



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

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

Case No.: 2015-015133ENV
Project Address: 301 Grove Street
Zoning: NCT-3 – Moderate Scale Neighborhood Commercial Transit Use District
50-X Height and Bulk District
Block/Lot: 0809/001
Lot Size: 5,105 square feet
Plan Area: Market and Octavia Neighborhood Area Plan
Project Sponsor: Toby Morris, Kerman Morris Architects, (415) 749-0302
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PROJECT DESCRIPTION

The project site is an approximately 5,100 square-foot lot located at 301 Grove Street, on the corner of Franklin and Grove streets. The project site contains an existing two-story, 26-foot-tall building built in 1979, with 7,200 square feet of office space, and a seven-car parking garage. The proposed project would add three stories to the building, resulting in a 53 foot-tall (69 feet including the elevator penthouse), five-story, mixed-used building with 12 dwelling units (six one-bedroom and six two-bedroom), approximately 1,600 square feet of commercial use, and 6,200 square feet of office use.

(Continued on next page.)

CEQA DETERMINATION

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

DETERMINATION

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



Lisa Gibson
Environmental Review Officer



Date

cc: Toby Morris, Project Sponsor; Supervisor Vallie Brown, District 5; Nicholas Foster, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed project would remove an existing curb cut on Grove Street. The project would remove the existing parking garage, include no off-street parking spaces, and would provide 16 Class I and two new Class II bicycle parking spaces along the Grove Street frontage (in addition to two existing Class II bicycle parking spaces along the Franklin Street frontage). The project would include approximately 3,000 square feet of open space on the roof and in private patios. The roof would include a series of solar panels.

The project would not affect the five existing street trees along the Grove Street frontage of the project, nor the two existing street trees along the Franklin Street frontage of the project. The project would require soil disturbance of an area up to 4,300 square feet at a depth of approximately 2'-9", for a total excavation of 279 cubic yards. Construction of the proposed project would take approximately 15 months.

The proposed 301 Grove project would require a building permit from the Department of Building Inspection for the proposed addition and alterations to the existing structure on the project site.

PROJECT APPROVAL

If discretionary review before the Planning Commission is requested, the discretionary review hearing is Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by DBI is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 301 Grove Street project described above and incorporates by reference information contained in the Programmatic EIR for the *Market and Octavia Area Plan* (Market and Octavia PEIR).¹ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

¹ San Francisco Planning Department Case No. 2003.0347E, State Clearinghouse No. 2004012118.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.^{2,3} The PEIR analyzed amendments to the *San Francisco General Plan (General Plan)* to create the *Market and Octavia Area Plan* and amendments to the Planning Code and Zoning Maps, including the creation of the Upper Market Street NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the *Market and Octavia Area Plan*. The proposed 301 Grove Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the *Market and Octavia Plan* area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 301 Grove Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

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

In May 2008, subsequent to the certification of the PEIR, the Board of Supervisors approved and the Mayor signed into law revisions to the Planning Code, Zoning Maps, and *General Plan* that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The *Market and Octavia Area Plan*, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 301 Grove Street project.

Individual projects that could occur in the future under the *Market and Octavia Area Plan* will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 301 Grove Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 301 Grove Street project and identified the mitigation measures applicable to the

² San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, certified April 5, 2007. This document is available online at www.sf-planning.org/index.aspx?page=1714, accessed January 8, 2016.

³ San Francisco Planning Commission Motion No. 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=568>, accessed January 8, 2016.

301 Grove Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 301 Grove Street project is required. In sum, the Market and Octavia PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the south side of Grove Street, between Franklin and Gough streets in the Downtown/Civic Center neighborhood, at the corner of Franklin and Grove streets. The project site is occupied by a two-story building on an approximately 5,100 square-foot lot, which is used as office space for the San Francisco Association of Realtors. Immediately adjacent to the project site to the west is a vacant lot, which spans from Grove Street to Ivy Street. Immediately adjacent to the project site to the south is a three-story office building built in 1909.

The San Francisco Symphony building is across Franklin Street from the project site, and the San Francisco War Memorial and Opera House is on the northeast corner of Franklin and Grove street. On the north side of Grove Street is a four-story performing arts parking garage, with ground-level retail, with a one-story restaurant adjacent to the parking garage. San Francisco City Hall is approximately a block away from the project site, located on the corner of Grove and Van Ness streets.

Market Street is a major transportation corridor through downtown San Francisco that runs northeast to southwest from the Ferry Building on The Embarcadero to the Castro, Upper Market, and Twin Peaks neighborhoods. The project site is well served by public transportation. The San Francisco Municipal Railway (Muni) operates the F Market historic streetcar, plus several surface buses that run on Van Ness, Church and Market streets. Muni also operates the Muni Metro light rail system, which runs underground beneath Market Street in the project vicinity. There is a Muni Metro station approximately four blocks away from the project site. Within a quarter-mile of the project site, Muni operates the J-Church, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines, among other bus lines.

The project site is within the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) zoning district. The parcels south of the project site along Franklin Street are in the NCT-3 zoning district, while the parcels west of the project site are in the Hayes-Gough Neighborhood Commercial Transit District. Height and bulk districts on the larger block containing the project site (the block bounded by Grove, Gough, Hayes, and Franklin streets) are 50-X along the exterior of the block and 40-X in the interior of the block.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 301 Grove Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the *Market and Octavia Plan*. Thus, the plan analyzed in the Market and

⁴ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 301 Grove Street*, December 14, 2017.

⁵ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 301 Grove Street*, August 21, 2017.

Octavia PEIR considered the incremental impacts of the proposed 301 Grove Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts that will reduce all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line). A shadow fan memo was prepared to address potential shadow impacts on the War Memorial open space, which found that the proposed project would not contribute any new shadow to the War Memorial open space.⁶ At a height of 55 feet, the proposed project is not tall enough to substantially alter ground-level wind currents in a manner that would adversely affect public areas and result in a significant wind impact.

Consistent with the assumptions in the Market and Octavia PEIR, it is anticipated that the proposed project would add vehicle trips to the Hayes/Franklin streets intersection that could potentially contribute to worsening the intersection operating conditions. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure. As described in the Initial Study Checklist, transit ridership generated by the project would not make a considerable contribution to the significant cumulative transit impacts identified in the Market and Octavia PEIR.

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

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
A. Shadow		
A1: Parks and Open Space Not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	Completed: The project sponsor completed a shadow memo, and determined that the proposed project would not shadow any parks or open spaces.
B. Wind		
B1: Buildings in Excess of 85 Feet in Height	Not Applicable: Project does not exceed a height of 85 feet.	Not Applicable

⁶ CADP, *301 Grove Street Shadow Analysis*, August 10, 2017.

Mitigation Measure	Applicability	Compliance
B2: All New Construction	Applicable: Project involves new construction of a 55-foot-tall building.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
C. Archeological Resources		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: Project site is not located on an archeologically documented property.	Not Applicable
C2: General Soil-Disturbing Activities	Applicable: Project would include soil-disturbing activities.	Completed: The Planning Department has conducted a Preliminary Archeological Review, which determined that the project would have no effect on archeological resources.
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project would not include soil-disturbing activities associated with public street or open space improvements.	Not Applicable
C4: Soil-Disturbing Activities in the Mission Dolores Archeological District	Not Applicable: Project site is not in the Mission Dolores Archeological District.	Not Applicable
D. Transportation		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Plan level mitigation to be implemented by the San Francisco Municipal Transportation Agency (SFMTA).	Not Applicable
D4: Traffic Mitigation Measure for Market/Sanchez/ Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation to be implemented by the SFMTA.	Not Applicable
D5: Traffic Mitigation Measure for Market/Church/ Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: Plan-level mitigation to be implemented by the SFMTA.	Not Applicable

Mitigation Measure	Applicability	Compliance
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation to be implemented by the SFMTA.	Not Applicable
E. Air Quality		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Superseded by Construction Dust Control Ordinance.	Not Applicable
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: Project site is in the Air Pollutant Exposure Zone. Project construction could exacerbate poor air quality.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan to reduce construction emissions (see Project Mitigation Measure 1).
F. Hazardous Materials		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: Superseded by Construction Dust Control Ordinance and federal, state, and local regulations related to abatement and handling of hazardous materials.	Not Applicable
G. Geology, Soils, and Seismicity		
G1: Construction-Related Soils Mitigation Measure	Not Applicable: Superseded by San Francisco Public Utilities Commission (SFPUC) Construction Site Runoff Ordinance.	Not Applicable

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

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 17, 2018 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental

review as appropriate for CEQA analysis. Two comments were received in response to the notification. The first requested a copy of the environmental review once complete. The second commented on the amount of construction occurring in the project vicinity and associated intersection disruptions or closures, existing traffic along Franklin Street, and time-sensitive traffic from the Symphony and other performance venues, as well as requesting all notices for the project. Regarding these concerns, the Market and Octavia PEIR analyzed transportation and circulation on pp. 4-191 to 4-260, which included a description and analysis of performance evenings at the Symphony (starting on p. 4-213), and transportation-related construction impacts (starting on p. 4-257), which noted that temporary and intermittent traffic and transportation impacts may result from truck movements to and from project sites. Overall, concerns and issues raised by the public in response to notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. The Planning Department has determined that the proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Market and Octavia PEIR.

CONCLUSION

As summarized above and further discussed in the project-specific initial study checklist:⁷

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

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

⁷ The initial study checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2015-015133ENV.

301 Grove Street- MITIGATION MONITORING AND REPORTING PROGRAM

	MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
AIR QUALITY					
<p>Project Mitigation Measure 1 – Construction Air Quality (Implements Mitigation Measure E2 of the Market & Octavia PEIR).</p> <p>The project sponsor or the project sponsor’s Contractor shall comply with the following:</p> <p><i>A. Engine Requirements.</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit. 4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. <p><i>B. Waivers.</i></p> <ol style="list-style-type: none"> 1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an 	<p>Project sponsor and project contractor.</p>	<p>During construction.</p>	<p>Project sponsor to submit Construction Emissions Minimization Plan to the ERO for review and approval</p>	<p>Project sponsor to provide Planning Department with quarterly reports documenting compliance with the plan.</p>	<p>Considered completed upon receipt of final monitoring report at completion of construction reports.</p>

alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table 2 below.

Table 2 – Off-Road Equipment Compliance Step-down Schedule

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

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

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

** Alternative fuels are not a VDECS.

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

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected

fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.

3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. *Monitoring.* After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.
