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Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	2008.0550E
Project Title:	2001 Market Street Mixed-Use Development
Zoning/Plan Area:	NCT-3 (Moderate Scale Neighborhood Commercial Transit District) 85-B and 40-X Height and Bulk District
Block/Lot:	3535/1 and 2
Lot Size:	31,227 square feet
Plan Area:	Market and Octavia Area Plan
Project Sponsor	Don Bragg, Prado Group, 415- 395-0880
Staff Contact:	Irene Nishimura - (415) 575-9041 irene.nishimura@sfgov.org

PROJECT DESCRIPTION:

The proposed project is the demolition of three existing two story buildings totaling 47,133 square feet on two adjacent parcels, and construction of an 8-story, approximately 187,000 gross-square-foot (gsf) mixed-use building with residential above a first floor grocery. The project site is on the east side of the block bounded by Market, Dolores, and 14th Streets. The new building would have 82 residential units, with 101 parking spaces on two floors to serve the retail and residential uses. There would also be a loading dock on 14th Street serving the grocery store. The residential pedestrian entrance would be on Dolores Street, approximately 50 feet from the Market Street corner and the retail pedestrian entrance would be at the corner of Market and Dolores Streets. The garage entrance for the retail parking would be on Dolores Street; the residential parking entrance would be on 14th Street. (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:

(see p. 7, below)

DETERMINATION:

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

November 9, 2010

Bill Wycko
Environmental Review Officer

Date

cc: Irene Nishimura, MEA Division
Michael Smith, Neighborhood Planning Division
Supervisor Bevan Dufty, District 8
Dan Safier, Project Sponsor
Virna Byrd, M.D.F.
Exclusion/Exemption File
Historic Preservation Distribution List
Distribution List

PROJECT DESCRIPTION:

(continued from cover page)

Proposed Project

Under the proposed project, the existing commercial and residential buildings would be demolished and replaced with a residential building with ground floor retail/commercial space that would be occupied by a grocery store, and two levels of basement parking. The proposed building would be eight stories (85 feet) tall, plus an additional ten-foot tall mechanical penthouse along Market Street and an elevator penthouse along Dolores Street, and would step down to four stories at 14th Street. The top two floors along Dolores Street and along 14th Street would be set back eight feet from the property line. The building would include about 102,400 gross square feet (gsf) of residential space with 82 residential units on Floors 2 through 8 and a dedicated residential lobby; about 31,000 gsf of commercial space on the first floor; and about 54,000 gsf of combined retail and residential parking on two levels with up to 101 spaces.[1] The total gross building area would be 187,400; according to the definition in Planning Code Section 102.9, the total gross area would be approximately 133,798 gsf. The proposed project would also include private open space and about 8,220 sq. ft. of common usable open space in a courtyard on the third floor podium.

Proposed Building Form

The proposed building would generally extend to the property lines at the ground level and would have an articulated façade intended to break up the volume of the building into visually distinct, smaller-scaled volumes. The building would have three sections: the 85-foot tall 118-foot wide Market Street section on its north side (the tallest element); the 302-foot wide Dolores Street section, which would be the same height as the Market Street section but with an 8-foot setback at 65 feet; and the 136-foot wide 14th Street section (four stories tall with an 8-foot set back at the third floor). Each section is designed to be visually distinct from the others. The Market Street section of the proposed building would include a mechanical penthouse, and the Dolores section of the building would include the elevator penthouse. A variety of materials would be used for the building exterior, including brick, tile, metal, glass, and cement plaster. An approximately 8,220 sq. ft. courtyard on the third floor podium would provide common usable open space for all the residential units.

Proposed Building Program

As currently envisioned, the proposed 31,000 sq. ft. retail/commercial space would be occupied by a full-service grocery store (Whole Foods). A pedestrian entrance and exit for the retail space would be located at the corner of Market and Dolores streets. An approximately 350-square-foot commercial space would be located at the corner of 14th and Dolores streets at ground level.

In addition to the proposed retail / commercial space, the first floor of the proposed building would contain the main residential lobby and service / core areas which would include stairwells and elevator shafts (retail and residential).

[1] In addition to the 101 parking spaces, there would be five car share spaces and one delivery van space.

Along the project site frontage, Market Street slopes downward from east to west at a grade of about 3 percent, and Dolores Street slopes downward from north to south at a grade of about 5 percent. Due to the north-south slope, the residential parking access, the retail parking access, and the retail loading dock would all be located on Garage Level B1, the floor below the first floor grocery store space, at ground level on 14th Street. The residential vehicle access leading down to Garage Level B2 would be located on 14th Street, approximately at the mid-point of the building façade. Adjacent, just to the west of that opening, would be the retail loading dock, which would have recycling and trash facilities for the grocery store. The retail parking entry and exit would be on Dolores Street, about 40 feet north of the corner of 14th Street.

Floors 2 through 8 would contain 82 residential units (approximately 102,400 sq. ft.) and core space, such as elevator shafts and air ducts. Floor 2 would have 14 residential units and Floor 3 would have 15 residential units. The southern third of the property would be built with one floor above the third floor podium, which would have a landscaped courtyard of approximately 8,220 sq. ft., a community room of 750 gsf and a fitness room of 700 gsf, for residents. Floors 4 through 7 would each have 11 units, and Floor 8 would have nine units.

Of the 82 planned units, 7 would be studios, 27 would be one-bedroom units, 46 would be two-bedroom units, and 2 would be three-bedroom units. Pursuant to the Residential Inclusionary Housing Ordinance, Planning Code Section 315, and Interim Controls initiated by the Board of Supervisors in February 2010 amending Planning Code Section 315,[2] the project sponsor would be required to pay an affordable housing fee.[3]

Proposed Parking Program and Loading

The project site currently has 100 parking spaces on two levels in the S&C Ford building, with two roll-up doors that provide vehicular access on 14th Street. The 632-634 14th Street site has a curb cut and a two-car parking garage; 626-628 14th Street has a curb cut and parking area for two cars. The S&C Ford site has two curb cuts on 14th Street and two on Dolores Street.

In the proposed project, parking for the residential and retail/commercial uses would be provided on two separate below-ground levels (about 54,000 sq. ft. of parking). The upper level of parking, for the retail use (Garage Level B1) would be above grade at the southern end of the building due to the project site's slope. The lower level of parking, the residential parking, (Garage Level B2) would be approximately 27 feet below grade as measured at the northeast corner of the project site, approximately 22 feet below grade as measured at the northwestern corner of the site, and approximately 13 feet below grade at the south end of the site.[4]

Currently, the existing site has six curb cuts, two on Dolores Street and four on 14th Street. As part of the proposed project, there would be three curb cuts, two on 14th Street and one on Dolores Street.

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[2] Board of Supervisors Resolution No. 36-10, adopted February 2, 2010, File No. 100047.

[3] The Interim Controls would allow a project sponsor to meet alternative requirements if eligible.

[4] Excavation would only be a few feet deeper: 15 feet deep on the southern edge of the project site, and 40 feet deep at the deepest point at the northeast corner.

Residents would access the residential parking level by elevators in the residential lobby. Retail customers would access the retail parking level by an elevator and a stairway inside the building, near the corner of Market and Dolores streets.

The proposed parking program would include up to 101 spaces, of which 41 spaces on Garage Level B2 would be for the residential units,, and 60 parking spaces on Garage Level B1 would be for retail use. Garage Level B1 also would have space for a grocery delivery van and three non-exclusive use car share spaces. Garage Level B2 would have two exclusive-use car share spaces. Six of the parking spaces would be handicapped-accessible: three residential parking spaces on Garage Level B2, and three retail parking spaces on Garage Level B1. All parking spaces on both levels would be independently accessible.[5] At least 16 Class II bicycle racks (accommodating 32 bicycles) would be provided at grade on Market Street and 18 Class II bicycle spaces in Garage Level B1 for the retail use.[6] Showers and lockers would be located within the store for employees who bike to work. There would also be at least 41 Class I bicycle parking spaces for residents' use on Garage Level B2 in a secure storage room near the elevators to Market Street.

The off-street loading dock located at Garage Level B1 with access from 14th Street would serve the proposed full-service grocery store. The proposed loading dock would be about 66 feet deep, and fully accommodate one truck with a 36-foot trailer. The loading dock door would be closed at all times except when trucks are arriving or departing the loading dock area.

The two existing on-street loading spaces on the 14th Street frontage of the project site would remain. As part of the project, a yellow loading zone is proposed for Dolores Street near 14th Street, and a white passenger loading zone is proposed adjacent to the residential lobby on Dolores Street near Market Street.

Proposed Open Space and Landscaping

According to Planning Code Section 135, the open space requirement for the proposed project would be 80 sq. ft. of private open space per dwelling unit or 106 sq. ft. per unit if provided in common. Ten units would have sufficient private open space. The common usable open space for the other 72 units would

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[5] The project sponsor may request eight additional parking spaces for the residential portion of the proposed project. If approved, the proposed project would add independently-accessible parking stackers to provide these spaces. This would increase the parking ratio from 0.5 spaces per dwelling unit to 0.6 and would require a Conditional Use Authorization (CU) pursuant to Planning Code Sections 151.1(f), 303, and 304. No CU is required for the 0.5 spaces per unit in the proposed project because this parking-space-to-dwelling-unit ratio is permitted in an NCT District (see Table 151.1 in the Planning Code). The 2001 Market Street Mixed Use Development Transportation Impact Study, dated **November 1, 2010**, and prepared by Adavant Consulting for the proposed project analyzes 0.6 spaces per dwelling unit. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

[6] San Francisco has two classes of bicycle parking. Class II is a standard bike rack to which bikes can be locked. Class I is defined as, "Facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking, and (5) personal storage (see San Francisco Planning Code Sec. 155.1).

be required to be a minimum of 7,887 sq. ft. in size to meet the Planning Code requirements. The proposed project would provide 8,220 sq. ft. of common open space on the third floor podium. These proposed project totals for private and common open space would exceed Planning Code open space requirements.

As part of the proposed project, nine new street trees would be planted along Dolores Street in front of the project building in order to comply with Section 143 of the Planning Code. The four street trees along Market Street in front of the project site would remain, and two new trees would be planted, for a total of six trees on Market Street in front of the proposed project building. On 14th Street, the two existing trees would be replaced and two new trees would be added, for a total of four trees on 14th Street.

The Planning Department is considering improvements to the sidewalks and travel lanes on Market, Dolores, and 14th streets adjacent to the project site. These off-site improvements are analyzed as a variant of the proposed project. They would involve widening the sidewalks adjacent to the project site in order to create bulb-outs on both the east and west sides of the Market and Dolores Street corner; extending the Dolores Street median at Market Street and at 14th Street; straightening the crosswalk across Market Street on the west side of Dolores Street; extending the eastbound bike lane at the intersection of Market and Dolores Street; eliminating the existing eastbound right-turn only lane from Market to Dolores Street; and eliminating one travel lane in each direction on Dolores Street, between Market and 14th streets. If the bulb-outs are approved, two of the street trees proposed on Dolores Street as part of the project would be replaced with other landscaping.

Proposed Foundation and Earthwork

The proposed building would have a mat foundation without piles. The maximum depth of the proposed excavation on the northern portion of the site is approximately 40 feet below grade (as measured at the northeast corner of the project site). On the southern portion of the site the maximum depth of the proposed excavation would be approximately 15 feet below grade (as measured at the southwest corner of the project site). Approximately 20,650 cubic yards of soil and rock would be removed from the project site.

Project Construction

Project construction, including demolition, would take approximately 19 months. Demolition would take one month. Excavation to remove soil and rock would be accomplished with mechanical equipment, such as excavators, bulldozers, backhoes, and/or graders, and would take about three months. Subsurface construction would take three months. Superstructure and exterior enclosure would take about eight months. Interior finish construction and landscaping would take about four months beyond completion of the enclosure. Assuming that construction would begin in the 3rd quarter of 2011, the building would be ready for occupancy in the 1st quarter of 2013. The proposed project would be developed by 2001 Market Street, LLC, and is designed by BAR Architects in collaboration with William McDonough + Partners Architects. April Phillips Design Works is the landscape architect.

Consistency with Market and Octavia Plan

The Market and Octavia Area Plan (MOP or Market and Octavia Plan) changed the zoning of the project site to Moderate-Scale Neighborhood Commercial Transit District (NCT-3) with the stated goal of

encouraging "transit-oriented, mixed-use development of a moderate scale to a height of 85 feet concentrated near transit services … along the Market Street corridor."[7] The Market and Octavia Plan "actively encouraged" retail use "on the ground floor with housing above to enliven commercial streets."[8] The entire block where the proposed project would be located also was rezoned NCT-3 (Moderate-Scale Neighborhood Commercial Transit District). The MOP also encourages as a policy more intense uses and activities in those areas best served by transit and most accessible on foot.[9] The MOP encourages housing and retail infill to support the vitality of the Upper Market Neighborhood Commercial District with "as much housing as possible on upper floors."[10] Policy 1.1.8 stresses the importance of continuous retail activities on Market, Church, and Hayes streets, requiring that at least 75 percent of the frontage on Market Street be "neighborhood-serving retail activities on the ground floor for new development."[11] The 85-foot height limit applies to the entire block bounded by Market, Dolores, and 14th streets.[12]

Grocery stores in excess of 20,000 square feet were considered separately in the Market and Octavia Plan, and hence are allowed to seek additional parking for each 250 square feet above 20,000 square feet.[13] The Market and Octavia Plan provides financial incentives to discourage development projects from including parking. Policy 2.4.1 requires that the cost of parking be disaggregated from the cost of housing. The Plan also encourages private developers to partner with car-share programs in locating car-share parking in new buildings.[14]

Both the *San Francisco General Plan* and the Market and Octavia Plan discourage residential demolitions, except where it would result in replacement housing equal to or exceeding that which is to be demolished.[15]

The proposed project is consistent with the development density and zoning in the Market and Octavia Plan. It is a mixed-use development of moderate scale that is 85 feet in height on Market Street; it would not contain office space; it would have ground story retail with residential on the upper floors; it would provide continuous retail along Market Street for over 75 percent of its frontage; and it would provide a grocery store in excess of 20,000 square feet. The price of residential units would be unbundled from parking, and car-share spaces would be provided. The proposed project would demolish four existing unoccupied residential units, and would replace them with 82 units.

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[7] See *Market and Octavia, An Area Plan of the General Plan of the City and County of San Francisco*, San Francisco Planning Department, December 2002 (hereinafter "MOP"), p. 6, and San Francisco Planning Code Section 731.1.
[8] MOP, p. 6..
[9] *Ibid.* See Policy 1.1.2.
[10] MOP, p. 9, Policy 1.1.3.
[11] *Ibid.*, p. 9.
[12] MOP, p. 12.
[13] MOP, p. 8.
[14] MOP, p. 17.
[15] MOP, p. 17.

In addition, Citywide Planning and Neighborhood Planning have determined that the proposed project is consistent with the Market and Octavia Plan and satisfies the requirements of the *San Francisco General Plan* and the Planning Code.[16] Therefore, the project is eligible for a Community Plan exemption.

The project sponsor would be required to contribute to the Market and Octavia Community Improvement Fund to help fund the pedestrian, traffic-calming, open space, and other public improvements envisioned in the Market and Octavia Area Plan.

REMARKS:

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

The Planning Department reviewed the proposed project for consistency with the Market and Octavia Better Neighborhoods Area Plan ("Market and Octavia Plan") and for the potential for the proposed project to result in significant impacts not identified in the Market and Octavia Plan Program Environmental Impact Report ("Market and Octavia Plan EIR" or "PEIR") (Case No. 2003.0347E; State Clearinghouse No, 2004012118) certified on April 5, 2007.

The Program EIR analyzed the Market and Octavia Plan, which would become an Area Plan of the *San Francisco General Plan*, and the amendments it would cause to the Planning Code and Zoning Maps. The EIR analysis was based upon an assumed development program that was anticipated to occur under the Market and Octavia Plan. The 2001 Market Street site was designated as NCT-3, 85-B, a designation intended to accommodate buildings up to 85 feet in height containing residential uses with retail uses on the ground floor.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project, with the exception of archaeological resources; biological resources; and hazards and hazardous materials related to the presence of serpentine rock, would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in

[16] Community Plan Exemption Eligibility Determination, as signed by Neighborhood Planning, and Citywide Planning and Policy Analysis, on November 3, 2010.

the PEIR.[17] With the exception of archaeological resources, biological resources, and hazards and hazardous materials, this determination does not identify new or additional information that would alter the conclusions of the PEIR. This determination also identifies mitigation measures contained in the PEIR that would be applicable to the proposed project at 2001 Market Street. Relevant information pertaining to prior environmental review conducted for the PEIR is included below, as well as an evaluation of potential environmental effects.

Background

The Market and Octavia Plan Area covers most of the area approximately two blocks wide along Market Street between Noe and 9th Streets, and two blocks wide along Octavia Boulevard, from Market to Turk Streets. Subsequent to the certification of the Final EIR, in April 2007, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and *General Plan* that constituted the "project" analyzed in the Market and Octavia Plan EIR. The legislation altered height limits within this area and adopted the Market and Octavia Area Plan within the *General Plan*. The legislation created new zoning controls that 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 to meet everyday needs. The Area Plan, as evaluated in the Market and Octavia Plan EIR and as approved by the Board of Supervisors, reflects the proposed use, design and density of the 2001 Market project.

Individual projects proposed under the Market and Octavia Plan undergo project-level environmental review to determine whether they could generate further impacts specific to their site, time, and configuration. The proposed project was reviewed and it was determined that, for most environmental review topic areas, the proposed project would not have the potential to result in significant project specific impacts. A Focused Initial Study / Mitigated Negative Declaration was prepared covering project specific issues in the areas of cultural and paleontological resources, biological resources, and hazards and hazardous materials. The review under the Community Plan Exemption and the Focused Initial Study / Mitigated Negative Declaration concludes that the proposed mixed residential and retail project at 2001 Market Street is consistent with and was encompassed within the analysis in the Program EIR for the Market and Octavia Plan, and the Program EIR identifies the applicable mitigation measures as adapted for project-specific conditions described in this Certificate of Exemption. Additional mitigation measures, not included in the Program EIR, are described in the Focused Initial Study / Mitigated Negative Declaration. The proposed project is also consistent with the zoning controls for the project site. Therefore, the 2001 Market project is consistent with the adopted Market and Octavia Plan, and this Certificate of Exemption in combination with the Focused Initial Study / Mitigated Negative Declaration comprises the full and complete CEQA evaluation necessary for the proposed project.

[17] A Focused Initial Study was conducted for covering these topics. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2008.0550E.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia Plan EIR analyzed the following environmental issues: 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 2001 Market project is in conformance with the height, use, and density for the site described in the Market and Octavia Plan EIR and would represent a small part of the growth that was forecast for Market and Octavia in the program EIR. Thus, the project analyzed in the Program EIR included the full impacts of projects which would be, in total, greater than that of the proposed 2001 Market project. The Focused Initial Study / Mitigated Negative Declaration analyzes impacts "peculiar" or particular to the project as currently designed, including assessment of project-specific impacts related to Cultural and Paleontological Resources, Biological Resources, and Hazards and Hazardous Materials. It was determined that, for the following topics, the proposed project did not have any peculiar aspects that could affect the environment beyond what was analyzed in the Market and Octavia Plan EIR: Land Use, Aesthetics, Population, Noise, Air Quality, Recreation, Utilities and Service Systems, Public Services, and Hydrology. These topics are, therefore, only discussed in the Community Plan Exemption Checklist for the proposed project.

The following issues in the Market and Octavia Plan PEIR were found to have a potentially significant impact in the PEIR: cultural (historical and archeological) resources; transportation; hazardous materials; and geology. These topics, and three additional topics not considered in the Market and Octavia Plan EIR (greenhouse gas emissions, mineral and energy resources and agriculture and forest resources), are considered in this Certificate of Determination of Exemption from Environmental Review.

Cultural and Paleontological Resources

Historic resource surveys were conducted for the Market and Octavia Plan Area subsequent to the adoption of the Market and Octavia Plan PEIR, with interim controls for evaluation and protection of historic resources during the survey period. On December 17, 2008, the Landmarks Preservation Advisory Board adopted the Market and Octavia Area Plan Survey. The three buildings that would be demolished by the proposed project were included in this survey and were not listed as needing subsequent evaluation in the survey. The survey concluded that 2001 Market was "ineligible for National Register, California Register, or Local designation, but may warrant special consideration in local planning."[18]

The Planning Department prepared an Historic Resource Evaluation Response (HRER) as part of its review of the proposed project, which determined that the existing 2001 Market Street building is not an

[18] Page & Turnbull, California Department of Parks and Recreation Primary Record, Market & Octavia Survey, March 2007. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

"historic resource" for the purposes of CEQA, and that the proposed project does not meet the criteria for listing on the California Register of Historical Resources.[19]

Page & Turnbull also evaluated the three subject buildings in project-specific analyses, and determined that these buildings were not historical resources.[20] Page & Turnbull determined that none of the three buildings on the project site are individually eligible for national, state, or local historic registers and do not contribute to a historic district. The three subject buildings were also considered in the Market and Octavia Historic Resources Survey and the Inner Mission North Historic Resources Survey. These surveys determined that no potential historic districts are present in the area. Thus, the three subject buildings could not contribute to a potential historic district.

The project would not contribute to any cumulative effects, because the project itself would not have an adverse effect on historical resources.

Potential archeological impacts were identified in the Market and Octavia Plan PEIR. Mitigation Measure 5.6.A2 applies to any project disturbing soil deeper than four feet and for Plan Area properties for which no archeological assessment report has been prepared. This mitigation measure states that a Preliminary Archeological Sensitivity Study (PASS) should be prepared to determine whether an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required.

Pursuant to Archeological Mitigation Measure 5.6.A2 of the Market and Octavia Plan PEIR, an archeological sensitivity memorandum was prepared for the proposed project. Its evaluation concludes that the proposed project could affect CEQA-significant archaeological resources and identifies additional mitigation measures applicable to the proposed project.[21]

Because further mitigation measures are necessary to reduce cultural resources to less-than-significant levels, a Focused Initial Study is required. This topic is discussed in more detail in the Initial Study.

Transportation

The Market and Octavia Plan PEIR studied 32 intersections and provided data for existing conditions, for projected 2025 conditions without Plan implementation, and for projected 2025 conditions with Plan implementation.[22] A project-specific Transportation Impact Study, the *2001 Market Street Mixed Use Development Transportation Impact Study*, Case No. 2008.0550! (*2001 Market Street Mixed Use Development*

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[19] Mark Luellen, Historic Resource Evaluation Response, 2001 Market Street, October 30, 2008. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

[20] Page & Turnbull, Historic Resource Assessment, 2001 Market Street, April 4, 2008 (hereinafter cited as "2001 Market Street HRA"); Caitlin Harvey & Rich Sucre, Page & Turnbull, Update to 2001 Market Street HRA, January 8, 2009, including California Department of Parks and Recreation Primary Record for 626-628 14th Street and 632-634 14th Street (hereinafter cited as "Update to 2001 Market Street HRA"). These documents are available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

[21] Randall Dean/Don Lewis, MEA Preliminary Archeological Review: Checklist, May 22, 2009. This memorandum is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

[22] PEIR, pp. 4-191 to 4-259.

Transportation Impact Study), was completed analyzing nine intersections for existing, existing plus project, and 2025 cumulative conditions for both weekday peak hour and Saturday midday peak hour, as the project proposes a grocery store.[23] The *2001 Market Street Mixed Use Development Transportation Impact Study* used the trip generation rate for grocery stores identified in the Planning Department's Transportation Impact Analysis Guidelines.[24] Of the nine intersections studied, five were studied in the Market and Octavia Plan EIR.[25] The additional four intersections studied for the 2001 Market Street project were: Dolores and 14th streets, Dolores Street at the mid-block median break between Market and 14th, 14th and Guerrero streets, and 15th and Dolores streets.

Two intersections were determined in the Market and Octavia Plan PEIR to operate at LOS E during the p.m. peak hour under 2025 with Plan cumulative conditions: Market / Church/ 14th streets, and Market / Guerrero / Laguna streets.[26] The San Francisco Planning Commission certified the Final PEIR for the Market and Octavia Plan on April 5, 2007, with a finding that the Plan would have significant and unavoidable impacts at these two intersections under the forecast Market and Octavia Plan conditions for 2025. No significant impact on transit, parking, or loading was identified at or near these intersections.

While the Market and Octavia Plan PEIR Transportation Study assumed there would be added grocery space in the plan area, it did not assume a specific location for the grocery space. For the project site, the Market and Octavia Plan PEIR assumed that the ground floor would be retail with seven levels of housing above. Constructing a building on this site with a grocery use on the first floor could be characterized as a more intense use with regard to potential transportation activity than was contemplated for this site, while still in keeping with the Market and Octavia Plan EIR's assumption of the site as ground floor retail with residential above. A grocery retail use is different from standard retail in that it creates more trips than other types of retail use according to the *SF Guidelines*. This increase in transportation activity includes trips by car, transit, bicycle, and on foot, and additional truck trips for delivery of materials. Hence, the *2001 Market Street Mixed Use Development Transportation Impact Study* assumed more trips by all of these modes of travel would be generated by the proposed project than a standard retail use would create in order to more accurately evaluate the distinct effects of locating a grocery store on the project site.

The proposed grocery store would provide a door-to-door delivery service for the grocery customers, similar to the service currently offered at the Whole Foods Market store at 1765 California Street (at Franklin Street) in San Francisco. The van would be designed to deliver groceries only and not

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[23] *2001 Market Street Mixed Use Development Transportation Impact Study*, Case No. 2008.0550!, Adavant Consulting, Final Report, November 1, 2010 (hereinafter, "2001 Market Street TIS"). A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E. The Saturday midday time was chosen as this is a peak use time for grocery stores.

[24] San Francisco Planning Department, Transportation Impact Analysis Guidelines (SF Guidelines), October 2002. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[25] The five intersections studied in the Market and Octavia Plan that were also studied for the proposed project were: Market / Church / 14th streets, Market / Guerrero / Laguna streets, Market / Duboce / Buchanan streets, Market / Dolores streets, and Duboce / Guerrero streets.

[26] 2001 Market Street TIS, p. 65. All intersections would operate at LOS D or better during the Saturday midday peak hour.

passengers. One parking space in Level B1 (retail parking level) near the elevators would be reserved for the delivery van.

The *2001 Market Street Mixed Use Development Transportation Impact Study* analyzed the proposed project, a full-service grocery store with 82 dwelling units above, for existing, existing plus project, and 2025 cumulative conditions for the weekday p.m. peak hour. Since the proposed project would include a grocery store, the Saturday midday peak hour was also studied because trip generation is slightly higher for this period than weekday p.m. peak hour conditions. This analysis was then compared to the conclusions in the Market and Octavia Plan PEIR.

The proposed project's trip generation is shown in Table 1. The *2001 Market Street Mixed Use Development Transportation Impact Study* concluded that the project would generate 9,924 weekday person-trips to and from the project site, and 11,729 Saturday person-trips. Of these, 798 person-trips would occur in the p.m. peak hour on weekdays, and 957 would occur during the Saturday peak hour, which is midday. The number of trips is higher compared to other mixed-use projects because grocery stores are more intense uses, i.e., they attract more walkers, drivers, and cyclists than the average retail use. These patrons would use a variety of methods, or modes, to travel. Of the 798 p.m. peak hour weekday trips, 60 percent would be by car, 16 percent by transit, and 24 percent by other means.[27] Combining this data with other factors, the project would add an additional 276 vehicle trips to local streets during the weekday p.m. peak hour, and 331 vehicle trips during the Saturday midday peak hour.

The Transportation Impact Study allocated the project-generated vehicle trips to directions and intersections based on the *SF Guidelines* and U.S. Census data for 2000. With the addition of project traffic, all intersections that were studied would continue to operate with acceptable levels of service (LOS).[28] Table 2 shows the LOS for each intersection under existing conditions, with the proposed project, and cumulative conditions with the project in 2025.[29] At two intersections LOS would degrade as a result of the project: operations at the intersection of Dolores and 15th streets would degrade from LOS C to LOS D during the weekday peak hour, and the intersection of Guerrero / 14th streets would change from LOS A to LOS B during the Saturday midday peak hour. Since neither intersection would operate at unacceptable LOS E or F, the effects from the proposed project would be less than significant.

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[27] 2001 Market Street TIS, p. 33. The higher percentage of auto trips than may be expected for this site, with the amount of transit service available, is due to the project's location south of Market Street, an area that has statistically higher auto usage. Mode of travel assumptions for the grocery store were based on an average of the information contained in the *San Francisco Transportation Impact Analysis Guidelines for Environmental Review* (San Francisco Planning Department, October 2002) for employee and visitor trips to retail uses within Superdistricts 2 and 3.

[28] LOS ranges from A to F, with A indicating free flow conditions and F, indicating congested intersections and long delays. Levels A through D are acceptable levels of service.

[29] The 2001 Market Street TIS has a map showing these LOS conditions in Figures 12A and 12B, pp. 66-67.

Table 1: Proposed Project Trip Generation by Mode and Land Use

	Person-Trips by Travel Mode				
Land Use	**Auto**	**Transit**	**Other**	**Total**	**Vehicle Trips[1]**
Weekday p.m. Peak Hour					
Residential	48	60	19	127	44
Grocery	430	67	174	671	232
Total	*478*	*127*	*193*	*798*	*276*
	60%	16%	24%	100%	
Saturday p.m. Peak Hour					
Residential	48	60	19	127	44
Grocery	532	83	215	830	287
Total	*580*	*143*	*234*	*957*	*331*
	61%	15%	24%	100%	

Note:
1. The average vehicle occupancies used were 1.09 persons per vehicle for vehicles coming to or originating from residences. 1.89 persons per vehicle for grocery customers, and 1.28 persons per vehicle for grocery employees.

Source: Adavant Consulting, November 2010.

Under cumulative 2025 conditions, two intersections would operate at unacceptable LOS E during the weekday p.m. peak hour: Market / Church/ 14th streets,[30] and Market / Guerrero / Laguna streets. The intersection of Duboce / Guerrero would operate at LOS F. The intersection of Market / Church / 14th streets would also operate at LOS E during the Saturday midday peak hour. All the other intersections in the study would operate at LOS D or better during the Saturday midday peak hour.[31] The two intersections expected to operate at LOS E in 2025, Market / Church/ 14th streets and Market / Guerrero / Laguna streets, were predicted to operate at that LOS in the Market and Octavia Plan PEIR Transportation Study.[32] The transportation study for 2001 Market found that the proposed project's contribution to the critical movements at those intersections, for both the weekday and Saturday LOS conditions, would not be cumulatively significant (4.3 percent or less).

[30] To provide a sense of scale, note that during the p.m. peak hour, over 2,100 vehicles currently go through the intersection of Market / Church / 14th; the proposed project would add about 40 additional trips.
[31] 2001 Market Street TIS, p. 68.
[32] PEIR, pp. 4-225 to 4-228. The Market and Octavia Plan EIR included mitigation measures to address these intersections, recommending that the traffic signals be re-timed to improve conditions (Market and Octavia Plan EIR, Mitigation Measure 5.7.E, p. 5-16). This measure was determined to be insufficient to improve the LOS. In addition, re-timing of signals is an ongoing function of the DPT / MTA that cannot be implemented by private project sponsors; thus the 2001 Market Street TIS did not include this measure as a project-specific mitigation measure (2001 Market TIS, p. 81).

Table 2: Intersection Levels of Service, Existing, Existing plus Project, and Cumulative 2025

	Existing		Existing Plus Project		Cumulative 2025	
Intersection	**Delay**	**Level of Service**	**Delay**	**Level of Service**	**Delay**	**Level of Service**
Weekday p.m. Peak Hour						
Market / Church / 14th	40.9	D	41.2	D	**69.7**	**E**
Market / Dolores	13.4	B	14.3	B	10.2	B
Market / Duboce / Buchanan	42.1	D	45.6	D	54.1	D
Market / Guerrero / Laguna	36.4	D	36.4	D	**73.4**	**E**
Dolores mid-block median break	10.7	B	11.9	B	12.2	B
Dolores / 14th	10.8	B	10.8	B	11.1	B
Dolores / 15th	22.9	C	25.4	D	34.5	D
Guerrero / 14th	10.3	B	10.7	B	12.4	B
Duboce / Guerrero	45.1	D	47.1	D	**>80**	**F**
Saturday Midday Peak Hour						
Market / Church / 14th	29.0	C	29.5	C	**66.6**	**E**
Market / Dolores	13.1	B	13.8	B	11.6	B
Market / Duboce / Buchanan	26.4	C	28.9	C	37.1	D
Market / Guerrero / Laguna	23.6	C	23.7	C	47.5	D
Dolores mid-block median break	11.1	B	12.9	B	13.2	B
Dolores / 14th	10.5	B	10.5	B	10.9	B
Dolores / 15th	13.4	B	14.3	B	15.3	C
Guerrero / 14th	9.9	A	10.4	B	11.3	B
Duboce / Guerrero	32.1	C	33.0	C	54.6	D

Note: Unacceptable LOS E and F are shown in **bold**.

Source: Adavant Consulting, November 2010.

As to the intersection of Duboce / Guerrero, which currently operates at LOS D and would operate at LOS F in 2025, the transportation report calculated that the proposed project's contribution to this intersection would be approximately 2 percent of the 2025 cumulative trips. As a result, the contribution of the project to the 2025 cumulative condition at this intersection would be less than significant.

Because the proposed project's contribution to vehicles at these three intersections would not be significant, the project would not have a significant impact on intersection levels of service, either with the project or cumulatively in 2025.

The project area is well served by transit. There are eight transit lines in the immediate area, including the Muni Metro underground at Church Street Station (light rail lines K-Ingleside, M-Ocean View, and L-Taraval). The J-Church light rail is above ground with a stop at Market and Church streets. The N-Judah light rail is also above ground, stopping at Duboce and Church streets. Each of these light rail lines connects transit riders with downtown and neighborhoods to the west and south of the project site. The F-Market runs vintage streetcars on the surface along Market Street from Castro Street to Fisherman's Wharf via downtown; it stops directly in front of the proposed project on Market Street. The 22-Filmore bus (electric trolley) connects transit riders with neighborhoods to the north, south, and east of the project site, stopping at Church and Market streets. The 37- Corbett connects Cole Valley, the Haight-Ashbury and Twin Peaks areas, with a stop on 14th at Church Street, one block from the project site.

The project would generate about 127 transit trips during the weekday p.m. peak hour and 143 transit trips during the Saturday midday peak hour distributed among the ten transit lines serving the project site area. While these are more trips than a standard mixed-use project would be due to the proposed grocery store, the location of the project site is well-suited to transit. The eight transit lines within one block of the proposed project have sufficient capacity to accommodate these additional riders during the weekday p.m. peak hour and the Saturday midday peak hour.[33] Although some of the transit lines operate above the Muni capacity utilization standard at their maximum load point, the maximum load points are located well away from the project site. As noted in the Market and Octavia Plan EIR, there are bus lines on every cross-town transit corridor in the vicinity with available capacity.[34] The additional vehicle-trips to and from the project site are not anticipated to substantially affect Muni operations or result in any substantial conflicts.[35] Approximately 20 percent of the people taking transit to or from the site would use regional transit, such as BART, CalTrain, SamTrans, and Golden Gate Transit. There would be approximately 12 and 13 outbound transit riders during the weekday p.m. peak hour and the Saturday mid-day peak hour, respectively. These riders would be distributed over multiple lines that would have sufficient capacity to handle them. The impact to transit would be less than significant.

The proposed project would provide at least 41 bicycle parking spaces on the residential parking level (Garage Level B2), and at least 18 spaces on the retail parking level (Garage Level B1). This would meet Planning Code requirements in Sections 155.4 and 155.5. The grocery store would provide required showers and lockers for employees (Planning Code Section 155.3). There are currently a substantial number of cyclists using bike routes in the vicinity, but no substantial safety or right-of-way issues were observed.[36] The *2001 Market Street Mixed Use Development Transportation Impact Study* projects that there would be up to 193 trips to the project site during the weekday p.m. peak hour and up to 234 trips during the Saturday midday peak hour by "other" means, such as walking, cycling, motorcycling, and taxis.

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[33] 2001 Market Street TIS, p. 50.
[34] PEIR, pp. 4-239 to 4-240.
[35] 2001 Market Street TIS, p. 50.
[36] 2001 Market Street TIS, p. 25.

The increase in vehicle trips generated by the proposed project would not be substantial enough to affect bicycle travel in the area.[37] This determination confirms the program-level conclusions in the Market and Octavia Plan EIR.[38] Thus, the proposed project would have a less-than-significant impact on bicycle travel in the vicinity of the proposed project.

With respect to pedestrian impacts, the proposed project would reduce the number of curb cuts in front of the project site from six to three, thereby reducing the potential for pedestrian-vehicle conflict. Curb cuts are discouraged in the Market and Octavia Plan Area.[39] The Market and Octavia Plan PEIR found that it is likely that pedestrian levels of service would not change markedly from existing conditions, and suggested that separate pedestrian analyses be prepared for some specific development projects.[40] A project-specific evaluation of pedestrian impacts in the *2001 Market Street Mixed Use Development Transportation Impact Study* found that the project would add about 320 pedestrian trips to the adjacent sidewalks during the weekday p.m. peak hour and 377 pedestrian trips during the Saturday midday peak hour. The transportation study concluded that these new pedestrian trips could be accommodated by the existing sidewalks and the pedestrian conditions would continue to remain acceptable with the addition of the proposed project.[41]

Currently, at any given moment during the weekday p.m. peak hour and the Saturday midday peak hour, an average of about three persons wait for the F-Market line. This would increase to an average of five passengers waiting on weekdays and Saturdays with the proposed project.[42] Thus, the pedestrian conditions at the Muni F-Market line boarding platform were found to remain acceptable with the proposed project. The impact to pedestrians would be less than significant.

The proposed project would provide one off-street loading space in the loading dock on 14th Street, which would meet the Planning Code requirement for the grocery store use. The loading dock would accommodate one truck with a 36-foot trailer. The loading dock door would be closed at all times except when trucks are arriving or departing the loading dock area. The turning radius of a truck with a 36-foot trailer would require it to back into the loading dock, blocking all traffic on 14th Street during this maneuver. Since grocery store deliveries occur early in the morning, with most arriving and departing shortly after 7 a.m., this is not expected to impact traffic on 14th Street.[43] The supermarket would provide staff to assist trucks with maneuvering, and would also hold traffic on 14th Street during truck maneuvers.

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[37] 2001 Market Street TIS, p. 53.
[38] PEIR, p. 4-255.
[39] See, e.g., Market and Octavia Neighborhood Area Plan, p. 28, "In retail areas, curb cuts reduce pedestrian safety, and discourage public use and enjoyment."
[40] PEIR, pp. 4-253 to 4-254.
[41] 2001 Market Street TIS, p. 51.
[42] 2001 Market Street TIS, p. 51.
[43] 2001 Market Street TIS, p. 54. No deliveries to the loading dock would be scheduled during the weekday p.m. and Saturday midday peak commute periods. Similarly, in response to comments by neighborhood groups, the planned start time of deliveries at the loading dock would be delayed by one hour, from 6 a.m. to 7 a.m., as long as the deliveries would not then occur during the weekday evening and Saturday midday peak commute periods, and does not reduce the availability of on- or off-street commercial parking. No trucks longer than 46 feet long (the length with a 36-foot trailer) would be used.

The proposed project would not include residential off-street loading, and hence would not meet the Planning Code requirement for off-street residential freight loading, which would require one off-street loading space. The project sponsor plans to request an exemption from this requirement based on the fact that the residential floor area is nominally over the 100,000 gsf threshold, at 102,400 gsf.

The entire proposed project (residential and retail) is estimated to generate demand for about three loading spaces during the average hour and for four spaces during the peak hour.[44] Two existing metered loading spaces on 14th Street, near Dolores Street, would remain. The project sponsor plans to request an additional on-street yellow zone loading space on Dolores Street. The combination of off-street and on-street loading spaces would supply enough loading spaces to meet the combined retail and residential freight loading demand. Should the additional yellow zone loading space on Dolores Street not be granted, the result could be double parked delivery vans. This would have a negative but sporadic effect on traffic flow, and would not alter the LOS at any intersection. Thus, the loading impact would be less than significant.

The transportation study evaluated the project's parking supply and demand during the weekday midday, weekday evening/overnight conditions, and Saturday midday. The proposed project would provide 101 parking spaces for the residential and retail uses, which meet Planning Code requirements. Of the 101 spaces, 41 spaces would be on Garage Level B2 for the residential units, and 60 parking spaces would be on Garage Level B1 for retail use. Garage Level B1 also would have one space for a grocery delivery van and three car-share spaces. Garage Level B2 would have two car-share spaces. Six of the parking spaces would be handicapped-accessible: three residential parking spaces on Garage Level B2, and three retail parking spaces on Garage Level B1. All parking spaces on both levels would be independently accessible. In addition, the retail garage level would be closed during non-business hours. However, there would be access to the garage after hours for car-share members to drive and park car-share membership automobiles.

Whole Foods policy is not to allow its employees to park in its parking garage. It would encourage its employees to commute by other transportation modes rather than by car.[45] Whole Foods incentives include providing a 20 percent discount on the purchase of a Muni Fastpass, offering the ability to allocate pre-tax dollars for the purchase of commuter checks, and offering raffle prizes to those who walk, bike, or take transit to work.

The Planning Code Section 151.1(f)(3)(B) requires that delivery service be provided by a grocery store larger than 20,000 sq. ft., and the proposed project would meet this requirement; one additional space would be allocated for a delivery van.

Weekday overnight demand would be for about 240 parking spaces, creating a shortfall of about 139 spaces. Since on-street overnight parking is about 82 percent full, the estimated shortfall would result in vehicles parking outside the immediate area or some residents and shoppers switching to transit, carpool, bicycle, or other forms of travel. Saturday demand would be for 258 parking spaces, creating a shortfall of 157 spaces. On-street parking is about 72 percent full during Saturday midday periods.

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[44] 2001 Market Street TIS, p. 38.
[45] 2001 Market Street TIS, pp. 40 and 41.

The project sponsor may seek Conditional Use Authorization for an additional eight residential parking spaces that would be accommodated by user-operated stackers,[46] for a total of 49 residential parking spaces. This would create a parking ratio of 0.6 per dwelling unit for the proposed project, which is below the 0.75 per dwelling unit allowed with Condition Use Authorization (CU) in the NCT-3 zoning district and above the 0.5 spaces per dwelling unit allowed without a CU. These additional spaces would not affect the number of people driving to the project site during the p.m. peak hour. The spaces would slightly lessen the shortfall in parking space supply from a shortfall of 68 residential spaces to a shortfall of 60 residential parking spaces.[47]

The Market and Octavia Plan PEIR notes that motor vehicle ownership is lower in the plan area than in the city as a whole.[48] The Market and Octavia Plan PEIR also suggests that due to parking supply constraints, future demand in the area may be lower,[49] and thus the shortfalls may be less than are projected in the proposed project's transportation study. The *2001 Market Street Mixed Use Development Transportation Impact Study* also noted the lower motor vehicle ownership rates.[50] Using the *SF Guidelines* methodology, based on citywide parking demand, may result in a higher parking demand for the residential use than would actually occur. San Francisco does not consider parking supply as part of the permanent physical environment[51]. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131 (a)) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy established in the City's Charter Section 16.102 provides that

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[46] The stackers would be in sets of five spaces taking up the space of three normal parking spaces. The stacker would move like a Ferris wheel to store and retrieve the vehicles and would not require an attendant to operate.
[47] 2001 Market Street TIS, p. 63 and pp. 75-77.
[48] PEIR, p. 4-224.
[49] PEIR, p. 4-249
[50] 2001 Market Street TIS, p. 63.
[51] Under California Public Resources Code, § 21060.5, "environment" can be defined as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise and objects of historic or aesthetic significance."

"parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. 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.

In summary, changes in parking conditions are considered to be social impacts rather than impacts on the physical environment.

The *2001 Market Street Mixed Use Development Transportation Impact Study* recognizes potential secondary impacts and assumes that drivers would first search for convenient parking at or near the project site and, if unsuccessful, would then seek distant parking opportunities. Secondary effects of drivers searching for parking are typically offset by a reduction in vehicle trips as others who are aware of constrained parking switch to other modes. The traffic assignments used in the transportation analysis, as well as in associated air quality, noise, and pedestrian safety analyses, reasonably address potential secondary effects. In light of the above information, the proposed project would not have a significant parking impact.

Construction-related activities would typically occur Monday through Friday, from 7 a.m. to 4 p.m. Some construction activities may occur later or on Saturdays, on an as-needed basis.[52] Project construction, including demolition, would take approximately 18-24 months. Foundation and below grade construction would take about four months following excavation and shoring. The highest demand for construction trucks would occur during this phase, with an estimated average of 20 one-way truck trips (100 one-way truck trips during the peak period of construction activity) that would travel to and from the site on a typical weekday, and up to 100 one-way truck trips during the peak of construction in this phase.[53]

While the exact routes that construction trucks will be using would depend on the location of the available disposal sites, Dolores, Market, and 14th streets and Duboce Avenue would likely be the primary haul and access routes to and from U.S. 101. Truck staging and loading activities would occur primarily on-site. Staging and unloading of materials would more likely occur on Dolores Street than on 14th Street.[54]

The impact of construction truck traffic on the street network would be a temporary lessening of its traffic-carrying capacity due to the slower movement and larger turning radii of trucks, which may affect

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[52] 2001 Market Street TIS, p. 59.
[53] *Ibid*.
[54] *Ibid.*

traffic and transit operations. The addition of the worker-related vehicle- or transit-trips would not substantially affect transportation conditions, as any impacts on local intersections or the transit network would be similar to, or less than, those associated with operation of the proposed project. Construction workers who drive to the site would cause a temporary parking demand. Construction workers would either park on site or on the street. The time-limited metered parking and residential parking restrictions in the vicinity of the project site would preclude legal all-day parking by construction personnel.

Pedestrian and bicycle circulation along Market, Dolores and 14th streets would be maintained throughout the construction duration. Any temporary traffic lane, parking lane or sidewalk closures would be coordinated with City staff to minimize the effects on local traffic and circulation. In addition, prior to construction, the Project contractor would coordinate with Muni's Street Operations and Special Events Office to reduce any impacts to transit operations. Construction-related impacts would be less than significant.

The San Francisco Planning Department is considering a series of streetscape improvements near the project site as part of the Mission District Streetscape Plan Project.[55] The Dolores Street median would be extended at both Market and 14th streets to provide a pedestrian refuge mid-crossing. New, 14-foot-wide sidewalk bulb-outs would be constructed along Dolores Street at the corner of Dolores Street and Market Street and at the Clinton Park corner on the east side of Dolores Street, for a sidewalk width of 36 feet. The bulb on the west side would extend around the corner onto Market Street, widening that sidewalk from 15 feet to 23 feet. The right-turn only eastbound travel lane on Market Street would be eliminated; the eastbound bicycle lane would continue through the intersection. New 8-foot-wide sidewalk bulb-outs would be constructed at the corners of Dolores and 14th streets. Dolores Street would have one travel lane in each direction between Market and 14th streets, instead of two. Finally, the crosswalk across Market Street would be realigned. The dimensions of these improvements have not been finalized, and will be reviewed by SFMTA, other agencies, and the Board of Supervisors prior to implementation.

The *2001 Market Street Mixed Use Development Transportation Impact Study* analyzed the most restrictive forms of these street and sidewalk improvements in the variant and their effect on the intersections of Market/Dolores streets, Dolores/14th streets, and the Dolores Street mid-block median. This analysis determined that the variant would cause a minor increase in delay at the Market and Dolores streets intersection and the Dolores and 14th streets intersection. The increases in delay would not affect the levels of service at these intersections, either with the proposed project, or with the proposed project in the cumulative scenario in 2025.[56] LOS would remain at B in all scenarios at all three study intersections.

The variant could affect the retail garage operations and Dolores Street. The wider sidewalk would reduce the queuing space for vehicles awaiting entry into the retail garage. With only one southbound travel lane, queued vehicles could block Dolores Street and create congestion at the Market and Dolores streets intersection. These impacts would be less than significant, so no mitigation would be necessary. However, implementation of transportation improvement measures identified below for the proposed

[55] This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.1075E.
[56] 2001 Market Street TIS, pp. 72-74.

project, such as queue monitoring by the grocery store operators, installation of an electronic "FULL" sign outside the garage, and charging a parking fee would reduce the effects of the variant on Dolores and Market streets.

The variant would have an effect on parking, as the variant would remove seven metered on-street general-use parking spaces in addition to the two that would become commercial and passenger loading zones as requested in the proposed project. It is expected that these seven spaces could be accommodated by other existing on-street spaces in the area. The variant would also provide additional sidewalk bicycle rack parking at the Dolores Street corners of the project site.

While no mitigation measures would be necessary to address transportation issues, the Transportation Impact Study identified improvement measures for the proposed project:

Parking: As improvement measures to reduce the proposed project's parking demand and parking shortfall and to encourage use of alternative modes, the project sponsor could provide a transportation insert for the move-in packet for new residents that would provide information on transit service (Muni and BART lines, schedules and fares), information on where FastPasses could be purchased, and information on the 511 Regional Rideshare Program.

The proposed project would include two car-share parking spaces in the residential garage level, and the project sponsor would "unbundle" the sale of parking spaces from the sale of residential units to provide a financial incentive for car-free living.

To reduce the parking shortfall for the retail parking, Whole Foods would implement its policy of not allowing employee parking on site, and would encourage employees to use transit, Whole Foods could recruit employees from the neighborhood, the grocery store could include transit access information on its Web site, and/or a fee could be charged for using the garage during peak parking times.

To facilitate traffic flow within the garage and to reduce the potential for queues spilling out onto Dolores Street, the queuing could be monitored, an electronic "FULL" sign could be installed outside the retail garage entrance to alert arriving motorists, and queued vehicles could be directed to continue southbound on Dolores Street.

To ensure that vehicle queuing does not occur at the retail garage entrance on Dolores Street, the following Improvement Measure would require parking demand management via priced parking, if vehicle queues are observed.[57]

- **Improvement Measure 1**: The garage operator shall take action to prevent queues on the public right-of-way from occurring. If traditional queue management strategies (such as LOT FULL signage and provision of parking attendants) fail to abate the queue, the operator would be required to charge customers to park in the garage. The operator would be required to set parking prices at levels that would abate the queue, and could utilize parking validation or similar schemes, as long as the prices and hours of paid parking were sufficient to abate recurring queues. At times when unconstrained parking demand does not exceed supply, the parking could remain unpriced.

[57] 2001 Market Street TIS, p. 48.

Pedestrians: Install a flashing light and audible signal to alert pedestrians of exiting cars on Dolores Street.

Loading: As an improvement measure to reduce the potential for double-parking of delivery vehicles on Dolores Street, one or more of the parking spaces adjacent to the project site could be designated as short-term (30-minute) commercial vehicle loading/unloading spaces. The designation of the one space or two new spaces as commercial vehicle loading/unloading space(s) would need to be heard in a **San Francisco Municipal Transportation Agency** (SFMTA) Color Curb public hearing.

As an improvement to minimize the potential for conflicts with commuter traffic, no deliveries to the loading dock would be scheduled during the weekday a.m. and p.m. and Saturday midday peak periods. Furthermore, loading dock personnel would be available to alert and direct pedestrians, bicycles, and drivers while trucks are maneuvering into or out of the loading dock.

Similarly, as an improvement measure to minimize inconveniences to nearby residents in the early morning hours, the planned start time of deliveries at the loading dock would be delayed by one hour, from 6 a.m. to 7 a.m., as long as the deliveries would not then occur during the weekday morning and evening and Saturday midday peak commute periods, and the delivers do not reduce the availability of on- or off-street commercial parking.

Construction: Although construction impacts would be temporary, any construction traffic occurring between 7 and 9 a.m. or between 3:30 and 6 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.

The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruption and pedestrian circulation effects during the 19-month construction of the proposed project.

Any parking lane and sidewalk closures would have to be coordinated with City staff in order to minimize the effects on local traffic and circulation. Lane and sidewalk closures are subject to review and approval by the Department of Public Works (DPW) and the Interdepartmental Staff Committee on Traffic and Transportation for Temporary Street Closures (ISCOTT). In addition, if a temporary Muni bus stop relocation is necessary, it would have to be coordinated with the SF Muni Street Operations and Special Events office.

The project sponsor is considering these improvement measures.

The proposed project, in its Transportation Impact Study, was determined to have transportation impacts consistent with those evaluated in the Market and Octavia Plan EIR, and no new significant impacts were identified at any of the new study intersections in the p.m. peak hour or on Saturdays; thus there would be no significant environmental effects peculiar to the project or its site and no mitigation measures would be necessary.

Air Quality

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter to the local atmosphere. The Market and Octavia Plan PEIR identified a significant impact related to construction air quality and determined that Mitigation Measure 5.8.A: Construction Mitigation Measure for Particulate Emissions would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance adding Article 22B to the San Francisco Health Code (Ordinance 176-08, effective July 30, 2008). The purpose of the ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. These regulations and requirements in the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to less-than-significant levels. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and Mitigation Measure 5.8.A is not applicable.

The Market and Octavia Plan PEIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that Mitigation Measure 5.8.B: Construction Mitigation Measure for Short-Term Exhaust Emissions, described below, would reduce effects in the Plan Area to a less-than-significant level. Since the proposed project would involve construction activities, Mitigation Measure 5.8.B: Construction Mitigation Measure for Short-Term Exhaust Emissions, would apply to the proposed project. Mitigation Measure 5.8.B has been incorporated as Mitigation Measure M-AQ-1.

Implementation of the mitigation measure would reduce impacts related to construction air quality to less-than-significant levels.

During construction of the proposed project, criteria pollutant emissions of reactive organic gases (ROG), nitrogen oxides (NOx), particulate matter (PM10), and fine particulate matter ($PM_{2.5}$) from construction equipment would incrementally add to the regional atmospheric loading of these pollutants during project construction. Daily project construction exhaust emissions that would be associated with the proposed project have been estimated using URBEMIS 2007, Version 9.2.4. The results are presented in Table 1, below.

Table 1: Project Construction Exhaust Emissions Estimates

	Estimated Daily Emissions (pounds per day)			
Year	**ROG**	**NOx**	**PM10**	**PM2.5**
2011	2.79	9.14	2.35	0.82
2012	6.18	2.68	0.22	0.16

Source: Donald Ballanti, Certified Consulting Meteorologist, 2010.

Based on these results, none of the criteria pollutant emissions from project construction activities would exceed any applicable BAAQMD criteria air pollutant threshold of significance. Thus, the proposed project's air quality effects during construction would be less than significant.

Construction of the proposed project would disturb soils containing naturally-occurring asbestos. This issue is addressed in the Hazards and Hazardous Materials section, below and in the Focused Intitial Study / Mitigated Negative Declaration for the proposed project. The mitigation measure there would reduce the identified potentially hazardous materials impacts to less-than-significant levels.

The potential effects of the operations of the proposed project on air quality are considered in the Community Plan Exemption Checklist for the proposed project.

Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3), and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, CO_2, CH_4, and 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).

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.[58]

The California 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. 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.[59] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources,

[58] The 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_00-08_2010-05-12.pdf. Accessed on October 4, 2010.
[59] *Ibid*.

and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 $MMTCO_2e$ emitted in 2007. [60] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions, followed by residential fuel usage at 7 percent, off-road equipment at 3 percent, and agriculture at 1 percent.

Senate Bill 97 (SB 97) requires 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, effective March 18, 2010, by amending various sections of the guidelines to provide guidance for analyzing GHG emissions. Among other CEQA Guidelines changes, 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. OPR's amendments to the CEQA Guidelines have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O. State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore are not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operation. Both direct and indirect GHG emissions are generated by project operations. Operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers; energy required to pump, treat, and convey water; and emissions associated with landfill operations.

The proposed project would demolish three existing buildings and construct a new 85-foot-tall, eight-story, 187,400-square-foot mixed use building with ground-floor retail space and dwelling units above. Construction and operation of the proposed project would generate GHG.

The BAAQMD considers projects that are consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in their *CEQA Air Quality Guidelines* (2010), to result in a less than significant Greenhouse Gas impact. On August 12, 2010, the San Francisco Planning Department submitted a draft of *San Francisco's Greenhouse Gas Reduction Strategy*.[61] This document presents San Francisco's assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction in compliance with the BAAQMD's California Environmental Quality Act Air Quality Guidelines and thresholds of significance. The vision of San Francisco's Greenhouse Gas Reduction Strategy is expressed in the City's Climate Action Plan, however implementation of the strategy is appropriately articulated within other citywide plans (General Plan, Sustainability Plan, etc.), policies (Transit-First Policy, Precautionary Principle Policy, etc.), and regulations (Green Building Ordinance, etc.). San Francisco's Greenhouse Gas Reduction Strategy pulls together the entirety of San Francisco's climate-related policies, programs and regulations. San Francisco's Greenhouse Gas Reduction Strategy

[60] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/-/media/Files/Planning percent20andpercent20Research/Emission percent2OInventory/regionalinventory2007 _2_10.ashx.

concludes that San Francisco's policies, programs and ordinances have lead to measureable reductions in greenhouse gas emissions, such that San Francisco has met and exceeds Assembly Bill 32's GHG reduction goals and is well on its way to meeting the City's more aggressive GHG reduction goals outlined in the City's Greenhouse Gas Reduction Ordinance.

New development and major renovations in San Francisco are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Depending upon a proposed project's size, use and location, a variety of controls are in place such that new development 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. The table below identifies those regulations applicable to the proposed project that would reduce the project's overall GHG Emissions.

San Francisco's Greenhouse Gas Reduction Strategy further concludes that: (1) San Francisco has implemented binding and enforceable 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 AB32 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) Projects that are consistent with San Francisco's regulations would not contribute significantly, either individually or cumulatively, to global climate change.

Table 3: Regulations Applicable to the Proposed Project

Regulation	Project Requirement
Commuter Benefits Ordinance (Environment Code, Section 421)[62]	All employers must provide at least one of the following benefit programs: 1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or (2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or (3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated

[61] This document is on file and available for public review at the Planning Department at 1650 Mission Street, Suite 400, San Francisco, CA 94103, contact Jessica Range at 415-575-9018.
[62] The Commuter Benefits Ordinance applies to all employers with 20 or more employees.

Regulation	**Project Requirement**
	by or for the employer.
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.

Economic Activity Category	TIDF/GSF
Office Space in New Development in the Downtown Area	$5.00
Cultural/Institution/Education	$10.00
Management, Information and Professional Services	$10.00
Medical and Health Services	$10.00
Production/Distribution/Repair	$8.00
Retail/Entertainment	$10.00
Visitor Services	$8.00

Bicycle Parking (Planning Code, Sections 155.2, 155.4, and 155.5)	The proposed project would provide at least 41 bicycle parking spaces on the residential parking level (Garage Level B2), and at least 18 spaces on the retail parking level (Garage Level B1). This would meet Planning Code requirements in Sections 155.4 and 155.5. The grocery store would provide required showers and lockers for employees (Planning Code Section 155.3).
Car Sharing Requirements (Planning Code, Section 166)	Garage Level B1 would have three non-exclusive use car share spaces. Garage Level B2 would have two exclusive-use car share spaces. This would meet Planning Code, Section 166, requirements.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system, 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,	All projects in San Francisco are required to comply with the SFPUC's stormwater design guidelines, which emphasize low impact development using a variety of Best Management Practices for managing stormwater runoff and reducing impervious surfaces, thereby reducing the volume of

Regulation	Project Requirement
Chapter 13C)	combined stormwater and sanitary sewage requiring treatment.
San Francisco Green Building Requirements for water reduction (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used for landscaping by 50% and reduce the amount of potable water used for the building by 20%.
San Francisco Green Building Requirements for renewable energy (SF Building Code, Chapter 13C)	By 2012, all new commercial buildings will be required to provide on-site renewable energy or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6.
Commercial and Residential Water Conservation Ordinances (SF Building Code, Chapters 13A and Housing Code, Chapter 12A)	Requires projects to meet the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired.
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.
San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code, Chapter 13C)	Some projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling. For projects that must comply with this requirement, it superceeds the requirements of the Construction Demolition Debris Recovery Ordinance (requiring a 65% diversion).
Construction Demolition and Debris Recovery Ordinance (Environment Code, Chapter 14)	Requires that projects proposing demolition divert 65% of their construction & demolition debris from landfills to reuse/recycling. This would apply to projects that do not require compliance with the San Francisco Green Building Ordinance and for small (4 or fewer units) and midsized (5+ units) residential projects.

Regulation	Project Requirement
Street Tree Planting Requirements for New Construction (Planning Code Section 143)	As part of the proposed project, nine new street trees would be planted along Dolores Street in front of the project building in order to comply with Section 143 of the Planning Code. The four street trees along Market Street in front of the project site would remain, and two new trees would be planted, for a total of six trees on Market Street in front of the proposed project building. On 14th Street, the two existing trees would be replaced and two new trees would be added, for a total of four trees on 14th Street.

On October 28, 2010, the BAAQMD reviewed and concurred with the City's determination that its Greenhouse Gas Reduction Strategy meets their *CEQA Air Quality Guidelines*, is consistent with the State's greenhouse gas reduction targets (outlined in Assembly Bill 32), and that projects within San Francisco that meet its regulatory requirements would be consistent with the City's Greenhouse Gas Reduction Strategy. The proposed project would be required to comply with all applicable regulations in San Francisco, including those identified in the table above. Therefore, the proposed project would be consistent with San Francisco's approved Greenhouse Gas Reduction Strategy and the proposed project's GHG emissions would be considered less than significant.

In addition, the proposed project would not conflict with any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHG.

Wind and Shadow

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The Market and Octavia Plan Final PEIR identified a potential significant wind 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 impacts to less-than-significant levels. The mitigation measures in the Market and Octavia Plan PEIR addressing potential wind impacts are not applicable to the proposed project under the Planning Department's analysis, because the project would not exceed 85 feet in height and would not result in significant pedestrian level wind impacts.[63]

The proposed project would not have the potential to cause wind speeds to exceed the wind hazard threshold, and therefore would not result in a significant impact. A wind analysis was conducted for the proposed project by Donald Ballanti, Certified Consulting Meteorologist. Mr. Ballanti noted that the project site is partially sheltered from prevailing winds by existing buildings to the west of the project site, and that the site slopes upward to the west and northwest, which magnifies the sheltering effect of

[63] Bill Wycko, Memorandum re: Market and Octavia Wind Impacts and Mitigation, Nov. 7, 2008. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

upwind buildings.[64] Further, the building as designed would not have any exposed, continuous massive building façades oriented toward the prevailing wind directions that would suggest it would generate strong wind accelerations at pedestrian levels. In summary, due to the exposure, massing, and orientation of the proposed project, it would "not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site."[65]

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Since the proposed building is taller than 40 feet, a shadow fan analysis was required pursuant to Section 295. The shadow fan analysis prepared for the proposed project determined that the proposed project would not have the potential to shade Recreation and Park Department open space.[66]

The Market and Octavia Plan PEIR identified no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the Market and Octavia Plan PEIR identified potential significant impacts related to new construction buildings over 50 feet tall, and determined that Mitigation Measure 5.5A2: Shadow Mitigation Measure – Parks and Open Space not subject to Section 295, would reduce potential impacts to a less-than-significant level. Mitigation Measure 5.5A2 would require shaping buildings to reduce shadow impacts on public plazas, parks, and open spaces not protected by Planning Code Section 295. A review of the shadow fan for the proposed project reveals that no plaza, public open space, or parks or open space not subject to Section 295 would be affected by the proposed project as designed. Thus Mitigation Measure 5.5A2 would not be necessary because the proposed project would not have significant shadow impacts.

The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered less-than-significant effects under CEQA.

In light of the above, the proposed project would not result in a significant effect with regard to shadow, nor would the project contribute to any potential significant cumulative shading impacts. The proposed project's shadow effects would be consistent with the Market and Octavia Plan as evaluated in the PEIR, and there would be no significant environmental impacts peculiar to the project or its site.

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[64] Donald Ballanti, Letter re: Wind Impact Evaluation for the Proposed 2001 Market Street Project, San Francisco, October 7, 2009. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

[65] *Ibid*, p. 3. The letter also noted that placing the entrance to the grocery store at the corner under an overhang could make it more difficult to keep the door closed and could inconvenience patrons. An awning over the entrance would be necessary to reduce help to solve this inconvenience. The awning would need to wrap around the entrance, extend at least six feet away from the building, and extend a minimum of 25 feet along the façade from the corner of the building. The project sponsor is considering incorporating an awning in the design.

[66] Adrian Putra, San Francisco Planning Department, letter to Dan Safire May 15, 2008. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

Geology and Soils

The Market and Octavia Plan PEIR considered geology, soils, and seismicity,[67] and determined that the project site has stable to generally stable slopes,[68] and has a very low risk of soil liquifaction during a seismic event.[69] For the Market and Octavia Plan Area, the PEIR concluded that compliance with the San Francisco Building Code and review by DBI would reduce any impacts to less-than-significant levels.[70]

The Market and Octavia Plan PEIR identified a potential significant impact related to temporary construction on steeply sloping lots and determined that Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure would reduce effects to less-than-significant levels. The project site is gently sloping, and has stable to generally stable slopes.[71] Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure would be applicable to the proposed project and is included in this CPE document as Mitigation Measure M-GE-1 below. Implementation of the mitigation measure would reduce impacts to less-than-significant levels.

A geotechnical investigation has been performed for the proposed project.[72] The project site is underlain by historic fill, stiff clay (colluviums), and bedrock. The fill varies between 4 and 15 feet thick, the clay is about 2 to 3 feet thick. The bedrock consists of serpentine rock and shale of the Franciscan Complex, and dips deeper to the west.[73] Excavation for the basement levels and foundations would remove soils and bedrock. According to the geotechnical investigation, the proposed building could be supported by a shallow mat foundation with tiedown anchors. The results of the geotechnical investigation are discussed in more detail in the Focused Initial Study for the proposed project.

The presence of serpentine rock is considered, along with its related mitigation measures, in Topic 16, Hazards and Hazardous Materials, and discussed in more detail in the Hazards and Hazardous Materials section of the Focused Initial Study.

Hazards and Hazardous Materials

The Market and Octavia Plan PEIR discusses the potential hazardous materials in the project area, including petroleum hydrocarbons in the soil, serpentine rock, asbestos, lead based paint, and radon.[74]

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[67] PEIR, pp. 4-315 - 4-332.
[68] PEIR, Figure 4-28, p. 4-318.
[69] PEIR, Figure 4-29, p. 4-320.
[70] PEIR, p. 4-325 and p. 4-327.
[71] PEIR, Figure 4-28, p. 4-318.
[72] Treadwell & Rollo, Environmental and Geotechnical Consultants. *Geotechnical Investigation: Proposed Residential Development, 2001 Market Street, San Francisco, CA*. August 10, 2006. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.
[73] *Ibid.*, p. 5.
[74] PEIR, pp. 4-297-4-302.

Mitigation Measure 5.10.A, which is included in the Market and Octavia Plan PEIR and would reduce exposure to hazardous materials and soil, would be applied to the proposed project as Mitigation Measure M-HZ-1, set forth in the mitigation measures section, below.

Initial tests of the soil on the project site have identified the presence of serpentine rock (or serpentinite). The existence of naturally-occurring asbestos in the serpentine rock has lead to preparation of a Phase II Environmental Site Assessment (ESA), which has been presented to the San Francisco Department of Public Health for review. The Phase II ESA recommends preparation and implementation of a Site Mitigation Plan (SMP) and a Dust Control Plan (DCP), to be reviewed and approved by SF Department of Public Health. The program level Mitigation Measure M-HZ-1 may not be sufficient to reduce potential impacts from excavation and removal of serpentine rock during construction to less-than-significant levels. The Focused Initial Study contains a more detailed discussion, and includes not only the Mitigation Measure M-HZ-1, but an additional mitigation measure dealing with construction dust control. Preparation and implementation of the SMP and DCP is a project-specific mitigation measure presented in the Focused Initial Study for this project.

Mineral and Energy Resources

The Market and Octavia Plan PEIR did not address the issue of mineral and energy resources specifically. However, it did address the increase in population within the plan area. The proposed project would not increase the population on the project site beyond that expected for this location in the Market and Octavia Plan EIR (see discussion in the Community Plan Exemption Checklist for the proposed project, Topic 3., Population and Housing, pp. 12-13). The proposed project would be required to meet a minimum of LEED Silver, and meet other energy and water-conserving provisions of the San Francisco Green Building Ordinance. Therefore, the increased intensity of use would not cause a significant impact, and no mitigation would be necessary.

All land in San Francisco, including the project site, is designated Mineral Resources Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mine and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 parts I and II). This designation indicated that there is inadequate information available for assignment to any other MRZ, and thus the site is not a designated area of significant mineral deposits. Subsurface geotechnical tests on the site have not revealed any mineral resources of value to the region or to the residents of the state. Thus, the proposed project would not have a significant impact on mineral resources, and no mitigation would be necessary.

Agriculture and Forest Resources

The Market and Octavia Plan PEIR did not address this topic specifically. However, the project site does not contain any farmland or forest resources; is not zoned for agricultural use (nor is it adjacent to agricultural uses); and the proposed project would not affect any Williamson Act contract nor would it result in the conversion of farmland or forests to any other use. There would be no significant environmental impacts on agricultural or forest resources. Hence, no mitigation measure is necessary.

PROJECT MITIGATION MEASURES

Mitigation Measure M-AQ-1 - Construction Measure for Short-Term Exhaust Emissions (5.8.B in PEIR):

To reduce project level exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the project area.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.
- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

Mitigation Measure M-CP-1: Archeological Mitigation Measure (Archeological Monitoring)

Based on the reasonable potential 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 a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO[75] 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 measure 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).

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:

- 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 project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition,

[75] ERO is an abbreviation for the Environmental Review Officer at the Planning Department.

foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;

- 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;
- The archaeological 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 the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- 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 crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (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, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant 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:

A. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B. An archeological 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.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures*. Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis*. Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy*. Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program*. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures*. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report*. Description of proposed report format and distribution of results.
- *Curation*. 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.

Human Remains, Associated or Unassociated Funerary Objects. 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, including 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, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. 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 draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 Major Environmental Analysis division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure M-GE-1 - Construction Related Soils Mitigation Measure (5.11A in PEIR)

Program or project level temporary construction related impacts would be mitigated though the implementation of the following measures:

Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
- Control surface runoff and maintain low runoff velocities.
- Trap sediment on-site.
- Minimize length and steepness of slopes.

Mitigation Measure M-HZ-1 - Hazardous Materials Mitigation Measure (5.10A in PEIR)

Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to stack contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

Mitigation Measure M-HZ-2: Dust Control Plan and Site Mitigation Plan

Dust Control Objective: The goal for dust control has been stated as "no visible dust" from construction activities.

Dust Control Plan: The Dust Control Plan shall include the following mitigation activities:

- using gravel pads at access points to the site for vehicle movement,
- traffic control by posting speed limit signs (no greater than 10 mph),
- watering unpaved roads every two hours,

- sweeping twice daily, inspection of vehicles leaving the site,
- stabilizing soils with a dust palliative and water,
- covering stockpiles,
- seeding and watering areas that are inactive for more than 4 days, and
- controlling drop heights.

Monitoring for Visible Dust: The sponsor shall ensure visual observation at the site for visible dust during active work Third party observers are to be the responsibility of the contractor working on the site. Dust management "best management practices" are to be verified at the end of each day. Mitigative measures are to be employed for inactive areas.

Triggers for Corrective Action and Work Stoppage: The following actions should be taken upon observance of visible dust during work activities:

- Any occurrence of observed visible dust on-site will lead to more aggressive application of dust control measures.
- Persistent visible dust from work activities for greater than one hour will require the work to cease.
- Any occurrence of visible dust from active work crossing the site boundary for greater than 5 minutes requires the work to cease until effective dust control measures are applied.

Quantitative Dust Monitoring: Dust monitoring for PM_{10} will be placed in the up- and down-wind directions at the property perimeters. At a minimum, one monitor shall be placed approximately every 500 feet. The perimeter dust monitoring equipment shall utilize real-time monitoring complete with an alarm and recording method. Alarm should be triggered if levels exceed approximately 250 g/m^3 over a five minute period. The sponsor shall review and revise the dust control plan and activities as needed if any average 24 hour levels are greater than approximately 50 g/m^3. The project sponsor will submit monitoring data with related corrective activities to EHS-HWU on a weekly basis. Air monitoring will be conducted throughout the demolition and grading phase of the project unless EHS-HWU deems on the basis of monitoring results that further monitoring is not indicated.

Real time continuous air monitoring for dust would occur at two locations along the perimeter of the project during the first month of soil excavation. Air monitoring after one month would be based on review of excavation and dust suppression activities by SFDPH and the success of dust suppression measures documented during the first month.

The implementation of this mitigation measure would reduce impacts related to the removal of serpentinite during construction to a less-than-significant level.

PUBLIC NOTICE AND COMMENT

Public Notice was provided by mail to all residents and owners adjacent to and near the project site on May 6, 2009. Comments were received by phone, email, and mail from 15 people, and these commenters

expressed opinions on multiple topics, including questions regarding the development itself, concerns about construction and changes to the project site that would result from new development, and on the following environmental issues: traffic, parking, noise, shadow effects, design issues, concerns about more intensive use, potential hazards and hazardous materials, the presence of nearby grocery stores, wind effects, air quality, whether neighboring buildings would be undermined, historic resources, and whether there would be a soil control plan. These issues were considered in the Market and Octavia Plan EIR and in the discussions in this Certificate of Determination and in the Focused Initial Study / Mitigated Negative Declaration.

CONCLUSION

With the exception of Cultural and Paleontological Resources, Air Quality, Biological Resources, Geology and Soils, and Hazards and Hazardous Materials, the Market and Octavia Neighborhood Plan EIR incorporated and adequately addressed all potential impacts of the proposed 2001 Market Street project. As described above, and except for archaeology, biological resources, and hazards and hazardous materials, the 2001 Market Street 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 Market and Octavia Neighborhood Plan EIR. Thus, with the exception archaeological resources, biological resources, and hazardous materials, the proposed 2001 Market Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Market and Octavia Neighborhood Plan, nor would any environmental impacts be substantially greater than described in the Market and Octavia Neighborhood Plan EIR. Mitigation measures included in the proposed project would reduce the peculiar effects of the project to less-than-significant levels. 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.