SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.:	**2011.0931E**
Project Title:	**8 Octavia Boulevard – Central Freeway Parcel "V"**
Plan Area:	Market and Octavia Area Plan
Zoning:	NCT – Hayes Neighborhood Commercial Transit/ NCT-3 Moderate Scale Neighborhood Commercial Transit, 50-X/ 85-X Height and Bulk District
Block/Lot:	0855/011
Lot Size:	29,803 square feet
Project Sponsor	Mark MacDonald, Octavia Gateway Holdings LLC, (415) 692-5062
Staff Contact:	Heidi Kline – (415) 575-9043, heidi.kline@sfgov.org

PROJECT DESCRIPTION

The proposed project involves the construction of an eight-story, 75-foot-high, 70,153-square-foot (sf) building containing 49 dwelling units above approximately 2,000 sf of ground-floor retail space on an approximately 12,244 sf lot. The project site is an existing 29,803 sf parcel that includes an approximately 17,559 sf portion of the adjacent Octavia Boulevard right-of-way. The portion of the lot containing the existing Octavia Boulevard right-of-way would be conveyed to the City. The new mixed-use building would be constructed on the remaining 12,244-square-foot easterly portion of the parcel and would include a 25-vehicle parking garage with its access on the one-way, northbound Octavia Boulevard frontage road along its western edge. (Continued on the following page.)

EXEMPT STATUS

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

REMARKS

See next page.

DETERMINATION

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

Bill Wycko, for

Bill Wycko
Environmental Review Officer

July 20, 2012
Date

cc: Mark MacDonald, Project Sponsor
Aaron Hollister, Current Planning Division
Exclusion/ Exemption
Supervisor Christina Olague, District 5
Virna Byrd, M.D.F.
Distribution List

PROJECT DESCRIPTION (continued)

The project site is within the block bounded by Octavia Boulevard to the west, Haight Street to the north, Gough Street to the east, and Market Street to the south. The project site is a former Caltrans property containing structural supports for the portion of the elevated Central Freeway that was removed in 2003. Subsequently, the property was transferred to the City and County of San Francisco. The parcel is located within the Western Addition neighborhood and is included within the area encompassed by the Market and Octavia Neighborhood Plan (Market and Octavia Plan). This particular parcel is referred to in that Plan as Parcel V. The proposed project would require a conditional use authorization for the development of a lot greater than 10,000 sq ft (Planning Code Sections 720.11 and 731.11) and for off-street parking access from Octavia Street (Planning Code Section155(r)(3)(H)).

REMARKS

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. In addition to the programmatic review of the Plan, the FEIR also contained a project-level environmental analysis of the development proposed for the Central Freeway parcels, including 8 Octavia Boulevard (Parcel V). 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 8 Octavia Boulevard, and incorporates by reference

information contained within the FEIR.[1] 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.[2]

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 Market and Octavia FEIR. This determination does not identify new or additional information that would alter the conclusions of the Market and Octavia FEIR. This determination also identifies mitigation measures contained in the Market and Octavia FEIR that are applicable to the proposed project. Relevant information pertaining to prior environmental review conducted for the Market and Octavia Plan is included below, as well as an evaluation of potential environmental effects.

The Market and Octavia 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 (Archaeological), Transportation, Air Quality, Shadow and Wind, Geology and Soils, Hazards and Hazardous Materials. Additionally, since the publication of the Market & Octavia 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 May 30, 2008, 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

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[1] 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.

[2] San Francisco Community Plan Exemption Checklist, 8 Octavia Boulevard. This document is on file and is available for review as part of Case No. 2011.0931E at 1650 Mission Street, Suite 400, San Francisco, California.

the proposed project at 8 Octavia Boulevard 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 or "peculiar" 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 8 Octavia Boulevard 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.[3] 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. One of these would apply to the proposed project at 8 Octavia Boulevard. *Mitigation Measure 5.6.A1: Archaeological Mitigation Measure – Soil Disturbing Activities in Archeologically Documented Properties* applies to those properties for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this mitigation measure include the project site, Parcel V, on Assessor's Block 0855. In accordance with Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, below.

[3] San Francisco Planning Department, Community Plan Exemption Checklist, 8 Octavia Boulevard. This document is on file and is available for review as part of Case No. 2011.0931E at 1650 Mission Street, Suite 400, San Francisco, California.

Pursuant to *Mitigation Measure 5.6.A1*, an archeological sensitivity memorandum was prepared for the proposed project and is summarized here.[4] While field testing has been completed on the western portion of the site as part of the Octavia Boulevard improvements, the eastern portion has not been explored. Residential structures on the site built in the 1800s were not destroyed in the fire associated with the 1906 earthquake and remained intact up until the construction of the Central Freeway in the 1950s. Therefore, privies and other remnants of these residential uses may be present. Also, the project site is underlain by Holocene alluvial deposits associated with prehistoric archaeological deposits. Therefore, implementation of this mitigation measure would be necessary as it requires that an addendum to the respective research design and treatment plan be prepared and that a testing plan be developed for the site.

Project Mitigation Measure 1 – Soils Disturbing Activities (Mitigation Measure 5.6.A1 of the Market and Octavia FEIR). Pursuant to *Mitigation Measure 5.6.A1*, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective archaeological research design and treatment plan (ARD/TP) prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
3. Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources;
4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified;
5. Impacts of Proposed Project;
6. Potential Soils Hazards: Update discussion for proposed project;
7. Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include:
    - A. Proposed archeological testing strategies and their justification
    - B. Expected archeological resources
    - C. For historic archeological resources
        - 1) Historic address or other local information

[4] Randall Dean, Environmental Planning Archeologist, memorandum to Heidi Kline, June 20, 2012. This memorandum is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0931E.

2) Archeological property type

D. For all archeological resources

1) Estimate depth below the surface
2) Expected integrity
3) Preliminary assessment of eligibility to the CRHR

E. ATP Map

1) Location of expected archeological resources
2) Location of expected project sub-grade impacts
3) Areas of prior soil disturbance
4) Archeological testing locations by type of testing
5) Base map: 1886/7 Sanborn Fire Insurance Company map

With implementation of the above mitigation measure, the project would not have a significant effect on cultural resources.

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 49 additional residential units and 2,000 sf of ground-floor retail space with 25 off-street vehicle parking spaces (one space reserved for the retail space). The access into the parking garage would be located on the northbound Octavia Boulevard frontage road midblock along the project site's Octavia Boulevard frontage. In October 2011, the SFMTA approved the conversion of the one-block portion of Haight Street, along the northern edge of the project site, to two-way traffic for transit vehicles only. The existing parking lane on the south edge of Haight Street will be changed to a transit-only lane for inbound Muni buses. This roadway conversion would not impact the entrance to the proposed garage nor change the turning movements at the intersection of Haight Street and Octavia Boulevard frontage road for future residents.

<u>Trip Generation</u>

Trip generation from the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines)

developed by the San Francisco Planning Department.[5] The site is located in the City's Superdistrict 2 traffic analysis area. The proposed project would result in an increase of 45,178 sf of residential use, and approximately 2,000 sf of retail use. The approximately 47,178 sf of residential and retail uses would generate about 107 PM peak hour person-trips of which about 46 would be automobile trips, 41 would be transit trips, 14 would be pedestrian, and 6 would be other, including bicycle. Due to the project's location near major transit and bicycle routes, the number of vehicle trips would likely be less. The estimated 46 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block, but would not substantially increase traffic volumes at these intersections. The proposed project could result in an increase in the average delay per vehicle at these intersections, but the increase would not be substantial or noticeable, and the proposed project would not substantially change the existing levels of service at the intersections surrounding the project site.

Traffic

As mentioned above, the zoning changes studied in the Market and Octavia FEIR anticipated significant impacts to traffic from implementation of the Plan. The project-level analysis for the planned development of the 22 Central Freeway parcels (2025 with Plan development) determined that 12 intersections would operate at an unacceptable level of service (LOS) in 2025 with implementation of the Plan, as opposed to nine intersections in the 2025 without Plan forecast. The additional three intersections include Hayes/Gough, Hayes/Franklin, and Laguna/Market/Hermann/Guerrero. The first two intersections are at least nine blocks from the project site. The latter intersection is one block from the project site, but one-way streets and turn restrictions in the area limit access to that intersection from the project site. The contribution from the development of all 22 Central Freeway parcels towards the *growth of traffic volumes* between Existing Year and 2025 with Central Freeway Parcels/ Near-Term Transportation Improvements at this intersection was found to be 8%. Further, the FEIR determined that the development of the Central Freeway parcels would contribute one percent or less to the *total traffic volu*mes at intersections in 2025. Based on the finding that the Central Freeway parcels-related traffic growth at critical movements at the affected intersections would be relatively small, the FEIR found that development of these parcels would not have a significant traffic impact.

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 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.

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[5] Heidi Kline, San Francisco Planning Department, Transportation Calculations, May 30, 2012. These calculations are available for review as part of Case No. 2011.0931E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Public transit serving the project site and within ¼ mile includes the Muni historic streetcar F Line and Muni bus routes 6, 14, 16X, 49, 71, and 71L. Muni's Van Ness Station with access to the Muni Metro routes J, K, L, M, N is slightly further away at approximately 1/3 mile and the Civic Center BART station with access to BART's regional rail lines is approximately 3/4 mile from the project site. No peculiar 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 screenlines would be less-than-significant.

Loading

Section 152 of the Planning Code does not require any loading spaces for residential uses less than 100,000 sf in area or less than 10,000 sf of retail use. The amount of residential and retail floor area in the project is less than those thresholds, so no loading spaces are required. The proposed plan for the project site does not include any off-street loading spaces and is therefore in compliance with the Planning Code requirement regarding loading spaces.

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.

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 155.5 requires one bicycle parking space for every two units in building with 50 or less units. The proposed project would provide a total of 26 bicycle parking spaces which meets the Planning Code requirement of one space for every two dwelling units. There are four bicycle routes near the project site: route 30 along Market Street, route 32 along Page Street, route 45 on Octavia Boulevard frontage road, and route 545 on McCoppin Street. There is one proposed curb cut for vehicles turning into and out of the basement-level garage on the northbound Octavia Boulevard frontage street. This curb cut would be along a bicycle route, although it would not pose a safety concern due to adequate sight distance from the Market and Octavia intersection. 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.

Parking

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as

defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of the proposed project.

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.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines § 15131(a). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, 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 in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is well-served by local public transit, including the Muni historic streetcar F Line, six Muni bus routes (6, 14, 16X, 49, 71, and 71L), and six Muni Metro lines (J, K, L, M, N, and T). The Civic Center BART station with access to BART's regional rail lines is approximately ¾-mile distance the project site.

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. Moreover, 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. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the FEIR transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

The proposed project would provide 24 off-street parking spaces, or 0.5 spaces per dwelling unit, plus one parking space for the commercial space in a garage for 49 dwelling units (0.5 spaces per unit). Under Section 151 of the Planning Code, the project is not required to provide off-street parking spaces. In the Hayes NCT zoning district, no parking is required. Off-street parking is permitted up to 0.5 spaces per unit, and permissible with Conditional Use authorization for up to

0.75 spaces per unit. It is not permitted above 0.75 spaces for each dwelling unit per Code Section 720.94. One parking space per 1,500 sf of retail use is permitted. Therefore, the 24 parking spaces for the residential use and one space for the retail use comply with the Planning Code requirements.

Based on the methodology presented in the 2002 *Transportation Guidelines,* on an average weekday, the demand for parking would be 80 spaces for both the residential and commercial uses in the project. Therefore, the parking provided would be less than the parking demand generated by the new uses in the building. There is limited on-street parking capacity available near the project site along Haight Street and the Octavia Boulevard frontage road. While the proposed off-street parking spaces would be less than the anticipated demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

As noted in the Project Description, approval of a conditional use authorization is required to allow the access to the parking garage from the Octavia Boulevard frontage road. This road, as well as the other two along the project site's frontage, Haight and Market streets, are all transit-preferential streets where curb cuts are discouraged. The project is proposing a single lane curb cut on the Octavia Boulevard frontage road. This curb cut would not create substantial conflicts with vehicles, pedestrians, and bicyclists given that the parking lot would accommodate 25 spaces, that the traffic volumes on the frontage are low, and that the frontage road is a one-way street.

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 EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure 5.8.A* requiring dust control measures during construction 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 construction 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 air quality, and FEIR *Mitigation Measure 5.8.A* would not be applicable.

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 2, below. The project also includes the installation of an air filtration system in the building's ventilation system which would remove at least 80 percent of the outdoor PM2.5 concentrations from habitable areas. A maintenance plan, along with a disclosure to buyers and renters, would also be established as part of the installation process for the air filtration system. A letter from the project sponsor incorporating this into this air filtration system into the Project description is on file with the Planning Department.[6]

Project Mitigation Measure 2 – 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).[7]

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

[6] Craig Hamburg, DDG Partners. Letter to Heidi Kline, EP. July 16, 2012. This letter is available for review as part of Case No. 2011.0931E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

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

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.

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.

Wind

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The Market and Octavia FEIR identified a potentially significant impact related to new construction and determined that implementation of *Mitigation Measure 5.5.B1: Wind Mitigation Measure – Buildings in Excess of 85 feet in Height* and *Mitigation Measure 5.5.B2: Wind Mitigation Measure – All New Construction*[8] would reduce effects to less-than-significant levels. The building is less than 85-ft. in height and, therefore, *Mitigation Measure 5.5.B1* does not apply to the project. *Mitigation Measure 5.5.B2* requires the application of design standards to all new buildings and alterations in order to minimize the ground-level wind currents from exceeding pedestrian comfort levels and ensuring they do not exceed the hazardous level. Since the mitigation measure applies to all new construction of buildings within the Plan Area, *Mitigation Measure B2* applies to the project. With implementation of this measure, impacts related to wind would be less than significant. In accordance with Market and Octavia FEIR requirements, the project sponsor has agreed to implement Mitigation Measure 3, below.

> ***Project Mitigation Measure 3 – All New Construction (Mitigation Measure 5.5.B2 of the Market and Octavia FEIR).*** The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:
>
> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre- existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
>
> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.
>
> • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

[8] Paul Maltzer, Market and Octavia EIR Wind Impacts and Mitigation Memorandum, November 7, 2008. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case No. 2003.0347E.

- Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.

- For the purpose of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

A project-specific evaluation of the probable wind impacts of the proposed project was completed by Donald Ballanti.[9] This evaluation found that the uphill terrain to the north and west (direction of the prevailing winds) of the project site amplify the shelter provided by the buildings on those blocks. Although the proposed building is oriented north-south with its longest elevation facing the prevailing wind, the upwind buildings would shelter all but the upper stories of the proposed building. Additionally, the proposed building height would vary with its shortest end at the northwest (windiest) corner of the site. The western building elevation has two breaks in the locations of the vertical courtyards which would moderate any wind acceleration from the upper floors and any wind acceleration would be elevated above the ground-floor pedestrian spaces. Based on this expert opinion letter, the proposed project as designed complies with the mitigation measure and would not have the potential to result in significant wind impacts.

Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is 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. Since the proposed building is taller than 40 feet, a shadow fan analysis was required and prepared pursuant to Section 295. No mitigation measures were included in the Market and Octavia Plan 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 Market and Octavia 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 requires 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

[9] Donald Ballanti, Certified Consulting Meteorologist, *Wind/Comfort Impact Evaluation for the Octavia Gateway Project*, June 7, 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case No. 2011.0931E.

and a Statement of Overriding Consideration was made for shadow impacts on the War Memorial Open Space and United Nations Plaza. Since the proposed project includes building elements over 50 feet in height, *Mitigation Measure 5.5A2* would apply. With implementation of this measure, impacts related to shadow would be less than significant. In accordance with Market and Octavia FEIR requirements, the project sponsor has agreed to implement Mitigation Measure 4, below.

> ***Project Mitigation Measure 4 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR).*** Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.

Since the proposed building is taller than 40 feet, a shadow fan analysis was required and prepared in compliance with Section 295 of the Planning Code.[10] The shadow analysis shows shadows cast by the project. The project would not shade non-Section 295 Open Space. 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. The loss of sunlight for private property is rarely considered to be a significant impact on the environment under CEQA. 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.

Geology and Soils

The Market and Octavia FEIR identified a potential significant impact related to temporary construction on steeply sloping lots and 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 sloped and construction would alter the overall topography of the site this mitigation measure would apply to the project and implementation of this measure would reduce the 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 5, below.

> ***Project Mitigation Measure 5 – 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

[10] Aaron Hollister, Case No. 2008.0596K – Shadow Analysis, October 6, 2008. This document is available for review as part of Case File No. 2011.0744E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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 geotechnical investigation was performed for the project site and the proposed development.[11] The project site is underlain by approximately 7 to 10 feet of fill; the fill is underlain by medium dense to dense, poorly graded sand which is underlain at depths of 11 to 17 feet by medium dense to very dense, poorly graded sand with clay. Groundwater was encountered at a depth of 19 feet.

According to the geotechnical investigation, the proposed building would need to utilize a deep foundation using piers or piles given the anticipated weight of the building, the presence of heterogenous fill, the potential for liquefaction and seismic densification, and the slope topography of the site. The report describes 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.

The project is subject to a mandatory interdepartmental project review because the project site has been identified by the State of California Department of Conservation, Division of Mines and Geology, as a Seismic Hazard Zone. The Planning Department acts as the lead agency in collaboration with DBI, the Department of Public Works, and the San Francisco Fire Department. The project sponsor must request and participate in an interdepartmental project review prior to any application that requires a public hearing before the Planning Commission or new construction building permit.

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[11] Earth Mechanics Consulting Engineers. Report Geotechnical Investigation: *Proposed Development 8 Octavia Boulevard San Francisco, CA*. September 20, 2011. This document is available for review as part of Case No. 2011.0931E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Hazards and Hazardous Materials

Soils investigations and site assessments conducted as part of the Central Freeway land transfer project and the Octavia Boulevard project concluded that Site Mitigation Plans should be prepared for future excavation projects in the vicinity of the parcels. The Market and Octavia FEIR found that subsequent development of these parcels could result in the transport, handling, use and/or generation of hazardous materials. The FEIR noted that future development of these parcels would be subject to individual site assessments and compliance with relevant regulations administered by the Department of Public Health. The FEIR notes that implementation of required measures in compliance with applicable regulations and standards regarding contamination would reduce potential impacts to less-than-significant levels. Project Mitigation Measure 6 (*Mitigation Measure 5.10.A: Hazardous Materials Mitigation Measure* from the FEIR), would apply to the proposed project. In addition, the project would comply with San Francisco Health Code Article 22, which provides for safe handling of hazardous wastes in the City. It authorizes the San Francisco Department of Public Health (DPH) to implement the state hazardous waste regulations, including authority to conduct inspections and document compliance. Potential impacts of the proposed project related to exposure of hazardous materials would be less-than-significant with compliance with Project Mitigation Measure 6 and hazardous waste regulations.

A Phase I Environmental Site Assessment (ESA)[12] for the project site was conducted by ACC Environmental Consultants. Additional soil sampling [13]was performed in accordance with the Voluntary Cleanup Program Requirements.

> ***Project Mitigation Measure 6 – Site Mitigation Plan (Mitigation Measure 5.10.A of the Market and Octavia FEIR).*** A site mitigation plan (SMP) shall be prepared based on the results of the site investigation work plan. The SMP shall address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. The SMP shall include the following:
>
> - Proposed vertical and lateral extent of excavation;
> - Proposed building locations and configurations;
> - Management options for contaminated soils;
> - Identify the proposed soil transporter and disposal locations;
> - Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling;

[12] ACC Environmental Consultants, Phase I Environmental Site Assessment, 8 Octavia Street, Assessor's Block 855 Lot 011, San Francisco, California, October 13, 2011, Copies of these documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0931E.

[13] ACC Environmental Consultants, Soil Characterization Report, 8 Octavia Street, San Francisco, May 16, 2011. Copies of this document are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0931E.

- If confirmation samples exceed State ESL or other criteria established with DPH SAM, additional excavation may be needed and additional confirmation samples should be collected and analyzed;
- Soil samples should be analyzed for the appropriate TPH ranges and metals;
- Dust control plan and measures per San Francisco Health Code Article 22B;
- Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site specific Health and Safety Plan; and
- Storm Water Control and Noise Control protocols as applicable.
- Should an underground storage tank be encountered, it shall be removed under permit with the DPH Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department.

The SMP shall be submitted for review and approval by DPH prior to the commencement of any excavation work. A six week lead time is recommended for review of the SMP. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.

The SMP would be monitored under the supervision of DPH. Implementation of Project Mitigation Measure 6, including the preparation and implementation of the SMP, would reduce potential hazardous materials impacts to a less-than-significant level.

Greenhouse Gas Emissions

Environmental Setting. Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. 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 (CO_2E).[14]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[15]

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO_2E ($MMTCO_2E$), or about 535 million U.S. tons.[16] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[17] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[18] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.[19]

Regulatory Setting. In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15

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[14] 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.

[15] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: *http://www.climatechange.ca.gov/publications/faqs.html*. Accessed November 8, 2010.

[16] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

[17] Ibid.

[18] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx*. Accessed March 2, 2010.

[19] Ibid.

percent from today's levels.[20] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E ($MMTCO_2E$) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors (see Table 2). ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[21] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Table 2 – GHG Reductions from the AB 32 Scoping Plan Sectors

GHG Reduction Measures By Sector	GHG Reductions (MMT CO_2E)
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	**174**
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1

[20] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: *http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf*. Accessed March 4, 2010.

[21] California Air Resources Board. AB 32 Scoping Plan. Available at: *http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf*. Accessed March 2, 2010.

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 • Extended Producer Responsibility • Environmentally Preferable Purchasing	9
Total	**42.8-43.8**

Source: California Air Resources Board. AB 32 Scoping Plan.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The *2010 CEQA Air Quality Guidelines* provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance have been incorporated into this analysis accordingly.

Project Greenhouse Gas Emissions.

The proposed project would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[22] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not

[22] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: *http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf.* Accessed March 3, 2010.

applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new 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.

The proposed project would increase the activity onsite by establishing a residential use with retail which would result in additional vehicle trips and an increase in energy use. The expansion could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the *2010 CEQA Air Quality Guidelines*. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* to the BAAQMD.[23] This document presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas 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 taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;

[23] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco*. 2010. Available at: http://www.sfplanning.org/index.aspx?page=1570.

- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's *Strategies to Address Greenhouse Gas Emissions* identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation, and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO_2E and 2005 GHG emissions are estimated at 7.82 $MMTCO_2E$, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) 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."[24]

Based on the BAAQMD's 2010 *CEQA Air Quality Guidelines*, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown in Table 3.[25]

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent

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[24] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. Available at *http://www.sf-planning.org/index.aspx?page=2627*.

[25] San Francisco Planning Department, *Greenhouse Gas Compliance Checklist, 8 Octavia Boulevard*, June 19, 2012. This document is available for review as part of Case No. 2011.0931E.

with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions.*[26] As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Regulation	Requirements
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's mixed use districts.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines.

[26] San Francisco Planning Department, *Greenhouse Gas Compliance Checklist, 8 Octavia Boulevard,* June 19, 2011. This document is available for review as part of Case No. 2011.0931E.

San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.
San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code, Chapter 13C)	These projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.
San Francisco Construction and Demolition Debris Recovery Ordinance (SF Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling.
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District

Mineral/Energy Resources

No known minerals exist at the project site, and therefore the project would not contribute to 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 project would not contribute to an individual or cumulative impact on energy resources.

Agricultural and Forest Resources

The project site does not contain agricultural uses or forest resources and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural and forest resources.

Project Mitigation Measures

Implementation of the following mitigation measure would reduce impacts related to air quality to a less than significant level.

Project Mitigation Measure 1 – Soils Disturbing Activities (Mitigation Measure 5.6.A1 of the Market and Octavia FEIR). Pursuant to *Mitigation Measure 5.6.A1*, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;

2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;

3. Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources;

4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified;

5. Impacts of Proposed Project;

6. Potential Soils Hazards: Update discussion for proposed project;

7. Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include:

   A. Proposed archeological testing strategies and their justification
   B. Expected archeological resources

C. For historic archeological resources
    1) Historic address or other local information
    2) Archeological property type
D. For all archeological resources
    1) Estimate depth below the surface
    2) Expected integrity
    3) Preliminary assessment of eligibility to the CRHR
E. ATP Map
    1) Location of expected archeological resources
    2) Location of expected project sub-grade impacts
    3) Areas of prior soil disturbance
    4) Archeological testing locations by type of testing
    5) Base map: 1886/7 Sanborn Fire Insurance Company map

Project Mitigation Measure 2 – 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).[27]

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

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

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.

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.

Project Mitigation Measure 3 – All New Construction (Mitigation Measure 5.5.B2 of the Market and Octavia FEIR). The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:

• New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre- existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

• An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

• The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

• Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.

• For the purpose of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

Project Mitigation Measure 4 - Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR). Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.

Project Mitigation Measure 5 – 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.

Project Mitigation Measure 6 – Site Mitigation Plan (Mitigation Measure 5.10.A of the Market and Octavia FEIR). A site mitigation plan (SMP) shall be prepared based on the results of the site investigation work plan. The SMP shall address the testing and management of contaminated soils, contingency response actions, worker health and

safety, dust control plan, storm water related items, and noise control. The SMP shall include the following:

- Proposed vertical and lateral extent of excavation;
- Proposed building locations and configurations;
- Management options for contaminated soils;
- Identify the proposed soil transporter and disposal locations;
- Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling;
- If confirmation samples exceed State ESL or other criteria established with DPH SAM, additional excavation may be needed and additional confirmation samples should be collected and analyzed;
- Soil samples should be analyzed for the appropriate TPH ranges and metals;
- Dust control plan and measures per San Francisco Health Code Article 22B;
- Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site specific Health and Safety Plan; and
- Storm Water Control and Noise Control protocols as applicable.
- Should an underground storage tank be encountered, it shall be removed under permit with the DPH Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department.

The SMP shall be submitted for review and approval by DPH prior to the commencement of any excavation work. A six week lead time is recommended for review of the SMP. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was sent out on March 12, 2012, to the owners of properties within 300 feet, adjacent occupants of the project site, and interested parties. Staff received one response to the notice from a resident and business owner on an adjacent parcel on Haight Street. The resident's concerns were that the proposed building would block the light and air to the adjoining building, cast a shadow on that property's solar panel (see Shadow Analysis p. 15), and due to its height, was out of scale with the neighborhood (see Aesthetics p. 36).

Conclusion

The Market and Octavia FEIR incorporated and adequately addressed all potential impacts of the proposed project at 8 Octavia Boulevard. As described above, the 8 Octavia Boulevard project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia FEIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia FEIR. Thus, the proposed project at 8 Octavia Boulevard would not have any new significant or peculiar effects on the environment not previously identified in the Market and Octavia FEIR, nor would any environmental impacts be substantially greater than described in the 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.: **2011.0931E**
Project Title: **8 Octavia Boulevard – Central Freeway Parcel "V"**
Plan Area: Market and Octavia Area Plan
Zoning: *Southwest corner along Octavia Boulevard:*
NCT – Hayes Neighborhood Commercial Transit Zoning District, 50-X Height and Bulk District
Remainder of Site:
NCT-3 Moderate Scale Neighborhood Commercial Transit Zoning District, 85-X Height and Bulk District
Block/Lot: 0855/011
Lot Size: 29,803 square feet
Staff Contact: Heidi Kline – (415) 575-9043, heidi.kline@sfgov.org

A. PROJECT DESCRIPTION

The proposed project involves the construction of an eight-story, 75-foot-high, 70,153-square-foot (sf) building containing 49 dwelling units above approximately 2,000 sf of ground-floor retail space on an approximately 12,244 sf lot. The project site is an existing 29,803 sf parcel that includes an approximately 17,559 sf portion of the adjacent Octavia Boulevard right-of-way. The portion of the lot containing the existing Octavia Boulevard right-of-way would be conveyed to the City. The new mixed-use building would be constructed on the remaining easterly portion of the parcel and would include a 25-vehicle parking garage with its access on the one-way, northbound Octavia Boulevard frontage road along its western edge.

The project site is within the block bounded by Octavia Boulevard to the west, Haight Street to the north, Gough Street to the east, and Market Street to the south. The project site is a former Caltrans property containing structural supports for the portion of the elevated Central Freeway that was removed in 2003. Subsequently, the property was transferred to the City and County of San Francisco. The parcel is located within the Western Addition neighborhood and is included within the area encompassed by the Market and Octavia Neighborhood Plan (Market and Octavia Plan). This particular parcel is referred to in that Plan as Parcel V. The proposed project would require a conditional use authorization for the development of a lot greater than 10,000 sq ft (Planning Code Sections 720.11 and 731.11) and for off-street parking access from Octavia Street (Planning Code Section155(r)(3)(H)).

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 "Project 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.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
1. LAND USE AND LAND USE PLANNING—Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☐	☒

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 Market and Octavia FEIR analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan, including development of the former Central Freeway parcels, would not result in a significant adverse impact in land use character.

The project site is currently vacant and from 1959 to 2003 was encumbered by concrete supports for the elevated Central Freeway. The proposed development would construct a 49-unit mixed-use building with approximately 2,000 sf of retail on the ground floor. According to the Market and Octavia Plan, the development of the Central Freeway parcels, including Parcel V, would help reunite a neighborhood that was previously divided and disrupted by the Central Freeway structure. Therefore, the development of Parcel V would not physically disrupt or divide an established community.

With the adoption of the Market and Octavia Plan, the project site was rezoned to Hayes-Gough NCT (Neighborhood Commercial Transit) along Octavia Boulevard in the northwest corner and NCT-3 (Neighborhood Commercial Transit) on the rest of the block. Hayes-Gough NCT allows and encourages residential uses, at a greater density, above neighborhood-serving retail uses at the ground floor, with improved conditions for pedestrians. The Hayes-Gough NCT zoning allows for the proposed residential and retail uses and sizes. NCT-3 zoning allows and encourages residential development on upper floors with retail uses on the ground floor. There are no density limits on residential uses in either zoning district. Conditional use authorization is required to allow development on a lot greater than 10,000 square feet in the NCT-3 and Hayes-Gough NCT Districts. The proposed building would be consistent with the height and bulk controls, uses and densities for the site analyzed in the Market and Octavia 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.

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.[28,29] Therefore, the project would have no significant impacts related to land use.

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[28] Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 8 Octavia.* This document is on file and available for review as part of Case File No. 2011.0931E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

[29] Mark Luellen, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, 8 Octavia.* This document is on file and available for review as part of Case File No. 2011.0931E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Plan FEIR noted that development pursuant to the Market and Octavia Plan would result in changes to views within the Plan Area and that the greatest changes would be to north-south views, along the Octavia Boulevard. It was anticipated that while the new mid-rise buildings along the edges of Octavia Boulevard would be slightly taller than the existing buildings adjacent to the site, these future buildings would not vary so much so that they would obstruct mid-range views toward Cathedral Hill to the north and SoMa West to the south, it was anticipated that over time the new edge created by this new building, as well as on the other Central Freeway parcels, would frame views of the Boulevard and create a defined "outdoor room" along the Boulevard's alignment. It was also noted that while some of the buildings on the mid-block portions of the sites may block some oblique views, such as City Hall dome to the northeast, these features would continue to be visible from view corridors along the east-west streets in the Plan Area. The FEIR concluded that the Market and Octavia Plan would not result in a significant adverse impact with regard to views. The proposed project is consistent with the scale envisioned in the Plan and therefore would have a less-than-significant impact on scenic vistas.

The project site is a sloped vacant property without any trees, rock outcrops, or other scenic resources. Therefore, the proposed project would not have an adverse impact on any scenic resources.

The Market and Octavia Plan is intended to change the existing land use character of the project area from one characterized as a neighborhood bifurcated by an elevated freeway to one characterized as a transit-oriented, high-density mixed-use neighborhood. The Market and Octavia FEIR found that while implementation of the Market and Octavia Plan would result in visual changes within the project area, these aesthetic changes would generally be perceived as an overall visual improvement to the Plan Area. The FEIR concluded that development of the Market and Octavia Plan, including the project site, in the manner outlined in 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 have a less-than-significant impact on its aesthetics.

The FEIR found that the intersection of Market Street and Octavia Boulevard is an area in transition due to ongoing transportation improvements that include the removal of the overhead Central Freeway and its replacement with the pedestrian-oriented Octavia Boulevard. This project site which formerly held a freeway support structure would be developed with a mid-rise building, in general keeping with the height and massing of other proximate buildings in the area. This development of the former Central Freeway parcels with mid-rise mixed-use buildings in an urban form consistent with other existing neighborhood buildings was contemplated by the Plan to return a cohesive visual character to the Plan Area upon removal of the overhead freeway which has bifurcated the neighborhood since its initial construction in the 1950s. A "mending of the urban fabric" would be accomplished by rebuilding on the vacant Central Freeway parcels and is intended to improve, rather than have an adverse impact, the visual character and quality of the area. Therefore, the project would have a less-than-significant impact on the visual character and quality of the site and its surroundings.

The Market and Octavia FEIR anticipated that new building construction would generate additional night lighting from exterior lighting, but not in amounts unusual for a developed area. New buildings and vehicles were also expected to produce additional glare. As with light, any additional glare would not be expected to result in a substantial change from existing conditions as use of reflective glass is restricted by Planning Commission Resolution 9212. Thus, any light or glare generated by the new mixed-use building on this site would be consistent with the assumptions in the FEIR for the use of exterior lighting on new buildings and the restriction on the use of reflective glass and would be considered to result in a less than significant impact.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The Market and Octavia Plan encourages transit-oriented development by creating housing, jobs, and services near the existing transportation infrastructure. A net increase of 7,620 residents is anticipated by the year 2025. The Market and Octavia FEIR determined that while the additional development that would result from adoption of the Plan would generate household growth, it would not cause an 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 proposed project is located within one of the areas of the Market and Octavia Plan that calls for transit-oriented development encouraging housing, jobs, and services near existing transportation infrastructure. The FEIR estimated a range of 800 to 900 new housing units would be constructed on the Central Freeway parcels which would increase population by approximately 1,495 to 1,680 residents. It was determined that this increase in housing units in an existing neighborhood well-served by transit and other public services would not cause an adverse impact on the neighborhood. Additionally, the development on these parcels was anticipated to result in only a small number of jobs. Therefore, the FEIR concluded that the planned development of these in-fill parcels would not have a significant physical impact due to population, housing, and employment growth.

The proposed mixed-use building at 8 Octavia Boulevard would add 49 residential units in an area adjacent to both the onramp to the Central Freeway with a connection to regional highways 80, 101, and 280, as well as a variety of existing public transit opportunities within ¼ mile of the project site, including the Muni historic streetcar F Line and Muni bus routes 6, 14, 16X, 49, 71,

and 71L. The Van Ness Station with access to the underground Muni Metro J, K, L, M, N lines is slightly further at approximately 1/3 mile and the Civic Center BART station with access to BART's regional rail lines is approximately ¾ mile from the project site. An additional 2,000 sq. ft. of neighborhood-serving retail would be provided on the ground floor to serve both the existing and proposed residents in the Plan Area. Additionally, a variety of existing neighborhood commercial uses are located on both Market and Octavia Boulevard to serve the residents of the new building.

The new residential units would be constructed on a vacant lot and would not displace existing housing units or people. Therefore, impacts on population and housing would be less than significant.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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*?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Historic Resources

Historic resource surveys were conducted for the Market and Octavia 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 vacant and does not contain any architectural historic

resources. Given the site is not within an historic district, the City's Preservation Coordinator has determined the proposed project would not have an adverse effect on off-site historical resources.[30]

Archaeological Resources

The Market and Octavia Plan FEIR found that there was a potentially significant impact on archaeological resources in the Plan Area and that with the implementation of mitigation measures the impact would be reduced to less than significant. Please see the Certificate of Determination for a discussion of this resource subtopic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒
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?	☒	☐	☐	☐
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?	☐	☐	☐	☒

[30] Phone Log of Message from Tina Tam, Preservation Coordinator, to Jeanie Poling. October 13, 2011, This document is available for review as part of Case No. 2011.0931E.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☐	☒

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, the 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 concluded that no noise mitigation measures were necessary.

Ambient noise levels in the vicinity of the project are typical of noise levels in neighborhoods in San Francisco, which are dominated by 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 generally accepted in urban areas. The 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 in 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). 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.

The project site is not within two miles of an existing airport.

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 decibels (dBA; a unit of measure for sound - "A" denotes the A-weighted scale, which simulates the response of the human ear to various frequencies of sound) 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 P.M. and 7:00 A.M., 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 A.M. to 5:00 P.M.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

In light of the above, effects related to both permanent and construction noise would be less-than-significant.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FPEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Please see the Certificate of Determination for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☐	☒

Please see the Certificate of Determination for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The Market and Octavia Plan FEIR found that the development of the Central Freeway parcels would negligibly increase the demand for open space within the Plan Area due to the increased population from the additional residential units. However, it was anticipated that these residents would be adequately served by the existing parks in and adjacent to the Area, along with the additional parks that would be constructed as a result of the Plan, notably Hayes Green (aka "Patricia's Green"), 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 redevelopment of the Central Freeway parcels.

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common rooftop terrace space, private balconies and

terraces. The project location is served by existing parks and the Market and Octavia Plan proposes a number of new parks. With the addition of 49 dwelling units, the proposed project would be expected to generate minimal 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. The 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, in regard to recreation facilities, nor require the construction or expansion of public recreation facilities beyond the new parks and open space provided for in the Plan.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
11. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The Market and Octavia FEIR noted that the water and wastewater systems in San Francisco are adequate to meet existing and projected demand, and that implementation of the Plan would not result in significant impacts to water or wastewater services in San Francisco. The FEIR also concluded that the Plan would not result in significant impacts to electricity or gas systems.

The proposed project would have a sufficient water supply, 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 project would need 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 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.

The Market and Octavia FEIR analyzed growth projections and determined that the demand for public utility services generated by the development of the Central Freeway parcels would be met by all public utility service providers. Thus, it found there would be no significant impacts on public services and no mitigation measures were identified in the FEIR.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒

The proposed project would be consistent with the land use density assumed for the parcel in the Market and Octavia Plan EIR for Central Freeway parcels. This growth was not anticipated to substantially increase demand for police or fire protection services or necessitate new school facilities in San Francisco. Thus, the proposed project would not result in a significant impact to public services.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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 Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Market and Octavia FEIR states that development of the Central Freeway parcels, including Parcel V (8 Octavia), would not affect, or substantially diminish, plant or animal habitats, nor would require removal of substantial numbers or mature, scenic trees. The project site does not contain any trees on the site, rather there are street trees along the Octavia Boulevard frontage road planted as part of the Boulevard streetscape improvements. It is likely that at least one of the street trees would need to be removed for the curb cut into the garage. However, any street trees removed would need to be replaced pursuant to DPW regulations

The project site is vegetated with European annual grasses, Hedera spp., and other non-native plant species. No known rare, threatened or endangered animal or plant species are known to exist on the project site. Therefore, development of the project site would not affect or substantially diminish plant or animal habitats. The project would not remove scenic trees, and

all removed street trees would be replaced. The development of the project site would therefore not have a significant impact on biological resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☒	☒	☐	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

Please see the Certificate of Determination for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
15. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The project site is a Central Freeway parcel that was previously occupied by elevated freeway and surface parking lot and is currently a vegetated vacant site. The development of this parcel would once again introduce impervious surface on the entirety of the lot. The development of the parcel would be required to manage wastewater and stormwater runoff within the combined sanitary and stormwater sewer system. The Market and Octavia Plan FEIR identified no significant impacts associated with surface water runoff as a result of this parcel's development. The project site would be subject to the City's Industrial Waste Ordinance, requiring that groundwater meet specified water quality standards before it be discharged into the sewer system. With the implementation of these requirements, the impacts to groundwater would be less than significant.

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. 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 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 effects related to hydrology and water quality would not be significant, either individually or cumulatively.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
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?	☒	☒	☐	☐
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

Please see the Certificate of Determination for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

This topic was not addressed in the Market and Octavia FEIR; thus, the topic is addressed in the Certificate of Determination.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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)?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

This topic was not addressed in the Market and Octavia FEIR; thus, the topic is addressed in the Certificate of Determination.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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.)	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

The proposed project would allow the development of a currently vacant parcel which was formerly the location of a concrete support structure for the now-demolished Central Freeway at Market Street. The proposed project involves the construction of an eight-story, 75-foot-high, 70,153 sf building containing 49 dwelling units above approximately 2,000 sf of ground-floor retail space on an approximately 12,244 sf lot. As discussed in this document 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 Plan FEIR.