is a three-story building. Two-story-over-basement, three-story, and seven-story residential buildings are located on the subject block fronting Waller and Laguna Streets. One-story commercial and three-story mixed-use buildings are located across the street from the project site. Open spaces in the area include Octavia Plaza (a half block northeast), McCoppin Hub (one and a half blocks northeast), and Patricia’s Green (seven blocks north).

The project site is located near public transportation. San Francisco Municipal Railway (Muni) transit lines J-Church, K-Owl, L-Owl, and N-Judah and streetcar route F-Market & Wharves run on the portion of Market Street that traverses the site vicinity. In addition, the Muni Van Ness Station is located approximately one-half mile northeast of the project site, and the Church Street Station is located approximately one-half mile southwest of the site. A separated bike path is located on Market Street adjacent to the project site.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement.

The proposed 1870 Market Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the Market and Octavia Plan. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 1870 Market Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

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

In regards to significant and unavoidable impacts on shadow, a shadow fan prepared by the Planning Department showed that the proposed project would not have the potential to shade the War Memorial or United Nations Plaza. Therefore, the proposed project would not contribute to the significant and

unavoidable shadow impacts on the War Memorial and United Nations Plaza identified in the Market and Octavia PEIR. However, the shadow fan indicated that the proposed project would potentially shade other public parks and open spaces in the project site vicinity (McCoppin Hub Plaza and Octavia Plaza). A shadow study was prepared for the proposed project,⁶ and is discussed in the project-specific initial study under Topic 8, Wind and Shadow. The shadow study found that the proposed project would result in new shading of McCoppin Hub Plaza and Octavia Plaza, two open spaces named in the Market Octavia PEIR.⁷ However, project-generated shadow on McCoppin Hub Plaza and Octavia Plaza would not result in a substantial adverse effect on the use and enjoyment of the open spaces as the shading would primarily occur in the late afternoon, would be of short duration and, in the case of Octavia Plaza, would be cast on an area that is primarily used as transitional space. Therefore, the proposed project would not result in significant shadow impacts. Consistent with the assumptions in the Market and Octavia PEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Church/14th streets intersection that could potentially contribute to worsening the intersection operating conditions. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure. The project site is located within a quarter miles of Muni lines F-Market and Wharves, J-Church, K-OWL, KT: K-Ingleside/T-Third Street, L-Taraval, M-Ocean View, N-Judah, T-Owl, 6-Haight/Parnassus, 7-Haight/Noriega, 7R-Haight/Noriega Rapid, and transit ridership generated by the project would be distributed across these transit lines. Therefore the proposed project would not contribute considerably to the project-level and cumulative impacts on Muni line 21-Hayes identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historic resources, hazardous materials, and transportation. **Table 1**, below, lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
A. Shadow		
A1. Parks and Open Space Not Subject to section 295	Applicable: the proposed project would exceed a height of 50 feet.	Completed: A shadow study was prepared for the proposed project and the Planning Department determined that the proposed project would not result in significant adverse impacts on parks and open space not subject to planning code section 295. The project sponsor has complied with this

⁶ PreVision Design, *Shadow Analysis Report for the Proposed Project at 1870 Market Street Per Section 295 and CEQA Standards*, June 15, 2016.

⁷⁷ PreVision Design, *Shadow Analysis Report for the Proposed Project at 1870 Market Street Per Section 295 and CEQA Standards*, June 15, 2016.

Mitigation Measure	Applicability	Compliance
		mitigation measure.
B. Wind		
B1: Buildings in Excess of 85 Feet in Height	Not Applicable: the proposed project would not exceed a height of 85 feet.	N/A
B2: All New Construction	Applicable: the proposed project would include new building construction.	Completed: A wind technical memo was prepared for the proposed project. The memo determined that the proposed project would not result in an exceedance of the pedestrian comfort and wind hazard criteria. Thus, the Planning Department determined that the proposed project would not result in significant wind impacts. The project sponsor has complied with this mitigation measure.
C. Archeological Resources		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: the project site is not an archeologically documented property.	N/A
C2: General Soil-Disturbing Activities	Applicable: the proposed project could include soil-disturbing activities beyond a depth of 4 feet below grade.	The Planning Department has conducted a preliminary archeological review, and the project sponsor has agreed to implement the Planning Department's third standard mitigation measure (Archeological Testing) under Project Mitigation Measure 1.
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: the proposed project would not include soil-disturbing activities associated with public street or open space improvements.	N/A
C4: Soil-Disturbing Activities in the Mission Dolores Archeological District	Not Applicable: the project site is not in the Mission Dolores Archeological District.	N/A

Mitigation Measure	Applicability	Compliance
D. Transportation		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: plan level mitigation by the SFMTA.	N/A
D4: Traffic Mitigation Measure for Market/Sanchez/ Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not Applicable: plan-level mitigation by the SFMTA.	N/A
D5: Traffic Mitigation Measure for Market/Church/ Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: plan-level mitigation by the SFMTA.	N/A
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: plan-level mitigation by the SFMTA.	N/A
E. Air Quality		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: superseded by the San Francisco Construction Dust Control Ordinance.	N/A
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: the proposed project is in an Air Pollutant Exposure Zone.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan for Health Risks and Hazards under Project Mitigation Measure 2.
F. Hazardous Materials		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: superseded by the San Francisco Construction Dust Control Ordinance and federal, state, and local regulations related to the abatement and handling of hazardous materials.	N/A
G. Geology, Soils, and Seismicity		
G1: Construction-Related Soils Mitigation Measure	Not Applicable: superseded by the San Francisco Construction Site Runoff Ordinance.	N/A

Please see the attached Mitigation Monitoring and Reporting Program for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Market and Octavia PEIR.

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on September 4, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments were received regarding the proposed project reducing light to the building at 1874-1878 Market Street, which is located on the lot just east of the project site. The property owner of 1874-1878 Market Street is concerned that the proposed building would: (1) reduce the amount of light reaching their light wells; and (2) reduce the amount of light reaching their rooftop solar panels. As shown on **Figure 12** in initial study Topic 8, Wind and Shadow, the proposed project is not expected to shade the roof of the property at 1874-1878 Market Street. However, the proposed project could shade the light wells on the adjacent property. While occupants of nearby property may regard the increase in shadow as undesirable, the increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

Comments that do not pertain to physical environmental impacts and comments on the merits of the proposed project may be considered in the context of project approval or disapproval, independent of the environmental review process. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Market and Octavia PEIR.

CONCLUSION

As summarized above and further discussed in the project-specific initial study:⁸

1. The proposed project is consistent with the development density established for the project site in the Market and Octavia Area Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Market and Octavia PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Market and Octavia PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Market and Octavia PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Market and Octavia PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183.

⁸ The initial study is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.1060ENV.

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE MARKET AND OCTAVIA AREA PLAN EIR				
PMM 1: Archeological Testing (Mitigation Measure C2 of the Market and Octavia PEIR)				
<p>Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5(a) and (c).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative² of the descendant group and the ERO shall</p>	<p>Project sponsor/archaeological consultant, contractor(s) at the direction of the ERO.</p>	<p>Prior to issuance of grading or building permits.</p>	<p>Project sponsor/archaeological consultant at the direction of the ERO.</p>	<p>Archaeological consultant shall be retained prior to any soil disturbing activities. Considered complete upon Planning Department review of Preliminary Archeological Sensitivity Study if no ARD/TP required. If an ARD/TP required, considered complete upon final submission of Final</p>

¹ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.
² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

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<p>be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning</p>				Archeological Resources Report (FARR).

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<p>Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in 				

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<p>the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> ▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities_and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>				

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<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and 				

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<p>distribution of results.</p> <ul style="list-style-type: none"> ▪ <i>Curation.</i> 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. <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>				

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<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				

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PMM 2: Construction Mitigation Measure for Short-Term Exhaust Emissions (Mitigation Measure E2 of the Market and Octavia PEIR)				
<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p><i>A. Engine Requirements.</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower (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 13 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 	<p>Project sponsor, contractor(s), Planning Department.</p>	<p>Prior to the start of and during construction activities using diesel equipment.</p>	<p>Project sponsor/ contractor(s), Planning Department. ERO to review and approve the Construction Emissions Minimization Plan prior to construction with diesel equipment. Contractor or sponsor to provide quarterly reports on equipment use.</p>	<p>Submit Plan for review prior to construction. Monthly reports during construction period and final report at the conclusion of construction activities.</p>

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<p>accordance with manufacturer specifications.</p> <p><i>B. Waivers.</i></p> <ol style="list-style-type: none"> 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). 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. <p align="center">Table – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="165 1219 917 1472"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table>	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*				
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<p>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.</p> <p>C. <i>Construction Emissions Minimization Plan.</i> 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.</p> <ol style="list-style-type: none"> 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 				

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<p>summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p><i>D. Monitoring.</i> 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.</p>				
Mitigation Measure B2 All New Construction (COMPLETED)				
<p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> ▪ New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement. ▪ An exception to this requirement may be permitted, but only if 	Project sponsor, wind consultant	Prior to project approval	Project sponsor, Planning Department	Considered complete upon finalization of the wind technical memo and approval of final construction drawing set.

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<p>and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.</p> <ul style="list-style-type: none"> ▪ The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. ▪ Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. ▪ For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. 				
Mitigation Measure A1 Parks and Open Space not Subject to Section 295 (COMPLETED)				
<p>New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the Planning Code.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p>	Project sponsor, wind consultant	Prior to project approval	Project sponsor, Planning Department	Considered complete upon finalization of shadow study and approval of final construction drawing set.