SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	**2012.0032E**
Project Address:	**100 Van Ness Avenue**
Zoning:	C-3-G (Downtown-General) 120/200-R-2 Height and Bulk District Van Ness & Market Downtown Residential Special Use District (SUD) Market and Octavia Neighborhood Plan
Block/Lot:	0814/020
Lot Size:	15,500 square feet
Project Sponsor	Marc Babsin, Emerald Fund Inc., (415) 489-1313
Staff Contact:	Brett Bollinger – (415) 575-9024 brett.bollinger@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the east side of Van Ness Avenue at the corner with Fell Street in the Market and Octavia Area Plan, and comprises the block bounded by Hayes Street to the north, Fell Street to the south, and Polk Street to the east within the Downtown/Civic Center neighborhood. The project site is currently occupied by a 29-story, 488,420 square-foot (sf) office building with ground-floor retail, a 112-space off-street parking garage accessed from Van Ness Avenue and an off-street loading space accessed from Fell Street. The proposed project would involve retention of the existing building structure, a change of use from office to residential, renovation of the interior of the building to create 399 residential units and 6,375 sf of ground-floor retail, re-skinning of the exterior of the building, removal of a portion of the mechanical floor at the top of the building to replace it with common open space for project residents, the addition of six (6) parking spaces in the existing garage through restriping, the provision of three (3) car share parking spaces, and the provision of approximately 120 bicycle parking spaces in secure rooms on the third and fourth floors . The building height would remain at 400 feet.

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

Please see next page.

DETERMINATION:

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

Nil Cooper, for

Bill Wycko
Environmental Review Officer

July 19, 2012
Date

cc: Marc Babsin, Project Sponsor
Historical Distribution List
Marvis J. Phillips
Supervisor Kim, District Six
Sue Hestor

PROJECT DESCRIPTION (CONTINUED):

The unit mix is 11% studios, 51% one-bedrooms, and 38% two-bedrooms. The proposed project also involves retention of the off-street parking garage, including the loading space, and would move the parking garage entrance from Van Ness Avenue to Hayes Street within five (5) years after building completion. Project construction would take approximately 16 months.

Floors 1 and 2 of the building would have new curved faces, inset from the flat face of the building tower, along the Van Ness Avenue and Fell Street frontages. The proposed design would also add a divider between the building column at the corner of Fell Street and Van Ness Avenue and the face of the curved exterior wall, to prevent air flow between the column and the exterior glass curtain wall.

The building directly to the east of 100 Van Ness Avenue, 42-50 Fell Street, is a Category I Significant Building under Article 11 of the Planning Code and an historic resource for the purposes of CEQA. The following design modifications have been incorporated into the proposed Project:

A new joint would be installed between 100 Van Ness Avenue and 42-50 Fell Street buildings to ensure that:

- water, moisture or debris are not trapped between buildings;
- excessive amounts of water do not flow onto 42-50 Fell Street;
- earthquake damage is minimized; and
- exterior material of the new joint is not reflective or shiny.

Prior to construction:

- The brick-clad steel and concrete exterior walls would be carefully surveyed and any cracks would be noted.
- Crack gauges would be installed and monitored to assure that there is no structural movement caused by construction activities.
- The 42-50 Fell Street metal windows would be photographically documented. Any broken elements would be replaced to match the existing.

During construction:

- The clay tile roof of 42-50 Fell Street would be protected from falling pieces of construction debris, and any broken tiles would be replaced to match the existing.
- The decorative finial at the property line between 100 Van Ness Avenue and 42-50 Fell Street would be carefully protected during construction with plywood or other impact resistant material.
- Other elements would be noted and crack gauges installed as necessary.

The east exterior wall of 100 Van Ness Avenue along the property line that faces 42-50 Fell Street would be blank, or minimally articulated, at the street level. Simple stucco, or an equivalent unreflective material, of a single color would be installed as a finish for this level.

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 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 a) those which

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.

This determination evaluates the potential project-specific environmental effects peculiar to the 100 Van Ness Avenue mixed-use project described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (EIR). Project specific studies and analysis summarized in this determination were prepared for the proposed Project at 100 Van Ness Avenue to determine if there would be significant impacts attributable to the proposed Project. This analysis examined that Project's potential environmental effects on transportation, noise, air quality, and wind.

This determination assesses the proposed Project's potential to cause environmental impacts and 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 EIR. This determination does not identify new or additional information that would alter the conclusions of the EIR. This determination also identifies a mitigation measure contained in the EIR that would be applicable to the proposed Project at 100 Van Ness Avenue. Relevant information pertaining to prior environmental review conducted for the EIR is included below, as well as an evaluation of potential environmental effects.

Background

On April 5, 2007, San Francisco Planning Commission certified the EIR for the Market and Octavia Plan Area (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The EIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Area Plan, an element of the San Francisco General Plan. The EIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Plan. Since the 100 Van Ness Avenue project site includes an existing 400–foot office building which is proposed for a change of use from office/retail uses to residential/retail uses, the density was assumed and envisioned as a site with residential uses with the incorporation of the Van Ness & Market Downtown Residential Special Use District (SUD) within the Market and Octavia Neighborhood Plan.

The Van Ness & Market Downtown Residential SUD is comprised of parcels zoned C-3-G in the Market Octavia Neighborhoods Plan area. This SUD is comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Neighborhood Plan.

Subsequent to the certification of the EIR, 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 Neighborhood Plan EIR. The legislation created several new zoning controls which allows 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 Plan, as evaluated in the EIR and as approved by the Board of Supervisors, accommodates the proposed use, design and density of the 100 Van Ness Avenue building.

As noted in the EIR, "individual projects that could occur in the future under the Plan would undergo project level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and additional environmental review would be required." This determination concludes that the proposed change of use at 100 Van Ness Avenue is consistent with and was encompassed within the analysis in the EIR for the Market and Octavia Neighborhood Plan, that the EIR adequately described the impacts of the proposed 100 Van Ness Avenue Project, and identified the necessary mitigation measures in the EIR, as adapted for project-specific conditions described in this Certificate of Exemption. The proposed Project is also consistent with the zoning controls for the Project site. Therefore, the 100 Van Ness Avenue Project is consistent with the adopted Market and Octavia Plan EIR, its impacts are adequately addressed in the EIR, and no further CEQA evaluation is necessary.

Potential Environmental Impacts

The Market and Octavia Neighborhood Plan EIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historical and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 100 Van Ness Avenue Project is in conformance with the height, use and density for the site described in the EIR and would represent a small part of the growth that was forecast for the Market and Octavia Neighborhood in the EIR. Thus, the project analyzed in the EIR considered incremental impacts of the proposed 100 Van Ness Avenue Project. As a result, the proposed Project would not result in any new or substantially more severe impacts than were identified in the EIR. The following discussion demonstrates that the Project would not result in significant impacts beyond those analyzed in the EIR, including assessment of Project-specific impacts related to historic resources, transportation, air quality, wind, and noise.

Historic Resources

The subject property is not included on any historic resource surveys or listed on any local, state or national registries. The building is considered a "Category C" property (Not a Historic Resource) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures because it is less than 50 years old (constructed 1976).

The subject property is located in a mixed-use area with diverse building types including residential, office, educational, civic and commercial. The subject property is located immediately adjacent to 42-50 Fell Street to the west. It was built in1932 and is attributed to Willis Polk. It is listed in Article 11 of the Planning Code as a Significant Building (Category 1) and is a historical resource. The subject property is also located directly across Van Ness Avenue from the southwestern-most block of the locally-listed Civic Center Historic District. The district includes one of the most realized collections of City Beautiful Movement buildings in America and its central focus is City Hall. The district is also listed on the National Register; however, the boundary and the federally listed district do not reach as far south as the

locally listed district. The closest building to the subject property within the locally designated Civic Center Historic District is the High School of Commerce, local Landmark No. 140, located at 135 Van Ness Avenue.

The Planning Department Preservation Staff concurs[1] with the findings of the consultant prepared Historic Resource Evaluation Report[2], that the proposed Project would have no significant adverse impact to historic resources. Staff finds that altering the cladding material and articulation of the existing building would not adversely affect the integrity of either the individual resources or the historic district. The building located at 42-50 Fell Street is the only historic resource that would be materially affected by the Project. However, the proposed design and construction methods would ensure an appropriate treatment of the joint between the two buildings and the protection of the resource during the construction phase. The joint between the two buildings would protect the historic building from potential water damage and would not detract from the historic character of the building. The historic 42-50 Fell Street building would be surveyed prior to construction and protected during construction to ensure that its good condition is maintained. Also, the monochromatic, flat-finished cladding material at the lower level of the east façade at 100 Van Ness Avenue would create a compatible yet modern third wall for the historic courtyard that maintains the setting of the resource.

Regarding the Project's effect on the setting of the adjacent resources, the subject building's location far to the south of the main axis of the Civic Center Historic District would be sufficient so that the new materials and articulation would not create a distraction from City Hall that could damage or destroy the district's integrity. Also, the material and coloration of the new design would also blend with the backdrop of the sky more so than the existing concrete cladding, possibly reducing its visual impact from views within the district. Finally, the proposed glass curtain wall would be less reflective than the existing glass at 100 Van Ness Avenue, so that the project would reduce potential glare and light reflection on adjacent resources. For these reasons, the Department finds that the project would have no adverse impact to historic resources. Therefore, the proposed project would not result in peculiar impacts related to historic architectural resources.

Transportation

The Market and Octavia Neighborhood Plan EIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the EIR 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 certain local intersections and the cumulative impacts on certain transit lines could not be fully mitigated. Thus 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 Neighborhood Plan approval on May 30, 2008.

Trip Generation

Trip generation of the proposed Project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco

---

[1] Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, July 13, 2012.

[2] Johanna Street, *Historic Resource Evaluation Report 100 Van Ness Avenue*, May 31, 2012. The report is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Planning Department.[3] The site is located in the City's C-3 traffic analysis area. The proposed change of use from office to residential would result in an increase of 407,235 sq. ft. of residential use (existing 421,005 sq. ft. of office), and approximately 1,820 sq. ft. of new retail use (existing 4,555 sq. ft. of retail to be retained). The approximately 413,610 sq. ft. proposed residential and retail uses on the Project site would generate about 4,326 gross person trips (inbound and outbound) on a weekday daily basis, consisting of 874 person trips by auto, 1,761 transit trips, 1,461 walk trips and 230 trips by other modes, including bicycle. During the PM peak hour, the proposed Project would generate 669 PM peak hour person-trips of which 129 would be auto trips, 291 would be transit trips, 219 would be walk trips, and 31 would be other, including bicycle.

It should be noted that the proposed Project would displace existing office use on the Project site. When determining the trip generation for the proposed Project, the number of existing trips and future trips (by mode) was calculated. The Project travel demand, therefore, would be provided for the number of net-new trips (i.e. the number of trips generated by the new uses less the number of trips generated by the existing uses to be removed) that was developed through this modeling process. In other words, the Project would receive trip credits for the number of existing trips that would be eliminated as part of the proposed Project. As shown in tables below, there is a minimal difference in trip generation when comparing the existing uses (office/retail) with the proposed uses (residential/retail). The estimated net-new travel demand (in person-trips) after accounting for a trip generation credit for existing uses resulted in an increase of five (5) PM peak hour vehicle trips.

	Mode Split (Person-Trips)			
	Existing Uses		Proposed Project	
	Daily Person-Trips	PM Peak Hour Person-Trips	Daily Person-Trips	PM Peak Hour Person-Trips
Auto	2,595	230	874	129
Transit	3,755	386	1,761	291
Walk	1,454	64	1,461	219
Other	499	29	230	31
Total	**8,303**	**709**	**4,326**	**670**

Net New Person-Trips	
Existing Uses	8,303
Proposed Uses	4,326
Net New Total	**-3,977**

PM Peak Hour Net New Person-Trips	
Existing Uses	709
Proposed Uses	670
Net New Total	**-39**

PM Peak Hour Net New Vehicle Trips	
Existing Uses	99
Proposed Uses	104
Net New Total	**+5**

These estimated five (5) net new PM peak hour vehicle trips would travel through the intersections surrounding the Project block, but would not substantially increase traffic volumes at these intersections.

[3] San Francisco 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines), May 17, 2012, updated June 21, 2012. These calculations are available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

The proposed Project would result in a minor 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 significantly change the existing Levels of Service (LOS) at the intersections surrounding the Project site.

Traffic

Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

According to the Market and Octavia Neighborhood Plan EIR, the following intersections in the vicinity are anticipated to fail under 2025 Cumulative conditions with the addition of the Plan traffic during weekday PM peak hour: Market Street/Van Ness/South Van Ness (one block away) at LOS E and Van Ness/Hayes Street (one block away) at LOS F. Under the same conditions, the intersection of Van Ness/Fell Street (Project site) is anticipated to operate at LOS D.

With implementation of the proposed Project, it is not anticipated that intersections around the Project site would deteriorate to unacceptable levels. However, if they did, these conditions would occur with or without the Project, and the proposed Project's contribution of five (5) PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by these projects, should they be approved. Since the proposed Project would not contribute considerably to 2025 Cumulative conditions, it would therefore not have any significant cumulative transportation impacts.

Transit

The proposed change of use to residential would result in a reduction of 1,994 daily transit person trips when compared with the existing office use. The project site is well-served by several local and regional transit lines, including seven Muni bus lines (6, 9, 9L, 16X, 21, 47, 49, 71, and 71L), seven Muni Metro lines (J, K, L, M, N, T, and F) and the recently approved Van Ness Bus Rapid Transit (BRT).

The decrease in daily transit trips, as a result of the proposed project, would not result in any significant or noticeable impacts upon transit services in the project area or affect transit operations. Additionally, the proposed Project would not substantially interfere with any nearby transit routes. Loading activities would remain on Fell Street, which does not have any transit service. Similarly, vehicles accessing the proposed new off-street parking garage entrance on Hayes Street would result in minimal interference with the 21 Hayes transit service along Hayes Street. Therefore, the project would have a less-than-significant impact on transit.

The Market and Octavia Neighborhood Plan EIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increases in delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Streets, and Hayes Street/Gough Street. Mitigation measures were proposed to address these impacts related to 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 with findings was adopted as part of the Market and Octavia Neighborhood Plan EIR approval. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely that the significant and unavoidable cumulative transit conditions would occur with or without the proposed

Project. The proposed Project's change of use to residential would result in a reduction to the overall transit volume generated by Market and Octavia projects, should they be approved. The proposed Project would not contribute significantly to 2025 Cumulative Conditions; therefore, it would not have a significant cumulative transit impact.

Loading

The Project site currently contains one loading space accessed from Fell Street and would retain the loading space as part of the proposed Project. Based on the SF Guidelines, the Project's residential uses are expected to generate approximately fourteen service vehicle trips per day, while the retail uses are expected to generate approximately one service vehicle trip per day. Under Section 152 of the Planning Code, the proposed Project would be required to have one off-street freight loading space since the site includes more than 100,000 square feet of residential use. No off-street loading spaces would be required for the retail uses.

Pedestrian and Bicycle Conditions

The EIR notes that the Market and Octavia Neighborhood Plan area 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 EIR notes also that the Neighborhood Plan area contains several key pedestrian corridors, and the Plan includes new pedestrian facilities and amenities. The EIR 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 conflicts, as there are adequate sidewalk and crosswalk widths. The proposed project includes improving the exterior lighting and sidewalks along the project's perimeter.

Planning Code Section 155.5 requires 113 bicycle parking spaces for the proposed Project (For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50). The proposed Project would provide a total of 121 bicycle parking spaces.

There are four bicycle routes near the project site: Route 20 along Grove Street, Route 25 along Polk Street, Route 32 on Page Street, and Route 50 on Market Street. As part of the proposed Project the entrance to the off-street parking garage would be moved to Fell Street, which does not include a bicycle route. Although the proposed Project and the Market and Octavia Neighborhood Plan 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

The proposed Project would retain the existing 112 off-street parking spaces. Based on the methodology presented in the 2002 Transportation Guidelines, on an average weekday, the demand for parking would be 515 spaces. Thus, the Project would have an unmet parking demand of 463 spaces. While the proposed off-street parking spaces would be less than the anticipated parking 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.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, 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 §15131a). 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 area is well-served by public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed Project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

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 transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Air Quality

Article 38 of the San Francisco Health Code requires new residential development near high-volume roadways to include upgraded ventilation systems to minimize exposure of future residents to particulate matter (DPM) and other pollutant emissions, as well as odors. Since the proposed Project would include the addition of 399 residential units the project sponsor has agreed to install air filters in all residential units that will reduce $PM_{2.5}$ by 80% to comply with Article 38.[4]

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 Neighborhood Plan EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure*

[4] 100 Van Ness Associates, LLC. *100 Van Ness Air Filtration Letter.* June 6, 2012. The letter is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

5.8.A – Construction Mitigation Measure for Particulate Emissions would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level. Since the Project would comply with the Construction Dust Control Ordinance, the Project would not result in a significant impact related to construction dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during Project construction would be less than significant.

The Market and Octavia FEIR identified a significant impact related to short-term construction 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. Compliance with the Construction Emissions Minimization measures would result in less than significant impacts from construction vehicles and equipment. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement the Construction Emissions Minimization Mitigation Measure, as updated below.

Project Mitigation Measure 1: Construction Emissions Minimization:

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 are 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).[5]

   c) Exceptions:

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

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

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.

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 *Mitigation Measure 5.5B1: Wind Mitigation Measure – Buildings in Excess of 85 feet in Height* and *Mitigation Measure 5.5B2: Wind Mitigation Measure – All New Construction* would reduce effects to less-than-significant levels. Mitigation Measures 5.5B1 and 5.5B2 requires the application of design standards to new buildings and alterations and standards to reduce the potential for ground-level wind currents from exceeding pedestrian comfort levels. Since the proposed project would involve alteration of the existing 100 Van Ness Avenue building, which is currently 400 feet in height and would remain the same height as part of the proposed Project, the Project could have the potential to result in significant wind impacts; therefore, Mitigation Measure 5.5B1 and 5.5B2 would apply to the Project.

Wind tunnel testing was performed for the proposed Project in June 2012[6] to evaluate pedestrian wind conditions, the results of which are summarized in the following discussion. Pedestrian-level wind speeds were measured at selected points for the building as it presently exists and with the proposed changes in place to quantify resulting pedestrian-level winds in public spaces adjacent to 100 Van Ness.

The existing setting represents the building and vicinity as it presently exists and also includes approved buildings that are under construction. For the cumulative development scenario, approved buildings that are not yet built as well as proposed buildings in the vicinity are modeled and included as though they were fully constructed.

[6] ESA, *Technical Memorandum-Potential Planning Code Section 148 Wind Impacts*, July 13, 2012. The letter is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Setting

Tall buildings and structures can strongly affect the wind environment for pedestrians. Groups of structures tend to slow the winds near ground level, due to the friction and drag of the structures themselves on winds. Buildings that are much taller than their surrounding buildings intercept and redirect winds that might otherwise flow overhead, and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong and also relatively turbulent, and can be incompatible with the intended uses of nearby ground-level spaces. In addition, building designs that present tall flat surfaces square to strong winds can create ground-level winds that can prove to be hazardous to pedestrians in the vicinity.

The comfort of pedestrians varies under different conditions of sun exposure, temperature, clothing, and wind speed. Winds up to 4 miles per hour (mph) have no noticeable effect on pedestrian comfort. With velocity from 4 to 8 mph, wind is felt on the face. Winds from 8 to 13 mph will disturb hair, cause clothing to flap, and extend a light flag mounted on a pole, while winds from 13 to 19 mph will raise loose paper, dust and dry soil, and will disarrange hair. For wind velocities from 19 to 26 mph, the force of the wind will be felt on the body. At 26 to 34 mph, umbrellas are used with difficulty; hair is blown straight; there is difficulty in walking steadily; and wind noise is unpleasant. Winds over 34 mph increase difficulty with balance and gusts can blow people over.

Regulatory Framework

Planning Code Section 148: In order to provide a safe and comfortable wind environment for people in San Francisco, the City has established wind comfort and hazard criteria to be used in the evaluation of a proposed building. San Francisco Planning Code Section 148, Reduction of Ground-Level Wind Currents, outlines wind reduction criteria for the Downtown Commercial (C–3) Districts, including the Project site.

The Planning Code requires buildings to be shaped so as not to cause ground-level wind currents to exceed defined comfort and hazard criteria, which the Code defines in terms of equivalent wind speeds[7], an average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence. Planning Code Section 148 establishes equivalent wind speeds of 7 mph as the comfort criterion for seating areas and 11 mph as the comfort criterion for areas of substantial pedestrian use, and states that new buildings and additions to buildings may not cause ground–level winds to exceed these levels more than 10% of the time year-round between 7:00 a.m. and 6:00 p.m.

If existing wind speeds exceed the comfort level, or when a project would result in exceedances of a comfort criterion, an exception may be granted, pursuant to Section 309, if the building or addition cannot be designed to meet the criteria "without creating an unattractive and ungainly building form and without unduly restricting the development potential" of the site, and it is concluded that the exceedance(s) of the criteria would be insubstantial "because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded."

Section 148 also establishes a hazard criterion, an equivalent wind speed of 26 mph as averaged for a single full hour of the year. Under Section 148, new buildings and additions may not cause wind speeds

[7] Equivalent mean wind speed is defined as the mean wind speeds, multiplied by the quantity (one plus three times the turbulence intensity) divided by 1.45. This amplifies the equivalent mean wind speed values when turbulence intensity is greater than 15%.

that meet or exceed this hazard criterion and no exception may be granted for buildings that result in winds that exceed the hazard criterion.

The comfort criteria are based on wind speeds that are measured and averaged for one minute; this is the same basis for the extensive wind speed data in the meteorological record for San Francisco. In contrast, the hazard criterion is based on winds that are measured and averaged for one hour; when stated on the same averaging time basis as the comfort criteria winds and the wind data in the meteorological record, the hazard criterion speed is restated as a one-minute[8] average of 36 mph.

This analysis of the wind effects of the proposed Project was performed using the wind testing analysis and evaluation methods that are used for Section 148, the text of which is attached to this technical memorandum.

CEQA Significance Standards for Wind Effects: The City uses the wind criteria from the Planning Code in the environmental evaluation of proposed projects. Whether or not a project site is located in a C-3 district, the wind comfort and hazard criteria from Section 148 are used to evaluate the significance of the project's wind impacts for the purposes of CEQA.

Reflecting Section 148's prohibition of a building that would cause a wind hazard, the City considers any meaningful project-related increase in wind hazard, in terms of the total number of hours of hazard created or hours added to the existing wind hazard, to be a significant adverse environmental impact. As a consequence, CEQA would require that any feasible mitigation measures be implemented to eliminate the project's meaningful contribution to the hazard.

Based on Section 148's prescription for compliance with the seating and pedestrian comfort criteria, the CEQA evaluation considers non-compliance with the wind comfort criteria to be a less-than-significant environmental impact. If the non-compliance cannot be eliminated by mitigation measures, Section 148 requires an exception in accordance with the provisions of the Code. The exception must be supported by findings that conclude that the "exceedance(s) of the criteria would be insubstantial"; such findings further support the conclusion that these comfort criteria impacts are less-than-significant environmental effects.

Summaries of Tests

Three building scenarios were modeled and tested in the wind tunnel. They are: 1) Existing Setting, 2) Project in the Existing Setting, and 3) Project in the Cumulative Development Setting. Three wind directions were tested for each: Northwest (NW), West-Northwest (WNW) and West (W). City of San Francisco *Planning Code* Section 148 requirements were used for evaluation of wind test data to determine impacts for the purposes of environmental review in San Francisco.

Test 1 - Existing Setting

The existing setting consists of the existing high-rise building on the Project site and the other existing buildings in the vicinity. Among the approved projects, only one has progressed to a stage of construction that warrants removing an existing building or modifying the building site – construction has begun on the 1455 Market Street building, at Tenth and Market Street. The site of the approved project at 55 Ninth Street is vacant, so that building is not considered "existing".

---

[8] Arens, E. *et al.*, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," Building and Environment, Vol. 24, No. 4, p. 297-303, 1989.

The Project area is characterized by very strong and turbulent winds. Wind hazards are known to occur at various locations on Van Ness Avenue, Fell and Polk Streets, as well as on Market Street, and beyond. Wind hazards are also known to occur at various locations to the north of the site, into and beyond the Civic Center Plaza area.

Existing Comfort Criterion Conditions
Under existing conditions, the average of the existing 10% exceeded wind speeds measured at 30 test points is 14.6 mph. Wind speeds range from 8 to 25 mph. The highest wind speed (25 mph) occurs on the south side of Fell Street, mid-block between Van Ness Avenue and Polk Street.

Wind speeds at 21 of the 30 test points exceed the pedestrian-comfort criterion of Planning Code Section 148. Wind speeds are highest, ranging from 12 to 25 mph, on Fell Street between Van Ness Avenue and Polk Street, and across Market Street on Tenth Street. Wind speeds are lowest on and west of Van Ness Avenue, on Hayes Street, and on Market Street west of Tenth Street.

Existing Hazard Conditions
The wind hazard criterion of Planning Code Section 148 is currently exceeded at five of the 30 test locations. Four hazard locations lie along Fell Street, between Van Ness Avenue and Polk Street and one hazard location lies across Market Street at Tenth Street. The annual duration of these five existing wind hazards totals 406 hours.

Test 2 - Project
The Project, the modified 100 Van Ness Avenue high-rise building, was added to the Existing Setting, replacing the existing building, to constitute the test scenario.

Project Comfort Criterion Conditions
With the Project, wind conditions would be quite similar to existing wind conditions. Wind speeds would range from 9 to 25 mph and the average of the 10% exceeded wind speeds would be 14.4 mph. One existing pedestrian-comfort criterion exceedance that now occurs at the southeast corner of Van Ness Avenue and Fell Street would be eliminated by a slight decrease in wind speed. As a result, ten test points would then meet the Planning Code pedestrian-comfort criterion of 11 mph.

Compared to existing conditions, the Project would result in wind speed changes of 1 mph or less at 27 of the 30 locations. Wind speeds would increase 2 mph at two locations on Polk Street near Hayes Street. Typically, changes in wind speeds of less than 2 mph are insignificant. Wind speed would decrease by 3 mph adjacent to the Project site, at the northeast corner of Van Ness Avenue and Fell Street.

Project Hazard Conditions
Adding the Project would not increase the number or change the location of existing wind hazards, but would decrease the annual duration of all existing hazards by 156 hours, to bring the total to 250 hours, which is roughly 3/5 of the existing hazard duration. The annual duration of the existing hazard at the northeast corner of Van Ness Avenue and Fell Street would be decreased by 14 hours.

Overall, the Project's changes in the existing vicinity wind comfort and wind hazard conditions would be beneficial, in that the 10% exceeded wind speeds and the durations of existing hazards would be reduced, although those changes would be small in magnitude and limited in extent.

Test 3 - Cumulative Development
The Cumulative Scenario adds certain approved and potential projects to the Project scenario described under Test 2. The projects included in the Cumulative Development under Test 3 include:

- 55 Ninth Street, on the east side of the street between Mission and Market Streets;
- The tower addition to the Fox Plaza building complex, located across Market Street from the Project block;
- 1400 Mission Street, located at the northwest corner of Tenth and Mission Streets and 1415 Mission Street, located at the southwest corner of Tenth and Mission Streets, to the west of the Project block;
- 1510-1540 Market Street, just west of Van Ness Avenue, includes a 400 ft. high-rise tower that would affect winds approaching the site from the west and west-northwest;
- 1321 Mission Street, at Ninth Street, a new building 120 ft high; and,
- A series of 50-ft. residential buildings on the Freeway Parcels along Octavia Street.

Of these, only the Freeway Parcel buildings are upwind of the 100 Van Ness Avenue site. However, the overall effect of the added buildings immediately downwind of the Project site would be to slow and redirect winds that approach the Project site.

Comfort Criterion Conditions
With Cumulative development, wind conditions would be quite similar to existing and Project conditions; the average of the wind speeds measured for all 30 test points would be 14.4 mph. Wind speeds would range from 9 to 24 mph. The Cumulative scenario would eliminate one existing exceedance of the pedestrian-comfort criterion and add three new exceedances of the pedestrian-comfort criterion, for a total of 21 exceedances among the 30 test points, the same number as under the existing conditions.

Compared to Project conditions, the Cumulative scenario would result in wind speed changes of 1 mph or less at 26 of the 30 locations. At the remaining four locations, the wind speed changes would range from decreases of 2 mph to increases of 3 mph and 6 mph.

Cumulative development would alter the wind conditions on Van Ness Avenue south of Fell Street and along Market Street, resulting in increases in wind speeds on Van Ness Avenue, and in smaller decreases in wind speeds on Market and Tenth Streets. Cumulative development is also likely to result in wind speed changes at other locations well outside of the Project test area.

There would be no substantive changes to the wind speeds on Van Ness Avenue adjacent to the Project site or farther north, nor would there be wind speed changes along Fell Street, where the reductions in wind speed that result from the Project would remain.

In the Cumulative test, the Project should have little to no effect on winds at locations other than the locations identified in Tests 1 and 2, which show those wind effects attributable to the Project.

Hazard Conditions
Under Cumulative development, the Planning Code wind hazard criterion would continue to be exceeded at all five existing hazard locations. Under the Cumulative scenario, the number of wind hazards and their total annual duration would be the same as under the Project. There would be changes

in the durations of the individual hazards, but the total, 247 hours, would not be significantly different from the 250-hour annual duration for the Project.

Conclusion

Since the proposed Project would comply with the guidelines outlined in the Market and Octavia Neighborhood Plan EIR Mitigation Measures 5.5B1 and 5.5B2, the Project would result in no wind hazard exceedances; therefore, the proposed Project would not result in peculiar impacts related to wind. As outlined in the Wind Study results, the Project would not have the potential to cause wind speeds to exceed the wind hazard threshold beyond those under existing conditions, and therefore would not result in a significant impact.

Noise

The Market and Octavia Neighborhood Plan EIR identified development as increasing noise associated with exterior electrical and mechanical equipment on new buildings; however, this noise would be a less-than-significant impact within the context of the existing ambient noise levels from traffic on Van Ness Avenue, Fell Street, and Hayes Street.

Ambient noise levels in the vicinity of the project site 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 residential and retail uses 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 residential units developed as part of the proposed Project would be required to provide an interior noise environment below 45 dBA[9] in compliance with Title 24 of the California Code of Regulations and to incorporate noise reduction measures as outlined in Policy 10.2 of the San Francisco General Plan. The property at 100 Van Ness Avenue is surrounded by two streets with noise levels above 75 dBA: Van Ness Avenue and Hayes Street. As required under the Housing Element EIR, new residential development located along streets with such noise levels require a noise study to identify potential noise-generating uses within the project vicinity, and to take at least one 24-hour noise measurement. A noise study was prepared for the proposed Project.[10] The noise study demonstrates that Title 24 standards can be met, and that there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels in the vicinity. The study also shows that the roof top common open space and private deck open space required under the *Planning Code* for 100 Van Ness Avenue is protected from existing ambient noise levels that could prove annoying or disruptive to users of the open space. With required Title 24 measurements, the potential for noise impact would be considered less than significant.

---

[9] The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

[10] Charles M Salter Associates Inc., *100 Van Ness Avenue Noise Study*, February 10, 2011. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2012.0032E.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 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 16 months, occupants of 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.

Compliance with the noise ordinance would reduce most potential construction noise impacts to a less than significant level, including noise effects on residential uses in the immediate vicinity, which are considered sensitive receptors.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on June 21, 2012, to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. One comment was received regarding existing wind conditions and the potential effects of the project on wind conditions.

Conclusion

The Market and Octavia Neighborhood Plan EIR incorporated and adequately addressed all potential impacts of the proposed project at 100 Van Ness Avenue. As described above, the 100 Van Ness Avenue project would not have any additional or peculiar significant adverse effects not examined in the Market and Octavia Neighborhood Plan EIR, nor has any new or additional information come to light that would alter the conclusions of the EIR. Thus, the proposed project at 100 Van Ness Avenue would not result in any environmental impacts substantially greater than described in the EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed Project is also exempt under Section 21083.3 of the California Public Resources Code.

Attachment A
Community Plan Exemption Checklist

Case No.:	**2012.0032E**
Project Address:	**100 Van Ness Avenue**
Zoning:	C-3-G (Downtown-General) 120/200-R-2 Height and Bulk District Van Ness & Market Downtown Residential Special Use District (SUD) Market and Octavia Neighborhood Plan
Block/Lot:	0814/020
Lot Size:	15,500 square feet
Project Sponsor	Marc Babsin, Emerald Fund Inc., (415) 489-1313
Staff Contact:	Brett Bollinger – (415) 575-9024 brett.bollinger@sfgov.org

A. PROJECT DESCRIPTION

The project site is located on the east side of Van Ness Avenue at the corner with Fell Street in the Market and Octavia Area Plan, and comprises the block bounded by Hayes Street to the north, Fell Street to the south, and Polk Street to the east within the Downtown/Civic Center neighborhood. The project site is currently occupied by a 29-story, 488,420 square-foot (sf) office building with ground-floor retail, a 112-space off-street parking garage accessed from Van Ness Avenue and an off-street loading space accessed from Fell Street. The proposed project would involve retention of the existing building structure, a change of use from office to residential, renovation of the interior of the building to create 399 residential units and 6,375 sf of ground-floor retail, and re-skinning of the exterior of the building. The building height would remain at 400 feet. The proposed project also involves retention of the off-street parking garage, including the loading space, and would move the parking garage entrance from Van Ness Avenue to Hayes Street. Project construction would take approximately 16 months.

Approvals

The following project approval, including exceptions, would be required from the San Francisco Planning Commission: Planning Code Section 309 (Permit Review in C-3 Districts). Within the Section 309 review the project sponsor is requesting exceptions, which include:

- Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d);
- Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);

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 (EIR) for the plan area. Items checked "Sig. Impact Identified in EIR" 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 EIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the EIR, the item is checked "Proj. Contributes to Sig. Impact Identified in EIR." Mitigation measures identified in the EIR applicable to the proposed project are identified in the text of the Certificate of Determination for 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 EIR.

All items for which the project would have no impact are checked "No Impact," and are discussed below.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 Neighborhood Plan Environmental Impact Report (EIR) analyzed the proposed land use changes and determined that the Market and Octavia Neighborhood Plan would not result in a significant adverse impact in land use character.

The proposed Project would involve retention of the existing building structure, a change of use from office to residential, renovation of the interior of the building to create 399 residential units and 6,375 sf of ground-floor retail, and re-skinning of the exterior of the building. The project site is located within the Van Ness & Market Downtown Residential Special Use District (SUD), which is comprised of the parcels zoned C-3-G in the Market and Octavia Plan area. This SUD is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. The SUD is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3 district. A notable amount of large citywide commercial and office activity would remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan, and is described therein. The SUD has no density limit for residential uses by lot area, but by the applicable requirements and limitations within the *Planning Code*, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principles for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and

design review by the Planning Department. Therefore, the proposed 100 Van Ness Avenue project would not physically disrupt or divide an established community.

As determined by the Citywide and Current Planning sections of the San Francisco Planning Department, the proposed project is (i) consistent with the Market and Octavia Neighborhood Plan, (ii) satisfies the requirements of the General Plan and the Planning Code, and (iii) is eligible for a Community Plan Exemption.[11,12] Therefore, the project would have no significant impacts related to land use.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*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 Market and Octavia Neighborhood Plan envisioned the character of the Plan Area as experiencing incremental change from a mid-rise area with a mix of residential and commercial uses and parking lots to a vibrant, full-service urban neighborhood of mid- to high-rise residential and mixed-use buildings in distinct locations. Designated areas of open space, landscaped public rights-of-way, and enclaves of older housing and commercial buildings would intersperse this area. The greatest amount of aesthetic change under the Plan is expected to occur in the Western South of Market (SoMa) neighborhood and on the Central Freeway parcels along the Octavia Boulevard corridor.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed Project would remain visible from most residential and commercial buildings within the project site vicinity. Since the proposed Project would retain its height of 400 feet, private views on private property would not be altered as part of the Project and the Project would not change the visual aesthetics of the surrounding area. In addition, the change in exterior façade would not result in impacts commonly

[11] Jose Campos, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 100 Van Ness Avenue.* This document is on file and available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

[12] Kelley Amdur, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, 100 Van Ness Avenue.* This document is on file and available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

expected in an urban setting, and the exterior re-skinning of the existing building façade would not impact views that would constitute a significant impact under the CEQA.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 Neighborhood Plan is anticipated to result in a net increase of 7,620 residents by the year 2025. The EIR determined that while the Plan would generate household growth, it would not cause an adverse physical impact as 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 proposed residential increase.

The proposed project is located within the Market and Octavia Neighborhood Plan that calls for transit oriented development, infill housing development, jobs, and services near the existing transportation infrastructure. Planning Department staff has determined that the proposed project, a change of use to a residential mixed-use building with approximately 399 dwelling units and approximately 6,375 square feet of retail space, is consistent with the Market and Octavia Neighborhood Plan.

The proposed Project is not anticipated to create a substantial demand for increased housing, and would help to satisfy the Plan's goal of increasing the affordable housing supply by providing on-site affordable housing units (15% of the Project units) in the City. Additionally, the project would pay the Market and Octavia Affordable Housing Fee, as required by Planning Code 416. The additional 1,820 square-feet of retail space added to the existing 4,555 square-feet (6,375 square-feet in total) would create approximately five (5) jobs[13]. Additionally, the proposed Project would not displace substantial numbers of people, because the existing office building is currently largely vacant. As such, construction of replacement housing would not be necessary.

The development of 100 Van Ness Avenue into infill housing in an existing neighborhood well-served by transit and other public services would not have significant physical environmental impacts due to

[13] The estimated number of retail employees is based on the project's proposed retail space (6,375 sq. ft.) divided by 350, equating to 1 job for every 350 sq. ft., derived from Table C-1 of the *Transportation Impact Analysis Guidelines*, San Francisco Planning Department, October 2002.

population, housing and employment growth. The site's development would fall into the range of effects discussed in the EIR and would not have a peculiar significant physical environmental impact.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 Architectural Resources

Please see Certificate of Determination for discussion of this topic.

Archeological Resources

The Market and Octavia Neighborhood Plan EIR identified potential archeological impacts and identified four archeological mitigation measures that would reduce impacts on archeological resources to less than significant. Since no excavation or soil disturbance below the existing building and below-grade garage is proposed as part of the Project, the proposed Project would not result in peculiar impacts related to archeological resources, and no mitigation is required.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
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?	☐	☐	☐	☒
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 Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 Certificate of Determination for discussion of this topic.

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

Greenhouse Gases

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 GHG's 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% of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[18] Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[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 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 below. ARB has identified an implementation timeline for the GHG reduction

---

[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 online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx*. Accessed March 2, 2010.

[19] *Ibid.*

[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.

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).

GHG Reductions from the AB 32 Scoping Plan Sectors[22]

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
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**

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.

---

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

[22] *Ibid.*

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 GHG 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.[23] 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 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 (change of use, interior construction, and façade re-skinning) would at most minimally increase the activity onsite by establishing a residential use with retail in place of the existing office and retail use which could result in an increase in vehicle trips and in energy use. The Project could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water and 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.

---

[23] 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.

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.[24] 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 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;
- 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."[25]

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

---

[24] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

[25] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: *http://www.sfplanning.org/index.aspx?page=1570.* Accessed November 12, 2010.

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 below.

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.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.
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.

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

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 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.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☐	☒

Wind

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

Shadow

The proposed Project would not alter the height of the existing building. Therefore, the proposed Project would not result in any peculiar shadow impacts.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 discussion of Recreation and Public Facilities in the Market and Octavia Plan EIR concludes there would be no significant impact at the program level. The residents of 100 Van Ness Avenue would use existing parks, open spaces, and recreation areas nearby including: Patricia's Green, Hayward Playground, Jefferson Square, War Memorial Open Space, Koshland Park, Howard-Langton Mini Park, and Civic Center Plaza. The proposed Project residents would also have access to a common rooftop open space. Thus, the new residents of 100 Van Ness Avenue would not overburden nearby recreational facilities beyond the extent considered in the Market and Octavia Plan. The proposed project's residents and thus its effects on recreational facilities would be consistent with the Market and Octavia Plan as evaluated in the EIR, and there would be no significant environmental impact peculiar to the project or its site.

[26] Greenhouse Gas Analysis: Compliance Checklist. November 12, 2010. This document is on file and available for public review 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	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?	☐	☐	☐	☒
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 proposed Project would contribute to the Market and Octavia Neighborhood Plan's less-than-significant increased demand on wastewater treatment, stormwater drainage facilities, water supply, and landfill capacity. The Project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed Project would have sufficient water supply available from the existing entitlement, and solid waste generated by Project construction and operation would not result in the landfill exceeding its permitted capacity; therefore, 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.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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 not substantially increase demand for police or fire protection services beyond what was analyzed in the Market and Octavia EIR and would not necessitate new school facilities in San Francisco. 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	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?	☐	☐	☐	☒
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 discussion of Biological Resources in the Market and Octavia Plan EIR concludes that there would be no significant impact and no mitigation is necessary. The Project site is covered entirely by an existing building, and is located in a developed urban area that does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed Project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species. The Project would not result in any significant effect with regard to biology, nor would the Project contribute to any potential cumulative impacts on biological resources.

The proposed Project's effects on local biology would be consistent with the Market and Octavia Plan as evaluated in the EIR. In addition, there would be no other significant environmental impact peculiar to the Project or its site.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*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?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

The Market and Octavia Plan EIR considered geology, soils, and seismicity, and determined that the project site has stable to generally stable slopes, and has a very low risk of soil liquifaction during a seismic event. For the Market and Octavia Neighborhood Plan area, the EIR concluded that compliance

with the San Francisco Building Code and review by DBI would reduce any impacts to less-than-significant levels.

A geotechnical investigation[27] has been performed for the proposed Project. The project site is underlain by historic fill, stiff clay (colluviums), and bedrock. The fill is underlain by loose to dense sand with variable silt and clay content interbedded with lenses of stiff silt and clay commonly referred to as Dune sand to depths of 25 to 37 feet below the existing basement level. The existing building is supported on a mat foundation bearing on dense to very dense Colma Formation sand, which is capable of supporting relatively heavy loading. The ultimate bearing capacity of the soil below the mat exceeds 100,000 pounds per square foot (psf). The design of the building foundation was likely governed by settlement expectations. The building was designed using an allowable bearing pressure of 7,500 psf, which would result in settlement of about ¾ to 1 inch. The design bearing pressure and estimated settlement are appropriate for the foundation used. Settlement of the soil below the mat under the weight of the existing building is complete. Additionally, since the foundation loads are being reduced with the lighter proposed exterior wall system, the renovations are not expected to cause any new settlement of the building.

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 mitigated 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 mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively.

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

[27] Treadwell & Rollo, Environmental and Geotechnical Consultants. *Geotechnical Investigation: 100 Van Ness Avenue, San Francisco, CA*. February 21, 2012. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2012.0032E.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	No Impact
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?	☐	☐	☐	☒
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 discussion of Hydrology in the Market and Octavia Neighborhood Plan EIR concludes that there would be no significant impact at the program level. The project site is almost completely covered by the existing building and would retain the building envelope as part of proposed Project. Effects related to water resources would not be significant, either individually or cumulatively. In addition, the project site is not within a 100-year flood hazard area; nor is it in proximity to a dam or levee, nor in an area at risk for a seiche, a tsunami, or a mudflow. The proposed Project's hydrological and water quality effects would be consistent with the Market and Octavia Neighborhood Plan as evaluated in the EIR; and there would be no significant environmental impact peculiar to the project or its site. No mitigation measure is necessary related to this topic.

Therefore, effects related to water resources would not be significant, either individually or cumulatively as identified in the Market and Octavia Neighborhood Plan EIR.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Market and Octavia Neighborhood Plan EIR noted that future development would be subject to individual site assessments and compliance with relevant regulations administered by the Department of Public Health. The EIR notes that implementation of required measures in compliance with applicable regulations and standards regarding contamination would reduce potential impacts to less-than-significant levels.

The Project site is completely covered by the existing office building and would remain completely covered since the Project would retain the existing building structure. The proposed Project includes interior construction of the existing building for residential use. Nonstructural elements such as equipment, carpeting, and sheetrock may be removed and replaced. The building shell would remain unchanged, and the only exterior change would be the re-skinning of the exterior building walls. The proposed Project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected; therefore, impacts related to hazardous materials would be less than significant.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

The Market and Octavia Neighborhood Plan EIR determined that the program would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the San Francisco Department of Building Inspection. The project area does not include any natural resources routinely extracted, and the proposed rezoning does not result in any natural resource extraction program. For these reasons, the Market and Octavia Neighborhood Plan EIR concluded that the program would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and mineral resources. No mitigation measures were identified in the EIR.

The energy demand for the proposed Project would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the San Francisco Department of Building Inspection. Therefore, the proposed Project would not result in any impacts to energy resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒

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

San Francisco does not contain any agriculture or forest resources that falls under the State Public Resource Code definitions of forest land or timberland; therefore, these topics are not applicable to the proposed Project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	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?	☐	☐	☐	☒
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 involve retention of the existing building structure, a change of use from office to residential, renovation of the interior of the building to create 399 residential units and 6,375 sf of ground-floor retail, and re-skinning of the exterior of the building. The building height would remain at 400 feet. 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 Neighborhood Plan EIR.

C. DETERMINATION

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

☒ The proposed project is qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**

☒ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (FEIR) for the Plan Area, and all applicable mitigation measures have been incorporated into the proposed project or will be required in approval of the project.

☐ The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION are required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

Rick Cooper, for

DATE July 19, 2012

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director