



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2014.0519E  
 Project Address: 2100 Market Street  
 Zoning: Upper Market Neighborhood Commercial Transit Zoning District  
 40-X, 60/65-X Height and Bulk District  
 Block/Lot: 3542/041  
 Lot Size: 10,416 square feet  
 Plan Area: Market and Octavia Area Plan  
 Project Sponsor: Brian Spiers, Brian Spiers Development, (415) 445-4670  
 Staff Contact: Don Lewis, (415) 575-9168  
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### PROJECT DESCRIPTION

The project site is located on an irregular-shaped lot on the northwest corner of Church, Market and 14<sup>th</sup> streets in the Castro/Upper Market neighborhood. The project site is occupied by a 20-foot-tall, two-story, commercial building approximately 4,406 square feet in size with a surface vehicular parking lot containing 13 spaces. The existing building was constructed in 1955 and is currently vacant, but was formerly occupied by a restaurant ("Home"). The proposed project involves the demolition of the existing building, the removal of the surface parking lot, and construction of a 65-foot-tall (81-foot-tall with elevator penthouse), seven-story, mixed-use building approximately 61,678 square feet in size. The proposed building would step down to four stories along its 14<sup>th</sup> Street frontage. The proposed building would include 62 residential units and 2,600 square feet of ground-floor commercial use. The proposed mix of units would be 6 studio units, 31 one-bedroom units, and 25 two-bedroom units. The proposed

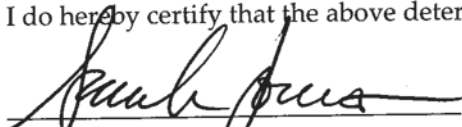
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### EXEMPT STATUS

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

### DETERMINATION

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

  
 SARAH B. JONES  
 Environmental Review Officer

January 27, 2016  
 Date

cc: Brian Spiers, Project Sponsor  
 Supervisor Scott Wiener, District 8  
 Jeffrey Horn, Current Planner  
 Exemption/Exclusion File

Historic Preservation Distribution List  
 Distribution List  
 Virna Byrd, M.D.F.

## PROJECT DESCRIPTION (continued)

building would include 62 Class I bicycle spaces at the ground-floor level and five Class II bicycle spaces would be located on the Market Street sidewalk in front of the project site. The proposed project would remove the existing 19-foot-wide curb cut on Market Street and would reduce the existing curb cut on 14<sup>th</sup> Street from 30 to 11 feet. The proposed project would provide two off-street parking spaces at the ground-floor level for service vehicles only. The proposed garage entrance would include a warning signal. The proposed project would widen the 14<sup>th</sup> Street sidewalk from 9 to 12 feet where feasible. The proposed building would include a 4,800-square-foot, common roof deck. The nine existing street trees along Market Street would remain and seven new street trees would be planted along 14<sup>th</sup> Street. During the approximately 20-month construction period, the proposed project would require approximately five feet of excavation below ground surface and approximately 222 cubic yards of soil is proposed to be removed from the project site. Construction of the proposed project would require deep soil mixing (DSM) to improve the soil for the portion of the project site that is not located within the Bay Area Rapid Transit (BART) Zone of Influence (ZOI) area. DSM columns or panels would be installed in a regular grid pattern and the proposed building would be supported on a mat designed to span between areas of improved soil. The portion of the proposed structure that is located within the ZOI would be supported on drilled piers.

## PROJECT APPROVALS

The proposed 2100 Market Street project would require the approvals listed below.

### Actions by the Planning Commission

- Approval of Conditional Use Authorization from the Planning Commission for development of a lot greater than 9,999 square feet in area.

### Actions by other Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work;
- Approval of proposed streetscape improvements from San Francisco Municipal Transportation Agency (SFMTA);
- Approval of street and sidewalk permits from San Francisco Public Works for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts;
- Approval of building permits from the San Francisco Department of Building Inspection for demolition and new construction; and
- Approval of shoring and foundation work within a “Zone-of-Influence” area from the San Francisco Bay Area Rapid Transit.

The approval of the Conditional Use Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 2100 Market Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Market and Octavia Area Plan* (Market and Octavia PEIR).<sup>1</sup> Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.<sup>2,3</sup> The PEIR analyzed amendments to the *San Francisco General Plan* (*General Plan*) to create the *Market and Octavia Area Plan* and amendments to the Planning Code and Zoning Maps, including the creation of the Upper Market Street NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the *Market and Octavia Area Plan*. The proposed 2100 Market Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the *Market and Octavia Plan* area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 2100 Market Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Upper Market Street NCT District is located on Market Street from Church to Noe streets and portions of side streets that intersect Market Street. This district is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods but also serves as a shopping district for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. This district is well served by transit and is anchored by the Market Street light rail, with underground stations at Church Street and Castro Street, and the F-Market historic streetcar line. All light rail lines in the City travel through this district. Market Street is also a primary bicycle corridor. In

<sup>1</sup> San Francisco Planning Department Case No. 2003.0347E, State Clearinghouse No. 2004012118.

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

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

order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic, off-street residential parking is not required and is generally limited. Commercial establishments are discouraged or prohibited from providing accessory off-street parking. In addition, there are prohibitions on access (curb cuts, driveways, and garage entries) to off-street parking and loading facilities on Market and Church streets. As part of the City's Better Neighborhoods Program, these concepts were fully articulated in the *Market and Octavia Area Plan*.

In May 2008, subsequent to the certification of the PEIR, the Board of Supervisors approved and the Mayor signed into law revisions to the Planning Code, Zoning Maps, and *General Plan* that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The *Market and Octavia Area Plan*, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 2100 Market Street project.

Individual projects that could occur in the future under the *Market and Octavia Area Plan* will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 2100 Market Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 2100 Market Street project, and identified the mitigation measures applicable to the 2100 Market Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>4,5</sup> Therefore, no further CEQA evaluation for the 2100 Market Street project is required. Overall, the Market and Octavia PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on an irregular-shaped lot on the northwest corner of Church, Market and 14<sup>th</sup> streets in the Castro/Upper Market neighborhood. Immediately adjacent to the project site is a three-story, mixed-use building (constructed in 1911) with three residential units and ground-floor retail that fronts on Market Street and a one-story commercial building ("Cybelle's Pizza") that fronts on 14th Street (constructed in 1955). Notable features immediately adjacent to the project site along Market Street includes an approximately 10-foot-tall Muni elevator overhead, an escalator to the underground Church Street Muni station, an approximately 15-foot-tall newsstand structure, and two 33-foot-tall decorative lamp posts.<sup>6</sup> There is a Muni shelter immediately adjacent to the project site on 14th Street.

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<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 2100 Market Street, April 2, 2015. This document, and other cited documents, are available at the Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0519E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 2100 Market Street, January 12, 2016.

<sup>6</sup> These two lamp posts are among the 327 light standards associated with Market Street's "Path of Gold," which runs from 1 Market to 2490 Market and is San Francisco Landmark #200. The proposed project would not impact these lamp posts.

Buildings located on the north side of Market Street, from 14th to 15th streets, are primarily three to four stories tall with ground-floor retail and residential units above. Other buildings in this area include a one-story commercial building (“Lucky 13”), a three-story hotel (“Twin Peaks Hotel”), and a three-story social hall and commercial building (“Swedish American Hall” and “Café Du Nord”) that was constructed in 1907 in the Scandinavian Revival style. At the northeast corner of Market and Sanchez streets (2198 Market Street) is a six-story, mixed-used building with 87 dwelling units, which is currently under construction. Across Market Street south of the project site, from Church to Sanchez streets, is primarily mixed-use buildings two to three stories tall. At the southeast corner of Market and 15<sup>th</sup> streets (directly across from 2198 Market Street) is the 2175 Market Street development which is a newly constructed six-story, mixed-use building with 88 dwelling units.

Along the south side of 14<sup>th</sup> Street, from Church to Belcher streets, is a one-story commercial building, a three-story residential building, and a four-story residential building with garage. Along the north side of 14<sup>th</sup> Street (across from the project site), from Church to Belcher streets, is a two-story commercial building and 8 three-story buildings primarily containing ground-floor retail with residential units above. Across Market Street, south of the project site along Church Street contain one- to three-story buildings that are primarily mixed-use buildings with ground-floor retail with residential units above. Across Church and 14th streets to the east of the project site is the Safeway grocery store with a surface parking lot.

There are two proposed developments in the project vicinity that are currently undergoing environmental review. The 2140 Market Street project would demolish the “Lucky 13” bar and construct a five-story, mixed-use building with 31 dwelling units and 1,200 square feet of ground-floor retail (Case No. 2014-002035ENV). The 2201 Market Street project would demolish the existing two-story commercial building and construct a six-story, mixed-use building with 14 residential units and 2,500 square feet of ground-floor retail.

Market Street is a major transportation corridor through downtown San Francisco that runs northeast to southwest from the Ferry Building on The Embarcadero to the Castro, Upper Market, and Twin Peaks neighborhoods. The project site is well served by public transportation. The San Francisco Municipal Railway (Muni) operates the F Market historic streetcar plus a number of surface buses that run on Church and Market streets. Muni also operates the Muni Metro light rail system, which runs underground beneath Market Street in the project vicinity. There is a Muni Metro station immediately adjacent to the project site. Within 250 feet of the project site, the San Francisco Municipal Railway (Muni) operates the F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines, and the 22-Fillmore and 37-Corbett bus lines.

The project site is within the Upper Market Street Commercial Historic District. The surrounding parcels are either within the Upper Market NCT district (along Market Street towards the west of the project site), the Moderate-Scale Neighborhood Commercial Transit district (along Market Street to the east of the project site), or the Residential Transit-Oriented district (surrounding parcels that are not located on Market Street). Height and bulk district within a one-block radius range between 40-X to 65-X.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind;

cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 2100 Market Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the *Market and Octavia Plan*. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 2100 Market Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line). A shadow fan analysis prepared by the Planning Department determined that the proposed project would not shadow any parks or open spaces.<sup>7</sup> At a height of 65 feet, the proposed project is not tall enough to substantially alter ground-level wind currents in a manner that would adversely affect public areas and result in a significant wind impact. Implementation of the proposed project would involve the demolition of a building that was determined not to be a historic resource, and Department staff determined that the architectural design of the proposed project would be compatible with the character of the Upper Market Street Commercial Historic District.<sup>8</sup> Consistent with the assumptions in the Market and Octavia PEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Church/14th streets intersection that could potentially contribute to worsening the intersection operating conditions. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure. Transit ridership generated by the project would not make a considerable contribution to the transit impacts identified in the Market and Octavia PEIR.

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

**Table 1 – Market and Octavia PEIR Mitigation Measures**

Mitigation Measure	Applicability	Compliance
<b>A. Shadow</b>		
A1. Parks and Open Space Not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	<b>Completed:</b> The Planning Department generated a shadow fan and determined that the proposed project would not shadow any parks

<sup>7</sup> San Francisco Planning Department, *Shadow Fan Analysis for 2100 Market Street*, April 29, 2015.

<sup>8</sup> San Francisco Planning Department, *Preservation Team Review Form, 2100 Market Street*, January 6, 2016.

Mitigation Measure	Applicability	Compliance
		or open spaces.
<b>B. Wind</b>		
B1: Buildings in Excess of 85 Feet in Height	Not Applicable: Project does not exceed a height of 85 feet.	N/A
B2: All New Construction	Applicable: Project involves new construction of a 65-foot-tall building.	<b>Completed:</b> The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
<b>C. Archeological Resources</b>		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: Project site is not an archeologically documented property.	N/A
C2: General Soil-Disturbing Activities	Applicable: Project would include soil-disturbing activities.	The Planning Department has conducted a Preliminary Archeological Review, and the project sponsor has agreed to implement the Planning Department's Third Standard Mitigation Measure, which requires archeological testing (see Project Mitigation Measure 1).
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project would not include soil-disturbing activities associated with public street or open space improvements.	N/A
C4: Soil-Disturbing Activities in the Mission Dolores Archeological District	Not Applicable: Project site is not in the Mission Dolores Archeological District.	N/A
<b>D. Transportation</b>		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Plan level mitigation by the San Francisco Municipal Transportation Agency (SFMTA).	N/A
D4: Traffic Mitigation Measure for Market/Sanchez/ Fifteenth Streets Intersection (LOS E to LOS E with	Not Applicable: Plan-level mitigation by the SFMTA.	N/A

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
increased delay PM peak-hour)		
D5: Traffic Mitigation Measure for Market/Church/ Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
<b>E. Air Quality</b>		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Superseded by Construction Dust Control Ordinance.	N/A
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Not Applicable: Project site is not in an Air Pollutant Exposure Zone.	N/A
<b>F. Hazardous Materials</b>		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: Superseded by Construction Dust Control Ordinance and federal, state, and local regulations related to abatement and handling of hazardous materials.	N/A
<b>G. Geology, Soils, and Seismicity</b>		
G1: Construction-Related Soils Mitigation Measure	Not Applicable: Superseded by SFPUC Construction Site Runoff Ordinance.	N/A

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

## **PUBLIC NOTICE AND COMMENT**

A "Notification of Project Receiving Environmental Review" was mailed on January 23, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Concerns raised by the public include the following: height of proposed building is out of character; too many units proposed; off-street parking needs to be provided due to the lack of on-street parking; new shadow on existing buildings, sidewalks,



and streets; sidewalks are congested and project would worsen pedestrian conditions; and project would place a strain on City services.

The proposed height and number of residential units is permitted in the 65-X height and bulk district and the Upper Market NCT zoning district. The proposed project is also consistent with the density and land uses envisioned in the *Market and Octavia Area Plan*. As discussed in the Shadow section of the CPE Checklist, the proposed project would shade portions of nearby streets, sidewalks and private property in the project vicinity. Shadows upon streets, sidewalks, and private property would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant impact under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that parking impacts of a residential project on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. The project site is located in the Upper Market NCT zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. In addition, the project site is well-served by transit (Muni lines F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, N-Judah, 22-Fillmore and 37-Corbett) and bicycle facilities (Market and 14<sup>th</sup> streets both are bicycle routes). The proposed project would not result in a substantial parking shortfall that would create hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

While the project site is identified as being in a high-injury corridor<sup>9</sup>, implementation of the proposed project would improve pedestrian circulation by removing the 9-foot-wide curb cut on Market Street and reducing the curb cut on 14<sup>th</sup> Street from 30 to 11 feet. The proposed project would also remove the approximately 13-space parking lot and would not provide any off-street parking. The proposed project would widen the 14<sup>th</sup> Street sidewalk from 9 to 12 feet where feasible, and the proposed garage entrance (service vehicles only) would include a warning signal for pedestrians. Furthermore, the new pedestrian trips that would be generated by the proposed project could be accommodated on existing sidewalks and crosswalks adjacent to the project site.<sup>10</sup> Although the proposed project would result in an increase in the number of vehicles and pedestrians in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. Regarding the comment about the proposed project placing a strain on City services, as discussed in the attached CPE Checklist, the proposed project would be within the scope of development projected under the *Market and Octavia Area Plan*.

## CONCLUSION

As summarized above and further discussed in the Community Plan Exemption (CPE) Checklist:<sup>11</sup>

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<sup>9</sup> The high-injury corridor is defined by Vision Zero, which is the City's adopted road safety policy that aims for zero traffic deaths in San Francisco by 2024. The Vision Zero High Injury Network map, accessed on January 8, 2016, is available online at: <http://sfgov.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=335c508503374f5d94c95cb2a1f3f4f4>.

<sup>10</sup> The sidewalk width of Market Street in front of the project site is approximately 23 feet.

<sup>11</sup> The CPE Checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0519E.

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

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

## 2100 MARKET STREET- MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>ARCHEOLOGICAL RESOURCES</b>					
<p><b>Project Mitigation Measure 1 – Archeological Testing (Implements Mitigation Measure C2 of the Market &amp; Octavia PEIR).</b> Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QAACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QAACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this requirement. The archeological consultant's work shall be conducted in accordance with this requirement at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this requirement could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	Project sponsor.	Prior to issuance of grading or building permits.	Project sponsor to retain archeological consultant to undertake archaeological testing and, if required, archeological monitoring program in consultation with ERO.	Project sponsor, archeologist, and ERO.	Complete when project sponsor retains a qualified archeological consultant.
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans or the Overseas Chinese an appropriate representative<sup>2</sup></p>	Project sponsor/archeol	In the event of discovery of an	Contact any individual listed	Archeological consultant and	Considered complete

1 By the term "archeological site" is intended here to minimally included any archeological deposit, feature, burial, or evidence of burial.

2 An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Mitigation Reporting Responsibility</b>	<b>Monitoring Schedule</b>
of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.	ogical consultant in consultation with any individual listed in the current Native American Contact List and Chinese Historical Society of America.	archeological site associated with descendant Native Americans or Overseas Chinese.	in the current Native American Contact List and Chinese Historical Society of America and implement any further mitigation advised.	ERO.	upon notification of appropriate organization and implementation of any further mitigation as advised.
<i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.	Project sponsor/ archeological consultant at the direction of the ERO.	Prior to soil-disturbing activities on the project site.	Prepare and submit draft ATP, implement ATP.	Archeological consultant and ERO.	After consultation with and approval by ERO of ATP. Considered complete on submittal to ERO of report on ATP findings.
At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of ATP.	Submit report to ERO of the findings of the ATP.	Archeological consultant and ERO.	Considered complete on submittal to ERO of report on ATP findings.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Mitigation Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor / contractor(s) at the direction of the ERO.</p>	<p>ERO and archeological consultant meet prior to commencement of soil-disturbing activity. If ERO determines that an AMP is necessary, monitor throughout all soil-disturbing activities.</p>	<p>Implement AMP.</p>	<p>Archeological consultant and ERO.</p>	<p>Considered complete on findings by ERO that AMP implemented.</p>
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>• The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>• The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</li> <li>• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> </ul>	<p>Archeological consultant.</p>		<p>Notify ERO if intact archeological deposit is</p>		
<p>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</p>					
<ul style="list-style-type: none"> <li>• If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity</li> </ul>					

**MONITORING AND REPORTING PROGRAM**

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<p>(foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> </ul>			encountered.		
	Archeological consultant at the direction of the ERO.	If there is determination by the ERO that an ADRP is required.	Prepare an ARDP.	Archeological consultant and ERO.	Considered complete on findings by ERO that ADRP is implemented.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Mitigation Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<ul style="list-style-type: none"> <li>• <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>• <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul>					
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	Project sponsor/ archeological consultant in consultation with the San Francisco Coroner, NAHC, and MLD.	In the event human remains and/or funerary objects are encountered.	Contact San Francisco County Coroner. Implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/ unassociated funerary objects.	Archeological consultant and ERO.	Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p>	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of archeological data recovery, inventorying, analysis, and interpretation.	Submit a draft FARR.	Archeological consultant and ERO.	Considered complete on submittal of FARR.
<p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The</p>	Archeological consultant at the direction of the	Written certification submitted to	Distribute FARR.	Archeological consultant and ERO.	Considered compete on distribution

**MONITORING AND REPORTING PROGRAM**

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Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.	ERO.	ERO that required FARR distribution has been completed.			of FARR.