SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Community Plan Exemption Checklist

Case No.:	2008.0550E
Project Title:	2001 Market Street Mixed-Use Development
Zoning:	NCT-3 (Moderate Scale Neighborhood Commercial Transit District) *85-B and 40-X* Height and Bulk District
Block/Lots:	3535/1 and 2
Site Size:	31,227 square feet
Plan Area:	Market & Octavia Plan Area

A. PROJECT DESCRIPTION

Project Site

The 2001 Market Street site (the "project site") is located on the east side of a triangular block bounded by Market Street, Dolores Street, and 14th Street, in San Francisco's Upper Market neighborhood within the Market and Octavia Neighborhood Plan Area. The site is located south of the U.S. Mint and three blocks north of the historic Mission San Francisco de Asís. The site is comprised of two lots, lots 1 and 2 in Assessor's Block 3535. There are currently three buildings on the project site: the former S&C Ford dealership at 2001 Market Street on Lot 1, and two adjacent unoccupied residential buildings at 626-628 14th Street and 632-634 14th Street to the west of the S&C Ford building, on Lot 2. The combined area of the three lots is approximately 31,227 square feet. The project site slopes slightly down to the south along Dolores Street.

Land uses along the east side of Dolores Street, across from the project site, consist of residential uses and former sites of automotive light industrial use. On the proposed project block, directly to the west on Market Street is a four story mixed-use building with a restaurant on the ground floor. Retail uses predominate for the rest of the Market Street side, aside from 2059 Market Street, a five-story residential building with a small retail component at the corner of Market and 14th streets. The 14th Street side of the project block includes the rear of the 2059 Market Street Building, and shorter residential buildings three to five stories in height.

Two- to six-story residential buildings are along 14th Street west of Dolores Street. Dolores Street, south of 14th Street, is occupied by two- to four-story multi-family residential buildings. North of Market Street is the retail shopping center anchored by Safeway, with smaller retail and café spaces. North and east of Safeway is the U.S. Mint, constructed on a rock outcropping. The topography slopes downward to the east, to the block of Buchanan and Market, where there are five, six, and seven story residential buildings with ground floor retail uses. To the west of Safeway, along Church Street, are

many and varied buildings with ground floor retail uses, some with residences and offices above. Golden Produce is located on this block, occupying two store fronts directly across from Safeway.

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

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

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).

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]

<u>Proposed Parking Program and Loading</u>

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.

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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.

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.

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

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[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.

[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).

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 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

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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.

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.

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.

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[11] *Ibid.*, p. 9.
[12] MOP, p. 12.
[13] MOP, p. 8.
[14] MOP, p. 17.
[15] MOP, p. 17.
[16] Community Plan Exemption Eligibility Determination, as signed by Neighborhood Planning, and Citywide Planning and Policy Analysis, on November 5, 2010.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

The following checklist identifies the potential environmental impacts of the proposed project and indicates whether any such impacts are addressed in the Market and Octavia Plan Area Program EIR (PEIR). This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable Program EIR (PEIR) for the plan area, the Market and Octavia Neighborhood Plan Final PEIR).[17] Items checked "Sig. Impact Identified in PEIR" identify topics for which a significant impact is identified in the PEIR. In such cases, the analysis in this checklist document considers whether the proposed project would result in impacts that would contribute to the impact identified in the PEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the PEIR, the item is checked "Proj. Contributes to Sig. Impact Identified in PEIR." Mitigation measures identified in the PEIR applicable to the proposed project are identified in the text for each topic area.

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

All items for which the PEIR did not identify a significant impact or the project would not have a significant peculiar impact are also checked "Addressed Below," and are discussed.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
1. LAND USE AND LAND USE PLANNING— Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒

[17] *Market and Octavia Neighborhood Plan Final Program Environmental Impact Report* ("PEIR"), Planning Department Case No. 2003.0347E, September 2007, certified May 30, 2008.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☐	☒

The Market and Octavia Area Plan ("Market and Octavia Plan") proposed changing the existing land use character of the project area to a transit oriented, high-density mixed-use neighborhood. The Market and Octavia Neighborhood Plan Program Environmental Impact Report ("Market and Octavia PEIR") analyzed the proposed land use changes and determined that the Market and Octavia Plan would not result in a significant adverse impact on land use character.[18]

The project site was re-zoned under the Market and Octavia Plan from Upper Market Neighborhood Commercial District (NCD) to NCT-3 (Neighborhood Commercial Transit District). NCT-3 allows and encourages residential uses, at a moderate to high density,[19] above neighborhood-serving retail uses at the ground floor, with improved conditions for pedestrians. The proposed project would intensify uses on the project site by constructing 82 new dwelling units and approximately 31,000 square feet of grocery space. A large grocery store was not specifically contemplated for this location, but the Market and Octavia Plan EIR notes that under the Market and Octavia Plan, Market Street could accommodate higher density mixed-use development with ground floor retail, with seven floors of residential uses above.[20] Thus, an eight-story building with residential above retail was considered by the Market and Octavia Plan for this site. The project is also consistent with the Market and Octavia Plan's goals of mixed-use, high-density development near transit. The project's parking supply is below the projected demand, and nearby transit facilities on Market Street, with a stop in front of the project site, would

[18] PEIR, p. 4-60.

[19] San Francisco Planning Code Section 731.1 – NCT-3 – Moderate Scale Neighborhood Commercial Transit District.

[20] PEIR, p. 4-53.

encourage transit use consistent with the Market and Octavia Plan's policies.[21] The proposed street-front retail is consistent with the Plan's land use policies.[22] The proposed land uses would not have a significant impact on the character of the vicinity beyond what was identified in the PEIR because the proposed project is consistent with the type of development envisioned in the Plan. The proposed grocery store would be more heavily visited than an average retail use, which is analyzed in Section B.5., Transportation, below.

The PEIR analyzed the cumulative impacts associated with increased residential development in the Market and Octavia Plan Area, and determined that cumulative land use impacts would not be significant.[23]

There are no Land Use and Zoning Mitigation Measures in the Market and Octavia Plan PEIR. The discussion of Land Use and Zoning in the Market and Octavia Plan PEIR concludes there would be no significant impact and no mitigation measure is necessary.[24] Since, the project's proposed land use would be consistent with the Market and Octavia Plan as evaluated in the EIR, and there would be no significant land use environmental effect peculiar to the project or its site, no mitigation would be necessary.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒

[21] See MOP, Policy 2.2.1, p. 15 (Eliminate housing density maximums close to transit), and Objective 5.1, p. 55.
[22] MOP, Policy 1.1.8, p. 9
[23] PEIR, p. 4-70.
[24] PEIR, pp. 4-35 to 4-70.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☒

The Market and Octavia Plan PEIR states that the Market and Octavia Plan could result in the removal of visual elements with neutral or low aesthetic value, including underused and deteriorated buildings.[25] The Market and Octavia Plan envisioned that heights along Market Street would be somewhat taller than the existing development landscape. Specifically, 85-foot tall buildings fronting on Market Street would increase the street wall height.[26] The PEIR finds that, "while the proposed Plan would result in visual changes within the project area, these aesthetic changes are intended to improve the overall visual quality."[27] The PEIR concluded that the Plan would not result in a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surroundings, and therefore, the Market and Octavia Plan would result in a less-than-significant impact.[28]

With respect to views, the EIR found that while development pursuant to the Market and Octavia Plan would result in an intensification of both height and density in portions of the Plan area, and some new development would obstruct portions of certain longer-range views, the Market and Octavia Plan would not be considered to result in a significant adverse impact with regard to either east-west views,[29] nor to north-south views.[30]

The proposed project would replace an existing underused and deteriorated building and two vacant residential buildings with an 85-foot-high building constructed to the project site's Market, Dolores, and 14th Street property lines. The intersection of Market and Dolores streets is a visual landmark because of the statue in the median, and Mint Hill located across Market Street. While the new

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[25] PEIR, p. 4-107.
[26] PEIR, p. 4-107.
[27] PEIR, p. 4-109.
[28] PEIR, p. 4-110.
[29] PEIR, pp. 4-111 - 4-114.
[30] PEIR, p. 4-114.

building would change the visual appearance of the site, it would not substantially degrade its visual character or quality or substantially obstruct important public views.

The discussion of Urban Design and Visual Quality in the Market and Octavia Plan PEIR considers that while the "85-foot buildings fronting on Market Street would increase the streetwall height,"[31] and would be a visual change, it concludes that there would be no significant impact. Thus, no mitigation measure is necessary.[32] The proposed project's visual effect would be consistent with the effects considered in the Market and Octavia Plan PEIR and there would be no significant environmental effects peculiar to the project or its site.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
3. POPULATION AND HOUSING—Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The Market and Octavia Plan is anticipated to result in a net increase of 7,620 residents by the year 2025. The PEIR determined that while the Plan would generate household growth, it would not cause an adverse physical impact, since it would focus new housing development in San Francisco in an established urban area that has a high level of transportation and other public services that can accommodate the proposed residential population increase.

[31] PEIR, p. 4-111.
[32] PEIR, p. 5-2.

The proposed project is located within one of the areas of the Market and Octavia Plan that calls for transit-oriented development encouraging housing, jobs, and services near existing transportation infrastructure.[33] Planning Department staff has determined that the proposed mixed-use residential building with ground floor retail project is consistent with the Market and Octavia Plan, and would provide residential units in keeping with the Market and Octavia Plan.

Additionally, the proposed project would not displace a substantial number of residents, because the project site has four unoccupied dwelling units and three small, temporary automobile rental and used car dealership businesses. The four existing unoccupied residential units would be replaced with 82 new units, for a net increase of 78 units. The existing rental car businesses and used car dealership are temporary occupants of the 2001 Market Street building, with a small number of employees. They would be displaced by the proposed project. The grocery store proposed for the first floor of the project would employ approximately 90 persons, more than are currently employed on the project site.

The discussion of Population, Housing, and Employment in the Market and Octavia Plan PEIR concluded that there would be no significant impact at the program level.[34] The Program EIR found that with the Market and Octavia Plan, the population of the plan area would increase by about 7,620 residents, from 28,905 to 36,525.[35] In addition, the Program EIR estimated that retail and entertainment employment would increase from about 4,060 to 5,625 jobs by 2025.[36] No mitigation measure was determined to be necessary.[37] Based on the housing density factor for San Francisco of 2.3 persons per unit,[38] the addition of 82 residential units would add approximately 189 residents, about 2.5 percent, of the 7,620 expected, and would be thus within the projected population increase estimated in the Market and Octavia Plan EIR. The addition of about 90 jobs would also be within the amount projected by the PEIR. There would be no significant environmental effects peculiar to the project or its site.

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[33] The Moderate-Scale Neighborhood Commercial Transit Districts (NCT-3) were designated to "encourage transit-oriented, mixed-use development of a moderate scale to a height of 85 feet, concentrated near transit services," such as in SoMa West, Hays-Gough, Valencia, and portions of Upper Market, including the project site.

[34] PEIR, pp. 4-71 to 4-83.

[35] PEIR p. 4-74.

[36] PEIR Table 4-3, p. 4-79.

[37] See PEIR, p. 5-2.

[38] San Francisco Planning Department, *Housing Element, Part 1, Table 1-2: San Francisco Household Growth, 1980-2020*. The sources for this table are cited as U.S. Census Bureau, ABAG Projections 2002.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☒	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☒	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐

Because there are potentially significant impacts identified in the Market and Octavia Plan PEIR that warrant project-specific mitigation, this topic is addressed in the Focused Initial Study / Mitigated Negative Declaration for the proposed project.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
5. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☒	☒	☐	☐

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	☒	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☐
e) Result in inadequate emergency access?	☐	☐	☐	☐
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	☒	☐	☐	☐

Because there are potentially significant transportation impacts identified in the Market and Octavia Plan PEIR, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project. Since none of these impacts are peculiar to the proposed project, this topic is not addressed in the Focused Initial Study / Negative Declaration for the proposed project.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
6. NOISE—Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☐	☒

The Market and Octavia Plan PEIR noted that the background noise level in San Francisco is currently elevated mostly by traffic noise, and that some streets have higher background sound levels, such as Dolores and Market streets. In San Francisco, the day-night sound level of 55 dBA, established by the U.S. Environmental Protection Agency as the long-term objective requisite to protect public health and welfare, is met in only a small portion of the city, and generally not within the project area.[39] An approximate doubling of traffic volumes in the area would be necessary to produce an increase in

[39] PEIR, p. 4-281.

ambient noise noticeable to most people. As discussed in Section 5, Transportation, traffic volume would not double as a result of the implementation of the proposed project.

The significance criterion identified in the PEIR is that A-weighted decibels (dBA) must increase by 12 to be considered a significant noise impact.[40] None of the sound receptor locations studied in the PEIR were projected to increase more than 10 dBA in 2025 with the added effects of the Market and Octavia Plan,[41] nor would the background noise be expected to increase in a substantial manner.[42] No stationary noise sources would be expected that would cause noise levels to intrude above the ambient noise level.[43] Sensitive uses that would be introduced would be expected to meet the interior noise standards of Title 24 of the California Code of Regulations, and therefore would not experience a significant impact.[44]

For the above reasons, there would be no significant noise impacts under the Market and Octavia Plan. No mitigation measure was identified.[45]

Noise generated by the proposed project's mechanical systems and traffic would be consistent with the discussion in the Market and Octavia Plan EIR, which found that there would not be any significant impact, and hence, there would be no significant environmental effects peculiar to the project or its site. There are sensitive receptors in residences across from and adjacent to the project site. Mechanical equipment on the roof of the proposed project would be similar to that for existing residences and restaurants in the project area and would follow the requirements of the San Francisco Noise Ordinance. Therefore, there would be no significant effect peculiar to the project and no mitigation measure would be necessary.

Construction Noise

The Market and Octavia Plan PEIR notes that construction would create some noise by sandblasting, large horsepower graders and scrapers, or pile driving operations, and that the amount of noise depends on distance and hours of construction. Noise would also originate from the additional traffic caused by the construction site. The San Francisco Noise Ordinance (Article 29, San Francisco Police Code) would limit construction noises to below 80 dBA at a distance of 100 feet, and compliance with the Noise Ordinance would reduce construction impacts to a less-than-significant level.[46]

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[40] PEIR, p. 4-282
[41] PEIR, p. 4-288.
[42] PEIR, p. 4-290.
[43] PEIR, p. 4-290.
[44] PEIR, p. 4-290 – 4-291.
[45] PEIR, p. 5-20.
[46] PEIR, pp. 4-292 – 4-293.

Construction noise is regulated by the San Francisco Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

The Department of Building Inspection (DBI) is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. During the approximately 15 months of exterior construction activities for the proposed project, occupants of nearby properties could be disturbed by construction noise and possibly vibration. Although construction would employ typical types of equipment and techniques, with no unusual materials or activities, there may be times when noise could interfere with indoor activities in adjacent residences and businesses and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the City's Noise Ordinance.

In light of the above, effects related to construction noise would not be significant.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
7. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Construction

The Market and Octavia Plan PEIR and analysis of the proposed project determined that related demolition, excavation, grading, and other construction activities may cause significant impacts. The topic of air quality impacts due to construction activities has therefore been discussed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

Operations

The Market and Octavia Plan PEIR determined that the growth associated with the Market and Octavia Plan is already accounted for as part of the overall growth expected to occur in San Francisco through 2025. As a result, the small contribution of the Plan growth to overall regional growth would not be expected to be considerable and would be in conformity with the *Clean Air Plan*.[47] Further, since the *San Francisco General Plan* and the Market and Octavia Plan both incorporate measures required by the *2000 Clean Air Plan,* the Market and Octavia Plan would be in accordance with the *2000 Clean Air Plan,* and therefore, would not have a significant effect on air quality related to Plan conformance.[48] The proposed project, in conformance with the *San Francisco General Plan* and the Market and Octavia Plan, also would not conflict with the *2000 Clean Air Plan,* and thus would not have a significant air quality effect.

[47] PEIR, pp. 4-261 to 4-276.
[48] PEIR, p. 4-270.

The operation of the proposed project would release criteria pollutants, primarily from the additional automobile trips to and from the project site. Other sources of criteria pollutants include natural gas usage, landscape maintenance, use of consumer products, and architectural coatings. The quantity of these pollutants was estimated using URBEMIS 2007, Version 9.2.4. The results are presented in Table 2 below.

Table 2: Project Operational Exhaust Emissions Estimates

	Estimated Daily Emissions (pounds per day)			
	ROG	NOx	PM10	PM2.5
Pollutants from Daily operations	26.47	31.06	44.05	8.33

Source: Donald Ballanti, Certified Consulting Meteorologist, 2010.

Because none of the criteria pollutants would exceed any applicable BAAQMD thresholds, no mitigation is necessary and the proposed project's air quality effects would be less than significant.

The development guidelines of the *General Plan* provide that uses causing odors and toxics should not be located next to residences or sensitive receptors, restaurants should be designed to contain fumes and odors within cooking areas, and rooftop mechanical equipment that create disturbing odors should be located away from residential uses.[49] The Market and Octavia Plan PEIR concludes that since all development will proceed under the policies and guidelines of the *General Plan*, the Market and Octavia Plan would not result in a significant air quality impact due to odors or air-borne toxics.[50] The proposed project would conform to the policies and guidelines of the *General Plan* and would locate odor-emitting rooftop mechanical equipment away from residential areas. Thus, the proposed project would not result in a significant air quality impact with respect to odors. The proposed project does not include industrial uses and would not use an unusual amount of toxic materials different from typical urban grocery stores. Therefore, the proposed project would not result in significant toxic air quality impacts.

The proposed project's operational effect on air quality would be consistent with the growth considered in the Market and Octavia Plan PEIR. There would be no significant environmental effects peculiar to the project or its site. Thus, no additional mitigation measure is necessary related to project operations.

[49] PEIR, p. 4-271.
[50] PEIR, p. 4-272.

San Francisco, through Article 38 of the San Francisco Health Code, requires all newly constructed buildings containing ten or more residential units within the Potential Roadway Exposure Zone to perform an Air Quality Assessment to determine whether the $PM_{2.5}$ concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m^3). The project site is located adjacent to Market Street, placing it within the Potential Roadway Exposure Zone and triggering the application of San Francisco Health Code Article 38.

On May 6, 2009, the Department of Public Health evaluated the project using the EPA approved dispersion model CAL3QHCR, using local meteorological data from the Bay Area Air Quality Management District and vehicle counts from the SF CHAMP traffic model maintained by the San Francisco County Transportation Agency. Emission levels were determined using EMFAC 2007, the California Air Resource Board emission model as applied to San Francisco. The annual $PM_{2.5}$ exposure at the project site's ground level was modeled at 0.018 micrograms per cubic meter, below the DPH action threshold for air quality mitigation.[51] Therefore, the proposed project would have less-than-significant air quality impacts on residents due to roadway emissions.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
8. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☒	☐	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☐

Since the Market and Octavia Plan PEIR identified potential significant wind and shadow impacts resulting from the Area Plan and review of the proposed project showed no significant peculiar impacts, these topics are addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

[51] See May 6, 2009-dated letter from Jennifer McLaughlin, MS, REHS (DPH) to Turnstone Consulting. 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.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
9. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The discussion of Recreation and Public Facilities in the Market and Octavia Plan PEIR concludes there would be no significant impact at the program level. The proposed project would add additional people, approximately 190 residents, who could be expected to use nearby Dolores Park, Duboce Park, and Patricia's Green in Hayes Valley. A new public open area has been proposed as part of a mixed use project for the former UC Extension Center at Buchanan and Hermann streets, expanding the amount of public open space nearby. Thus the new residents of 2001 Market Street would not overburden nearby recreational facilities beyond the extent considered in the Market and Octavia Plan.[52] The proposed project's residents and thus its effects on recreational facilities would be consistent with the Market and Octavia Plan as evaluated in the PEIR, and there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified as necessary in the PEIR.[53]

[52] PEIR, pp. 4-333 to 4-338.
[53] PEIR, p. 5-21.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
10. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The discussion of Utilities and Service Systems in the Market and Octavia Plan PEIR concludes that there would be no significant impact at the program level.[54] The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board, and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water available from existing supplies and is within

[54] PEIR, pp. 4-333 to 4-338.

projections considered in the SFPUC's *Water Supply Availability Study for the City and County of San Francisco*, prepared in October, 2009.[55] Solid waste generated by project construction and operation would not result in disposals to a landfill that would exceed its permitted capacity; and the project would not result in significant solid waste generation, since it would implement City ordinances that require recycling and composting of most solid waste. Utilities and service systems would not be adversely affected by the proposed project, individually or cumulatively, and no significant impact would ensue. The proposed project's additional demand on utilities would be consistent with the Market and Octavia Plan as evaluated in the PEIR, and hence there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the PEIR, and none would be required for the proposed project.[56]

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
11. PUBLIC SERVICES— Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☐	☒

The proposed project would increase the population within the projected numbers discussed in the Market and Octavia Plan EIR. The demand of the proposed project on public services would be included within this population increase and is not expected to exceed the impacts foreseen in the Market and Octavia Plan EIR. The proposed project would not substantially increase demand for police or fire protection services, and would not necessitate new school facilities or libraries in San

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[55] A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[56] PEIR, p. 5-21.

Francisco; hence, the proposed project would not result in a significant impact on public services. There would be no significant environmental impact peculiar to the project or its site.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
12. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The discussion of Biological Resources in the Market and Octavia Plan PEIR concludes that there would be no significant impact and no mitigation is necessary.[57] The project site is covered entirely by three existing buildings, and is located in a developed urban area that does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species. The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative impacts on biological resources.

There is a statutory requirement to avoid disturbing active nests of migratory birds. Since removing two street trees could disturb active nests, Biological Resources is discussed in the Focused Initial Study for the proposed project. A mitigation measure setting forth the statutory requirements related to disturbing active nests, M-BI-1, is in the Focused Initial Study / Mitigated Negative Declaration.

Aside from the potential presence of active nests in the street trees, the proposed project's effects on local biology would be consistent with the Market and Octavia Plan as evaluated in the PEIR. In addition, there would be no other significant environmental impact peculiar to the project or its site.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
13. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☐

[57] PEIR, pp. 4-350 to 4-351.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐
iv) Landslides?	☐	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☐

The Market and Octavia Plan PEIR identified a potential significant impact related to temporary construction on steeply sloping lots, although, review of the proposed project showed no significant peculiar impacts. Thus, this topic is addressed in the Certificate of Determination of Exemption from Environmental Review for the proposed project.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
14. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The discussion of Hydrology in the Market and Octavia Plan PEIR concludes that there would be no significant impact at the program level.[58] The project site is almost completely covered by three existing buildings and would be completely covered by the proposed mixed-use building. The proposed project would reduce the amount of impervious surface area on the site by adding a garden to the third floor open space, providing a green roof, and adding sidewalk plantings to divert and reduce the volume of stormwater runoff. Effects related to water resources would not be significant, either individually or cumulatively. In addition, the project site is not within a 100-year flood hazard area; nor is it in proximity to a dam or levee, nor in an area at risk for a seiche, a tsunami, or a mudflow. The proposed project's hydrological and water quality effects would be consistent with the Market and Octavia Plan as evaluated in the PEIR; and there would be no significant environmental impact peculiar to the project or its site. No mitigation measure is necessary related to this topic.[59]

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
15. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☒	☒	☐

[58] PEIR, pp. 4-345 to 4-350.
[59] See PEIR, p. 5-21.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☐

The Market and Octavia Plan PEIR determined that the Area Plan and the projects under the plan could result in potentially significant effects regarding hazards and hazardous materials. Thus, this topic is discussed in the Certificate of Determination of Exemption from Environmental Review for the proposed project for those potentially significant topics identified by the Market and Octavia Plan PEIR, and in the Focused Initial Study / Mitigated Negative Declaration for the proposed project for those issues unique to the proposed project.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
16. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☒	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

There is discussion of the significant environmental effects that cannot be avoided with implementation of the project and the significant irreversible environmental changes that would occur when the Market and Octavia Plan is implemented on pp. 6-1 and 6-2 of the Market and Octavia Plan EIR. As discussed in this CPE Checklist document, the proposed project would not contribute to the significant shadow impacts identified in Section 6.1 of the Market and Octavia Plan PEIR. Nor would the project contribute substantially to the significant traffic or transit impacts discussed in Section 6.1 of the Market and Octavia Plan EIR.

Construction excavation for the proposed project may encounter historic archaeological resources, resulting in a potentially significant impact peculiar to the project site. Additional mitigation measures would be necessary. Removal of existing trees could affect nesting birds; therefore, new mitigation related to biological resources would be necessary. The proposed project would result in new project-specific impacts related to the presence of serpentine rock on the project site, and new mitigation measures would be necessary related to hazards and air quality. The proposed project would not

result in any other new, peculiar environmental effects and effects of greater severity than those topics already analyzed in the Market and Octavia Plan PEIR.

C. DETERMINATION

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

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

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

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

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

DATE November 9, 2010

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director