



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2012.1362E
 Project Title: 2198 Market Street
 Zoning/Plan Area: Upper Market Neighborhood Commercial – Transit District;
 40-X and 60/65-X Height and Bulk Districts
 Block/Lot: 3542/039
 Lot Size: 18,830 square feet
 Project Sponsor: Victor Gonzalez, Greystar Development – (415) 810-9052
 Staff Contact: Christopher Espiritu – (415) 575-9022
 christopher.espiritu@sfgov.org

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

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The proposed project would include the construction of a new 4- to 6-story, mixed-use, building on an existing vacant lot. The approximately 18,830-square-foot (sq ft) project site is located in the Castro/Upper Market neighborhood, on a block bounded by 14th Street to the north, Market Street to the south, Church Street to the east, and Sanchez Street to the west. The proposed project would include the construction of a new residential and commercial building consisting of 87 dwelling units (75,935 sq ft), 680 sq ft of ground-floor office space on Sanchez Street, and 5,130 sq ft of ground-floor retail space along Market Street. The project site is located within the boundaries of the Upper Market Neighborhood Commercial Transit District and the Market & Octavia Neighborhood Plan Area.

EXEMPT STATUS:

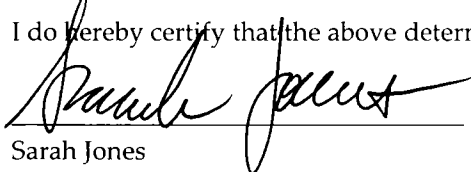
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines California and Public Resources Code Section 21083.3

REMARKS:

Please see next page.

DETERMINATION:

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


 Sarah Jones
 Environmental Review Officer

March 19, 2014
 Date

cc: Victor Gonzalez, Project Sponsor
 Michael Smith, Current Planning
 Historic Preservation Distribution List

Supervisor Scott Wiener, District 8
 Virna Byrd, M.D.F./ Distribution List
 Exclusion/Exemption

PROJECT DESCRIPTION (continued):

The project site is an irregularly-shaped lot and is currently vacant, but was formerly occupied by a gas station that was demolished in 2007. A Remedial Action Completion Certification letter was issued by the Department of Public Health in April 2012 certifying the removal of underground storage tanks and soil remediation of the project site.¹ The proposed building would be approximately 40 to 65 feet tall with four stories located along Sanchez Street and six stories along Market Street. The proposed project would include a mix of one- to two-bedroom units on each floor, with 52 one-bedroom units and 35 two-bedroom units. The proposed project would provide 34 off-street parking spaces and 89 bicycle parking spaces within a basement-level garage accessed from an entrance on Sanchez Street.

Project Approvals

The proposed project would require the following approvals:

- **Conditional Use Authorization** (*Planning Commission*). The proposed project would require a conditional use authorization to allow development on a lot exceeding 10,000 sq. ft. and to allow a non-residential use exceeding 6,000 sq. ft and the installation of an off-street parking entrance along Sanchez Street, a City bicycle route.
- **Variance** (*Zoning Administrator*). The proposed project would require variances from the Planning Code as the project would not meet the Code-required rear yard, allowable lengths for permitted obstructions (bay windows), and dwelling unit exposure under Sections 134, 136 and 140.
- **Site Permit** (*Department of Building Inspection*). The proposed project would require approval from DBI for a site permit.
- **Encroachment Permit** (*Department of Public Works*). The proposed project would require approval from DPW for construction of a bulb-out within the public right-of-way.

While the proposed project requires multiple approvals, the overall development will be collectively reviewed by the Planning Commission and the Zoning Administrator at a consolidated hearing. Approval Action for the proposed project would be granted through the approval of the conditional use authorization under the Planning Code. 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.

¹ San Francisco Department of Public Health, Remedial Action Completion Certificate—Underground Storage Tank (UST) Case, Former Shell Service Station, 2198 Market Street, San Francisco, LOP Case Number: 11814, April 11, 2012. This document is on file and is available for review as part of Case No. 2012.1362E at 1650 Mission Street, Suite 400, San Francisco, California.

REMARKS (continued):

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report (EIR) was certified, except as might be necessary to examine whether there are project-specific 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 which were not discussed in the underlying EIR, and (d) are previously identified in the EIR, but which 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 that project solely on the basis of that impact.

The Planning Department reviewed the proposed project for consistency with the Market and Octavia Plan and for the potential for the proposed project to result in significant impacts not identified in the Market and Octavia Plan Programmatic Environmental Impact Report (FEIR) certified on April 5, 2007. The proposed mixed-use project is consistent with the land use and density specified for the parcel in the Market and Octavia Plan. The Plan permits retail use on the ground floor with residential uses, with no density limit, on the upper floors on this parcel.

This determination evaluates whether there are any potential project-specific environmental effects peculiar to the proposed project at 2198 Market Street, and incorporates by reference information contained within the FEIR.² The project-specific analysis used to evaluate whether the project would result in any significant impacts is summarized in this document and the referenced checklist.³

This determination concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. This determination does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies mitigation measures contained in the FEIR that are applicable to the proposed project. Relevant information pertaining to prior environmental review conducted for the FEIR is included below, as well as an evaluation of potential environmental effects.

² Market and Octavia Neighborhood Plan Final EIR (Case No. 2003.0347E; State Clearinghouse No. 2004012118), certified by the San Francisco Planning Commission on April 5, 2007. The certification was appealed and upheld by the San Francisco Board of Supervisors on June 19, 2007.

³ San Francisco Community Plan Exemption Checklist, 2198 Market Street. This document is on file and is available for review as part of Case No. 2012.1362E at 1650 Mission Street, Suite 400, San Francisco, California.

The FEIR found the implementation of the Area Plan project would result in potentially significant impacts in the following initial study checklist resource categories: Cultural and Paleontological (Archeological), Transportation, Air Quality, Shadow and Wind, Geology and Soils, Hazards and Hazardous Materials. Additionally, since the publication of the FEIR, the CEQA guidelines have been revised to include the analysis of a project's potential impact on Greenhouse Gas Emissions, Mineral and Energy Resources, and Agriculture and Forest Resources. This certificate includes an evaluation of the project's potential contribution to the impacts on the above-noted resources and if the project would contribute to that impact and a mitigation measure was adopted to reduce those impacts, the project would be required to implement that measure.

Background

On April 5, 2007, San Francisco Planning Commission certified the FEIR for the Market and Octavia Plan (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The FEIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Plan, an element of the San Francisco General Plan. The FEIR analysis was based upon assumed development and activities that were anticipated to occur under the Market and Octavia Plan.

Subsequent to the certification of the FEIR, in April 5, 2007, 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 FEIR. The legislation created several new zoning controls which allow for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable "whole" neighborhoods meeting everyday needs. The land use, density, and design of the proposed project at 2198 Market Street are consistent with the assumptions used to evaluate future development of the site in the Market and Octavia Plan FEIR.

Individual projects that occur under the Plan undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, and the site at the time of development, and to determine if additional environmental review is required. This determination concludes that the proposed project at 2198 Market Street is consistent with and was encompassed within the analysis in the FEIR for the Market and Octavia Neighborhood Plan. Further, this determination finds that the FEIR adequately anticipated and described the impacts of the proposed project, and identified the applicable mitigation measures. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation is necessary.

Potential Environmental Impacts

The FEIR included analyses of environmental issues including: land use and zoning; plans and policies; visual quality and urban design; population, housing, and employment (growth inducement);

transportation; noise; air quality; wind and shadow; archeological resources; historic architectural resources; hazardous materials; geology and soils; public facilities, services, and utilities; hydrology; and biology. The proposed project is within the allowable density and consistent with the designated uses for the site described in the FEIR and would represent a small part of the growth forecast for the Plan. As a result, the FEIR considered the incremental impacts of the proposed project. The proposed project would not result in any new or substantially more severe impacts than were identified in the FEIR. Topics for which the FEIR identified a significant program-level impact are addressed in this Certification of Determination, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.⁴ The following discussion demonstrates that the project would not result in significant impacts beyond those analyzed in the FEIR.

Cultural Resources

Archeological Resources

The Market and Octavia FEIR identified potential archeological impacts and identified four archeological mitigation measures that would reduce impacts on archeological resources to less than significant. Mitigation Measure 5.6.A2—General Soil Disturbing Activities (properties with no previous studies)—applies to any project involving any soils-disturbing activities beyond a depth of four feet and located within those properties within the Market and Octavia Plan Area for which no archeological assessment report has been prepared. Pursuant to Archeological Mitigation Measure 5.6.A2 of the Market and Octavia Neighborhood Plan FEIR, a Preliminary Archeological Review was conducted by the Department to determine archeological sensitivity for the proposed project.

Mitigation Measure 5.6.A2 requires the preparation of a preliminary archeological sensitivity study to assess the potential for a proposed project to have a significant impact on archeological resources. Accordingly, the Planning Department's archeologist conducted an archeological assessment of the project site and the proposed project on July 1, 2013. The Planning Department's archeologist reviewed the project plans and technical studies produced for the proposed project.⁵ Based on a review of the proposed ground-disturbance associated with project-related activities and previous ground disturbance at the project site, include the insertion and removal of underground storage tanks, no intact archeological resources are anticipated within the proposed ground-disturbance areas within project site.

Based on this assessment, the Planning Department's archeologist has determined that the project site has a low sensitivity for significant archeological resources, and that no CEQA-significant archeological resources are expected to be affected by the proposed project. Therefore, the proposed project would not result in any significant impacts on cultural resources that were not identified in the Market & Octavia Neighborhood Plan FEIR, and no further mitigation is necessary.

⁴ Ibid.

⁵ Treadwell & Rollo, Preliminary Geotechnical Evaluation — 2198 Market Street, San Francisco, California, November 21, 2012. This document is on file and is available for review as part of Case No. 2012.1362E at 1650 Mission Street, Suite 400, San Francisco, California.

Transportation and Circulation

The Market and Octavia FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the FEIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, it was anticipated that the significant adverse effects at seven intersections and the cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Plan approval on May 30, 2008.

The proposed project would include the construction of 87 residential units, 680 sq ft of ground-floor office space on Sanchez Street, and 5,130 sq ft of ground-floor retail space along Market Street and would provide 34 off-street parking spaces and 89 bicycle parking spaces within a basement-level garage. Access to the parking garage would be located on Sanchez Street through a new curb cut located near the northwest side of the property. Existing curb cuts located on Market Street and along Sanchez Street, servicing the existing vacant lot, would be removed and replaced with standard curbing.

Trip Generation

Trip generation from the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines) developed by the San Francisco Planning Department.⁶ The site is located in the City's Superdistrict 1 traffic analysis area. As set forth in the Transportation Guidelines, the Department evaluates traffic conditions for the weekday PM peak period to determine the significance of an adverse environmental impact. Weekday PM peak hour conditions (between the hours of 4 PM to 6 PM) typically represent the worst-case conditions for the local transportation network. The proposed project at 2198 Market Street would result in an increase of 75,935 sq ft of residential use, 3,700 sq ft of retail use, and 1,145 sq ft of office use on the site. The proposed project would generate an estimated 1,309 person trips (inbound and outbound) on a weekday daily basis, consisting of 379 person trips by auto, 512 transit trips, 273 walk trips and 145 trips by other modes. Table 1, shows the project's calculated daily and PM peak hour trip generation by mode split.

⁶ Laura Lynch, San Francisco Planning Department, Transportation Calculations, February 12, 2013. These calculations are available for review as part of Case No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Table 1. Trip Generation and Parking/Loading Demand

Trip Generation Mode Split	Daily Trips	PM Peak Hour Trips
Auto	379	48
Transit	512	80
Walk	273	30
Other	145	19
Total	1,309	177
Vehicle Trips	240	34
Parking Demand	Short Term	Long Term
Parking Spaces	8	3
Loading Demand	Average Hour	Peak Hour
Loading Spaces	0.15	0.19
<i>Source: Transportation Impact Analysis Guidelines, Transportation Calculations.</i>		

As shown in Table 1, total PM peak hour person trips are estimated to be approximately 177 trips for the proposed project. These trips would be distributed among various modes of transportation, including private automobile, carpools, public transit, walking, and other modes. Of the 177 PM peak hour person trips, 48 would be auto trips, 80 would be transit trips, 30 would be walking trips, and 19 would be trips made via other modes of transportation such as bicycling, taxi, or motorcycle. Due to the project’s location near major transit and bicycle routes, the number of vehicle trips would likely be less.

During the PM peak hour, the proposed project would generate an estimated 34 vehicle trips (accounting for the average vehicle occupancy of 1.13 persons per vehicle for this Census Tract). The estimated 34 PM peak hour vehicle trips would travel through the intersections surrounding the project block, but would not substantially increase traffic volumes at these intersections. While the addition of these trips could result in an increase in average delay per vehicle at nearby intersections, the increase would not be substantial or noticeable, and the proposed project would not significantly change the existing levels of service at the affected intersections surrounding the project site.

Traffic

As previously described, proposed zoning changes in the Market and Octavia FEIR anticipated significant impacts to traffic from implementation of the Plan. The project-level analysis determined that 12 intersections would operate at unacceptable levels of service (LOS) in 2025 with implementation of the Plan, as opposed to only nine intersections in the 2025 without Plan implementation.

The proposed project is located on the block bounded by 14th Street to the north, Market Street to the south, Church Street to the east, and Sanchez Street to the west. The nearest intersection for which the Market and Octavia FEIR identified a significant cumulative impact during the weekday p.m. peak hour in the horizon year of 2025 is at Market/Sanchez/Fifteenth Streets (immediately adjacent to the project site). The FEIR determined that the intersection of Market/Sanchez/15th Streets operated at LOS E under existing (baseline) conditions.

Under the 2025 with Plan Conditions, the FEIR found that this intersection would remain at LOS E, but would experience additional PM peak hour delays as implementation of the Market and Octavia Plan would add substantial numbers of vehicles to this intersection. The FEIR found that Plan-added vehicles to this intersection represented a considerable contribution to the cumulative conditions, and thus would result in a significant cumulative impact.

The Market and Octavia FEIR proposed a specific mitigation measure (5.7D) for the Market/Sanchez/Fifteenth Streets intersection that included minor changes to signal timing in conjunction with the addition of a right-turn pocket on the westbound approach on Fifteenth Street. However, the FEIR concluded that the feasibility of implementing this measure could not be fully assessed at that time, because implementation of the signal timing changes would be dependent on later assessments by the San Francisco Metropolitan Transportation Agency (SFMTA) of transit and traffic coordination along Market Street, to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. Because the FEIR could not determine whether this mitigation measure was feasible, it could not determine that the measure would reduce the traffic impact at this intersection to a less-than-significant level. Consequently, in certifying the completion of the FEIR, the Planning Commission found that the impact to the Market/Sanchez/Fifteenth Streets intersection was significant and unavoidable. The traffic mitigation measure (5.7D) identified would not apply to the proposed project, since implementation of the proposed mitigation measure would be completed by SFMTA and DPW.

Since the adoption of the Market and Octavia Neighborhood Plan, the City has adopted policies, such as the Better Streets Plan of the General Plan and related Planning Code provisions, and the Upper Market Community Design Plan, that supports the installation of a corner bulb-out at the southeast corner of 15th and Market Streets and that conflict with installation of a right-turn pocket on Fifteenth Street. The Better Streets Plan classifies Market Street as a Ceremonial (Civic) street and states that the treatment for Ceremonial streets should include corner curb extensions (e.g., bulb-outs). Planning Code Section 138.1 states that the Better Streets Plan shall govern the design, location, and dimensions of all pedestrian and streetscape items in the public right-of-way, including curb extensions/bulb-outs. Therefore, the installation of a right-turn pocket at the 15th/Sanchez/Market Streets intersection would conflict with the Better Streets Plan of the General Plan. However, as previously discussed, the proposed 2198 Market Street project is estimated to add approximately 34 PM peak hour vehicle trips to the existing transportation system, but the addition of these trips is not expected to substantially or noticeably increase delay at the intersection of Market/Sanchez/15th streets.

The project site is located within a special design area, the Upper Market Community Design Plan (UMCDP) area. The UMCDP was created through the Upper Market Workshop, a community visioning process, to guide the future of the Upper Market corridor, which is generally defined as Market Street between Castro and Octavia Streets. The workshop was held in the fall of 2007, and included the design review of several locations, including the intersection where the project site is located. The UMCDP encourages a vibrant pedestrian realm, and Figure 4.9B of this Plan shows corner bulb-outs at the Market/Sanchez/Fifteenth Streets intersection. Additionally, the corner bulb-outs would also comply with the City's Transit First Policy which promotes alternative modes of travel other than motor vehicles. The proposed project includes the installation of a corner bulb-out at the northeast corner of Sanchez and Market Streets.

Transit

The Market and Octavia FEIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increased delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Street, and Hayes Street/Gough Street. Mitigation measures proposed in the FEIR to address these impacts included changes to street configurations and traffic patterns. Even with mitigation, however, cumulative transit impacts were found to be significant and unavoidable and a Statement of Overriding Considerations was adopted as part of the Market and Octavia Plan approvals.

Public transit serving the project site and within ¼ mile includes the Muni Metro Historic Streetcar F Line and Muni bus routes 37 and 22. Muni's Van Ness, Church, and Castro stations with access to Muni Metro routes J, K, L, M, N, and T are located approximately ½-mile from the project site, and the 16th Street Station for the Bay Area Rapid Transit District (BART) with access to BART's regional rail lines is located approximately ¾-mile from the project site. No additional transit impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR (to be implemented by the San Francisco Municipal Transportation Agency [SFMTA]) are not applicable to the proposed project. With the development of Central Freeway parcels, the peak hour capacity utilization would not be substantially increased and the impact on Muni operations would be considered as less-than-significant.

Loading

As discussed in the FEIR, new curb cuts would not be allowed on transit preferential streets (which included portions of Hayes Street, Haight Street, Duboce Avenue, 16th Street, Market Street, and other streets within the Area Plan boundaries). Off-street loading facilities for new residential developments located along these streets would need to occur from side streets or back alleyways. The Plan identified that some parcels within the Plan Area would not have access to side streets or back alleyways. As a result, it may be difficult to adequately serve the loading and delivery needs of development projects in these parcels, which would lead to an increased potential for double-parking and the illegal use of sidewalks and bicycle lanes for loading/unloading activities. This would then result in disruptions to the

traffic flow and transit operations on the adjacent streets, and could potentially affect transit, pedestrian and bicycle operations. However, these loading impacts related to the implementation of the Area Plan would not be considered significant and no mitigation measures would be required.

Section 152 of the San Francisco Planning Code does not require any loading spaces for residential uses less than 100,000 sq ft in area, less than 10,000 sq ft of retail use, or less than 100,000 sq ft of office use. The amount of residential and retail floor area proposed for the project site are approximately 75,935 sq ft, 3,700 sq ft, and 1,145 sq ft respectively, therefore no loading spaces are required. Additionally, the proposed project does not include any off-street loading spaces and is therefore in compliance with the Planning Code requirement regarding loading spaces.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market & Octavia FEIR related to loading.

Pedestrian and Bicycle Conditions

The FEIR notes that the Market and Octavia Plan contains several key bicycle corridors, and that the generally flat terrain combined with major thoroughfares that traverse the project area and the density and mix of uses in the project area provide for bicycle travel. The FEIR also notes that the Market and Octavia Plan contains several key pedestrian corridors, as well as provides a blueprint for new pedestrian facilities and amenities. The FEIR did not identify significant impacts related to bicycle and pedestrian conditions as a result of Plan implementation and no mitigation measures were proposed.

The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths in the area surrounding the project site. Planning Code Section 155.1 requires one bicycle parking space for every one unit in buildings with 100 or less units. The proposed project would provide a total of 89 bicycle parking spaces. There are several bicycle routes near the project site, including bicycle routes 30, 32, 40, 45, 47, 50, 350, 345, and 545. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle or pedestrian travel in the area. For the above reasons, the proposed project would not result in significant impacts on bicycle safety that were not identified in the Market & Octavia FEIR.

Parking

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

- a) The project is in a transit priority area;

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

The proposed project meets each of the above three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.⁷ The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts cause by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the

⁷ San Francisco Planning Department. *Transit-Oriented Infill Project Eligibility Checklist for 2198 Market Street*, February 1, 2014. This document is available for review as part of Case File No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

The parking demand for the new residential, retail, and office uses associated with the proposed project was determined based on the methodology presented in the *Transportation Guidelines*. On an average weekday, the additional demand for parking would be 120 spaces. The proposed project would include the provision of approximately 34 vehicle parking spaces and 89 bicycle parking spaces in a basement-level parking garage. Thus, the project would have an unmet parking demand of approximately 86 spaces. While the proposed off-street parking spaces would be less than the calculated parking demand anticipated for the project, this parking shortfall would not result in a significant impact in this case. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. There is limited on-street parking capacity available near the project site along the Sanchez Street frontage and nearby streets such as 15th Street and Henry Street. There are no existing off-street parking lots/garages available within ¼-mile of the project site. Additionally, the project site is well served by local public transit, including the Muni Metro Historic Streetcar F Line and Muni bus routes 37 and 22. Muni's Van Ness and Castro stations with access to Muni Metro routes J, K, L, M, N, and T are located approximately ½-mile from the project site, and the 16th Street BART station with access to BART's regional rail lines is located approximately ¾-mile from the project site. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not 'bundled' with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 120 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street parking spaces nearby and through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

In summary, the proposed project would not result in a substantial parking shortfall or create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. Therefore, parking impacts would be less than significant.

Air Quality

The Market and Octavia FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and short-term construction exhaust emissions. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and Octavia FEIR identified a significant impact related to construction air quality and determined that Mitigation Measure 5.8.A - Construction Mitigation Measure for Particulate Emissions, would reduce effects to a less-than-significant level. Subsequently, 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), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to a less than-significant level. Since the project would comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during project construction would be less than significant. Thus, Mitigation Measure 5.8A would not be applicable to the proposed project.

The Market and Octavia FEIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that *Mitigation Measure 5.8B – Construction Mitigation Measure for Short-Term Exhaust Emissions* would reduce effects to a less-than-significant level. Since the proposed project includes construction activities, this mitigation measure would apply to the proposed project. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, below.

Project Mitigation Measure 1 – Short-term Construction Exhaust Emissions (Mitigation Measure 5.8B of the Market and Octavia FEIR).

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental

Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

a) Where access to alternative sources of power is available, portable diesel engines shall be prohibited;

b) All off-road equipment shall have:

i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, *and*

ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).⁸

c) Exceptions:

i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.

ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.

⁸ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

**TABLE A1
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 requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

**Alternative fuels are not a VDECS

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. 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. Off-road equipment descriptions and information 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: 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, reporting shall indicate the type of alternative fuel being used.
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications. Refer to Appendix E for the Certification Statement.

Implementation of Project Mitigation Measure 1 would reduce potential air quality impacts to a less-than-significant level.

Greenhouse Gas Emissions

FEIR

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 FEIR was certified in 2007 and therefore did not analyze the effects of greenhouse gas emissions. In addition, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (Air Basin), has prepared guidelines that provide methodologies for analyzing air quality impacts under CEQA, including the impact of GHG emissions. The following analysis is based on BAAQMD's guidelines for analyzing GHG emissions and incorporates amendments to the CEQA guidelines relating to GHGs. As discussed below, the proposed project would not result in any new significant environmental impacts related to GHG emissions.

Background

The primary GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone, and water vapor.⁹ Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere are naturally occurring, CO₂, CH₄, and N₂O are largely emitted from human activities,

⁹ Additionally, although not a greenhouse gas, black carbon is also recognized as substantial contributor to global climate change.

accelerating the rate at which these compounds occur within earth's atmosphere. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO₂E).¹⁰

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, already occur and will only become more frequent and costly.¹¹ Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.^{12,13}

The California Air Resources Board (ARB) estimated that in 2010 California produced about 452 million gross metric tons of CO₂E (MTCO₂E).¹⁴ The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state generation and out-of-state imported electricity) at 21 percent and industrial sources at 19 percent. Commercial and residential fuel use (primarily for heating) accounted for 10 percent of GHG emissions.¹⁵ In San Francisco, on-road transportation (vehicles on highways, city streets and other paved roads) and natural gas (consumption for residential, commercial, and industrial use) sectors were the two largest sources of GHG emissions accounting for 40 percent (2.1 million MTCO₂E) and 29 percent (1.5 million MTCO₂E), respectively, of San Francisco's 5.3 million MTCO₂E emitted in 2010. Electricity consumption (residential, commercial, municipal buildings and BART and Muni transportation systems) accounts for approximately 25 percent (1.3 million MTCO₂E) of San Francisco's GHG emissions.¹⁶

Regulatory Setting

Statewide GHG reduction targets are identified in Executive Order S-3-05 and Assembly Bill 32 (AB 32, also known as the Global Warming Solutions Act). Executive Order (EO) S-3-05 sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO₂E); by 2020, reduce emissions to 1990 levels

¹⁰ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

¹¹ California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov>. Accessed September 25, 2012.

¹² *Ibid.*

¹³ California Energy Commission, California Climate Change Center, *Our Changing Climate 2012*, July 2012. Available online at: http://www.energy.ca.gov/2012publications/CEC_500_2012_007/CFC_500_2012_007.pdf. Accessed August 21, 2012.

¹⁴ California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2010— by Category as Defined in the Scoping Plan." Available online at: http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00_10_2013_02_19.pdf. Accessed June 5, 2013.

¹⁵ *Ibid.*

¹⁶ San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

(estimated at 427 million MTCO₂E); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E). As discussed above, California produced about 452 million MTCO₂E in 2010, thereby meeting the 2010 target date to reduce GHG emissions to 2000 levels. AB 32 requires ARB to develop and implement a plan, known as the Scoping Plan, that sets emission limits and identifies regulations and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In order to meet the goals of AB 32, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, about 15 percent from 2008 levels.¹⁷ The Scoping Plan estimates a reduction of 174 million MTCO₂E from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 2: GHG Reductions from the AB 32 Scoping Plan Sectors.

Table 2. GHG Reductions from the AB 32 Scoping Plan Sectors¹⁸

GHG Reduction Measures By Sector	GHG Reductions (million MT CO ₂ E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total Reductions Counted Toward 2020 Target	174
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	
• Anaerobic Digestion	9
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
Total Reductions from Other Measures	41.8-42.8
Note: MTCO ₂ E = metric tons of CO ₂ E (carbon dioxide equivalent)	

¹⁷ ARB, "California's Climate Plan: Fact Sheet." Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed August 23, 2012.

¹⁸ *Ibid.*

The Scoping Plan is currently undergoing an update that will define ARB's climate change priorities for the next five years and lay the groundwork to reach post-2020 goals as set forth in EO S-3-05. The update will highlight California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the original Scoping Plan (2008).

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 requires regional transportation plans developed by each of the State's 18 Metropolitan Planning Organizations (MPOs) to incorporate a "sustainable communities strategy" (SCS) in each regional transportation plan that will achieve GHG emission reduction targets set by ARB. The Metropolitan Transportation Commission's 2013 Regional Transportation Plan, Plan Bay Area (adopted in July 2013), is the region's first plan subject to SB 375. Implementation of Plan Bay Area is estimated to result in a 6.3 percent reduction in transportation-related per-capita CO₂ emissions by 2035 when compared to 2005 per capita emissions.¹⁹

In addition to statewide GHG reduction efforts, the BAAQMD's *Clean Air Plan*, adopted in 2010, includes a goal of reducing GHG emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2035. In compliance with the *Clean Air Plan*, the BAAQMD issued CEQA Air Quality Guidelines, providing guidance to local agencies when reviewing projects in the Air Basin that are subject to CEQA. The BAAQMD advises that local agencies may consider adopting a Qualified Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which a project complies with a Qualified Greenhouse Gas Reduction Strategy.²⁰

In response, San Francisco prepared *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy),²¹ which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with the BAAQMD's guidelines. As identified in the GHG Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to: increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

¹⁹ "Summary of Major Revisions and Corrections to the Draft Plan Bay Area." July 18, 2013. Metropolitan Transportation Commission. Available at: http://www.mtcbayarea.org/regional_initiatives/plan_bay_area/final_plan_bay_area.html. Accessed October 10, 2013.

²⁰ BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2012. Available online at: http://www.baaqmd.gov/-/media/Files/Planning%20and%20Research/CEQA-BAAQMD%20CEQA%20Guidelines_Final_May%202012.aslx?lu=en. Accessed September 25, 2012.

²¹ San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. The final document is available online at: <http://www.sfplanning.org/index.aspx?page=2627>.

In reviewing the GHG Reduction Strategy, the BAAQMD concluded that the strategy meets the criteria outlined in their guidelines and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."²² San Francisco's collective actions, policies and programs have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's *Clean Air Plan*, Executive Order S-3-05, and AB 32.^{23,24} 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.

No Significant Impact

The proposed project would contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. Construction of the proposed project is estimated at approximately 18-20 months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

Pursuant to the GHG Checklist, the proposed project would be subject to GHG reduction requirements such as the Mandatory Recycling and Composting Ordinance, SF Green Building Requirements for Energy Efficiency, Stormwater Management, and/or water use reduction, Indoor Water Efficiency, Water Efficient Irrigation Ordinance, Residential Water Conservation Ordinance, and the Residential Energy Conservation Ordinance.

Consistent with BAAQMD methodology for assessing GHG impacts, the proposed project was evaluated and determined to be consistent with San Francisco's GHG Reduction Strategy. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus 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.

²² Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: <http://www.sf-planning.org/index.aspx?page=2627>. Accessed November 12, 2010.

²³ San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

²⁴ GHG targets for the Clean Air Plan, Executive Order S-3-05, and Assembly Bill 32 in the year 2020 include reductions in emissions that would reduce GHG emissions to 1990 levels, which were estimated at 273,910 tons/day.

These policies, as outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions, meet the CEQA qualitative analysis (CEQA Guidelines Section 15064(a)(2)) and BAAQMD requirements for a GHG Reduction Strategy.

Wind

The Market and Octavia FEIR identified potentially significant wind impacts related to new construction and identified two mitigation measures to mitigate potential wind impacts. FEIR Mitigation Measure 5.5.B1 only applies to buildings in excess of 85 feet in height and thus, would not apply to the proposed project. FEIR Mitigation Measure 5.5.B2 applies to all new construction and would be applicable to the project. Mitigation Measure 5.5.B2 was intended to further reduce wind levels, which were already less than significant.

Wind impacts are directly related to building design, articulation, and surrounding site conditions. Based upon the experience of San Francisco environmental planners in reviewing wind analyses and expert opinion letters on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed 40- to 65-foot-tall building would be similar in height to existing buildings in the area and adjacent buildings to the east of the project site. The proposed building's long axis is aligned along prevailing winds rather than across prevailing winds. While the project is not anticipated to cause substantial changes to the wind environment in pedestrian areas adjacent to or near the site, the project site is located in an area identified by the FEIR where the northwest/southeast street grid pattern results less predictable pattern of wind variation at the pedestrian level. Therefore, wind mitigation measures identified in the FEIR would not apply to the proposed project.

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

Shadow

Planning Code Section 295 generally prohibits new buildings, over 40 feet in height, that would cast new shadow on open spaces that are under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one 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. No mitigation measures were included in the Market and Octavia FEIR for Parks and Open Space subject to Section 295, because no significant impacts were identified at the program or project level. However, for non-Section 295 parks and open space, the FEIR identified potential significant impacts related to all new construction

where the building height would exceed 50 feet in height. *Mitigation Measure 5.5A2: Shadow Mitigation Measure – Parks and Open Space not Subject to Section 295* was included which dictated that buildings over 50 feet be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. Implementation of this mitigation measure would reduce, but may not eliminate, potentially significant shadow impacts on non-Section 295 parks and open space.

Since the proposed structure is greater than 40 feet, especially along the Market Street frontage, Department staff has prepared a preliminary shadow fan analysis to determine whether the proposed 40- to 65-foot project could potentially cast shadow on any public open space under the jurisdiction of the Recreation and Park Department.²⁶ The preliminary shadow analysis shows shadows cast by the project and the project would shade a portion of the Street Park on Sanchez Street. However, the Street Park on Sanchez Street is a public roadway streetscape which is owned and maintained by the Department of Public Works (DPW) as part of the Street Park Program and is not under the jurisdiction of the San Francisco Recreation and Park Commission. Further, the Street Park on Sanchez Street is not considered a publicly accessible open space since the streetscape elements consist of tree plantings and landscaping on existing median islands. Therefore, FEIR *Mitigation Measure 5.5A2* would not be applicable to the proposed project.

The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA. The proposed building could cast shadow on nearby private property. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading 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 that were not identified in the Market and Octavia FEIR related to shadow.

Geology and Soils

The Market and Octavia FEIR identified the potential for temporary, construction-related exposure of soil to wind and storm water erosion with implementation of the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, and identified one construction-related mitigation measure that would reduce impacts to less than significant. The FEIR determined that *Mitigation Measure 5.11.A - Construction Related Soils Mitigation Measure* would reduce effects to a less-than-significant level. Since the project site is located in an area where the topographic slope is approximately 20% and

construction of the proposed project would alter the overall topography of the site, thus Mitigation Measure 5.11.A would be applicable to the project. Implementation of this measure would reduce any impacts to a less-than-significant level. In accordance with the Market and Octavia FEIR, the project sponsor has agreed to implement Project Mitigation Measure 2, below.

Project Mitigation Measure 2 – Construction-related Soils (Mitigation Measure 5.11.A of the Market and Octavia FEIR). Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.

A preliminary geotechnical evaluation was conducted for the project site and the proposed development and is summarized below.²⁶ The geotechnical evaluation included the review of available studies prepared for sites in the immediate vicinity of the project site, including 2175 Market Street and 2140-2144 Market Street.

According to the geotechnical evaluation, the project site is assumed to be underlain by approximately 5 to 15 feet of fill over native alluvium. The fill is likely deepest where backfill was placed to fill the voids from the previous underground structures. The fill may consist of loose to medium dense sand and gravel, medium stiff clay and silt with organics, brick and concrete debris. The native alluvium underlying the fill consists primarily of medium to dense to very dense sand with varying silt and clay content. Groundwater was encountered at depths ranging from approximately 40 to 47 feet below ground surface in the vicinity of the site and the level of groundwater is expected to fluctuate seasonally by a few feet.

The project site was characterized to be subject to ground failure such as soil liquefaction, lateral spreading, and seismic densification during earthquakes. The geotechnical evaluation included an analysis of the project site regarding seismic hazards and concluded, through review of nearby subsurface data that most of the sands encountered below the groundwater level appear to be sufficiently dense and/or have sufficient cohesion to resist liquefaction during a large earthquake; thus, liquefaction potential for the project site was low. Analysis of sandy soil above the water table and below the planned finished floor elevation was determined to be sufficiently dense and the potential for densification beneath the proposed structure was low. Finally, based on available subsurface information and laboratory tests, the potential for lateral spreading at the project site was determined to be low.

²⁶ Christopher Espiritu – Preliminary Shadow Analysis for 2198 Market Street, July 23, 2013. This document is available for review as part of Case File No. 2013.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

²⁸ Treadwell & Rollo. Preliminary Geotechnical Evaluation - 2198 Market Street, San Francisco, CA. November 21, 2012. This document is available for review as part of Case No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

The geotechnical investigation also noted that a tunnel for the MUNI Metro Light Rail service runs beneath Market Street adjacent to the project site. The tunnel that runs beneath Market Street is owned by the Bay Area Rapid Transit District (BART) and tunnels under the jurisdiction of BART has certain guidelines regarding design and construction over (or adjacent to) its subway structures. The presence of the MUNI tunnel, to the south of the site, may affect the determination of the appropriate foundation, shoring, and dewatering systems that are available for the proposed project. However, the geotechnical evaluation concluded that the project site was suitable for development.

The geotechnical evaluation described several foundation options and recommended the use of a drilled system for foundations, including drilled piers. The geotechnical evaluation also provided foundation recommendations for the portion of the project site where the site is within the jurisdiction of BART. As described in the evaluation, BART guidelines recommended that the structure be supported on shallow spread footings, which would be placed on the native medium dense to very dense sand or improved soil underneath the project site. The geotechnical evaluation also provides recommendations regarding site preparation and grading, seismic design, site drainage, and the design of foundations, retaining walls, and slab floors.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be reduced during the permit review process through these measures. To ensure compliance with all *Building Code* provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be reduced through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

Hazards and Hazardous Materials

The Market and Octavia Neighborhood Plan FEIR identified potentially significant impacts from the release of contaminated soils, including petroleum hydrocarbons in the soil, serpentine rock, asbestos, lead based paint, and radon, during the construction of subsequent projects within the Plan Area. The FEIR and identified Mitigation Measure F1 (also known as 5.10A) which provided measures that generally apply to new developments in the Plan Area, including the development of Central Freeway parcels, that would have temporary impacts or risk during construction and noted that program or

project level measures would vary depending upon the type and extent of contamination associated with each individual project. Subsequently, the San Francisco Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the Department of Public Health (DPH) and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater 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.

In addition, the proposed project would include the development of a new mixed-use building on an existing vacant lot. The project site was formerly used as a gas station and included four underground storage tanks (USTs). Therefore, the project is subject to Article 22A of the Health Code, also known as 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 has submitted a Maher Application to DPH and a Phase I ESA has been prepared to assess the potential for site contamination.²⁹ The ESA noted that the USTs associated with the former gas station on the project site were removed on September 11, 2007. Subsequently, the Department of Public Health (DPH) issued a Remedial Action Completion Certification and case closure documentation on April 11, 2012.³⁰

The proposed project would be required to remediate potential soil or groundwater contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any peculiar impacts that were not identified in the Market and Octavia Neighborhood Plan FEIR related to hazards and hazardous materials.

Mineral/Energy Resources

The topic of Mineral and Energy Resources was not addressed in the Market and Octavia Neighborhood Plan FEIR. No known minerals exist at the project site, and therefore the project would not contribute to

²⁹ Treadwell & Rollo, Inc., Phase I Environmental Site Assessment, Hayes Street Between Gough and Octavia Streets, San Francisco, California, December 7, 2010. Copies of these documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2012.0903E.

³⁰ San Francisco Department of Public Health, Remedial Action Completion Certificate—Underground Storage Tank (UST) Case, Former Shell Service Station, 2198 Market Street, San Francisco, LOP Case Number: 11814, April 11, 2012. This document is on file and is available for review as part of Case No. 2012.1362E at 1650 Mission Street, Suite 400, San Francisco, California.

any individual or cumulative impact on mineral resources. The California Energy Commission is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the state. These facilities could supply additional energy to the power supply grid within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not have a significant impact to energy resources either individually or cumulatively.

Agricultural and Forest Resources

The topic of Agricultural and Forest Resources was not addressed in the Market and Octavia Neighborhood Plan FEIR. There are no known agricultural uses or forest resources located within the project area. Additionally, the project site and adjacent areas are not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural and forest resources either individually or cumulatively.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was sent by mail on September 6, 2013, to the owners of properties within 300 feet, adjacent occupants of the project site, and interested parties.

Department Staff received several responses to the notice from residents and property owners on nearby parcels on Sanchez Street. Specific comments were received regarding physical environmental effects of the proposed project such as shadows and lack of parking.

Concerns were raised due to the proposed building potentially blocking light and air to an adjoining building, as well as a shadow effect on an adjacent property. Shadow Impacts are addressed on pages 21 through 23 of this Certificate, under the Shadow Section.

Other comments included the lack of adequate parking in the proposed garage. Parking is addressed on pages 9 through 12 of this Certificate, under the Transportation Section. As discussed under the Transportation Section, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA pursuant to Public Resources Code Section 21099(d), but addressed for informational purposes only.

Additional concerns were raised regarding a proposed wind screen which would extend beyond the allowable height of 65 feet. However, building elements such as a wind screen, is an allowable exception

to the height limit was analyzed as part of the project, and would not itself constitute a physical environmental effect. Further, the proposed wind screen is a cosmetic design element enhancing a prominent corner and providing greater usability of the roof top open space and can be removed upon determination from Planning Department Staff or the Planning Commission.

Two individuals expressed concerns regarding the potential for the installation of a garage alarm or horn at the proposed garage entrance/exit would create noise pollution. However, no pedestrian alarms or horns are required at the proposed garage entrance/exit. Finally, a concern regarding underpinning of the proposed foundation at the property line on Sanchez was raised and whether the adjacent residents' vintage foundations would be damaged. As of the preparation of this determination, the project sponsor has confirmed that a private agreement, between the sponsors and the concerned residents, regarding underpinning of the proposed foundation would be completed.

Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project could have a significant effect on the environment as addressed in this Certificate of Determination.

Conclusion

The Market and Octavia Neighborhood Plan FEIR incorporated and adequately addressed all potential impacts of the proposed project at 2198 Market Street. As described above, the 2198 Market Street project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia Neighborhood Plan FEIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia Neighborhood Plan FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

Attachment A Community Plan Exemption Checklist

Case No.: 2012.1362E
Project Title: 2198 Market Street
Zoning: Upper Market Neighborhood Commercial – Transit District
40-X and 60/65-X Height and Bulk District
Block/Lot: 3542/039
Lot Size: 18,830 square feet
Plan Area: Market and Octavia Area Plan
Staff Contact: Christopher Espiritu – (415) 575-9022
Christopher.Espiritu@sfgov.org

A. PROJECT DESCRIPTION

Project Site

The approximately 18,830-square-foot (sq ft) project site is located on the north side of Market Street on the block bounded by 14th Street to the north, Church Street to the east, Sanchez Street to the west, and Market Street to the south. The project site is located in the Castro/Upper Market neighborhood and within the Market and Octavia Neighborhood Plan Area. The irregularly-shaped corner lot is currently vacant, but was formerly used as a gas station that was demolished in 2007. A Remedial Action Completion Certification letter was issued by the Department of Public Health in April 2012 certifying the removal of underground storage tanks and soil remediation of the project site.

Project Vicinity

The project block (surrounded by 14th Street, Sanchez Street, Church Street and Market Street), contains several parcels – the largest being the project site located at the southernmost corner of the block. To the north is a two-story residential building, and to the east is a three-story mixed-use (residences over retail) building. The immediate vicinity contains a wide range of buildings, from single-story residences to three- and four-story residential/commercial structures. In addition, a fire station (Fire Station #6) is located approximately two parcels north of the project site, along the same block on Sanchez Street.

Proposed Project

The proposed project would include the construction of a new 4- to 6-story mixed used building on a vacant lot. The project would include the construction of a new residential and commercial building consisting of 87 dwelling units (75,935 sq ft), 680 sq ft of ground-floor office space on Sanchez Street, and 5,130 sq ft of ground-floor retail space along Market Street. The proposed building would be approximately 40 to 65 feet tall with four stories located along Sanchez Street

and six stories along Market Street. The proposed building would provide 34 off-street parking spaces and 89 bicycle parking spaces within a basement-level garage accessed from an entrance on Sanchez Street.

Project Approvals

The proposed project would require the following approvals:

- **Conditional Use Authorization** (*Planning Commission*). The proposed project would require a conditional use authorization to allow development on a lot exceeding 10,000 sq. ft. and to allow a non-residential use exceeding 6,000 sq. ft and the installation of an off-street parking entrance along Sanchez Street, a City bicycle route.
- **Variance** (*Zoning Administrator*). The proposed project would require variances from the Planning Code as the project would not meet the Code-required rear yard, allowable lengths for permitted obstructions (bay windows), and dwelling unit exposure under Sections 134, 136 and 140.
- **Site Permit** (*Department of Building Inspection*). The proposed project would require approval from DBI for a site permit.
- **Encroachment Permit** (*Department of Public Works*). The proposed project would require approval from DPW for construction of a bulb-out within the public right-of-way.

While the proposed project requires multiple approvals, the overall development will be collectively reviewed by the Planning Commission and the Zoning Administrator at a consolidated hearing. Approval Action for the proposed project would be granted through the approval of the conditional use authorization under the Planning Code. 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.

Project Construction

Project construction is estimated to last between 12 to 18 months. Since the project site is currently vacant, there are no current uses that would be interrupted during project construction.

Consistency with Market and Octavia Neighborhood Plan

This topic is discussed below under Section B.1, Land Use and Land Use Planning.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable programmatic final EIR (FEIR) for the plan area. Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is

identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Proj. Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR.

Any item that was not addressed in the FEIR (i.e., greenhouse gases) is discussed in the Certificate of Determination. For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

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

The Market and Octavia Neighborhood Plan is intended to change the existing land use character of the project area to a transit-oriented, high-density mixed-use neighborhood. The FEIR determined that the proposed land use changes within the Plan would create opportunities for infill development, especially in segments of the Plan Area that were divided by the Central Freeway structure, therefore, the Plan would not physically divide an established community. In addition, the Market and Octavia FEIR determined that changes in land use would be consistent with goals of the San Francisco *General Plan* and the Better Neighborhoods Program to increase housing in the city, particularly affordable housing, reduce dependence on automobiles, and improve the value of streets as civic places. The Market and Octavia Neighborhood Plan FEIR analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan would not result in a significant adverse impact on the character of the Plan Area.

With the adoption of the Market and Octavia Neighborhood Plan, the project site was re-zoned from Upper Market NCD (Neighborhood Commercial District) to Upper Market NCT (Neighborhood Commercial Transit). The project site's 40-X height and bulk district designation along Sanchez Street, did not change under the Market and Octavia Plan, which continued the small-scale character within residential areas. However, the project site's 60/65-X height and bulk district designation along Market Street was reclassified under the Market and Octavia Plan to encourage taller ground-floor ceiling heights.

The Upper Market NCT district is well served by transit and is intended to be a "multi-purpose commercial district" with both neighborhood-serving and broader area commercial use. Housing is encouraged above the second story, and business and professional offices are also located along Market Street in this zone. The proposed project includes second-story residential uses, as well as ground-floor office and retail use along Sanchez Street and Market Street, respectively. The project would also be subject to the Market and Octavia Community Improvement Fee and the Market and Octavia Affordable Housing Fee.

The proposed project is consistent with the Plan's goals of mixed-use, high-density development near transit. Furthermore, the proposed street-front retail and related pedestrian-scale façade treatments are consistent with the Plan's design principles. Additionally, the FEIR determined that since the primary focus of the Plan was to maximize housing development near transit, the Plan would not result in an increase in non-residential development with the Market and Octavia neighborhood. In effect, implementation of the Plan would redirect and concentrate non-residential development into higher density, mixed-use development near transit as more space in new development would be devoted to residential uses. Therefore, consistent with the FEIR, the proposed project would have less than significant impacts related to land use.

The proposed project would include the construction of a new 4- to 6-story mixed used development on a vacant lot, consisting of 87 dwelling units (75,935 sq ft), 680 sq ft of ground-floor office space, and 5,130 sq ft of ground-floor retail space, which is consistent with the height and bulk controls for the site analyzed in the Market and Octavia Neighborhood Plan FEIR. The proposed project would intensify uses in the project vicinity, but would not result in a significant environment effect, and the new land uses would not have an impact on the character of the vicinity beyond what was identified in the FEIR. Further, the project would not result in a physical division of an established community.

As determined by the Citywide and Current Planning sections of the San Francisco Planning Department, the proposed project is (i) consistent with the Market and Octavia Neighborhood Plan, (ii) satisfies the requirements of the General Plan and the Planning Code, and (iii) is eligible

for a Community Plan Exemption.^{2, 3} Therefore, the project would have no significant impacts related to land use, consistent with the FEIR.

For the above reasons, the proposed project would not result in impacts related to land use beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<u>Topics:</u>	<u>Sig. Impact Identified in FEIR</u>	<u>Project Contributes to Sig. Impact Identified in FEIR</u>	<u>Project Has Sig. Peculiar Impact</u>	<u>LTS/ No Impact</u>
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan increased the height of the project site from 50 feet to up to 65 feet along Market Street. The FEIR found that while the Market and Octavia Neighborhood Plan would result in visual changes within the project area, these aesthetic changes would improve the overall visual quality. The FEIR concluded that the Plan would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surroundings, and therefore, would result in a less than significant impact.

The FEIR discussed that development pursuant to the Plan would result in changes to views within the Plan Area and that the greatest changes would be to north-south views, along Octavia Boulevard, approximately a ½-mile from the project site. With respect to views, the FEIR found that while development pursuant to the Plan would result in an intensification of both height and

² Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 2198 Market Street*. This document is on file and available for review as part of Case File No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

³ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, 2198 Market Street*. This document is on file and available for review as part of Case File No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

density in portions of the project area and some new development would obstruct portions of certain longer-range views, the Plan would not be considered to result in a significant adverse impact with regard to views. In addition, new construction in the project area would generate additional night lighting but not in amounts unusual for a developed urban area. Thus, the FEIR concluded that light and glare impacts would be less than significant.

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

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics in determining the significance of project impacts under CEQA.⁴ The Planning Department acknowledges that aesthetic effects may be of interest to the public and the decision makers. Therefore, the following description of the project setting and appearance is provided for informational purposes.

The proposed project would involve the construction of a mixed-use development with 87 dwelling units (75,935 sq ft), 680 sq ft of ground-floor office space, and 5,130 sq ft of ground-floor retail space. The proposed project would be 65 feet in height along Market Street and 40 feet in height along Sanchez Street. While the new buildings would change the visual appearance of the site, it would not substantially degrade its visual character or quality. There are no significant trees, rock outcrops, or other scenic resources located on, or in the immediate vicinity of, the project site. Thus, the proposed project would not have an adverse impact on any scenic resources. Furthermore, the proposed buildings would not be substantially taller than existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such a change. As described above, the

⁴ San Francisco Planning Department. *Transit-Oriented Infill Project Eligibility Checklist for 346 Potrero Avenue*, January 31, 2014. This document is available for review as part of Case File No. 2012.0793E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

proposed building envelope meets Planning Code requirements for the Upper Market NCT zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced private views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
3. POPULATION AND HOUSING—				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan encourages transit-oriented development by creating housing, jobs, and services near the existing transportation infrastructure. A net increase of 7,620 residents within the Plan Area is anticipated by the year 2025. The FEIR determined that while the additional development that would result from adoption of the Plan would generate population growth, it would not cause a significant adverse physical impact, since it would focus new housing development in San Francisco in an established urban area that has a high level of transportation and other public services that can accommodate the expected population increase.

The FEIR concluded that there would be no significant population and housing impacts at the program level even though the population in the Plan area would increase and retail employment would increase (see FEIR, pp. 4-74 to 4-79). The proposed project’s new residential units, office, and retail spaces are consistent with the projections in the FEIR and therefore would not result in significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

The proposed building would be constructed on a lot that is currently vacant and would not displace existing housing units or people, or induce growth.

For the above reasons, the proposed project would not result in impacts related to population and housing beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<u>Topics:</u>	<u>Sig. Impact Identified in FEIR</u>	<u>Project Contributes to Sig. Impact Identified in FEIR</u>	<u>Project Has Sig. Peculiar Impact</u>	<u>LTS/ No Impact</u>
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please see the Certificate of Determination for a discussion of the project’s potential impact on Archeological Resources.

Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historic resources are buildings or structures that are listed, or eligible for listing, in the California Register of Historical Resources, or identified in a local register of historic resources, such as Articles 10 and 11 of the San Francisco Planning Code. Historic resource surveys were conducted for the Market and Octavia Neighborhood Plan area subsequent to the adoption of the Market and Octavia FEIR, with interim controls for evaluation and protection of historic resources during the survey period. On December 17, 2008, the Landmarks Preservation Advisory Board endorsed the findings of the Market and Octavia Area Plan-level Historic Resource Survey, and on February 19, 2009, the San Francisco Planning Commission adopted the findings of the survey.

The project site is located within the boundaries of the eligible Upper Market Street Commercial Historic District, which was found to be eligible for listing in the California Register as part of the Market & Octavia Neighborhood Plan Historic Resources Survey. The historic district encompasses properties on both sides of Market Street from Castro Street to Church Street. Given

that the project site is located within an eligible historic district, a separate Historic Resources Evaluation Report has been prepared for the proposed project and is summarized below.⁵

The subject property is considered a non-contributing property to the Upper Market Street Commercial Historic District. The subject property is currently a vacant lot and acts as a visual intrusion in the historic district, which is characterized by a consistent street wall of commercial storefronts with upper story residential units. Historically, the subject lot contained a gas station that was demolished in 2007. The proposed project will improve the overall character of the historic district by filling in the vacant lot with a new mixed-use building that is of a compatible height, scale and massing. The proposed project will allow for the extension of the continuous street wall to the corner of Market and Sanchez Streets. The proposed project does not result in the removal of any historic materials or alteration of features or spaces in the district, nor does it physically impact or visually obscure any adjacent contributing buildings on the subject block.

The proposed project involves the construction of a six-story mixed-use building complex on a vacant lot. No historic materials of the eligible Upper Market Street Commercial Historic District will be altered or removed as a result of the proposed project. The proposed design for the new building responds to the surrounding historic context in its overall height, scale, massing, materials and architectural features.

For these reasons, implementation of the proposed project would not result in significant impacts on off-site historic architectural resources. No mitigation measures were identified in the FEIR and none are required for the proposed project.

<u>Topics:</u>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
5. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵ *Historic Resource Evaluation Response (HREER)* for 2198 Market Street, San Francisco, CA prepared by Gretchen Hilyard, Preservation Planner, November 6, 2013. This report is available for review as part of Case No. 2012.1362E.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for a discussion of the project's potential impact on Transportation Resources.

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

The project site is not located within two miles of an existing public use airport or private airstrip and therefore Topics 6e and 6f are not applicable. Therefore the proposed project would not have impacts related to excessive noise levels due to air travel activities.

The Market and Octavia FEIR noted that the key potential noise impacts associated with the Market and Octavia Neighborhood Plan are from increasing thoroughfare traffic and construction-related impacts from building demolition, excavation, and new construction. Nonetheless, the FEIR concluded that while certain intersections will become noisier due to arterial changes, increase in noise levels from mobile and stationary sources will result in a less-than-significant impact. The FEIR also noted that new development may introduce stationary sources of noise, such as electrical and mechanical air conditioning equipment located on rooftops, but that such increases in noise levels would be considered less than significant. The FEIR noted that construction noise will be subject to Article 29 of the San Francisco Police Code, which limits the hours of construction and the decibel levels of individual pieces of construction equipment, thus construction noise impacts will be less than significant. The FEIR therefore found that no noise mitigation measures were required.

Ambient noise levels within the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are comprised of vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and are generally accepted in urban areas. Noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. The project would not result in any adverse impacts to permanent noise levels.

Noise levels within the vicinity of the project site are typical of and expected in urban areas. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects (including hotels, motels, and live/work developments).

A project-specific noise study was prepared for the proposed project at 2198 Market Street which analyzed the noise environment for the proposed residential units and determined applicable measures to reduce noise-related impacts on the proposed project.⁶ According to the report, three long-term continuous noise measurements were collected at the project site in May 2013. Noise monitors were placed at a height of 12 feet above grade and located along Market Street, Sanchez Street, and along the eastern edge of the project site. Results of the noise study indicated that in

⁶ Charles M. Salter Associates, *2198 Market Apartments – Results of Environmental Noise Study*. This document is on file and available for review as part of Case File No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

order to meet the Building Code indoor decibel requirements (45 dB), the proposed design will need to incorporate sound-rated materials for the façades. The report also provided recommendations on specific noise-rated doors and windows that would be required to meet Building Code standards. The Department of Building Inspections (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 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 the Department of Public Works (DPW) 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 PM and 7:00 AM, unless the Director of DPW 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 AM to 5:00 PM). 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 17 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary (approximately 18 months), intermittent, and restricted in occurrence and level, as the contractor would be subject to and would comply with the City’s Noise Ordinance. For the above reasons, the proposed project would not result in impacts related to noise beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FPEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
7. AIR QUALITY				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. 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"/>

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FPEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
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"/>

Please see the Certificate of Determination for a discussion of the project's potential impact on Air Quality.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
8. GREENHOUSE GAS EMISSIONS—Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please see the Certificate of Determination for a discussion of the project's potential impact on Greenhouse Gas Emissions.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for a discussion of the project's potential impact on Wind and Shadow.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
10. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR found that the construction of new residential units within the Plan Area would increase the demand for open space in the Plan Area due to the increased population. However, it was anticipated that these residents would be adequately served by the existing parks in and adjacent to the Plan Area, along with additional parks that would be constructed as a result of the Plan, notably Patricia's Green in Hayes Valley, McCoppin Square, Octavia Plaza, and Brady Park. As a result, no significant impact on recreation and open space facilities was expected to occur as a result of the implementation of the Plan.

Additionally, the proposed project would provide on-site open space for passive recreational use for building residents through a 6,960 sq ft common rooftop open space. The project site is also served by existing parks, such as Duboce Park, and other open space areas, such as Noe-Beaver Mini Park, which are located within ¼-mile of the project site.

With the addition of 87 dwelling units, the proposed project would be expected to generate additional demand for recreational facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. Additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the

proposed project would not result in substantial physical deterioration of existing recreational resources.

The proposed project would not result in significant impacts, either individually or cumulatively, with regards to recreational facilities, nor require the construction or expansion of any public recreational facilities beyond the new parks and open space provided for in the Market and Octavia Neighborhood Plan.

For the above reasons, the proposed project would not result in impacts related to recreational resources beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<u>Topics:</u>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
11. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia FEIR determined that implementation of the Plan, including development of the Central Freeway parcels, would not increase demand beyond that already anticipated by utility and service system providers, such as the San Francisco Public Utilities Commission (SFPUC). Therefore, the Plan would not result in a significant utilities and service systems impact. No mitigation measures were identified in the FEIR.

The Market and Octavia Neighborhood Plan accounted for the increased density and population throughout the Plan Area in its analysis of demand for utilities and service systems. The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB) and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue.

The FEIR determined that at a program level, the City's water and wastewater systems are adequate to meet existing and projected citywide demand. Proposed system-wide improvements to water and wastewater systems would ensure the continued adequacy of water supply and wastewater treatment services to meet projected demand for residential and commercial customer in the City, including those within the Market and Octavia neighborhood. Therefore, implementation of the Plan would not result in significant impacts to the water or wastewater services in San Francisco.

The proposed project would be required to comply with the City's Stormwater Management Ordinance, which requires the project to maintain or reduce the existing volume and rate of stormwater runoff discharged from the site. To achieve this, the project would implement and install appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit site discharges entering the combined sewer collection system. This, in turn, would limit the incremental demand on both the collection system and wastewater facilities resulting from stormwater discharges, and minimize the potential need for expanding existing facilities or constructing new facilities. Thus, the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

For the above reasons, the proposed project would not result in impacts related to utilities and services systems beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS No Impact</i>
12. PUBLIC SERVICES— Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on parks are discussed under Topics 9 (Wind and Shadow) and 10 (Recreation). Implementation of the Market and Octavia Neighborhood Plan projected an increase in population within the Market and Octavia neighborhood and would increase the demand for public services. However, the FEIR found that the addition of new residents and the growth in population anticipated with the implementation of the Plan would not result in a significant impact on public services.

The proposed project was included in growth projections and analysis of additional demand for public services in the FEIR. The proposed project would be consistent with the land use density assumed for the area and would not substantially increase the demand for police protection, fire protection services, nor would it necessitate the construction of new school facilities or parks in San Francisco. Thus, the proposed project would not result in impacts related to public services beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
13. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The Market and Octavia Neighborhood Plan FEIR found that the implementation of the Plan would not affect, or substantially diminish, plant or animal habitats. Also, implementation of the Plan would not interfere with any resident or migratory species nor would the Plan require the removal of substantial numbers of mature, scenic trees. The FEIR concluded that there would be no significant impact to biological resources and no mitigation would be required.

The project site is currently a vacant lot, located within a fully developed urban area, which does not support or provide habitat for any known rare or endangered wildlife species, animal, or plant life or habitat, and does not contain any resident or migratory species. The site was formerly used as a gas station, demolished in 2007. There are five existing street trees along the Sanchez Street (two trees) and Market Street (three trees) frontages of the project site, however, only the street trees along Market Street (three trees) would be protected during construction of the proposed project.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively referred to as "protected trees," located on private and public property. Landmark Trees, having the highest level of protection, are trees that meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and that have been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. Significant trees are trees either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, which are greater than 20 feet in height or which meet other criteria. A Tree

Disclosure Statement prepared for the project noted that there are no Landmark or Significant Trees on the project site and that there are no Street Trees within the public right-of-way adjacent to the project site.⁷

Nineteen new street trees would be planted within the right-of-way along the project site frontages on Market Street and Sanchez Street in compliance with Planning Code Section 138.1, which addresses requirements for improvements of the public right-of-way associated with development projects. As a result, the project would not conflict with any local policies or ordinances protecting trees and would not result in significant impacts on migratory birds.

The existing trees located on the project site present the potential for the presence of nesting birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA). The project sponsor would be required to comply with the MBTA in order to protect nesting birds. California Department of Fish and Wildlife biologists have broadly defined the nesting season as February 1st through August 15th. Under the MBTA, the project sponsor and/or the construction contractor(s) is required to trim/remove all vegetation/tree limbs necessary for project construction between September 1 to January 31. Should construction activities or vegetation removal commence between February 1 to August 31, preconstruction surveys for nesting birds would be required for any affected tree(s) by a qualified biologist to ensure that no active nests would be disturbed during project implementation. A pre-construction survey would be required to be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the qualified person would inspect the trees and areas immediately adjacent for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged. The project site is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and compliance with the MBTA would ensure that it would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

The San Francisco Board of Supervisors adopted Standards for Bird-Safe Buildings, Planning Code Section 139, on July 14, 2011.⁸ The Standards for Bird-Safe Buildings include guidelines for use and types of glass and façade treatments, wind generators and grates, and lighting treatments. The standards impose requirements for both location-related hazards and feature-

⁷ Victor Gonzalez, Project Sponsor. *Affidavit for Tree Disclosure for 2198 Market Street*, December 2012. This document is available for review as part of Case File No. 2012.1362E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

⁸ San Francisco Planning Department. *Standards for Bird-Safe Buildings*, Adopted on July 14, 2011. Available online at: http://www.sfplanning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf, accessed December 22, 2013.

related hazards. The proposed project would be subject to the Standards for Bird-Safe Buildings, and therefore it would not result in significant impacts on birds due to bird strikes.

In light of the above, the proposed project would not result in significant impacts with respect to biological resources, nor would the project contribute to any potential cumulative effects on biological resources.

For the above reasons, the proposed project would not result in impacts related to biological resources beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
14. GEOLOGY AND SOILS—				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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"/>

Please see the Certificate of Determination for a discussion of the project's potential impact on Geology and Soils.

<u>Topics:</u>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
15. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR noted that most of the plan area is paved or covered by structures. Implementation of the Plan would not substantially affect the area of impervious surface in the Plan Area or alter site drainage. Site-specific wastewater and

stormwater would continue to flow to the City's combined sanitary and stormwater sewer system. In addition, the Plan Area is not expected to be affected by extreme high tides or by a rise to 6.5 feet above mean sea level for a 100-year flood. The FEIR found that implementation of the Plan would not result in a significant impact associated with surface water runoff nor result in significant hydrological impacts associated with flooding or tsunamis.

The project site, which is currently vacant and was formerly a gasoline service station, is completely covered by asphalt and would be fully covered by the proposed mixed-use building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively. Thus, there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

The project site is not within a 100-year-flood special hazard area as shown on the Federal Emergency Management Agency (FEMA) 2007 maps for San Francisco and would not be subject to any localized flooding.

The City's Stormwater Management Ordinance became effective May 22, 2010. As addressed in Public Works Code Section 147.2, stormwater design guidelines have been instituted to minimize the disruption of natural hydrology. The project, which resides in a combined sewer area, would be required to achieve the performance requirements of LEED Sustainable Sites (SS) c6.1, "Stormwater Design: Quantity Control" and must implement a low impact design approach to stormwater management that reduces existing stormwater runoff flow rate and volume by 25 percent for a two-year 24-hour design storm. Low impact design approaches may include a reduction of impervious cover, stormwater reuse, and increased infiltration.

In compliance with the Stormwater Management Ordinance, the project would maintain or reduce the existing volume and rate of stormwater runoff discharged from the site by implementing and installing appropriate stormwater management systems that retain runoff onsite, promote stormwater reuse, and limit site discharges before they enter the combined sewer collection system. In addition, the stormwater management system would capture and treat stormwater runoff from 90 percent of the average rainfall, and mitigate stormwater quality effects by promoting treatment or infiltration of stormwater runoff prior to discharging to the separate sewer system and entering the bay or ocean. Compliance with these requirements would ensure that the proposed project would not have peculiar impacts related to hydrology and water quality.

In light of the above, the proposed project would not result in significant impacts with respect to hydrology and water quality, nor would the project contribute to any potential cumulative effects on hydrology and water quality.

For the above reasons, the proposed project would not result in impacts related to hydrology and water quality beyond those identified in the FEIR. No mitigation measures were identified in the FEIR, and none would be required for the proposed project.

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

Please see the Certificate of Determination for a discussion of the project's potential impact on Hazards and Hazardous Materials.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
17. MINERAL AND ENERGY RESOURCES—				
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-important 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"/>

This topic was not addressed in the Market and Octavia Neighborhood Plan FEIR. Please see the Certificate of Determination for a discussion of the project's potential impact on Mineral and Energy Resources.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This topic was not addressed in the Market and Octavia Neighborhood Plan FEIR. Please see the Certificate of Determination for a discussion of the project’s potential impact on Agriculture and Forest Resources.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>LTS/ No Impact</i>
19. MANDATORY FINDINGS OF SIGNIFICANCE-- Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Neighborhood Plan FEIR identified significant and unavoidable impacts related to shadow, traffic, and transit. As discussed in this document and the Certificate of Determination, the proposed project would not contribute to the significant shadow, traffic, or transit impacts identified in the FEIR, and the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Neighborhood Plan FEIR.

C. DETERMINATION

On the basis of this review, it can be determined that:

- The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**
- All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.
- The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.
- The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.



Sarah Jones
Environmental Review Officer
for
John Rahaim, Planning Director

DATE March 19, 2014