



# SAN FRANCISCO PLANNING DEPARTMENT

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## Initial Study - Community Plan Evaluation

*Case No.:* 2014-002035ENV  
*Project Address:* 2140 Market Street  
*Zoning:* Upper Market Neighborhood Commercial Transit Use District  
40-X/50-X Height and Bulk District  
*Block/Lot:* 3542/008, 3542/009  
*Lot Size:* 8,803 square feet  
*Plan Area:* Market and Octavia  
*Project Sponsor:* Warner Schmalz, Ankrom Moisan Architects, (415) 445-4670  
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### PROJECT DESCRIPTION

The project site is located on the north side of Market Street between Church and Sanchez streets in the Castro/Upper Market neighborhood (see Figure 1, Project Location). The project site is occupied by a one-story commercial building approximately 2,380 square feet in size with a surface vehicular parking lot containing approximately 15 spaces. The existing building was constructed in 1906 and is occupied by a bar ("Lucky 13"). The commercial building includes a basement office/storage space and patio area. The proposed project involves the demolition of the existing building, the removal of the surface parking lot, and construction of a 55-foot-tall (67-foot-tall with elevator penthouse), five-story, mixed-use building approximately 29,000 square feet in size (see Figure 2, Proposed Site Plan and Figure 6, Market Street Elevation). The proposed building would step down to 35 feet (three stories) towards the rear of the project site. The proposed building would include 27 residential units and 1,600 square feet of ground-floor commercial use (see Figure 3, Ground Floor, Figure 4, Upper Floor Plan, and Figure 5, Roof Plan). The proposed mix of units would be one-bedroom and two-bedroom units. The proposed building would include 29 Class I bicycle spaces at the ground-floor level and five Class II bicycle spaces would be located on the Market Street sidewalk in front of the project site. The proposed project would install an approximately 15-foot-long loading zone on Market Street in front of the project site. The proposed basement would provide storage space for the tenants of the building. The existing 15-foot-wide curb cut on Market Street would be removed and standard sidewalk and curb dimensions restored. The proposed building would include a 2,260-square-foot common roof deck and a 750-square-foot common deck in the rear yard. In addition, seven of the proposed units would include private open space ranging from 190 to 360 square feet in size. The project would replace one tree in the rear of the project site with 20 trees, and the three existing street trees in front of the project site would remain. During the approximately 18-month construction period, the proposed project would require approximately 12 feet of excavation below ground surface and approximately 1,080 cubic yards of soil is proposed to be removed from the project site for the basement level. The proposed building would be supported on a mat slab foundation with drilled, cast in place, concrete piers. Impact piling driving is not proposed or required.

## PROJECT APPROVALS

The proposed project at 2140 Market Street would require a building permit from the Department of Building Inspection (DBI) for the proposed demolition and construction on the project site. 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 DBI 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 initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the Market and Octavia Area Plan (Market and Octavia PEIR).<sup>1</sup> The initial study considers 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 off-site effects in the 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, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the Market and Octavia PEIR and this project-specific initial study 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 the Mitigation Measures section at the end of this initial study.

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

The proposed project would include the demolition of an existing commercial building with adjacent surface parking lot and the construction of a five-story, mixed-use building with 27 residential units and 1,600 square feet of ground floor commercial space. As discussed below in this initial study, 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.

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

Figure 1: Project Site

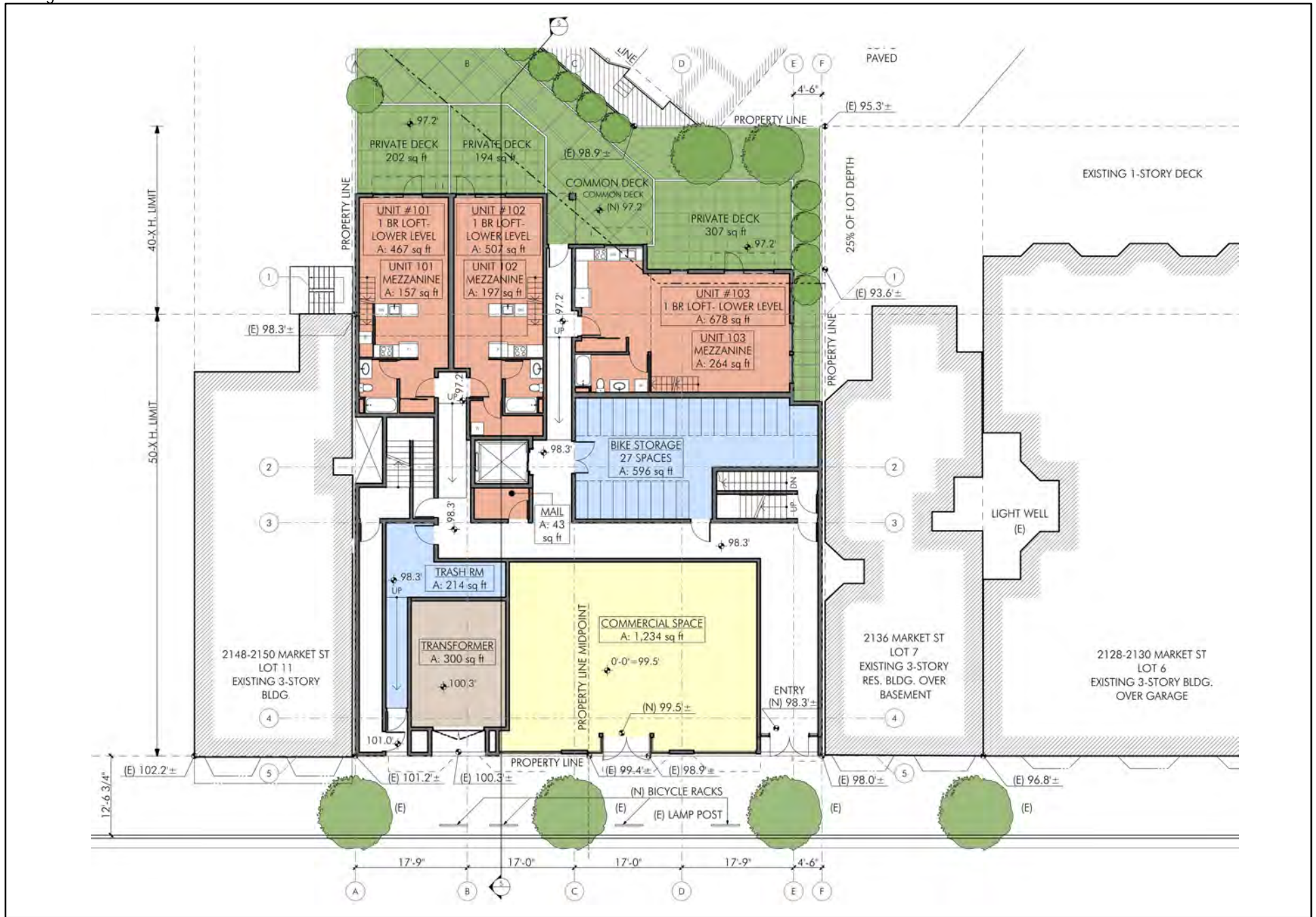


Figure 2. Proposed Site Plan



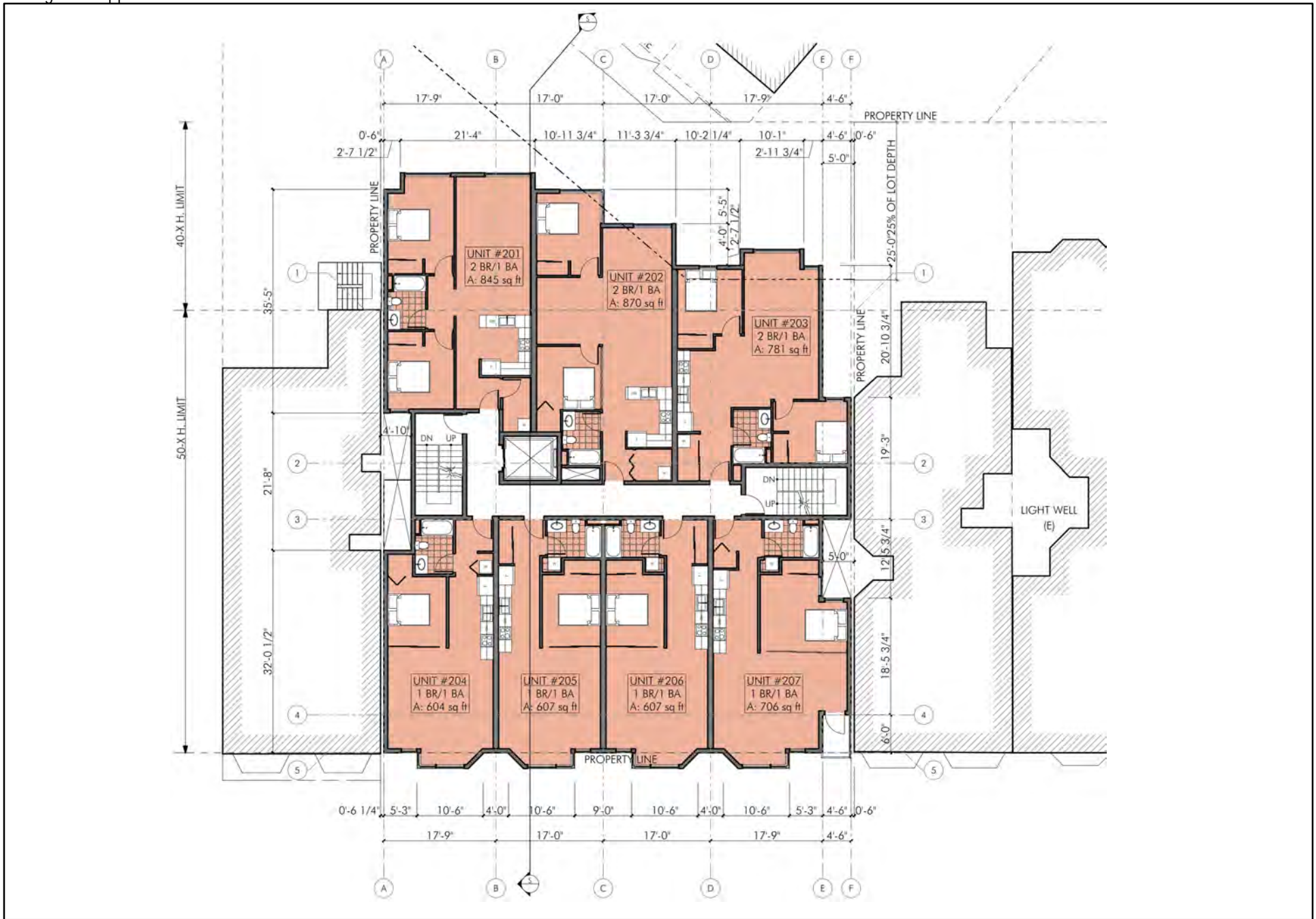
Comments: Not to Scale  
 Source: Ankrom Mosian Architects, April 2017

Figure 3. Ground Floor



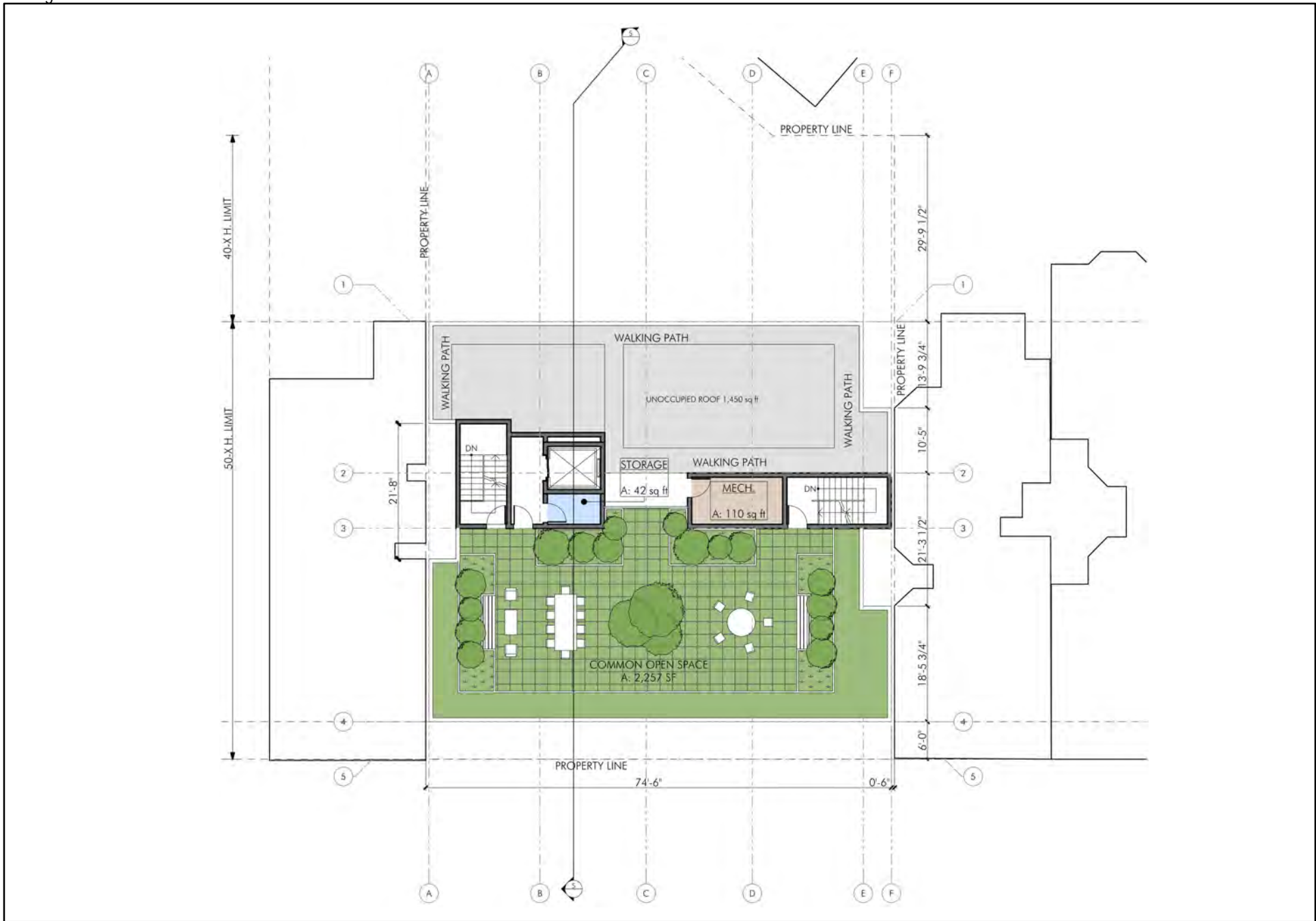
Comments: Not to Scale  
 Source: Ankrom Mosian Architects, April 2017

Figure 4. Upper Floor Plan



Comments: Not to Scale  
 Source: Ankrom Mosian Architects, April 2017

Figure 5. Roof Plan



Comments: Not to Scale  
 Source: Ankrom Mosian Architects, April 2017

Figure 6. Market Street Elevation



Comments: Not to Scale  
Source: Ankrom Mosian Architects, April 2017



## CHANGES IN THE REGULATORY ENVIRONMENT

Since the certification of the Market and Octavia PEIR in 2007, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Market and Octavia Area Plan. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have implemented or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA Section 21099” heading below).
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study Utilities and Service Systems section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

### **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 criteria; therefore, this initial study 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 measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.

In January 2016, the 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 the OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution No. 19579). 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 initial study. Instead, VMT and induced automobile travel impact analyses are provided in the Transportation and Circulation section of this initial study.

<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>1. 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 implementation of the *Market and Octavia Area Plan* would not result in a significant adverse impact related to land use and land use planning, and no mitigation

<sup>2</sup> San Francisco Planning Department, *Eligibility Checklist for CEQA Section 21099: Modernization of Transportation Analysis*, 2140 Market Street, January 12, 2017.

<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).

measures were identified. The PEIR also determined that implementation of the Plan would not physically divide or disrupt an established community.

The proposed project involves of the demolition of a one-story, commercial building with surface parking containing approximately 15 spaces and the construction of a 55-foot-tall mixed-use building containing 27 dwelling units and approximately 1,600 square feet of ground-floor retail space. The proposed project is within the scope of development projected under the Market and Octavia Area Plan.

Furthermore, the Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Upper Market Neighborhood Commercial Transit (NCT) district<sup>4</sup>, and is consistent with the bulk, density, and land uses envisioned in the Market and Octavia Area Plan. The Upper Market NCT is meant to encourage mixed-use development in keeping with the character of the area’s existing neighborhood commercial districts. The zoning district allows for residential uses on all floors, and retail uses on the 1<sup>st</sup> and 2<sup>nd</sup> floors. As a mixed-use project with ground-floor commercial and residential uses above, the proposed development is consistent with this designation.<sup>5,6</sup>

For these reasons, the proposed project would not result in significant project-level or cumulative impacts related to land use and land use planning that were not identified in the Market and Octavia PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. 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"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A goal of the Area Plan is to implement citywide policies to increase the housing supply at higher densities in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and infill development sites. The Area Plan anticipates an increase of 7,620 residents in the Plan Area by the year 2025. The Market and Octavia PEIR determined that although the additional development that would result from adoption of the Area Plan would generate household growth, this anticipated growth would

<sup>4</sup> As a result of the Market and Octavia Area Plan, the project site was rezoned from Upper Market Neighborhood Commercial District to Upper Market Neighborhood Commercial Transit Zoning District.

<sup>5</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning Analysis, 2140 Market Street, December 15, 2015.

<sup>6</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2140 Market Street, October 13, 2015.

not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project involves the demolition of the existing one-story commercial building and construction of a 55-foot-tall, five-story, mixed-use building approximately 29,000 square feet in size with 27 residential units and 1,600 square feet of ground-floor commercial use. These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Market and Octavia Area Plan and evaluated in the Market and Octavia PEIR.

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

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

### Historic Architectural Resources

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

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

The below section relies substantially on a Historic Resource Evolution (HRE) prepared for the proposed project, as well as the Planning Departments' Historic Resource Evaluation Response (HRER).<sup>7,8</sup>

The 2140 Market Street building is a one-story, wood-frame, commercial building clad in stucco and capped by a flat roof. The building is in good condition and has been determined to be a contributor to the Upper Market Street Commercial Historic District. Originally constructed in 1906 for the Woodmen of

<sup>7</sup> Richard Brandi, *2140 Market Street, Historic Resource Evaluation*, September 11, 2016.

<sup>8</sup> San Francisco Planning Department, *2140 Market Street, Historic Resource Evaluation Response (HRER)*, May 11, 2017.

the World (W.O.W.), an early trade group, the one-story commercial structure has exhibited numerous uses over the last hundred-plus years. The property's association with the W.O.W. for the five years between 1906-1911 is significant as the property represents a rare example of a fraternal hall. The Upper Market Commercial Historic District is a three-block-long stretch of Market Street between Church and Castro streets and is comprised of 73 contributing properties. There are two periods of historic significance for the Upper Market Street Commercial Historic District. The first period (1886-1958) spans from the construction date of the earliest extant resource, which was a product of the first public transportation routes to the Upper Market area, while the second period (1970-1979) captures the decade of the 1970s, which was characterized by revitalization and the strong influences of the LGBT (Lesbian, Gay, Bisexual, and Transgender) community that inhabited the surrounding neighborhoods.

In 2013 the Planning Department identified the Eureka Valley/Castro Street Commercial Historic District (Castro Street Historic District), a commercial corridor between Market/17<sup>th</sup> Streets and 19<sup>th</sup> Street, as an eligible California Register historic district. The identified periods of significance for the district are 1880-1929, which marks the first known date of construction to the end of the first phase of commercial development, and from 1970-1979. The project site is not located within the eligible Castro Street Historic District; however, similar to the Upper Market Commercial Historic District in which it is located, the Castro Street Historic District shares the same period of significance from 1970-1979. This is the period in which the Castro neighborhood developed as an exceptionally significant cultural, social, and political arena for San Francisco's LGBT community. The northernmost boundary of the eligible Castro Street Historic District connects with the most southern boundary of the Upper Market Commercial Historic District at 17th Street.

In November 2015, the San Francisco Historic Preservation Commission adopted the *Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Historic Context Statement (HCS)* (2016)<sup>9</sup>, a citywide LGBTQ context statement. This *Citywide LGBTQ HCS* outlined nine themes for assessing significance, defined multiple property types, and identified multiple properties with potential association under this context. These two identified historic districts (Upper Market Street and Castro Street) both have significance for association with the development of the LGBTQ community in and around the Castro neighborhood, with a more robust period of significance for these commercial corridors between 1970 and 1979. Both of these historic districts appear to be associated with the theme *Evolution of LGBTQ Enclaves and Development of New Neighborhoods (1960s – 1980s)*, as identified in the *Citywide LGBTQ HCS*. Six distinctive enclaves that were welcoming to LGBTQ communities during this period were identified, including the Castro neighborhood. The *Citywide LGBTQ HCS* further notes that the Castro was the cultural, economic, and political center for gay San Francisco by the mid-1970s.

The 2140 Market Street project site has association with but not significance within the social and cultural LGBTQ context. While the project site appears to have housed numerous bars popular within the LGBTQ context, including Mind Shaft (1973-1977) and Alfie's (1977-1983), the project site does not rise to the level of individual significance within this context. Furthermore, there is a site located within the boundaries of the Upper Market Commercial Historic District with LGBTQ association noted as having opened at an earlier date (2348 Market Street, "Missouri Mule"), and which retains LGBTQ association. In addition, bar sites located in the eligible Castro Street Historic District are noted for association and potential significance related to events in local social and cultural LGBTQ history, such as Twin Peaks Tavern (401

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<sup>9</sup> Graves, Donna J. and Shayne E. Watson for the City and County of San Francisco, Planning Department. *Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Historic Context Statement*, 2016. The Context Statement can be located here: <http://sf-planning.org/lgbt-historic-context-statement>. Accessed April 27, 2016.

Castro Street), or activities in local LGBTQ history such as Elephant Walk Bar (500 Castro Street) or Toad Hall (482 Castro Street).

Within the boundaries of the Upper Market Commercial Historic District, eight sites in the three-block district have been identified for association in the Citywide *LGBTQ HCS*. When the results of searching the gay business directory for listings of LGBTQ-friendly establishments within the boundaries of the Upper Market Commercial Historic District is overlaid, the number of LGBTQ-oriented sites increases by 25 additional properties, with multiple businesses exhibiting operating years during the period of significance. Within one-quarter-mile of this district, an additional ten sites associated with the Citywide *LGBTQ HCS* are identified. Within the boundaries of the eligible Castro Street Historic District, fifteen sites in the two-block district have been identified for association with the Citywide *LGBTQ HCS*. Within one-quarter-mile of this district, an additional fourteen sites associated with the Citywide *LGBTQ HCS* are identified. In both districts, these diverse types of resources include, but are not limited to, bars, restaurants, clothing shops, newsstands, theater, furniture stores, plant nurseries, bookstores, financial services, gyms, and bathhouses.

Further research and analysis has indicated that the Upper Market Commercial Historic District and Castro Street Historic District functioned as a continuous commercial corridor with local social and cultural LGBTQ association during the period of significance of 1970-1979. Within this larger continuous commercial corridor, there are approximately 21 sites associated within the Citywide *LGBTQ HCS*.<sup>10</sup> Eight sites within the boundaries of the Upper Market Commercial Historic District have been identified as associated with the Citywide *LGBTQ HCS*. Within this district one of these sites has been approved for demolition.<sup>11</sup> A review of Department records indicated that no sites within the boundaries of the eligible Castro Street Historic District have been demolished or proposed for demolition since 2013 (the year the district was identified) or 2015 (adoption of the Citywide *LGBTQ HCS*). As noted previously, additional sites have been identified by searching the directories, revealing a potentially greater number of resources within both of the District boundaries with LGBTQ association.

The loss of one identified site (the 2140 Market Street project site) out of 21 associated with the Citywide *LGBTQ HCS* context in the Castro neighborhood represents a minimal loss of these known sites within the boundaries of the Upper Market Commercial Historic District and the eligible Castro Street Historic District. Together, the cumulative impact of demolitions would represent an approximately ten percent loss of LGBTQ-associated sites as a result of the proposed project and would not irreparably harm the significance of the social and cultural LGBTQ association or context.

The Upper Market Commercial Historic District is comprised of 73 contributing properties. The proposed demolition of one contributor (the 2140 Market Street building) represents a minimal loss to the collective integrity of the district. The removal of one building from the mid-portion of the most north-easterly block of the Upper Market Commercial Historic District would not result in a significant adverse change that would impact the district's significance as a historic resource. The proposed five-story building and the contributors on the street, when taken together, would continue to sufficiently convey the significance of the district as a streetscape of buildings ranging from one to four stories, and up to six stories, which

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<sup>10</sup> Six sites within the Upper Market Commercial Historic District, which are also contributors to this district. Fifteen sites within the eligible Castro Street Historic District.

<sup>11</sup> The 2100 Market Street development entailed the demolition of a vacant commercial building (formerly "Home" restaurant) for the construction of a mixed-use building (Case No. 2014.0519E). This site has LGBTQ association, which was not known at the time of the environmental review, as this project pre-dated the Citywide *LGBTQ HCS*.

flank the transportation corridor of Market Street. The project would not impact the district's integrity such that the district would no longer be eligible for listing on the California Register.

The character-defining features of the Upper Market Commercial Historic District include the following: primarily commercial in nature; buildings are typically one to four stories in height (between 15 and 55 feet tall), with the majority being three stories (about 40 feet tall); the taller four-story buildings are typically grouped along the north side of Market between Church and Sanchez streets; wood-frame construction, clad in wood with stucco siding; Classical Revival architectural style is most prominent and other represented styles include International, Art Deco, and Art Moderne; rectangular, flat roofs; and bay windows and façades organized into multiple bays.

The proposed project involves the demolition of a one-story commercial building and construction of a five-story residential building with ground-floor commercial space. Although the building would not retain its original use, residential over ground-floor commercial developments are a ubiquitous use in the district and are compatible. Buildings in the district range from one to four stories, with the taller buildings grouped on the block of the project site. New construction on both sides of this block includes corner buildings extending to six stories and contributors ranging from two to four stories. The project would generally be of similar scale to those in its proximity. The design of the proposed building would feature boxy massing which terminates in a flat roof, and a façade organized into modules through repetitive use of projecting bay windows and a regular fenestration pattern, which is compatible with the district's character. The primary façade of the proposed building would be clad in plaster stucco, which is a common material in the district.

The proposed project conforms to the *Secretary of the Interior's Standards for Rehabilitation* in relation to new construction within a historic district boundary. The design of the proposed project is compatible with the character-defining features of the Upper Market Commercial Historic District yet incorporates contemporary materials and design articulation to differentiate from the contributors in the district. Therefore, the project would not have a material adverse impact on the Upper Market Commercial Historic District.

The rear property line of the project site abuts the rear property line of contributing properties to the Duboce Triangle Historic District, which are residential buildings fronting onto the secondary streets connecting to Market Street. The design at the rear of the proposed project includes a rear yard adjacent to the properties within the Duboce Triangle Historic District, providing substantial setback and differentiation. Therefore, the project would not have a material adverse impact on the adjacent Duboce Triangle Historic District. In addition, there is one Path of Gold Light Standard located on the sidewalk in front of the project site.<sup>12</sup> Since no construction activity would occur on the Market Street sidewalk and since demolition of the building would be nearly ten feet away from the existing light standard, the project would not adversely impact the Path of Gold Light Standard.

Immediately adjacent to the project site are two contributors to the Upper Market Commercial Historic District (2134-2136 Market Street and 2148-2150 Market Street).<sup>13,14</sup> A "substantial adverse change" on a

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<sup>12</sup> This lamp post is among the 327 light standards associated with Market Street's "Path of Gold," which runs from 1 Market to 2490 Market and is San Francisco Landmark #200. The proposed project would not impact this lamp post.

<sup>13</sup> The survey evaluation of the 2134-2136 Market Street building is available online at: <http://sfplanninggis.org/docs/DPRForms/3542007.pdf>. Accessed April 27, 2017.

historical resource is defined by CEQA Guidelines Section 15064.5 as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” While the proposed project would be constructed adjacent to buildings that are considered historic resources, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. Construction adjacent to historic resources is a common occurrence in San Francisco, and the Department of Building Inspection’s permit procedures adequately address this situation. Therefore, construction activity associated with the proposed project would not have a significant effect on adjacent historic resources.

In light of the above, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Market and Octavia PEIR. No historic resource mitigation measures would apply to the proposed project.

### Archeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archeological 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 Archeologically Documented Properties<sup>15</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>16</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 archeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archeological Sensitivity Study (PASS) be prepared by a qualified consultant. Mitigation Measure C3 - Soil-Disturbing Activities in Public Street and Open Space Improvements<sup>17</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>18</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 archeological deposits, and Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Market and Octavia PEIR Mitigation Measure C2 states that any project resulting in soils disturbance beyond a depth of four feet and located within properties within the Plan Area for which no archeological assessment report has been prepared shall be required to conduct a preliminary archeology sensitivity study (PASS) prepared by a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. Based on the study, a determination shall be made

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<sup>14</sup> The survey evaluation of the 2148-2150 Market Street building is available online at: <http://sfplanninggis.org/docs/DPRForms/3542011.pdf>. Accessed April 27, 2017.

<sup>15</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>16</sup> Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

<sup>17</sup> Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

<sup>18</sup> Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.



if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. The Planning Department’s archeologist conducted a preliminary archeological review (PAR) of the project site in conformance with the study requirements of Mitigation Measure C2 and determined that the Planning Department’s second standard archeological mitigation measure (Archeological Monitoring Program) would apply to the proposed project.<sup>19,20</sup> The PAR and its requirements of the Archeological Monitoring Program (AMP) are consistent with Mitigation Measure C2 from the Market and Octavia PEIR.

Through implementation of the AMP, an archeological consultant would determine which project construction activities may disturb any CEQA-significant archeological resources present on the project site where ground-disturbing activities would take place. If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease until the deposit is evaluated. If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, either the project shall be re-designed so as to avoid any adverse effect on the significant archeological resource or an archeological data recovery program shall be implemented.

In compliance with Market and Octavia PEIR Mitigation Measure C2, the project is required to implement Project Mitigation Measure 1, which includes implementation of the procedures set forth in the Archeological Monitoring Program, and would ensure that the proposed project would not cause a substantial adverse change in the significance of an archaeological resource and would not disturb any human remains, including those interred outside of formal cemeteries. Project Mitigation Measure 1 would reduce the potential effect of the project’s construction on CEQA-significant archeological resources to a less-than-significant level.

For the above reasons, the proposed project would not result in significant impacts on archeological 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>4. TRANSPORTATION AND CIRCULATION—</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>19</sup> Randall Dean, San Francisco Planning Department, Archeological Log.

<sup>20</sup> The full text of this mitigation measure is located in the Mitigation Measures section below.

<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 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 project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topic 4c is not applicable to the proposed project.

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

The Market and Octavia PEIR identified a significant and unavoidable cumulative transit impact on the 21-Hayes Muni route during the weekday p.m. 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 under the *Market and Octavia Area Plan*.

Because the proposed project is within the scope of development projected under the *Market and Octavia Area Plan* and the proposed project is not designed in a manner to create potential hazardous conditions or accessibility issues to users of the transportation system, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the PEIR.

### 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>21,22</sup>

The proposed project would have a significant effect on the environment if it would cause substantial additional VMT. 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”) recommend screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone (TAZ) that exhibits low levels of VMT; Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>23</sup> For retail development, regional average daily work-related VMT per employee is 14.9. Average daily VMT for both land uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the transportation analysis zone in which the project site is located, 567.

**Table 1: Daily Vehicle Miles Traveled**

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average	TAZ 567	Bay Area Regional Average	Bay Area Regional Average	TAZ 567

<sup>21</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>22</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>23</sup> Includes the VMT generated by the households in the development.

		minus 15%			minus 15%	
Households (Residential)	17.2	14.6	5.3	16.1	13.7	4.6
Employment (Retail)	14.9	12.6	8.7	14.6	12.4	8.9

As shown in Table 1, the proposed project’s residential and retail uses would be located in a TAZ where existing VMT for residential and retail uses are more than 15 percent below regional averages.<sup>24</sup> The existing average daily VMT per capita is 5.3, which is 69 percent below the existing regional average daily VMT per capita of 17.2. Future 2040 average daily VMT per capita is 4.6, which is 71 percent below the future 2040 regional average daily VMT per capita of 16.1. The existing average daily VMT per retail employee is 8.7, which is 42 percent below the existing regional average daily VMT per retail employee of 14.9. Future 2040 average daily VMT per retail employee is 8.9, which is 39 percent below the future 2040 regional average daily work-related VMT per retail employee of 14.6.

Given that the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project’s residential and retail uses would not result in substantial additional VMT, and the proposed project would not result in a significant impact related to VMT. Furthermore, the project site also meets the Proximity to Transit Stations screening criterion, which indicate that the proposed project’s residential and retail uses would not cause substantial additional VMT.<sup>25</sup>

**Induced Automobile Travel Analysis**

A proposed 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. The 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 existing 15-foot-wide curb cut on Market Street would be removed and standard sidewalk and curb dimensions restored. Additionally, five Class II bicycle spaces would be located on the sidewalk in front of the project site on Market Street. These features fit within the general types of projects that would not substantially induce automobile travel, and the impacts would be less than significant.<sup>26</sup>

**Trip Generation**

The proposed project involves demolition of the existing commercial building with adjacent surface parking lot and the construction of a 55-foot-tall, five-story, mixed-use building approximately 29,000

<sup>24</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 2140 Market Street*, January 12, 2017.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

square feet in size. The proposed building would include 27 residential units, 1,600 square feet of ground-floor commercial use, and zero off-street vehicle parking spaces. The project would also include 29 Class I bicycle spaces at the ground floor and five Class II bicycle spaces would be located on the sidewalk in front of the project site.

Trip generation of the proposed project was calculated using a trip-based analysis and information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>27</sup> The proposed project would generate an estimated 480 person trips (inbound and outbound) on a weekday daily basis, consisting of 207 person trips by auto (131 vehicle trips accounting for vehicle occupancy data for this Census Tract), 159 transit trips, 77 walk trips and 38 trips by other modes.<sup>28</sup> During the p.m. peak hour, the proposed project would generate an estimated 63 person trips, consisting of 23 person trips by auto (16 vehicle trips accounting for vehicle occupancy data), 26 transit trips, 8 walk trips and 6 trips by other modes.

### **Transit**

The project site is well served by public transportation. Within 250 feet of the project site, the San Francisco Municipal Railway (Muni) operates the F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines and the 22-Fillmore and 37-Corbett bus lines. The proposed project would be expected to generate 159 daily transit trips, including 26 transit trips during the PM peak hour. Given the wide availability of nearby transit, the addition of 26 PM peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in transit delays or operating costs such that significant adverse impacts to transit service would result.

As discussed above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21-Hayes Muni route. This degradation to transit service would occur as a result of changes to the configuration of Hayes Street, which were designed to enhance local vehicle circulation. The 21-Hayes route does not run near the vicinity of the project site, and as stated above, the project site is well served by other transit lines. Therefore, the proposed project would not contribute considerably to this significant cumulative transit impact.

For these reasons, the proposed project would not result in significant project-level impacts related to transit beyond those 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.

The Planning Department conducted a project-level analysis of the pedestrian, bicycle, loading, emergency access, and construction transportation impacts of the proposed project.<sup>29</sup> Based on this project-level review, the Department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site.

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<sup>27</sup> San Francisco Planning Department, *Transportation Calculations for 2140 Market Street*, April 6, 2017.

<sup>28</sup> Trip credit was not given for the trips generated by the existing use on the project site.

<sup>29</sup> San Francisco Planning Department, *Transportation Study Determination Request, 2140 Market Street*, September 10, 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>5. NOISE</b> —Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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, topics 5e and 5f are not applicable.

### Construction Noise

The Market and Octavia PEIR noted that the background noise level in San Francisco is elevated primarily due to traffic noise, and that some streets have higher background sound levels, such as Market Street. The PEIR identified an increase in the ambient sound levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) would reduce construction impacts to less-than-significant levels.

The proposed building would be supported on a mat slab foundation with drilled, cast in place, concrete piers; impact piling driving is not required. All construction activities for the proposed project (approximately 18 months) would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works (PW) or the Director of the Department of Building Inspection (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 PW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during 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. Nonetheless, during the construction period for the proposed project of approximately 18 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. 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, which would reduce construction noise impacts to a less-than-significant level.

### Operational Noise

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), which would protect the interior noise environment to sensitive receptors during project operations.

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. The California Building Standards Code (Title 24) establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into Section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with Title 24, DBI would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet Title 24 acoustical requirements. If determined necessary by DBI, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

Additionally, the proposed project would be subject to the Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance 70-15, effective June 19, 2015). The intent of these regulations is to address noise conflicts between residential uses in noise critical areas, such as in proximity to highways and other high-volume roadways, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. In accordance with the adopted regulations, residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design would limit exterior noise to 45 decibels in any habitable room. Furthermore, the regulations require the Planning Department and Planning Commission to consider the

compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

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

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). The proposed project would generate 131 daily vehicle trips, including 16 vehicle trips during the p.m. peak hour. Given the existing traffic volumes on Market Street and in the project vicinity, the 16 vehicle trips during the p.m. peak hour would not double the traffic volumes on any given street in the project vicinity. Therefore, the proposed project would not result in a perceptible increase in noise levels from project-related traffic and would not contribute a considerable increment to any cumulative noise impacts related to traffic.

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

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

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter (DPM) during construction of development projects under the Area Plan. The Market and Octavia PEIR identified two



mitigation measures that would reduce these air quality impacts to less-than-significant levels. All other air quality impacts were found to be less than significant.

### Construction Dust Control

Market and Octavia PEIR Mitigation Measure E1 – Construction Mitigation Measure for Particulate Emissions, requires that individual projects involving construction activities include dust control measures.<sup>30</sup> 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 E1. Therefore, PEIR Mitigation Measure E1 is not applicable to the proposed project.

### Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District's *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria<sup>31</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 mixed-use development involves the construction of 27 dwelling units and 1,600 square feet of retail space, which would meet the Air Quality Guidelines criteria air pollutant screening levels for operation and construction.<sup>32</sup> The proposed uses would collectively meet the criteria air pollutant screening levels. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

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<sup>30</sup> Mitigation Measure E1 is Mitigation Measure 5.8.A in the Market and Octavia PEIR.

<sup>31</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2011, pp. 3-2 to 3-3.

<sup>32</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1. Criteria air pollutant screening sizes for an Apartment, Low-Rise Building is 451 dwelling units for operational and 240 dwelling units for construction. Criteria air pollutant screening sizes for a Regional Shopping Center is 99,000 square feet for operational and 277,000 square feet for construction.

## 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 No. 224-14, effective December 7, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). 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 project site is not within an 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 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*

Market and Octavia PEIR Mitigation Measure E2 – Construction Mitigation Measure for Short-Term Exhaust Emissions requires construction equipment to be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants.<sup>33</sup> Since the project site is not within an identified APEZ, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, PEIR Mitigation Measure E2 is not applicable to the proposed project.

### *Siting New Sources*

The proposed project would not include a backup diesel generator or other equipment that would emit DPM or other toxic air contaminants. As discussed above, the ambient health risk to sensitive receptors from air pollutants is not considered substantial.

## Conclusion

For these reasons, the proposed project would not result in significant air quality impacts beyond those identified in the 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>7. 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"/>
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"/>

<sup>33</sup> Mitigation Measure E2 is Mitigation Measure 5.8.B in the Market and Octavia PEIR.

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

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing greenhouse gas (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 impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions*<sup>34</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>35</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *Bay Area 2017 Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>36,37</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<sup>38</sup> and B-30-15.<sup>39,40</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 by introducing residential uses (27 residential units) to the project site. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and retail 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 GHG emissions. These regulations reduce

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<sup>34</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>35</sup> ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

<sup>36</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>37</sup> Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2017 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>38</sup> Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>39</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>40</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.

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 and Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency and reduce the proposed project’s energy-related GHG emissions.<sup>41</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project’s energy-related GHG emissions.

The proposed project’s waste-related GHG 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>42</sup> and reducing the energy required to produce new materials.

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>43</sup> Thus, the proposed project was determined to be consistent with San Francisco’s GHG reduction strategy.<sup>44</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 due to GHG emissions 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>8. 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"/>

<sup>41</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>42</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>43</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>44</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 2140 Market Street*, January 12, 2017.

## 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>45</sup> and Mitigation Measure B2 – All New Construction,<sup>46</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.

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 (approximately 67 feet with mechanical penthouse) with five stories, the proposed project would be one to three stories taller than most of the existing development adjacent to the site and would be similar in height to new development in the project vicinity, including the six-story building at 2175 Market Street, the six-story building at 2198 Market Street, and a future seven-story building that is under construction at 2100 Market Street. In addition, the proposed project's long axis is aligned along the prevailing wind directions instead of across the prevailing wind directions (i.e., the proposed project's Market Street façade would allow overhead winds to continue flowing eastward instead of intercepting them and driving them down toward the sidewalk). Given its height, orientation, design, location, and surrounding development context, the proposed 55-foot-tall building has little potential to cause substantial changes to ground-level wind conditions adjacent to and near the project site.

Because of the height of the proposed building at 55 feet tall (approximately 67 feet with mechanical penthouse), PEIR Mitigation Measure B1 would not apply to the proposed project. PEIR Mitigation Measure B2, which applies to all new construction, would apply to the proposed project. However, since the proposed project does not have the potential to result in significant wind impacts, a project-level wind analysis is not required, and the project sponsor has fulfilled the requirements of PEIR Mitigation Measure B2.

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

## Shadow

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

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<sup>45</sup> Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

<sup>46</sup> Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

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>47</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 involve construction of a 55-foot-tall building (67 feet tall with elevator penthouse). Based on the preliminary shadow fan analysis prepared by the Planning Department, the proposed project would not cast new shadow on nearby parks or open spaces.<sup>48</sup> Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

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

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

<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>9. 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"/>

<sup>47</sup> Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

<sup>48</sup> San Francisco Planning Department, *Shadow Fan Analysis, 2140 Market Street*, January 11, 2017.

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.

Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies locations where proposed open space connections should be built, specifically streets appropriate for potential “living alleys”. In addition, the amended ROSE identifies the role of both the Better Streets Plan and the Green Connections Network in open space and recreation. Green Connections are streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Two routes identified within the Green Connections Network cross the Market-Octavia Plan area: Marina Green to Dolores Park (Route 15) and Bay to Beach (Route 4).

Furthermore, the Planning Code requires a specified amount of new usable open space (either private or common) for each new residential unit. Some developments are also required to provide privately owned, publicly accessible open spaces. The Planning Code open space requirements would help offset some of the additional open space needs generated by increased residential population to the project area.

As the proposed project would not degrade recreational facilities and is consistent with the development density established under the Market and Octavia Area Plan, there would be no additional impacts on recreation 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>10. 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"/>

<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>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Since certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2010 Urban Water Management Plan (UWMP) in June 2011. The UWMP update includes city-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20 percent reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system.

As the proposed project is consistent with the development density established under the Market and Octavia Area Plan, there would be no additional impacts on utilities and service systems beyond those analyzed in the Market and Octavia PEIR.

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<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>11. 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 substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Market and Octavia Area Plan, the project would not result in new or substantially more severe impacts on the physical environment associated with the provision of 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>12. 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.

Because the proposed project is located in the Market and Octavia Area Plan, there would be no additional impacts on biological 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>13. 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>49</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.

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>50</sup>, and Section 147, Stormwater Management<sup>51</sup>. Section 146.3 requires any person performing *land disturbing activities*<sup>52</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 San Francisco Public Utilities Commission (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 construction 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 related to soil erosion that was not identified in the Market and Octavia PEIR.

A geotechnical investigation was prepared for the proposed project at 2140 Market Street.<sup>53</sup> The investigation included one test boring to a depth of 51 feet below ground surface. The project site is underlain by approximately five feet of loose, poorly graded gravel with clay and sand, which was underlain by medium dense, clayey sand with gravel. At a depth of approximately ten feet, the boring penetrated about seven feet of medium dense to loose, poorly graded sand with gravel overlying loose to dense, poorly graded sand with clay. At a depth of about 35 feet, the boring encountered about 11 feet of medium dense to very dense, clayey sand which was underlain by very dense, poorly graded sand with clay to the maximum depth explored of 51 feet. Groundwater was encountered at a depth of approximately 16 feet below ground surface. The project site is located within a liquefaction area. Considering the variability of subsurface soils and the potential for liquefaction, the geotechnical report recommends that the proposed structure should be supported on a mat slab foundation and drilled, cast in place, concrete piers may be used for shoring or underpinning. Impact piling driving is not proposed or required.

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<sup>49</sup> Mitigation Measure G1 is Mitigation Measure 5.11.A in the Market and Octavia PEIR.

<sup>50</sup> Added by Ord. 260-13, File No. 130814, App. 11/14/2013, Eff. 12/14/2013.

<sup>51</sup> Added by Ord. 83-10, File No. 100102, 4/22/2010.

<sup>52</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>53</sup> H. Allen Gruen, Geotechnical Investigation, Planned Development at 2140-2144 Market Street, San Francisco, California, March 16, 2014.

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

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

<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>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>

<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>
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 entire project site is covered by impervious surfaces, and the proposed building’s footprint would cover the entire project site. As a result, the proposed project would not result in an increase in the amount of impervious surface area on the project site or an increase in the amount of runoff and drainage from the project site. In accordance with the Stormwater Management Ordinance (Ordinance No. 83-10, effective May 22, 2010), the proposed project is subject to and would comply with the Stormwater Design Guidelines, incorporating Low Impact Design approaches and stormwater management systems into the project. Therefore, the proposed project would not adversely affect runoff and drainage.

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

<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>15. HAZARDS AND HAZARDOUS MATERIALS—</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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>
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>54</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 vehicle tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under initial study checklist topic 6, Air Quality, subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by the BAAQMD. Compliance with the Asbestos ACTM would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

During operations, the PEIR found that businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community

<sup>54</sup> Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

from exposure to hazardous materials during operations. In addition, compliance with existing building and fire codes would reduce potential fire hazards, emergency response, and evacuation hazards to a less-than-significant level.

### **Hazardous Building Materials**

Implementation of the proposed project would result in the demolition of the existing commercial building on the project site, which was built in 1906. Because this structure was built before the 1970s, hazardous building materials such as polychlorinated biphenyls (PCBs), mercury, asbestos and lead-based paint are likely to be present in this structure. Demolishing the existing structure could expose workers or the community to hazardous building materials.

Asbestos is a common material that was used in the construction of buildings prior to 1978. Prior to obtaining a demolition or renovation permit, the BAAQMD requires sampling of suspected asbestos-containing material. If asbestos is detected, it must be abated in accordance with applicable regulations prior to the commencement of demolition or renovation activities. Pursuant to state law, DBI will not issue a permit for a proposed project until compliance with applicable regulations has been completed.

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

### **Soil and Groundwater Contamination**

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Market and Octavia Plan area are subject to this ordinance.

The project site is located within the Article 22A (Maher) area of the San Francisco Health Code, and the proposed project would require approximately 12 feet of excavation below ground surface and approximately 1,080 cubic yards of soil is proposed to be removed. Therefore, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (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 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

groundwater 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 the 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 submitted a Maher Application and a Phase I ESA<sup>55</sup> to DPH<sup>56</sup>. Based on the Phase I ESA, the project site was part a corral from 1899 until construction of the current building in the northeast portion of the site in 1906 for use as the Woodworkers of the World Lodge Hall. A small portion of the building was occupied by a novelty machine repair business in 1910. In the early 1930s the building was occupied by Acme Electric Sign Company. The building has been occupied by various taverns and bars from 1935 to the present. The southwest portion of the subject property was a used car lot from the 1940s through the 1970s, then used as a parking lot to the present. The Phase I ESA revealed no evidence of Recognized Environmental Conditions (RECs) associated with the project site. However, the proposed project would be required to remediate potential soil contamination described above in accordance with Article 22A of the Health Code.

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
<b>16. MINERAL AND ENERGY RESOURCES—</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

The Market and Octavia PEIR did not analyze the Area Plan’s effects on mineral and energy resources, and no mitigation measures were identified. The project site is not a designated mineral resource recovery site, and implementation of the proposed project would not result in the loss of availability of any mineral resources.

The PEIR determined that the *Market and Octavia Area Plan* would facilitate the new construction of both residential and commercial uses. Development of these uses would not result in the use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City

<sup>55</sup> All West Environmental, *Phase I Environmental Site Assessment for 2140 Market Street, San Francisco, CA*, May 11, 2015.

<sup>56</sup> Russell Yim, SFDPH, email to Don Lewis, 2140 Market Street, January 19, 2016.



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 California Code of Regulations enforced by the Department of Building Inspection. As discussed in the Transportation section, the proposed project is located in a TAZ that experiences VMT per capita well below regional averages.

As the proposed project is located in the Market and Octavia Area Plan area, there would be no additional impacts on mineral and energy 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>17. AGRICULTURE AND FOREST RESOURCES: —Would the project:</b>				
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 fore 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 environmental 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 Area Plan’s effects on agriculture and forest resources, and no mitigation measures were identified. The project site is not zoned for or occupied by agricultural uses, forest land, or timberland, and implementation of the proposed project would not convert agricultural uses, forest land, or timberland to non-agricultural or non-forest uses.

Therefore, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Market and Octavia PEIR.

## MITIGATION MEASURES

### **Project Mitigation Measure 1 – Archeological Monitoring Program (Implementing Mitigation Measure C2 of the Market and Octavia PEIR):**

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 an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological 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 *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>57</sup> associated with descendant Native Americans or the Overseas Chinese an appropriate representative<sup>58</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist 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, piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to 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

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<sup>57</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>58</sup> 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.

resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

- The archaeological 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 the 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 placement (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.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological 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.

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

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

*Human Remains, 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, including 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, curation, possession, 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 agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.