



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Large Project Authorization

HEARING DATE: DECEMBER 16, 2010

Date: December 2, 2010
Case No.: **2008.0550C**
Project Address: **2001 MARKET STREET**
Zoning: NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) District
40-X/85-B Height and Bulk Districts
Block/Lot: 3535/001,002
Project Sponsor: Dan Safier
The Prado Group
150 Post Street, Suite 320
San Francisco, CA 94108
Staff Contact: Michael Smith – (415) 558.6322
michael.e.smith@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is to demolish the existing commercial building, formerly the S & C Ford dealership, totaling approximately 42,460 square-feet and demolish two residential buildings with a total of four dwellings totaling approximately 4,400 square-feet located on an adjacent lot. The buildings would be replaced with the new construction of up to an 85-foot high, eight-story, approximately 187,400-gross-square-foot (gsf) mixed-use residential-commercial building with 82 dwelling units and 107 off-street parking spaces located in two unconnected partially below grade parking garages. The project would include an approximately 31,000 gsf ground-floor grocery store (D.B.A. "Whole Foods").

Access to the residential units will primarily be from mid-block along the Dolores Street frontage with residential parking access from 14th Street. The grocery store entry will be at the corner of Market and Dolores Streets with parking access at Dolores Street. The commercial loading is located at the rear of the building at the 14th Street frontage. A small 350 square-foot commercial space would be located at the southeast corner of the site at the corner of 14th and Dolores Streets.

The off-street parking break down is 43 residential parking spaces which includes two car share spaces and 64 commercial parking spaces which includes three car share spaces and one space for a retail delivery van.

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. Showers and lockers for

employees who bike to work would be located within the store. 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 accessing 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.

Nine dwelling units would have sufficient private open space in the form of balconies. For the remaining 73 dwelling units the project would provide 8,220 sq. ft. of common usable open space within the courtyard located at the third floor podium.

The two on-street loading spaces on 14th Street would remain. 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.

Per Section 421 of the Code, the project is subject to the Market and Octavia Community Infrastructure Impact Fee requiring a payment of \$10 per each addition of gross residential square-feet and \$4 per addition of gross non-residential square feet.

The Planning Commission may reduce the Market and Octavia Community Infrastructure Impact Fee owed for specific development projects in cases where a project sponsor has entered into an In-Kind Agreement with the City to provide In-Kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities described in Section 421.1(E)(a) or similar substitutes. To date, the sponsor has chosen to pay the Impact Fee but may decide in the future to pursue an In-Kind Agreement.

Per Section 416 of the Code, the project is also subject to the Market and Octavia Plan Area Affordable Housing Fee requiring an additional payment of \$4 per net addition of occupiable residential square feet.

SITE DESCRIPTION AND PRESENT USE

The Project Site (Assessor's Block 3535, Lots 001 and 002) is located at the southwest corner at Dolores Street, located on the east side of a triangular-shaped block bounded by Market Street, Dolores Street and 14th Street. Together the lots measure approximately 31,550 square feet with 147-feet of frontage on Market Street, approximately 316-feet of frontage on Dolores Street, and approximately 141-feet of frontage on 14th Street. The Project Site is within the boundaries of the Market and Octavia Plan Area and within a NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) Zoning District and 85-B/40-X Height and Bulk Districts.

Lot 001 measures approximately 27,429 square-feet and is occupied by an existing, two-story, commercial building that is approximately 42,460 square-feet. The building was constructed in 1920 and was formerly occupied by an automotive sales dealership (D.B.A. "S & C Ford") but is currently being temporarily occupied by an automotive rental use (D.B.A. "Enterprise"). The building extends from the

Market Street frontage to the 14th Street frontage and has nearly full lot coverage. The building has multiple vehicular access entries at the Dolores and 14th Street frontages.

Lot 002 is occupied by two detached residential buildings each containing two dwelling units. The buildings were both constructed in 1945 and are two- and three-stories respectively. Both buildings are currently vacant. The lot is irregularly shaped measuring 3,798 square-feet with approximately 47-feet of frontage on 14th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located across the street to the south of the Safeway site. The site is also located at the gateway to Dolores Street and the Mission Dolores Neighborhood. To the east across Dolores Street are three and four-story multi-unit residential buildings and two light-industrial warehouses that are proposed for development. At the northeast corner of 14th and Dolores Street is a six-story apartment building. To the west along Market Street the site borders a four-story, 50-foot tall, mixed-use building. To the west along 14th Street the site borders a three-story apartment building. The subject block lacks a defined mid-block open space because it is triangular shaped with many building encroachments.

ENVIRONMENTAL REVIEW

Pursuant to Section 21083.3 of the California Environmental Quality Act Public Resources Code Section 21000, et seq.)("CEQA") and Section 15183 of the CEQA Guidelines (14 California Code of Regulations Section 15000, et seq.), projects that are consistent with the development density set forth in a community plan for which an Environmental Impact Report (EIR) was certified are exempt from environmental review under CEQA, except as might be necessary to examine whether there are project-specific effects that are peculiar to the project or its site.

The Project is within the boundaries of the Market and Octavia Better Neighborhoods Area Plan ("Market and Octavia Plan"). The EIR for the Market and Octavia Plan (Case No. 2003.0347E; State Clearinghouse No, 2004012118) was certified on April 5, 2007.

The Planning Department has determined that the Project is consistent with the Market and Octavia Plan and the allowable development density established therein and is, therefore, eligible for a Community Plan Exemption ("CPE") under CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The Planning Department prepared a Community Plan Exemption Checklist dated November 10, 2010 to evaluate the potential environmental effects of the Project and to determine whether the Project would have environmental effects that (1) are peculiar to the Project or parcel on which the Project would be located, or (2) were not analyzed as significant effects in the Market & Octavia Plan EIR, or (3) are potentially significant off-site impacts or cumulative impacts that were not discussed in the Market & Octavia Plan EIR, or (4) are more severe adverse impacts than were analyzed in the Market & Octavia Plan EIR. In a Certificate of Determination dated November 10, 2010 (the "CPE Certificate"), the Planning Department concluded that, with the exception of (1) archaeological resources, (2) biological resources, (3) geology and soils and (4) hazards and hazardous materials, the Project would not result in any new

significant environmental effects peculiar to the Project, any off-site or cumulative impacts, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Plan EIR.

In order to evaluate the Project's impacts related to archaeological resources, biological resources, geology and soils and hazards and hazardous materials, the Planning Department prepared an Initial Study/Mitigated Negative Declaration. On November 10, 2010, the Draft Initial Study/Mitigated Negative Declaration was published for public review.

On November 30, 2010, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of the FMND and the procedures through which the FMND was prepared, publicized, and reviewed complied with CEQA the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth measures to reduce potential environmental effects, including mitigation measures identified in the Market and Octavia Plan EIR that are applicable to the Project, as well as new mitigation measures developed as part of the FMND. These mitigation measures reduce all potential significant impacts to less than significant levels, and are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 26, 2010	November 24, 2010	22 days
Posted Notice	20 days	November 26, 2010	November 23, 2010	23 days
Mailed Notice	20 days	November 26, 2010	November 19, 2010	27 days

PUBLIC COMMENT

- A few occupants of 2027 Market Street, the adjacent building to the west, expressed concern about the size, location, and height of the development in that it will severely impact their property values and privacy and how the construction process will impact their dwellings.
- The project is supported by SPUR, the San Francisco Bicycle Coalition, the Merchants of Upper Market and Castro (MUMC), the San Francisco Housing Action Coalition, and the Buena Vista Neighborhood Association (BVNA).
- The Eureka Valley Neighborhood Association (EVNA), generally supports the project but wants additional conditions placed on the project. The first condition would require loading to begin after 9 A.M. to avoid the morning rush hour traffic. The second condition would require the

door for the loading dock to be constructed in such a way as to emit little or no noise when it is being opened or closed to limit adverse noise impacts on adjacent residential uses. These conditions are not reflected in either the MMRP or the recommended conditions of approval.

- The Mission Dolores Neighborhood Association (MDNA) generally supports the project but wants a smaller store (16,000 gsf) accompanied by less parking. Their concern is that the project as proposed will add congestion to their neighborhood. MDNA opposes the removal of a traffic lane on Dolores Street between Market and 14th Streets. They want grocery store deliveries to begin no earlier than 7 am. They oppose having a compactor at the store, unless it is in an insulated area that will reduce the sound to a minimum. Lastly, they want the sponsor to place a plaque at the corner of Dolores and Market announcing the entrance to our historic Mission Dolores Neighborhood. These conditions are not reflected in either the MMRP or the recommended conditions of approval.
- The owner of the adjacent apartment building at 636 14th Street expressed concern about having a retail loading area within close proximity to his building.

ISSUES AND OTHER CONSIDERATIONS

- The applicant is seeking conditional use authorization for a formula retail use (D.B.A. "Whole Foods") pursuant to Section 703.3. There are several smaller grocery stores within the neighborhood whose business may be adversely impacted by the introduction of second formula retail grocery store into the neighborhood.
- The proposal includes a retail loading driveway at the 14th Street frontage. The concern is how to mitigate the adverse impacts of a grocery store loading area within close proximity of a low-density residential neighborhood.
- To meet the requirements of Section 415 of the Planning Code, which sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program, the sponsor has elected to pay the in-lieu fee.
- There is an existing wireless telecommunications facility on the property that would be reinstalled on the roof of the new building.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must adopt CEQA findings and grant Conditional Use Authorization to allow development on a lot exceeding 9,999 square feet (Section 731.11), to establish a non-residential use exceeding 5,999 square feet (Section 731.21), to establish a 'Formula Retail' use (Section 703.3), to exceed the bulk district limitations (Section 271), to demolish four dwelling units (Section 731.39), to reinstall the existing wireless telecommunications facility (Section 731.83), and to establish a Planned Unit Development (Section 304) with the following exceptions from the Code: rear yard (Section 134); open space dimensions (Section 135); permitted obstructions (Section 136); Street

Frontage (Section 145.1); Curb Cuts (Section 145.1(c)(2); Residential Loading (Section 152); and height measurement (Section 260).

BASIS FOR RECOMMENDATION

- The Project is a neighborhood-serving use.
- The District is well served by transit, giving customers a viable alternative to using a private automobile.
- The Project would add 78 dwellings to the City's housing stock within an established neighborhood.
- The Project creates a sense of place on a parcel now occupied by an underutilized and out of character building on a key site on a significant commercial corridor.

RECOMMENDATION: Approve with Conditions and adopt CEQA Findings,

Attachment Checklist

- | | |
|---------------------------------------------------------|--------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Site and Context Photos |
| <input checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Sanborn Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Community Plan Exemption Checklist |
| <input checked="" type="checkbox"/> Aerial Photo | <input checked="" type="checkbox"/> Certificate of Determination |
| | <input checked="" type="checkbox"/> Preliminary Mitigated Negative Declaration |

Exhibits above marked with an "X" are included in this packet

_____MES_____
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 731.11 TO DEVELOP ON A LOT EXCEEDING 9,999 SQUARE FEET, SECTION 731.21 TO ESTABLISH A NON-RESIDENTIAL USE EXCEEDING 5,999 SQUARE FEET, SECTION 703.3 TO ESTABLISH A 'FORMULA RETAIL' USE (D.B.A. WHOLE FOODS), SECTION 271 TO EXCEED THE BULK DISTRICT LIMITATIONS, SECTION 731.39 TO DEMOLISH FOUR DWELLING UNITS, SECTION 731.83 TO REINSTALL THE EXISTING WIRELESS TELECOMMUNICATIONS FACILITY, AND SECTION 304 TO ESTABLISH A PLANNED UNIT DEVELOPMENT WITH THE FOLLOWING EXCEPTIONS FROM THE CODE: REAR YARD (SECTION 134); OPEN SPACE DIMENSIONS (SECTION 135); PERMITTED OBSTRUCTIONS (SECTION 136); STREET FRONTAGE (SECTION 145.1); CURB CUTS (SECTION 145.1(C)(2)); RESIDENTIAL LOADING (SECTION 152); AND HEIGHT MEASUREMENT (SECTION 260) FOR THE CONSTRUCTION OF UP TO AN 85-FOOT HIGH, EIGHT-STORY, APPROXIMATELY 187,400-GROSS-SQUARE-FOOT (GSF) MIXED-USE RESIDENTIAL-COMMERCIAL BUILDING WITH 82 DWELLING UNITS AND 107 OFF-STREET PARKING SPACES INCLUDING AN APPROXIMATELY 31,000 GSF GROUND-FLOOR GROCERY STORE (D.B.A. "WHOLE FOODS"). THE PROJECT SITE IS LOCATED WITHIN THE MARKET AND OCTAVIA PLAN AREA, A NCT-3 (MODERATE-SCALE, NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND 85-B/40-X HEIGHT AND BULK DISTRICTS; AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 18, 2008, Dan Safier of The Prado Group (hereinafter "Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Sections 731.11, 731.21, 703.3, 731.39, 731.83, 271 of the Planning Code and Section 304 of the Planning Code to allow a Planned Unit Development with special exceptions from Planning Code Sections 134 (rear yard); 135 (open space dimensions); 136 (permitted obstructions within required open space); 145.1 (street frontage); 145.1(c)(2) (Curb Cuts); 152 (residential loading); and 260 (height measurement) for a property located within the Market & Octavia Plan Area, a NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) District and 85-B/40-X Height and Bulk Districts.

Pursuant to Section 21083.3 of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.)("CEQA") and Section 15183 of the CEQA Guidelines (14 California Code of Regulations Section 15000, et seq.), projects that are consistent with the development density set forth in a community plan for which an Environmental Impact Report (EIR) was certified are exempt from environmental review under CEQA, except as might be necessary to examine whether there are project-specific effects that are peculiar to the project or its site.

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The Planning Department has determined that the Project is consistent with the Market and Octavia Plan and the allowable development density established therein and is, therefore, eligible for a Community Plan Exemption ("CPE") under CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The Planning Department prepared a Community Plan Exemption Checklist dated November 10, 2010 to evaluate the potential environmental effects of the Project and to determine whether the Project would have environmental effects that (1) are peculiar to the Project or parcel on which the Project would be located, or (2) were not analyzed as significant effects in the Market & Octavia Plan EIR, or (3) are potentially significant off-site impacts or cumulative impacts that were not discussed in the Market & Octavia Plan EIR, or (4) are more severe adverse impacts than were analyzed in the Market & Octavia Plan EIR. In a Certificate of Determination dated November 10, 2010 (the "CPE Certificate"), the Planning Department concluded that, with the exception of (1) archaeological resources, (2) biological resources, (3) geology and soils and (4) hazards and hazardous materials, the Project would not result in any new significant environmental effects peculiar to the Project, any offsite or cumulative impacts, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia Plan EIR.

In order to evaluate the Project's impacts related to archaeological resources, biological resources, geology and soils and hazards and hazardous materials, the Planning Department prepared an Initial Study/Mitigated Negative Declaration.

On November 30, 2010, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of the FMND and the procedures through which the

FMND was prepared, publicized, and reviewed complied with CEQA and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth measures to reduce potential environmental effects, including mitigation measures identified in the Market and Octavia Plan EIR that are applicable to the Project, as well as new mitigation measures developed as part of the FMND. These mitigation measures reduce all potential significant impacts to less than significant levels, and are set forth in their entirety in the MMRP attached to this Motion as Exhibit C. The MMRP was made available to the public and this Commission for this Commission's review, consideration and action.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2008.0550E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2008.0550C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site (Assessor's Block 3535, Lots 001 and 002) is located at the southwest corner at Dolores Street, located on the east side of a triangular-shaped block bounded by Market Street, Dolores Street and 14th Street. Together the lots measure approximately 31,550 square feet with 147-feet of frontage on Market Street, approximately 316-feet of frontage on Dolores Street, and approximately 141-feet of frontage on 14th Street. The Project Site is within the boundaries of the Market and Octavia Plan Area and within a NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) Zoning District and 85-B/40-X Height and Bulk Districts.

Lot 001 is occupied by an existing, two-story, commercial building that is approximately 42,460 square-feet. The building was constructed in 1920 and was formerly occupied by an automotive sales dealership (D.B.A. "S & C Ford") but is currently being temporarily occupied by an

automotive rental use (D.B.A. "Enterprise"). The building extends from the Market Street frontage to the 14th Street frontage and has nearly full lot coverage. The building has multiple vehicular access entries at the Dolores and 14th Street frontages.

Lot 002 is occupied by two detached residential buildings each containing two dwelling units. The buildings were both constructed in 1945 and are two- and three-stories respectively. Both buildings are currently vacant. The lot is irregularly shaped measuring 3,798 square-feet with approximately 47-feet of frontage on 14th Street.

3. **Surrounding Properties and Neighborhood.** The project site is located across the street to the south of the Safeway site. The site is also located at the gateway to Dolores Street and the Mission Dolores Neighborhood. To the east across Dolores Street are three and four-story multi-unit residential buildings and two light-industrial warehouses that are proposed for development. At the northeast corner of 14th and Dolores Street is a six-story apartment building. To the west along Market Street the site just borders what appears to be a four-story, 50-foot tall, mixed-use building. To the west along 14th Street the site borders a three-story apartment building. The subject block lacks a defined mid-block open space because it is triangular shaped with many building encroachments.
4. **Project Description.** The proposal is to demolish the existing commercial building, formerly the S & C Ford dealership, totaling approximately 42,460 square-feet and demolish two residential buildings with a total of four dwellings totaling approximately 4,400 square-feet located on an adjacent lot. The buildings would be replaced with the new construction of up to an 85-foot high, eight-story, approximately 187,400-gross-square-foot (gsf) mixed-use residential-commercial building with 82 dwelling units and 107 off-street parking spaces located in two unconnected partially below grade parking garages. The project would include an approximately 31,000 gsf ground-floor grocery store (D.B.A. "Whole Foods").

Access to the residential units will primarily be from mid-block along the Dolores Street frontage with residential parking access from 14th Street. The grocery store entry will be at the corner of Market and Dolores Streets with parking access at Dolores Street. The commercial loading is located at the rear of the building at the 14th Street frontage. A small 350 square-foot commercial space would be located at the southeast corner of the site at the corner of 14th and Dolores Streets.

The off-street parking break down is 43 residential parking spaces which includes two car share spaces and 64 commercial parking spaces which includes two car share spaces and one space for a retail delivery van.

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. Showers and lockers for employees who bike to work would be located within the store. 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.

Ten dwelling units would have sufficient private open space in the form of balconies. For the remaining 72 dwelling units the project would provide 8,220 sq. ft. of common usable open space within the courtyard located at the third floor podium.

The two on-street loading spaces on 14th Street would remain. 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.

Per Section 421 of the Code, the project is subject to the Market and Octavia Community Infrastructure Impact Fee requiring a payment of approximately \$1,024,400. The project is also subject to the Market and Octavia Plan Area Affordable Housing Fee requiring a payment of approximately \$409,760.

The Project requires Conditional Use Authorization to develop on a lot exceeding 9,999 square feet (Section 731.11), to establish a non-residential use exceeding 5,999 square feet (Section 731.21), to establish a 'Formula Retail' use (Section 703.3), to exceed the bulk district limitations (Section 271), to demolish four dwelling units (Section 731.39), to reinstall the existing wireless telecommunications facility (Section 731.83), and to establish a Planned Unit Development (Section 304) with the following exceptions from the Code: rear yard (Section 134); open space dimensions (Section 135); permitted obstructions (Section 136); Street Frontage (Section 145.1); Curb Cuts (Section 145.1(c)(2)); Residential Loading (Section 152); and height measurement (Section 260).

5. **CEQA Findings.** The Planning Commission has independently reviewed 5. and considered the CPE Certificate and the FMND prepared for the Project and hereby adopts the following findings: CPE Certificate and the FMND prepared for the Project and hereby adopts the following findings:
 - A. In reviewing the CPE Certificate and the FMND, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
 - B. The Planning Commission finds that the Project is consistent with the Market and Octavia Plan for purposes of CEQA Section 21083.3 and CEQA Guidelines Section 15183 and is therefore eligible for a CPE.
 - C. The Planning Commission finds that, except with respect to archaeological resources, biological resources, geology and soils and hazards and hazardous materials, the Project would not result in any new significant environmental effects peculiar to the Project, any off-site or cumulative impacts, or effects of greater severity than were already analyzed and

- disclosed in the Market and Octavia Plan EIR, as shown in the analysis of the Certificate of Determination for the CPE.
- D. With respect to archaeological resources, biological resources, geology and soils and hazards and hazardous materials, the Planning Commission finds that, with the implementation of the mitigation measures set forth in the MMRP ("Exhibit C") all potential environmental effects of the Project would be reduced to less than significant levels.
 - E. The Planning Commission finds that the contents of the CPE Certificate and the FMND and the procedures through which they were prepared, issued, publicized and reviewed comply with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
 - F. The Planning Commission finds that the CPE Certificate and the FMND are adequate, accurate and objective and reflects the independent analysis and judgment of the Department of City Planning and Planning Commission.
 - G. The mitigation measures listed in the MMRP ("Exhibit C") were identified in the FMND as reducing or eliminating potential environmental impacts of the proposed project. The Planning Commission hereby adopts the MMRP, including all of the mitigation measures identified in Exhibit C.
 - H. The Planning Commission finds that the proposed project could not have a significant effect on the environment, as shown in the analysis of the CPE Certificate and FMND.
6. **Public Comment.** A few occupants of 2027 Market Street, the adjacent building to the west, expressed concern about the size, location, and height of the development, claiming that it will severely impact their property values and privacy and raising concern about how the construction process will impact their dwellings.

The project is supported by SPUR, the San Francisco Bicycle Coalition, the Merchants of Upper Market and Castro (MUMC), the San Francisco Housing Action Coalition, and the Buena Vista Neighborhood Association (BVNA).

The Eureka Valley Neighborhood Association (EVNA), generally supports the project but wants additional conditions placed on the project. The first condition would require loading to begin after 9 A.M. to avoid the morning rush hour traffic. The second condition would require the door for the loading dock to be constructed in such a way as to emit little or no noise when it is being opened or closed to limit adverse noise impacts on adjacent residential uses. These conditions are not reflected in either the MMRP or the recommended conditions of approval.

The Mission Dolores Neighborhood Association (MDNA) generally supports the project but wants a smaller store (16,000 gsf) accompanied by less parking. Their concern is that the project as proposed will add congestion to their neighborhood. MDNA opposes the removal of a traffic lane on Dolores Street between Market and 14th Streets. They want grocery store deliveries to begin no earlier than 7 am. They oppose having a compactor at the store, unless it is in an insulated area that will reduce the sound to a minimum. Lastly, they want the sponsor to place a

plaque at the corner of Dolores and Market announcing the entrance to our historic Mission Dolores Neighborhood. These conditions are not reflected in either the MMRP or the recommended conditions of approval.

The owner of the adjacent apartment building at 636 14th Street expressed concern about having a retail loading area within close proximity to his building.

7. **NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) District.** NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings may range in height, with height limits varying from four to eight stories.

NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. Open Space.

Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. Either 80 square feet of private usable open space per dwelling unit or 106 square feet of common usable open space per dwelling unit or any combination thereof must be provided for the project.

The Project has an open space requirement of approximately 6,560 square feet of private usable open space or 8,725 square-feet of common usable open space or any combination thereof. Nine dwelling units would have sufficient private open space in the form of balconies. For the remaining 73 dwelling units the project would provide 8,220 sq. ft. of common usable open space within the courtyard located at the third floor podium.

B. Density.

Planning Code Section 731.91 places no limits on residential density in the District. Density is only restricted by physical building envelope.

The project would provide 82 dwellings which is a ratio of one dwelling per 385 square-feet of lot area.

C. Street Trees.

Planning Code Section 143 requires the owner or developer of a new building in a NCT District to install one street tree for every 20-feet of lot frontage.

The project meets the requirement by retaining and providing a street tree for every 20-feet of lot frontage.

D. Permitted Parking (Residential).

Planning Code Section 731.94 permits up to .5 parking space for each dwelling unit. Parking above a ratio of .5:1 requires conditional use authorization. Parking above a ratio of .75:1 is not permitted.

The project would provide 41 residential parking spaces which is .50 parking space for each dwelling unit and two car share spaces for residents use only.

E. Permitted Parking (Commercial).

Planning Code Section 731.22 as it applies to grocery stores larger than 20,000 square feet, permits up to 1:500. Conditional Use authorization is required for parking up to 1:250 subject to the conditions of Section 151.1(f) of the Code. Parking above 1:250 is not permitted.

The project proposes 62 nonresidential parking spaces which does not require conditional use authorization. The project also includes two car share parking spaces and a parking space for a retail delivery van.

F. Off-Street Commercial Loading.

Planning Code Section 152 requires one off-street loading space for retail uses between 10,001 and 60,000 square feet.

The project will provide one off-street commercial loading space at the 14th Street frontage.

G. Street Frontage in Neighborhood Commercial Transit Districts.

Planning Code Section 145.1 requires that NC Districts containing specific uses have at least half the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The Project's commercial spaces devote greater than half of their frontages along Market and Dolores Streets to entrances and windows. The windows are clear and unobstructed.

H. Affordable Housing Program. Planning Code Section 415¹ (formerly Code Section 315) sets forth the requirements and procedures for the Affordable Housing Program. On February 2, 2010, the Board of Supervisors adopted Interim Controls contained in Board of Supervisors' Resolution No. 36-10 (BOS File No.100047) entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" (the "Affordable Housing Ordinance"), the requirements of the Interim Controls apply to this Project. Under Planning Code Section 415.3 (formerly Code Section 315.3), these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.7 (formerly Code Section 315.4), the Project must pay the Affordable Housing Fee ("fee"). This fee is made payable to the Treasurer for use by the Mayor's Office of Housing for the purpose of constructing the required housing at an alternate site providing .20 times the total number of units as affordable off-site units.

The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Affordable Housing Ordinance through payment of the fee, in an amount to be established by the Mayor's Office of Housing. The project sponsor has not selected an alternative to payment of the fee. The EE application was submitted on May 18, 2008.

I. Lot Size per Development.

Planning Code Section 731.11 permits development of lots larger than 9,999 square-feet within a NCT-3 District with conditional use authorization.

¹ On May 18, 2010 the Board of Supervisors finally passed Ordinance No. 108-10 (Board of Supervisors File No. 091275). Among other things Ordinance No. 08-10 created a new Article IV in the Planning Code and changed the numbering of most development impact and in lieu fees including the fee in the Affordable Housing Program. When Ordinance No. 108-10 becomes effective (on or about June 25, 2010, the Affordable Housing Program will become Planning Code Section 415 et seq. All references herein to Section 315 shall then mean Section 415.

The project would merge two lots measuring 27,429 square-feet and 3,798 square-feet respectively creating a single-lot that measures 31,227 square-feet, thus conditional use authorization is required to develop the lot.

J. Use Size Limitations.

Planning Code Section 731.21 permits the creation of nonresidential uses larger than 5,999 square-feet with conditional use authorization.

The project proposes a grocery tenant commercial space that is approximately 31,000 square-feet. Therefore, conditional use authorization is required to develop the space.

K. Formula Retail Use.

Planning Code Section 703.4 requires conditional use authorization for all formula retail uses in Neighborhood Commercial Districts.

The project requires conditional use authorization for a formula retail grocery store tenant, D.B.A. 'Whole Foods', to locate within the ground floor commercial space.

L. Dwelling Unit Exposure.

Section 140 requires that every dwelling unit in every use district face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

Seventy-two of the dwellings front either 14th, Dolores, or Market Streets. Ten of the units face an inner court that complies with the dimensional requirements for dwelling unit exposure.

M. Dwelling Unit Mix.

Section 207.6 of the Planning Code requires that a minimum of 40 percent of all dwelling units in NCT-3 Districts have at least two-bedrooms or more to ensure an adequate supply of family-sized units.

The project proposes 48 dwelling units with- two-bedroom or more, or 59 percent of the total number of units.

N. Bicycle Parking (Commercial).

Section 155.4 requires that new commercial buildings provide three bicycle parking spaces for retail uses that are between 25,000 and 50,000 square-feet.

The project would provide 18 Class 2 bicycle parking spaces for the commercial use.

O. Bicycle Parking (Residential).

Section 155.5 requires 33 Class 1 bicycle parking spaces for 82 dwelling units.

The project would provide 41 Class 1 bicycle parking spaces to meet this requirement.

P. Car Share (Residential).

Section 166 of the Planning Code requires one car share space for 50 – 200 dwellings.

The project would provide one networked car-share space with the commercial parking garage.

Q. Car Share (Commercial).

Section 166 of the Planning Code requires 1 car share space, plus 1 for every 50 parking spaces over 50.

Three networked car share spaces would be provided within the commercial parking garage where only two are required.

R. Floor Area Ratio.

Section 731.20 of the Planning Code restricts non-residential uses to 3.6 to 1.

113,580 square-feet of non-residential uses are permitted pursuant to this Section of the Code. The project would provide approximately 31,000 square-feet of commercial uses, well within the limit prescribed by the Code.

S. Market and Octavia Community Infrastructure Impact Fee.

Per Section 421 of the Code, the project requires payment of \$10.00 per gross new square foot of residential development and \$4.00 per square-foot of gross additional commercial square-footage for the Market and Octavia Community Improvements Fund.

T. Market and Octavia Plan Area Affordable Housing Fee.

Per Section 416 of the Code, the project requires payment of \$4.00 per net square foot of residential development.

U. Shadow.

Section 295 of the Code prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

A shadow fan was developed based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance.

V. First Source Hiring.

The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any

building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor has executed a First Source Hiring Declaration of Compliance with Administrative Code Chapter 83.

9. **Planning Code Exceptions:** Planning Code Section 304 allows exceptions from the Code for larger development sites of one-half acre or larger. The Commission finds that the following exceptions are being requested for the project.

A. Rear Yard.

Section 134 of the Planning Code requires a 25 percent rear yard at all residential levels.

The proposed project would not provide a conventional rear yard opposite the primary lot frontage but instead will provide open space in the form of a central courtyard at the second floor podium level that abuts the open space on the adjacent properties to the west.

B. Open Space.

Section 135 of the Planning Code requires at least 80 sf of private open space, 106 sf of common open space, or some equivalent combination of both, per dwelling unit. Furthermore, the Code section requires that open space meet certain minimum dimensions.

The Project, with 82 dwelling units, is required to provide approximately 6,560 square feet of private usable open space or 8,725 square-feet of common usable open space or any combination thereof. For ten dwelling the Project provides approximately 1,980 sf of private deck areas that range from 160 to 300 sf in size. For the remaining 72 dwelling units the project would provide 8,220 sq. ft. of common usable open space within the courtyard located at the third floor podium. The Project is not deficient in total required amount of open space but the common open space provided does not meet minimum exposure requirements of the Code.

C. Parking and Loading Entrances.

Section 145.1 also requires that no more than 1/3 of the width of the structure be devoted to access to parking, with a maximum width of 20 feet per street frontage in NCT districts.

The Project provides vehicular access points at both the 14th Street and Dolores Street frontages. The commercial parking entrance at the Dolores Street frontage would measure 22 feet in width but would not occupy more than 1/3 of the width of the structure. The 14th Street façade would have approximately 37 feet devoted to parking and loading entrances.

D. Street Frontage.

Section 145.4 of the Planning Code requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width.

The commercial parking garage is not set back 25-feet from the Dolores and 14th Streets frontages due to the down slope of the lot.

E. Permitted Obstructions.

Sections 136 and 136.1 of the Planning Code requires maximum dimensions for each bay window, balcony, and architectural projection, and each awning or canopy that extends over streets and alleys.

Due to the scale of the building and the amount of street frontage, the project would include several bay windows, balconies, canopies, and architectural elements that are larger than permitted by Code. The larger bay windows, balconies, and architectural elements are appropriate because they articulate the building's façade and add more visual interest to a large street wall. The larger awnings are necessary to reduce glare on the ground floor windows and provide a pedestrian scale at the base of the building.

E. Off-Street Residential Loading.

Planning Code Section 152 requires one off-street loading space for residential uses between 101,000 and 200,000 square feet.

The project includes one off-street freight loading space at the 14th Street frontage for the grocery store use. It would be difficult to provide another off-street loading space for the residential uses because the property is surrounded by low-density residential uses and has three street frontages.

F. Height Limit Measurement.

Planning Code Section 260 limits the height at the Market Street frontage to 85 feet and 40 feet at the 14th Street frontage. The height is measured above curb at the centerline of the building for a depth of 100 feet. For a distance greater than 100 feet the height shall be measured above curb at the centerline of the building from the opposite frontage.

Both the 85 foot and 40 foot height limits for the property would be measured from above curb at the centerline of the building's Market Street façade. The requested method of measurement would result in the rear portion of the building measuring 40 feet in height but measure 44-feet in height above 14th Street.

G. Bulk Limitations.

Planning Code Section 270 sets forth the bulk limitations for the property. There are not bulk limits for the portion of the property within the X Bulk District. For the portion of the property within the B Bulk District the building's plan dimension length is limited to 110 feet with a maximum diagonal plan dimension of 125 feet.

The proposed building would exceed both the maximum plan length and diagonal dimensions.

10. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project as proposed, at the size and intensity contemplated and at the proposed location, will provide development that is necessary and desirable for, and compatible with, the neighborhood or the community because:

The Project will demolish an underutilized commercial building and two residential buildings and replace them with 78 units of additional housing within an established neighborhood that is well served by public transit. A majority of the units being provided (59 percent) would be family-sized housing units. In addition, the project's density necessitates an inclusionary housing requirement and payment to the Market and Octavia Affordable Housing Fund.

The proposed project will also provide approximately 31,000 square feet of retail space. Including an approximately 31,000 sf commercial space designed for a grocery store potentially bringing an anchor grocery store to the neighborhood. The project includes a second smaller commercial space at the southeast corner of the building that is suitable for neighborhood-serving retail uses. These retail spaces will be accessible by walking, MUNI and car. In combination, the proposed residential and retail uses, at the densities and scale contemplated, will enhance the existing mixed-use character of the neighborhood and create needed amenities in this area.

The 85 foot building height at Market Street steps down to 40 feet at the rear of the site, responding to the finer grained low-density residential uses to the south and east of the site. The top floor at the rear of the building is well articulated to further break down the scale of the building to respond to neighborhood character. The design of the building is distinctive. While the building is relatively large, the use of recesses, vertical panels and balconies give the building articulation and verticality disrupting the horizontal massing. Also, the rear elevation will be treated architecturally to lend attractiveness and distinction to the 14th Street neighborhood.

By limiting off-street parking access to Dolores and 14th Streets, the Project avoids curb cuts on Market Street and maintains an unbroken continuity of ground floor retail uses, a characteristic that is important to neighborhood commercial districts. By locating its off-street parking entrance to Dolores and 14th Streets, conflicts and interference with MUNI transit service is avoided.

Therefore, the proposed mixed-use project, its design, size and intensity of use contemplated provides a development that is necessary, desirable, and compatible with the neighborhood and the community.

- B. The Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The design and arrangement of the building will enhance the neighborhood. The amount of commercial space will be increased, further strengthening the Market Street corridor. The Project provides up to 78 new housing units and 107 independently accessible off-street parking spaces on-site: 41 - residential; 60 - commercial; 5 - car-share; and one commercial delivery van. By locating the majority of parking below grade the Project will increase the commercial presence at the ground floor, providing a significant benefit to the community. The development of the site as a whole, including its design, size, configuration, and uses will complement the existing neighborhood and provide a significant amount of new housing at a density consistent with and appropriate for the neighborhood.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Locating the parking garages below grade with access at the southern end of the site optimizes accessibility for pedestrians along Market Street. The number of independently accessible off-street parking spaces is limited by the Zoning District to 0.5 to 1 ratio of parking spaces to dwellings is principally permitted, and a maximum of 0.75 to 1 ratio is permitted through conditional use authorization. The Project proposes 41 independently accessible off-street residential parking spaces and 60 independently accessible off-street commercial parking spaces, five off-street car-share spaces, and one space for a commercial delivery van. The Project will not exceed the principally permitted parking thresholds for the District.

Loading will be done from the rear of the site on 14th Street. The recommended conditions of approval include conditions that will help to mitigate the adverse impact of having commercial loading within a low-density residential district. The 14th Street frontage was chosen for loading because it has traditionally been the service area for the building and the other lot frontages experience much more pedestrian traffic.

The subject site is well served by public transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately three blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five-block radius.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

Since this will be a predominantly residential project with small scale, neighborhood-serving retail uses and a medium-sized commercial grocery store use, the project will not generate unusual noise, odor, dust and glare as a result of its operations. The buildings will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting could ensure that off-site glare and lighting spillover would be minimized.

In terms of dust generation, the environmental mitigation measures and conditions of approval for dust control measures would avoid any significant dust impacts during project demolition and construction. The Project, after its completion as a residential/commercial mixed-use development, will not prove to be offensive regarding noise, dust, glare, and odors on a permanent basis.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

New landscaping is included in the proposal along Dolores Street and within the usable open space at the podium level. Parking areas are enclosed and below grade with access from Dolores and 14th Streets, thus maintaining maximum pedestrian safety, continuity and convenience along Market Street.

The service and parking entrances at the rear of the building are architecturally treated to respect the residential character of the 14th Street neighborhood.

The open space is designed so that it abuts the open space on the adjacent properties, providing maximum openness at the mid block

Project lighting and signage will be in strict compliance with applicable codes.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. Through the PUD process the Project Sponsor is seeking exceptions from the rear yard, open space, permitted obstructions, street frontage, curb cuts, residential loading, bulk limitations, and height measurement.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of NCT-3 Districts in that the Project is a moderate-density, mixed-use development with ground floor, neighborhood-serving commercial uses and residential units above.

11. **Section 121.1 Findings.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission has considered the extent to which the following criteria are met for a project site exceeding 9,999 square feet in the NCT-3 zoning district:

- A. The mass and façade of the proposed structure are compatible with the existing scale of the district.

The existing scale of the district is mixed. Building heights in the immediate area range from two to six stories. The 14th Street frontage has several buildings that are over 50 feet in height and five stories.

- B. The façade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project facades are of a contemporary design and compatible with other positive design features in the area by making the corner and residential entrances more prominent, breaking up the longer façade along Market Street by introducing vertical elements, providing high ground floor commercial ceiling heights, and maximizing glazing on the ground floor.

12. **Section 121.2 Findings.** In addition to the criteria of Section 303(c) of this Code, the Commission has considered the extent to which the following criteria are met for a non-residential use exceeding 3,999 square feet:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The project will replace the underutilized 42,460 square foot commercial building that was constructed in 1920 as an automobile sales showroom. The Department identified 24 businesses within a one mile radius that sell similar products to those sold by Whole Foods. Many of the businesses are corner stores that primarily serve the residents within close proximity. Whole Foods' primary competitors are Safeway, Rainbow Grocery, and Golden Produce. Whole Foods primarily sells organically produced foods and Safeway primarily sells conventional foods, therefore the two stores likely serve different market segments. For those prospective customers that do shop at Safeway, Whole Foods will compliment their overall grocery shopping experience. Though it is within .6 miles Rainbow Grocery is located outside the neighborhood and the walk is not pedestrian friendly. Rainbow Grocery also focuses on organically grown foods but with an emphasis on bulk foods and a vegetarian diet. Because Rainbow Grocery specializes in the needs of particular customers it is less likely to be impacted by Whole Foods. Golden Produce operates two stores within close proximity on Church Street. Golden Produce sells organic and conventional foods and is the store most likely to be impacted by the opening of Whole Foods. Harvest Market, located several blocks west on Market Street may also be impacted by Whole Foods if its customers are willing to travel further east. Harvest Market is most similar to a specialty grocery store and not a full-service grocery store like Whole Foods. Ultimately, the Department cannot determine how Golden Produce and Harvest Market will be impacted by Whole Foods. It is unknown whether Whole Foods potential customers are currently frequenting smaller local grocery stores or whether they go outside the neighborhood to find a similar use. Whole Foods' stores in Potrero Hill, Noe Valley, and Pacific Heights are within a close enough proximity to draw customers who drive from the Upper Market, Duboce Triangle, and Mission Dolores neighborhoods.

- B. The building in which the use is to be located is designed in discrete elements which respect the scale of the development in the district.

The building has been designed in discrete elements to respect the scale of development in the nearby residential neighborhood as well as the commercial corridor to the west of the project site on Market Street. The bay windows and vertical detailing provide a rhythm along the façade that helps break down the scale of the building.

13. Section 303(i) Findings for Formula Retail Grocery Store Use. The Commission hereby approves use of up to approximately 27,500 square feet of the east block for a formula retail grocery store. Planning Code Section 303(i)(1) states: "With respect to an application for a formula retail use as defined in Section 703.3, whenever a conditional use permit is required per Section 703.3(f), the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c)" the following:

A. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

The Upper Market corridor is defined by Safeway and its large surface parking, which is the only supermarket serving the neighborhood. All of the stores within the Safeway shopping center are formula retail uses. Pet Food Express, located at the southeast corner of Market and Dolores Street is a more recent formula retail use. The larger commercial spaces and the banks and title companies tend to be formula retail uses. The neighborhood appears to have an appropriate mix of locally owned and formula retail uses.

B. The availability of other similar retail uses within the Neighborhood Commercial District.

As stated above, Golden Produce, located at Church and Duboce and Harvest Market, located several blocks west on Market Street both sell organic foods and are the most likely to be impacted by the opening of Whole Foods. Ultimately, the Department cannot determine exactly how much the Golden Produce and Harvest Market would be impacted by the opening of Whole Foods.

C. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

The proposed medium-sized commercial space will occupy all of a large portion of the ground floor retail space of the east block of the newly constructed mixed-use building at a prominent location in the neighborhood commercial district. This building's design is compatible with the commercial district's character and setback. This use will blend into this building and will not be distinguishable from any other storefront. No special architectural or aesthetic features of the building have been designed specifically for the proposed retail tenant or to call attention to this particular retail use.

D. The existing retail vacancy rates within the Neighborhood Commercial District.

Because the grocery store will locate in a new building, no non-formula retail establishments are being displaced.

E. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

The grocery store will be neighborhood-serving, in that residents tend to shop at local grocery stores, rather than travel to "destinations" like some formula retail users. The District is primarily neighborhood-serving, and the proposed grocery store would not alter that existing mix.

The larger commercial spaces and the banks and title companies tend to be formula retail uses. The neighborhood appears to have an appropriate mix of locally owned and formula retail uses.

14. **Planned Unit Development.** Planning Code Section 304(d) establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Section 303(c) and elsewhere in the Code. PUD's must:

- A. Affirmatively promote applicable objectives and policies of the General Plan.

This Project is consistent with the objectives and policies of the General Plan as outlined below.

- B. Provide off street parking adequate for the occupancy proposed.

The project includes 82 dwelling units and medium sized grocery store. Consistent with City policy for projects along transit corridors, the project would have residential parking at a ratio less than 1:1. This provides flexibility for households that may not own vehicles and for those that own several. The grocery store use is one that sells merchandise that is bulky or difficult to carry by hand or by public transit. Thus, persons that own vehicles may be more likely to use them when shopping for groceries. Commercial parking is provided in acknowledgement of this parking need.

- C. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by the Code.

The Project has an open space requirement of approximately 6,560 square feet of private usable open space or 8,725 square-feet of common usable open space or any combination thereof. Nine dwelling units would have sufficient private open space in the form of balconies. For the remaining 72 dwelling units the project would provide 8,220 sq. ft. of common usable open space within the courtyard located at the third floor podium.

An outdoor eating area adjacent to the grocery store would be provided at the corner of Market and Dolores Streets

- D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a District permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

There is no density limit for projects within the NCT-3 District.

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 (Neighborhood Commercial Cluster) Districts under the Code.

The Project Site is not located within an R-District.

- F. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The project site is within a 85-B/40-X Height and Bulk District. The project seeks to measure all height limits for the property from the Market Street frontage which would result in the rear portion of the building extending four-feet over the permitted height limit. Deviations in height of five-feet or less are permitted because they do not amount to a height reclassification.

- G. In NC Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Section 124 and Article 7 of this Code.

The Floor Area Ratio (F.A.R.) limit for the NCT-3 District is 3.6 to 1. The project would provide approximately 31,000 square-feet of commercial uses where the Code would permit 113,580 square-feet of commercial uses.

- H. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

The Project requires a variety of approvals by the Planning Commission, yet as designed meets all the use limitations by story of the NC-Districts.

15. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

2004 HOUSING ELEMENT

HOUSING SUPPLY

OBJECTIVE 1:

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The project site is a significant in-fill opportunity site. The demolition of the commercial building and would allow the construction of up to 82 new residential units and approximately 31,000 square feet of ground floor commercial in an established residential neighborhood.

HOUSING AFFORDABILITY

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Project maximizes density, which increases the total number of Below Market Rate units required. It creates up to 78 units of new housing on an underutilized infill site in an established urban area that is well-served by transit, pedestrian, and bicycle facilities.

RECREATION AND OPEN SPACE

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Project will not cast shadows over any open spaces under the jurisdiction of The Recreation and Park Department. The Project also includes a combination of private and common outdoor open spaces provided through private decks and common open space at the podium.

TRANSPORTATION

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project includes the required number of street trees. The Project will enhance the pedestrian experience at the Dolores Street frontage and replace an underutilized building with one that has more active uses.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CIT'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.4:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The site is well served by transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately three blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five block radius. The Project would not exceed the maximum parking principally permitted in the District.

URBAN DESIGN

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3:

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

Policy 6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The surrounding neighborhood is a mixed urban area. Major streets, such as Market, are lined with mostly commercial and mixed use developments. Smaller surrounding streets are lined with a mix of residential densities and building heights. Building heights in the immediate area range from two to six stories, and exterior materials consist mostly of stucco and wood. The Project site lies at prominent intersection and its

height and scale and corner detailing will provide an appropriate anchor to the corner that is currently missing.

COMMERCE AND INDUSTRY

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CIT LIVING AND WORKING ENVIRONMENT.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project site is currently underutilized and provides little benefit to the surrounding neighborhood. The Project is a mixed-use development that includes a ground floor grocery store. Additionally, the dwelling units will house new residents to patronize existing commercial establishments in the area.

MARKET & OCTAVIA AREA PLAN

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.3:

Eliminate residential parking requirements and introduce a maximum parking cap.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The Project is a mixed-use development including ground floor commercial space with 82 dwelling units above. The off-street residential parking is does not exceed the maximum that is principally permitted and represents a .5:1 ratio.

OBJECTIVE 3.1:

ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.

Policy 3.1.1:

Ensure that new development adheres to principles of good urban design.

The Project adheres to the urban design guidelines of the Market & Octavia Area Plan in the areas of Building Massing and Articulation, and to guidelines concerning Ground Floor Treatment along Neighborhood Commercial Streets. This includes more prominent corner and residential entry treatments, increased ground floor commercial ceiling heights, and a high level of ground floor glazing.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be set back and screened from the street.

The Project proposes active uses along the Market Street frontage. The parking provided is primarily below-grade but daylighted at the rear of the site due to the slope. The parking entrances are detailed in a residential manner to mitigate their appearance.

16. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

Although there are similar retail uses in the neighborhood the Department cannot determine how the Project will impact these uses.

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would increase the City's housing supply by 78 units. The existing commercial space that will be demolished does not contribute positively to the character of the Upper Market commercial corridor. The Project would result in the demolition of four existing housing unit that are all currently vacant. The buildings in question do not contribute to neighborhood character.

C. That the City's supply of affordable housing be preserved and enhanced.

The Project is subject to the City's affordable housing policies. Planning Code Section 415 sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The subject site is well served by public transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately three blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five-block radius. The increase in transit demand anticipated by the Project would not have a significant or noticeable impact upon transit services in the neighborhood or affect transit operations.

The Project will provide off-street parking which will reduce its reliance on neighborhood parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment due to commercial office development. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmark and historic buildings be preserved.

The existing buildings on the Site are not landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no negative impact on parks or open space.

17. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
18. The Commission finds that granting authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2008.0550C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the CPE Certificate and the FMND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the FMND and the relevant mitigation measures and contained in the Market & Octavia Plan EIR, as set forth in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 16, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 16, 2010

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

General Conditions

1. This approval is for Conditional Use authorization pursuant to Planning Code Sections 731.11, 731.21, 703.3, 271, 731.39, 731.83, and 304 to establish a Planned Unit Development the following exceptions from the Code: rear yard (Section 134); open space dimensions (Section 135); permitted obstructions (Section 136); Street Frontage (Section 145.1); Curb Cuts (Section 145.1(c)(2)); Residential Loading (Section 152); and height measurement (Section 260) to demolish an existing commercial building totaling approximately 42,460 square-feet and two adjacent residential buildings with a total of four dwellings totaling approximately 4,400 square-feet and construct an 85-foot high, eight-story, approximately 187,400-gross-square-foot (gsf) mixed-use residential-commercial building with 82 dwelling units and 107 off-street parking spaces. The project would include an approximately 31,000 gsf ground-floor grocery store (D.B.A. "Whole Foods"). The property is located with the Market & Octavia Plan Area, an NCT-3 (Moderate-Scale, Neighborhood Commercial Transit) District and 85-B/40-X Height and Bulk Districts; and adopting findings under the California Environmental Quality Act, including a mitigation monitoring and reporting program, in general conformance with plans filed with the Application as received on May 19, 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2008.0550C, reviewed and approved by the Commission on December 16, 2010.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's 2515, Lot 001), which Notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such Notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines of no less than \$200.00 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, biweekly litter pickup and disposal, and cleaning of the main entrance and abutting sidewalks as needed.

6. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors during project construction. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

First Source Hiring

7. The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing.

Design

8. The Project sponsor shall continue to work with staff to refine the project design in general conformity with the plans labeled Exhibit B to assure that all building materials, including finishes, windows, entrances, storefronts, and detailing are appropriate for the Site and neighborhood.
9. The project sponsor shall continue to work with staff to refine the design of the streetscape improvements, in general conformity with the plans labeled Exhibit B.
10. Space for the collection and storage of garbage shall be provided within enclosed areas on the property. Garbage containers shall be kept inside buildings, and placed outside only when being serviced by the disposal company. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program.
11. All applicable City Codes and standards shall be met.
12. No general advertising signs shall be permitted anywhere on the exterior of the building.
13. The Project shall comply with the provision of street trees as required by Planning Code Section 143.
14. Signs and exterior lighting shall be reviewed and approved by the Planning Department before they are installed.
15. The Project Sponsor shall maintain attractive storefronts providing visibility of the commercial interior through the storefront windows. The Project Sponsor shall require that the tenants maintain storefronts that maximize the visibility of the interior through the storefront windows.

Parking

16. The Project shall provide no more than the maximum number of parking spaces allowed by Planning Code 151.1 (up to .5 space per dwelling unit; 1 space per 500 occupied square feet of occupied square feet for a retail grocery store in excess of 20,000 occupied square feet).
17. All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space as such parking spaces become available.
18. The Project Sponsor shall provide 5 off-street parking spaces to be dedicated for the exclusive use by a car-sharing organization, 2 spaces in residential parking garage and 3 spaces in the commercial parking garage in excess of the requirements of and pursuant to the provisions of Planning Code Section 166.
19. The Project Sponsor shall comply with the residential bicycle parking requirements and shower and locker requirements of Planning Code Section 155.3 and 155.5 and shall provide more than the number of commercial employee bicycle parking spaces required by Section 155.4.
20. If the Project includes a retail use larger than 20,000 square feet, including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public transit, then the Project shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service, to meet the requirements of Section 151.1(f) of the Code.

Housing

21. The Project’s dwelling units shall not be marketed for time-share or short-term transient use. No residential units shall be used as a hotel unit.

Inclusionary Housing

22. Below Market Rate Units (BMR Units)

1. **Requirement.** Pursuant to Planning Code 415.7 (formerly Code Section 315.4), the Project Sponsor must pay an Affordable Housing fee at a rate equivalent to the applicable percentage of the number of units in the principle project to satisfy the Affordable Housing Requirement. The applicable percentage for this project is twenty percent (20%).
2. **Other Conditions.** The Project is subject to the requirements of the Affordable Housing Program under Section 415 et seq. of the Planning Code (formerly Code Section 315) including the Interim Controls contained in Board of Supervisors’ Resolution No. 36-10 (BOS File No. 100047) entitled “Planning Code – Interim Controls Related to Affordable Housing Requirements” adopted on February 2, 2010 and the terms of the Residential Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415 (formerly Code Section 315) (collectively the “Affordable Housing Ordinance”). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy

of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Affordable Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

- a. The project sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by MOH prior to the issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
 - b. Prior to the issuance of the first site or building permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor.
 - c. If project applicant fails to comply with the Affordable Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project applicant's failure to comply with the requirements of Planning Code Sections 415 et seq. (formerly Code Section 315) shall constitute cause for the City to record a lien against the development project.
 - d. **Future Applicable Controls:** If the Interim Controls contained in Board of Supervisors Resolution No. 36-10 (BOS File No. 100047) entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in BOS File No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 415 et seq. (formerly Code Section 315) (collectively "applicable future controls") are approved by the Board of Supervisors prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current provisions of Planning Code Section 415 et seq. (formerly Code Section 315).
23. **Market and Octavia Community Infrastructure Fee Prior** to the issuance of the first site or building permit, the project sponsor shall comply with Planning Code Section 421, which requires payment of \$10.00 per net new occupied square foot of residential development and \$4.00 per square-foot of net additional commercial square-footage for the Market and Octavia Community Improvements Fund.

The Planning Commission may reduce the Market and Octavia Community Infrastructure Impact Fee owed for specific development projects in cases where a project sponsor has entered into an In-Kind Agreement with the City to provide In-Kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that

result in new public infrastructure and facilities described in Section 421.1(E)(a) or similar substitutes. To date, the sponsor has chosen to pay the Impact Fee but may decide in the future to pursue an In-Kind Agreement.

24. **Market and Octavia Plan Area Affordable Housing Fee.** Per Section 416 of the Code, the project requires payment of \$4.00 per net square foot of residential development.

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE 2001 MARKET STREET MIXED-USE DEVELOPMENT				
<i>Air Quality Mitigation Measure</i>				
<p><u>Mitigation Measure M-AQ-1 - Construction Measure for Short-Term Exhaust Emissions (5.8.B in PEIR):</u></p> <p>To reduce project level exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the project area.</p> <ul style="list-style-type: none"> • 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. 	Project sponsor	Prior to and during construction	Planning Department	
<i>Biology Mitigation Measure</i>				
<p>M-BI-1: Nesting Migratory Birds</p> <p>The project sponsor would implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction.</p> <p>Pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no nests will be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with California</p>	Project Sponsor to retain qualified ornithologist	<p>Vegetation removal activities shall be conducted during the non-breeding season (i.e., September through February), OR preconstruction surveys shall be conducted for work scheduled during the breeding season (March through August).</p> <p>The preconstruction survey shall be</p>	<p>Consultant to prepare a report documenting survey and results and present to ERO. If active nest(s) found, ornithologist shall inform the ERO, and shall send a letter report to ERO establishing the work buffer and documenting consultation with CDFG. If a buffer is required, the ornithologist shall provide monitoring reports to ERO within</p>	

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest.</p>		<p>conducted within 14 days prior to the start of work from March through May, and within 30 days prior to the start of work from June through August.</p> <p>If active raptor nests are found in the work area, the ornithologist shall establish an appropriate work buffer in consultation with staff of CDFG, and no work will be allowed with the buffer(s) until the young have successfully fledged. Ornithologist shall monitor work at least two times during construction to ensure buffer is maintained.</p>	<p>two weeks of each monitoring action.</p>	
Geology Mitigation Measures				
<p>M-GE-1 - Construction Related Soils Mitigation Measure (5.11A in PEIR) Program or project level temporary construction related impacts would be mitigated through the implementation of the following measures: Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:</p> <ul style="list-style-type: none"> • 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. 	<p>Project sponsor or sponsors' construction contractor</p>	<p>Prior to construction project sponsor or construction contractor shall prepare an erosion control plan identifying BMPs and submit to Planning Department for informational purposes.</p> <p>During construction, construction contractor shall implement erosion control BMPs and</p>	<p>Planning Department</p>	

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
		prepare a monthly report on implementation to Planning Department until all exterior work is completed.		
Hazardous Materials Mitigation Measures				
M-HZ-1 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: <ul style="list-style-type: none"> • 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. 	Project sponsor	Construction contractor to provide annual reports to Department of Public Health, with copies to the Planning Department. Consultant to submit closure report to DPH; a copy of the approved report shall be provided to the Planning Department	Department of Public Health	
M-HZ-2: Dust Control Plan and Site Mitigation Plan <i>Dust Control Objective:</i> The goal for dust control has been stated as “no visible dust” from construction activities. <i>Dust Control Plan:</i> The Dust Control Plan shall include the following mitigation activities: <ul style="list-style-type: none"> • 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, 	Project sponsor	Soil report and SMP shall be approved by the San Francisco Department of Public Health prior to permit issuance for each phase, with a copy to the Planning Department.	Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a weekly monitoring report to DPH, with a copy to Planning Department and DBI.	

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • 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. <p><i>Monitoring for Visible Dust:</i> 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.</p> <p><i>Triggers for Corrective Action and Work Stoppage:</i> The following actions should be taken upon observance of visible dust during work activities:</p> <ul style="list-style-type: none"> • 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. <p><i>Quantitative Dust Monitoring:</i> Dust monitoring for PM₁₀ 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/m³ 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/m³. 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.</p> <p>Real time continuous air monitoring for dust would occur at two locations along</p>				

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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.</p>				
Archeological Mitigation Measure				
<p>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 ERO¹ 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 <i>construction</i> 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). <i>Archeological monitoring program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> 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, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of 	<p>Project sponsor, and Project sponsor will hire the qualified archeological consultant having expertise in California prehistoric and urban historical archeology. Construction contractor to follow advice of archeological consultant.</p>	<p>Prior to and during construction</p>	<p>Prior to construction, the ERO to review and approve the Final Archeological Resources Report. During construction, 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.</p>	

¹ ERO is an abbreviation for the Environmental Review Officer at the Planning Department.

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>the potential risk these activities pose to archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> • 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. <p>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:</p> <ul style="list-style-type: none"> 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, 			<p>After construction, 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.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval.</p>	

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>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.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the 				

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<p>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.</p> <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, 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.</p> <p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>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.</p>				

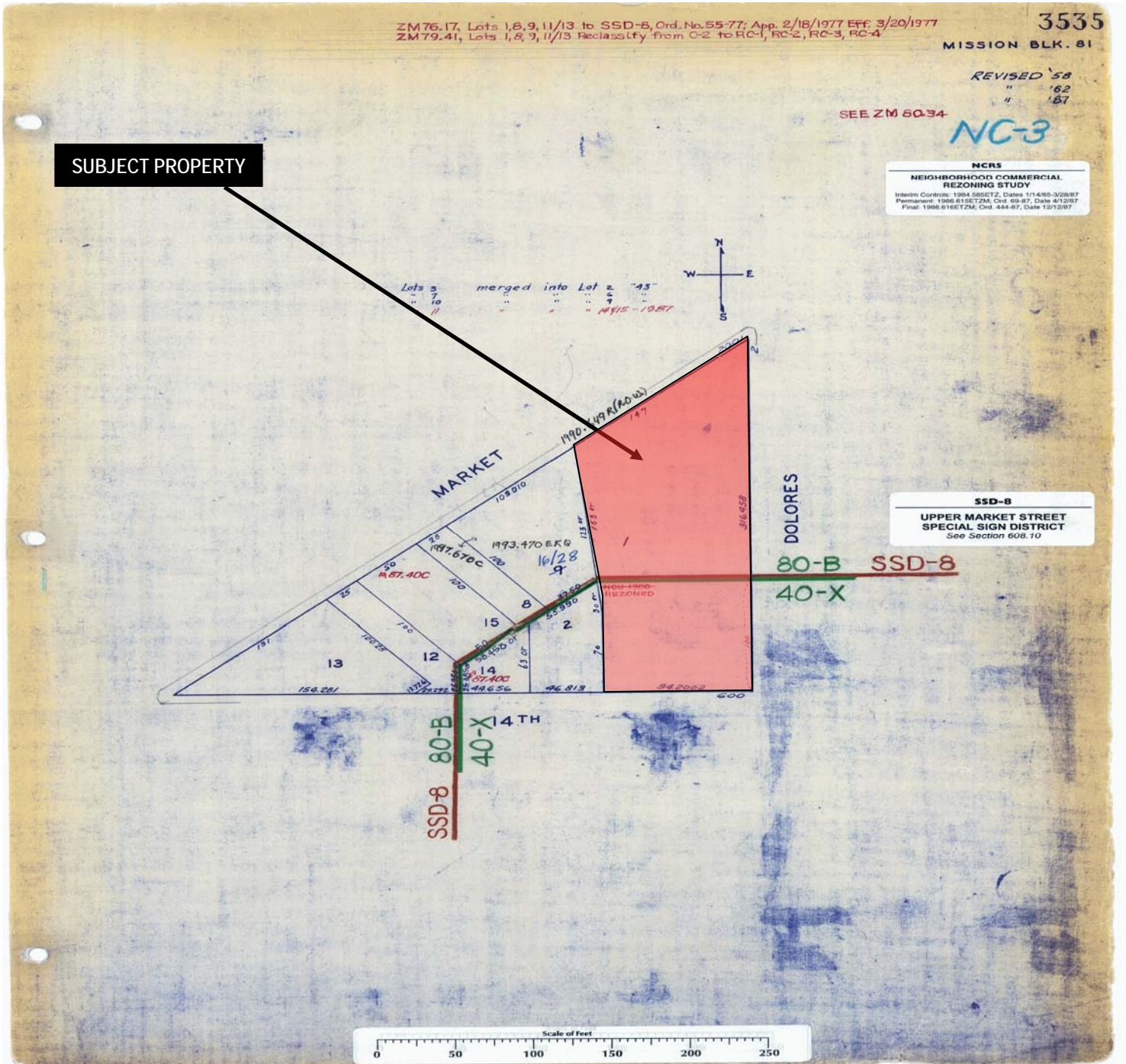
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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
IMPROVEMENT MEASURE				
<i>Transportation Improvement Measure</i>				
<p>Parking: It shall be the responsibility of the owner/operator of any off-street parking facility primarily serving a non-residential use, as determined by the Planning Director, with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Suggested abatement methods include but are not limited to the following: redesign of facility layout to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles or delivery services; and/or parking demand management strategies such as parking time limits, paid parking or validated parking.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>	Project sponsor	ongoing	If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.	

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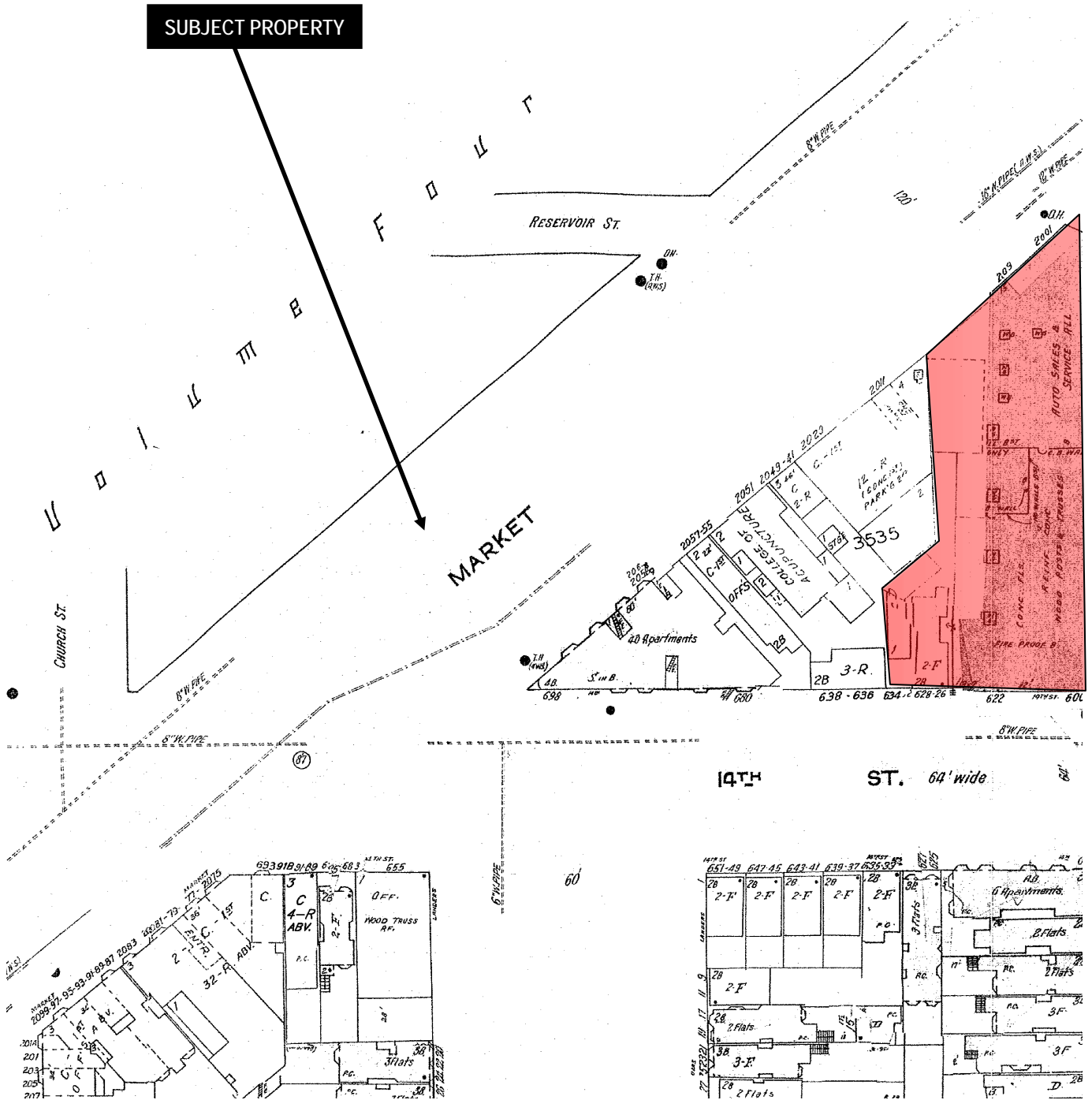
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
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Parcel Map



Conditional Use Hearing
 Case Number 2008.0550C
 2001 Market Street

Sanborn Map*

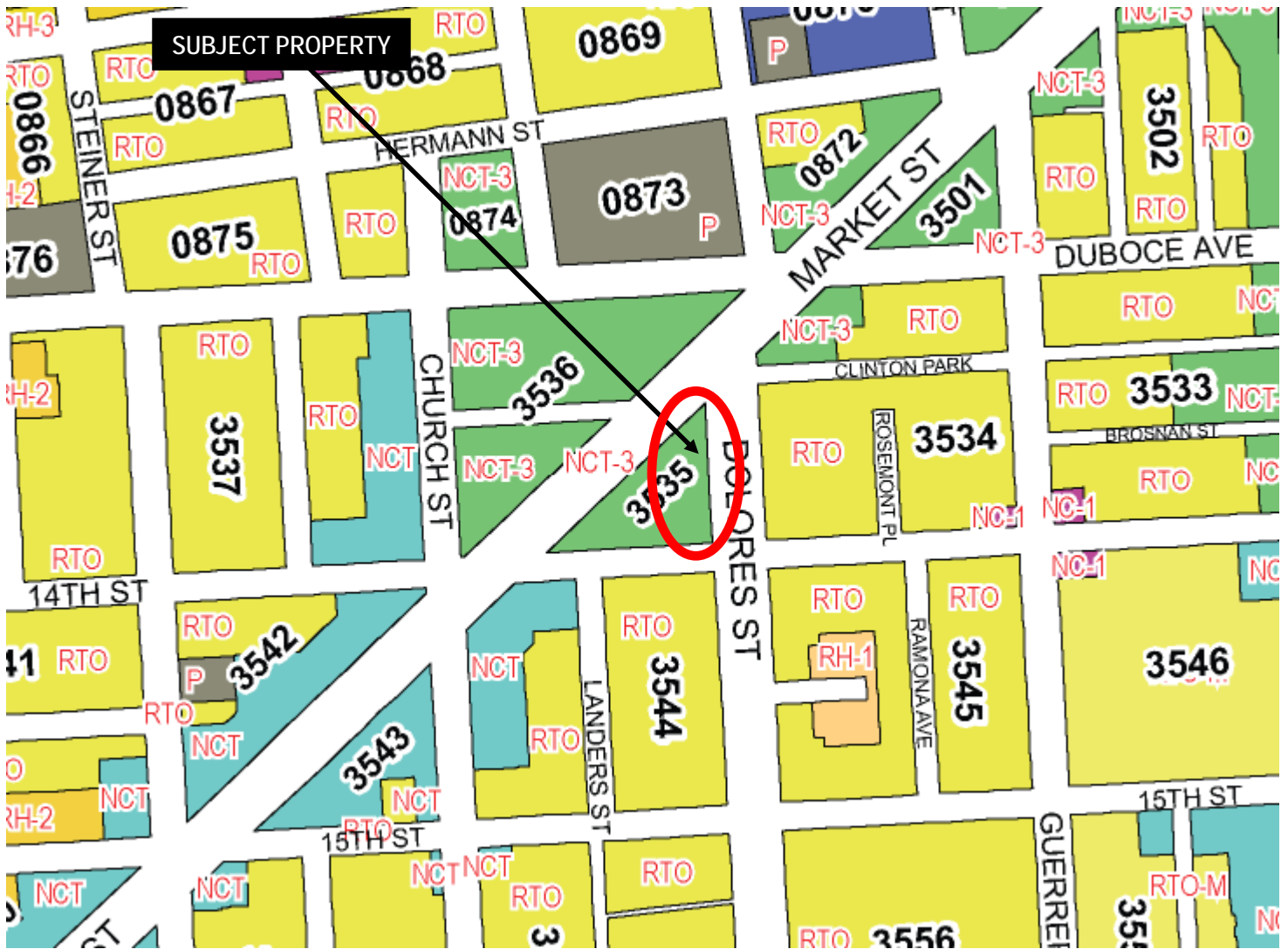


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



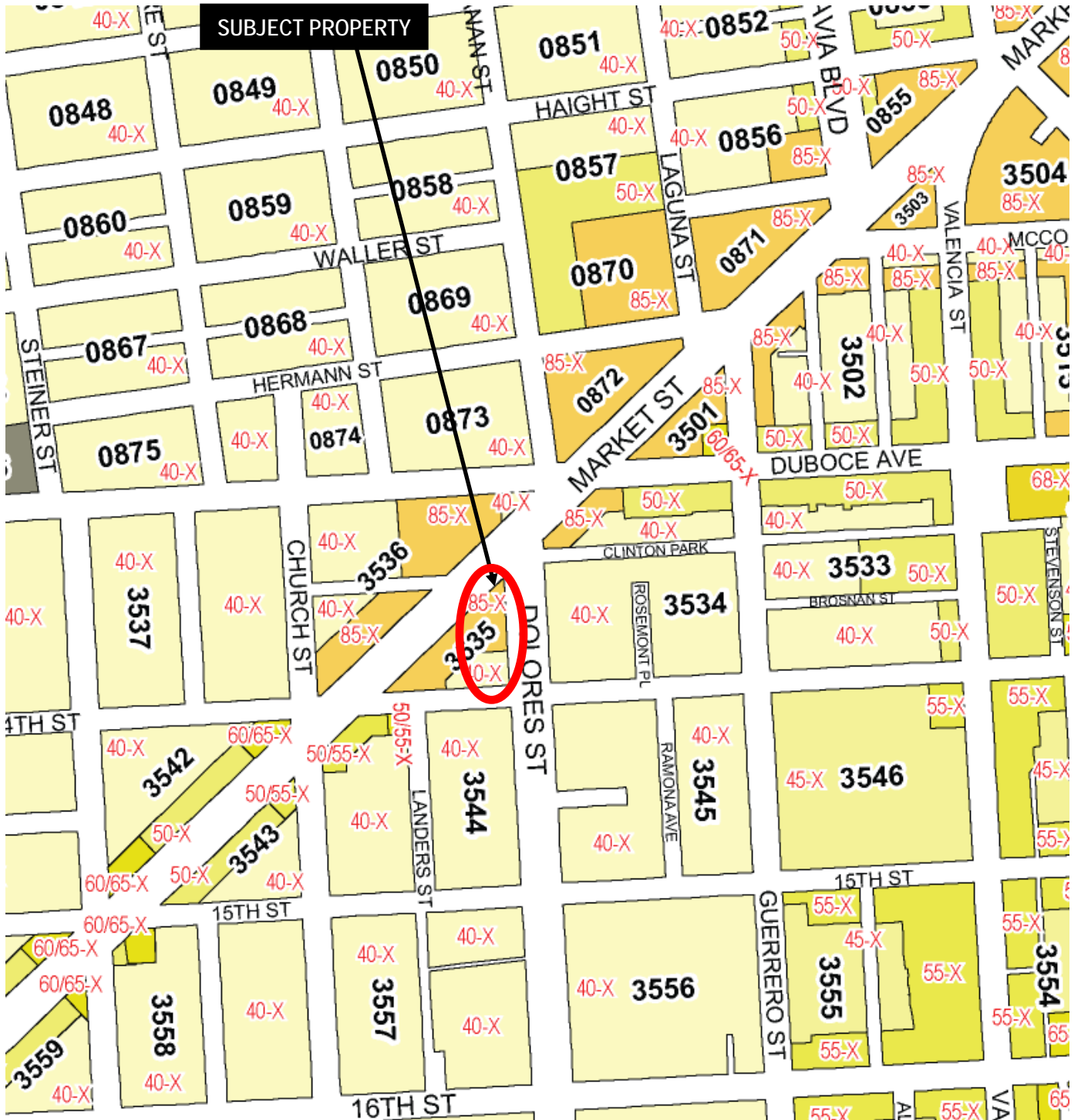
Conditional Use Hearing
 Case Number 2008.0550C
 2001 Market Street

Zoning Map



Conditional Use Hearing
Case Number 2008.0550C
2001 Market Street

Height and Bulk Map



Conditional Use Hearing
Case Number 2008.0550C
2001 Market Street

Aerial Photo

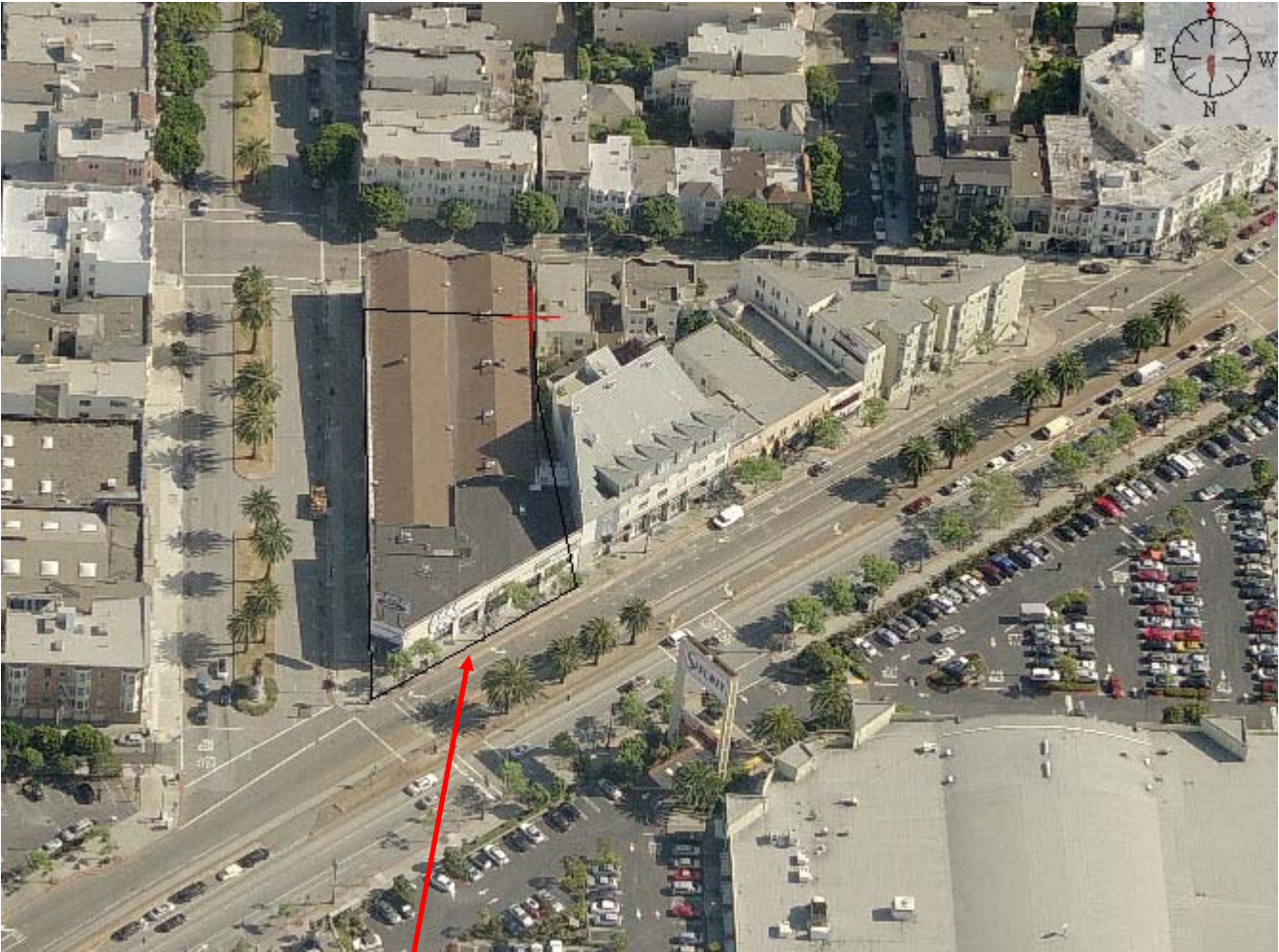


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2008.0550C
2001 Market Street

Aerial Photo

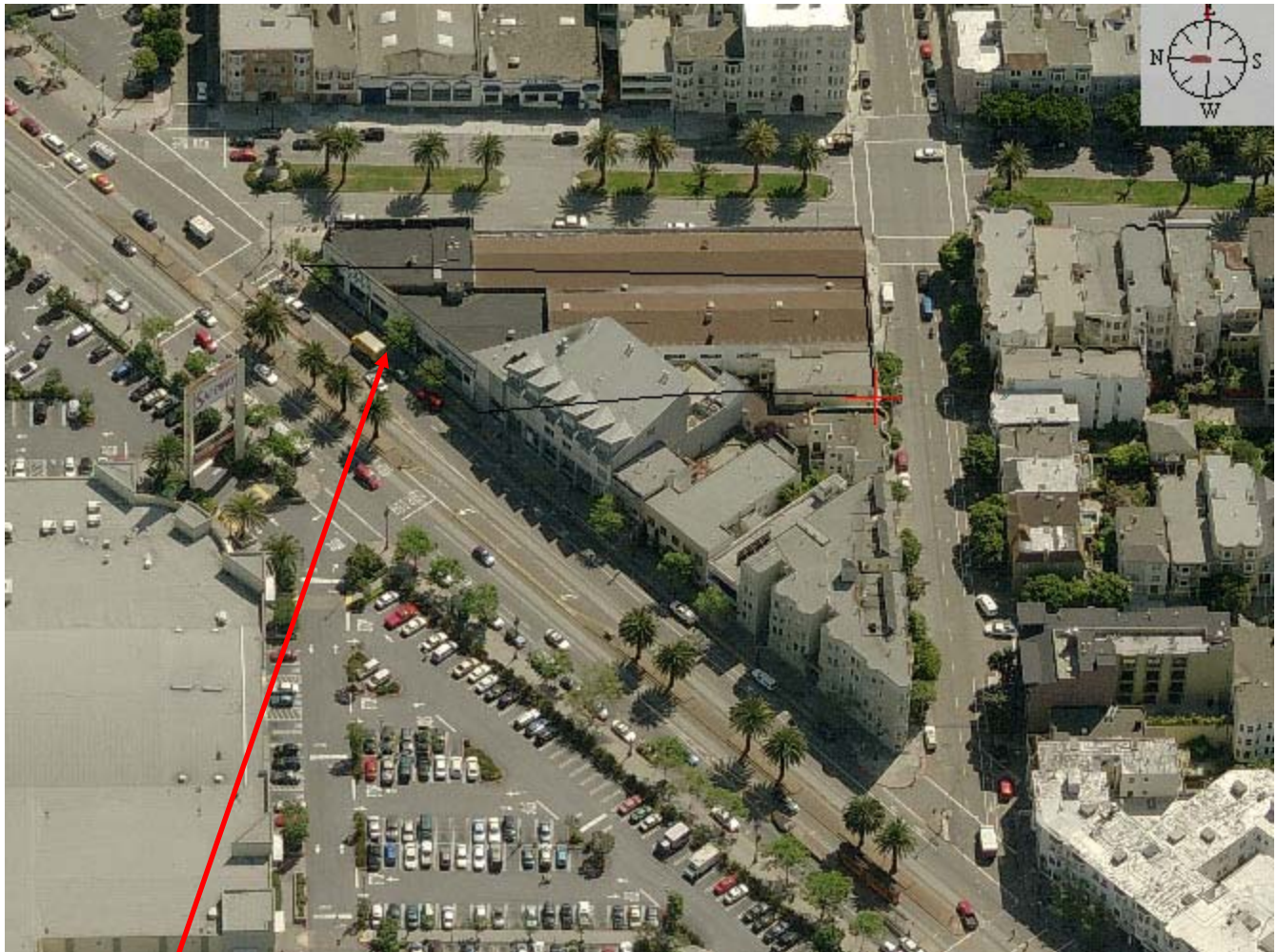


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2008.0550C
2001 Market Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2008.0550C
2001 Market Street

Aerial Photo



SUBJECT PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

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

1650 Mission St.
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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

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.

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

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

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.

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
1. LAND USE AND LAND USE PLANNING—				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

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.

<u>Topics:</u>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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 <i>Planning Code</i> ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

<u>Topics:</u>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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/m³). 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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
8. WIND AND SHADOW – Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
10. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.

<u>Topics:</u>	<u>Sig. Impact Identified in PEIR</u>	<u>Project Contributes to Sig. Impact Identified in PEIR</u>	<u>Project Has Sig. Peculiar Impact</u>	<u>Addressed Below</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵⁷ PEIR, pp. 4-350 to 4-351.

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

<u>Topics:</u>	<u>Sig. Impact Identified in PEIR</u>	<u>Project Contributes to Sig. Impact Identified in PEIR</u>	<u>Project Has Sig. Peculiar Impact</u>	<u>Addressed Below</u>
14. HYDROLOGY AND WATER QUALITY—				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<i>Topics:</i>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁵⁸ PEIR, pp. 4-345 to 4-350.

⁵⁹ See PEIR, p. 5-21.

<u>Topics:</u>	<i>Sig. Impact Identified in PEIR</i>	<i>Project Contributes to Sig. Impact Identified in PEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

<u>Topics:</u>	<u>Sig. Impact Identified in PEIR</u>	<u>Project Contributes to Sig. Impact Identified in PEIR</u>	<u>Project Has Sig. Peculiar Impact</u>	<u>Addressed Below</u>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.



Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director

DATE

November 9, 2010



SAN FRANCISCO PLANNING DEPARTMENT

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

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 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
415.558.6378

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 Information:
415.558.6377

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.

Bill Wycko
 Environmental Review Officer

cc: Irene Nishimura, MEA Division
 Michael Smith, Neighborhood Planning Division
 Supervisor Bevan Duffy, District 8
 Dan Safier, Project Sponsor

Date

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.

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

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.

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 Archeological 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 archeological 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*

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

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.

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

<u>Land Use</u>	Person-Trips by Travel Mode			Total	Vehicle Trips ¹
	Auto	Transit	Other		
Weekday p.m. Peak Hour					
Residential	48	60	19	127	44
Grocery	<u>430</u>	<u>67</u>	<u>174</u>	<u>671</u>	<u>232</u>
<i>Total</i>	478	127	193	798	276
	60%	16%	24%	100%	
Saturday p.m. Peak Hour					
Residential	48	60	19	127	44
Grocery	<u>532</u>	<u>83</u>	<u>215</u>	<u>830</u>	<u>287</u>
<i>Total</i>	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

Intersection	Existing		Existing Plus Project		Cumulative 2025	
	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.

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.

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.

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 environment⁵¹. 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

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

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 deliveries 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 (PM2.5) 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

Year	Estimated Daily Emissions (pounds per day)			
	<u>ROG</u>	<u>NOx</u>	<u>PM10</u>	<u>PM2.5</u>
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 Initial 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 (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, CO₂, CH₄, and N₂O 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 (CO₂e).

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 CO₂e (MMTCO₂e), 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 CO₂, CH₄, and N₂O. 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 Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/-/media/Files/Planning/percent20andpercent20Research/Emission percent20Inventory/regionalinventory2007_2_10.ashx](http://www.baaqmd.gov/-/media/Files/Planning/percent20andpercent20Research/Emission%20Inventory/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: <ol style="list-style-type: none">1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)2. All showers have no more than one showerhead per valve3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm4. 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 gpf6. 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 mid-sized (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.

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 liquefaction 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

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 led 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 ERO⁷⁵ 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 through 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 PM₁₀ 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/m³ 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/m³. 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.



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Mitigated Negative Declaration

Date: November 10, 2010
Case No.: **2008.0550E**
Project Title: **2001 Market Street Mixed-Use Development**
BPA Nos.: None Filed
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
Project Sponsor: Don Bragg, Prado Group, (415) 395-0880
Lead Agency: San Francisco Planning Department
Staff Contact: Irene Nishimura – (415) 575-9041
irene.nishimura@sfgov.org

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415.558.6377

PROJECT DESCRIPTION:

The proposed project is the demolition of three existing two-story buildings totaling 47,133 square feet on two adjoining parcels, and construction of an eight-story, approximately 187,400 gross square feet (gsf) mixed-use building with seven stories of residential units above a first floor grocery store and two basement levels of parking. 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 and approximately 31,000 gsf of retail space, with 101 parking spaces on two floors, to serve the retail and residential uses. There would also be an on-site loading dock on 14th Street serving the grocery store. The residential pedestrian entrance would be on Dolores Street approximately 50 feet from the corner of Market Street, and the retail pedestrian entrance would be at the corner of Market and Dolores streets. The garage entrance/exit for the retail parking would be on Dolores Street; the residential parking entrance/exit would be on 14th Street. Conditional Use Authorization is sought for development site size, size of retail space, formula retailer, replacing cellular equipment, demolishing residential units, and a Planned Unit Development (PUD).

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Focused Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See each topic section for its related mitigation measure.

cc: Irene Nishimura, MEA Division
Michael Smith, Neighborhood Planning Division
Supervisor Bevan Dufty, District 8

Dan Safier, Project Sponsor
Virna Byrd, M.D.F./Bulletin Board
Distribution List

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Administrative Draft 2
INITIAL STUDY
(Case No.2008.0550E – 2001 Market Street)

A. PROJECT DESCRIPTION

Project Overview

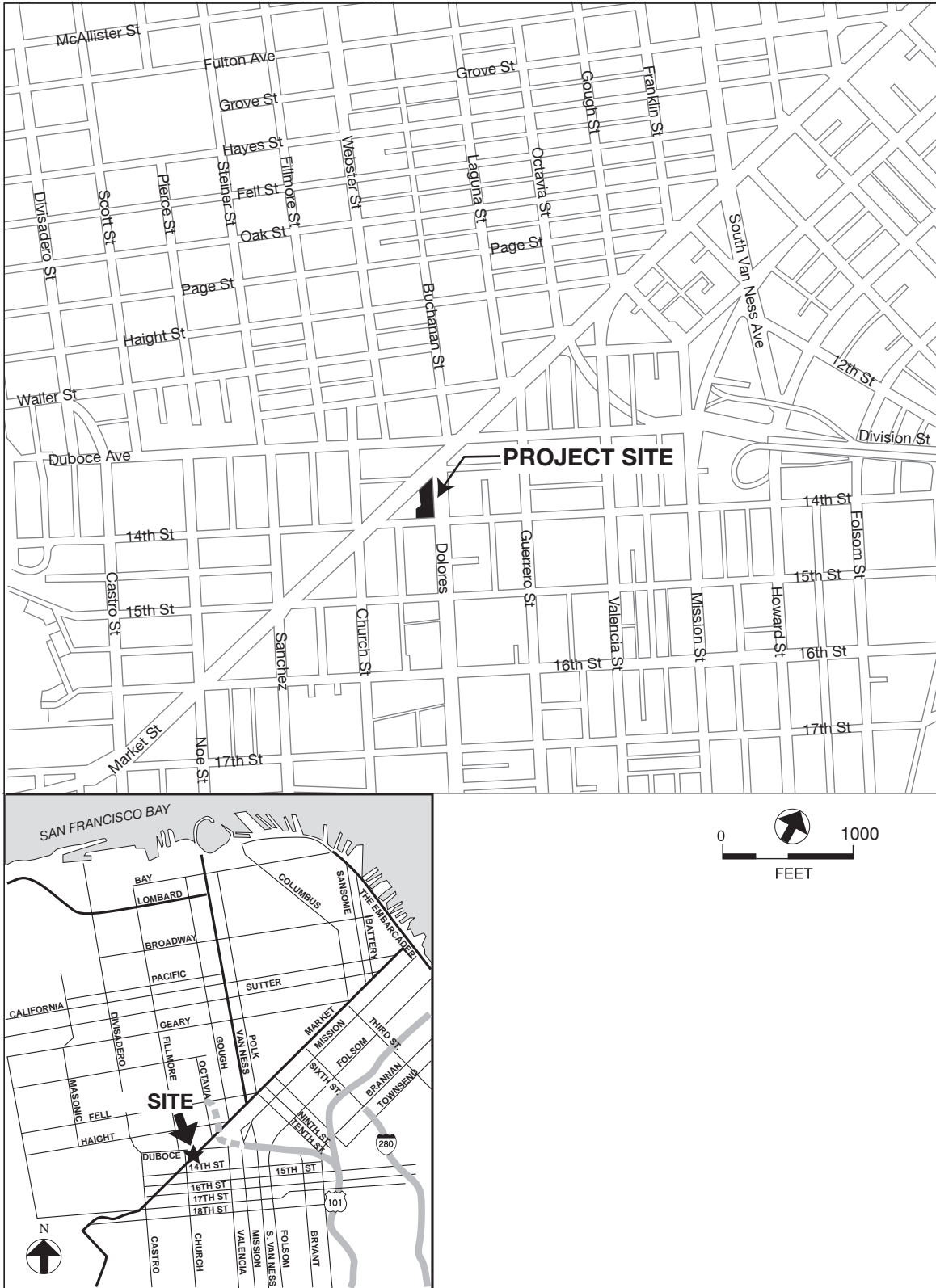
The 2001 Market Street site (the “project site”) is located on the east side of a triangular block created by Market Street, Dolores Street, and 14th Street, in San Francisco’s Dolores Heights neighborhood, in an area known as Upper Market (see Figure 1: Project Location). There are currently three buildings on the project site: the former S&C Ford dealership building, 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. The combined area of the three lots would be approximately 47,133 square feet (sq. ft.) (see Figure 2: Existing Site Plan).

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 and two levels of basement parking (see Figure 3: Proposed Site Plan). 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 on Dolores Street and on 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 containing 82 residential units on Floors 2 through 8 and a dedicated residential lobby; about 31,000 gsf of commercial space on the first floor (not including the loading dock); and about 52,000 gsf of combined retail and residential parking with up to 101 spaces.¹ The total gross building area would be approximately 187,400 sq. ft. The proposed project would also include private open space in terraces and balconies, and about 8,220 sq. ft of usable common open space in a courtyard on the third floor podium.

Proposed Building Form

The proposed building would be constructed generally along the property lines at the ground level and would have an articulated façade intended to break up the volume of the building into visually smaller-scaled distinct masses. The building would have three sections: the 85-foot tall Market Street

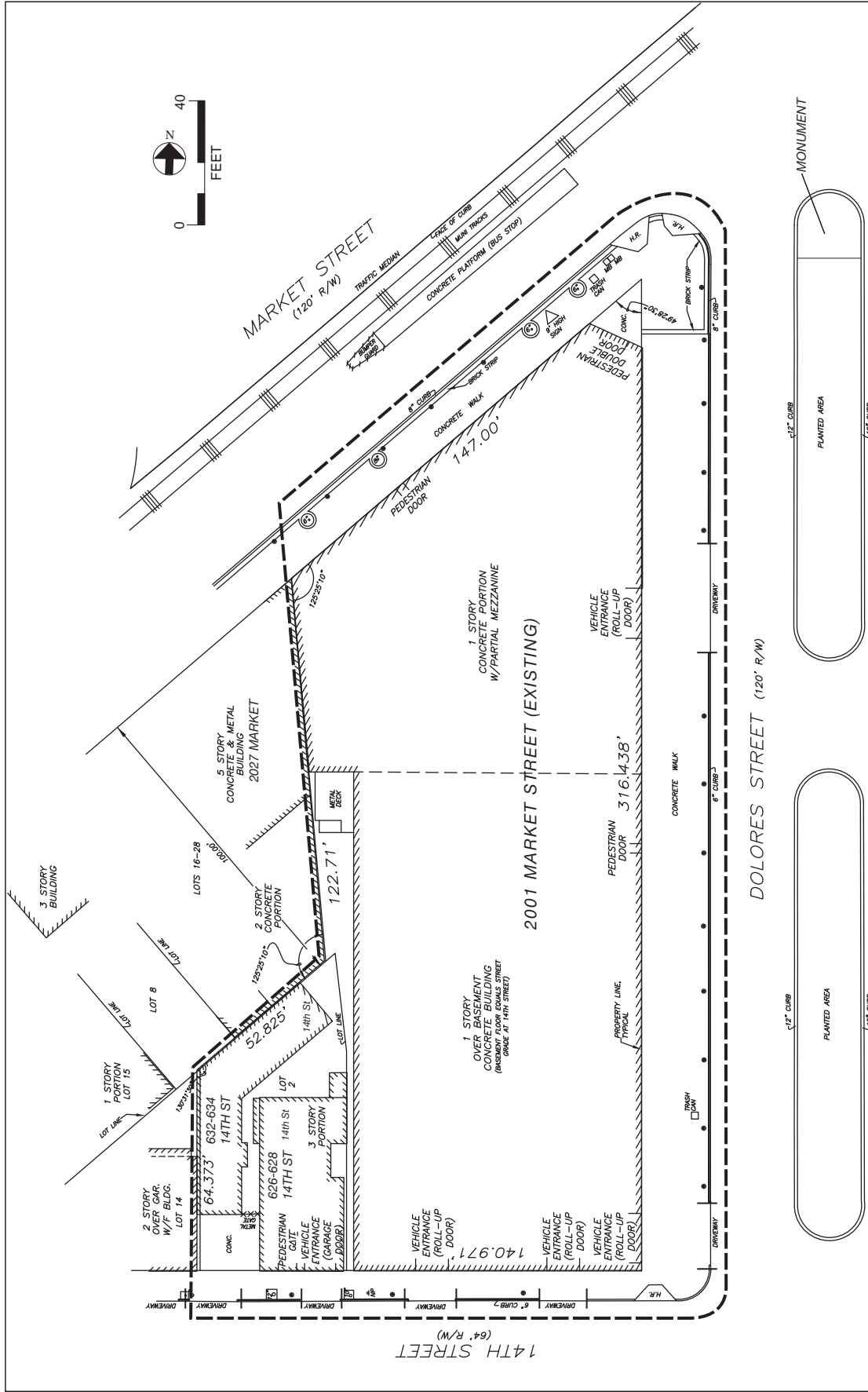
¹ In addition to the 101 car parking spaces, there would be 5 car share spaces and 1 delivery van space.



SOURCE: Turnstone Consulting

2001 MARKET STREET
2008.0550

FIGURE 1: PROJECT LOCATION

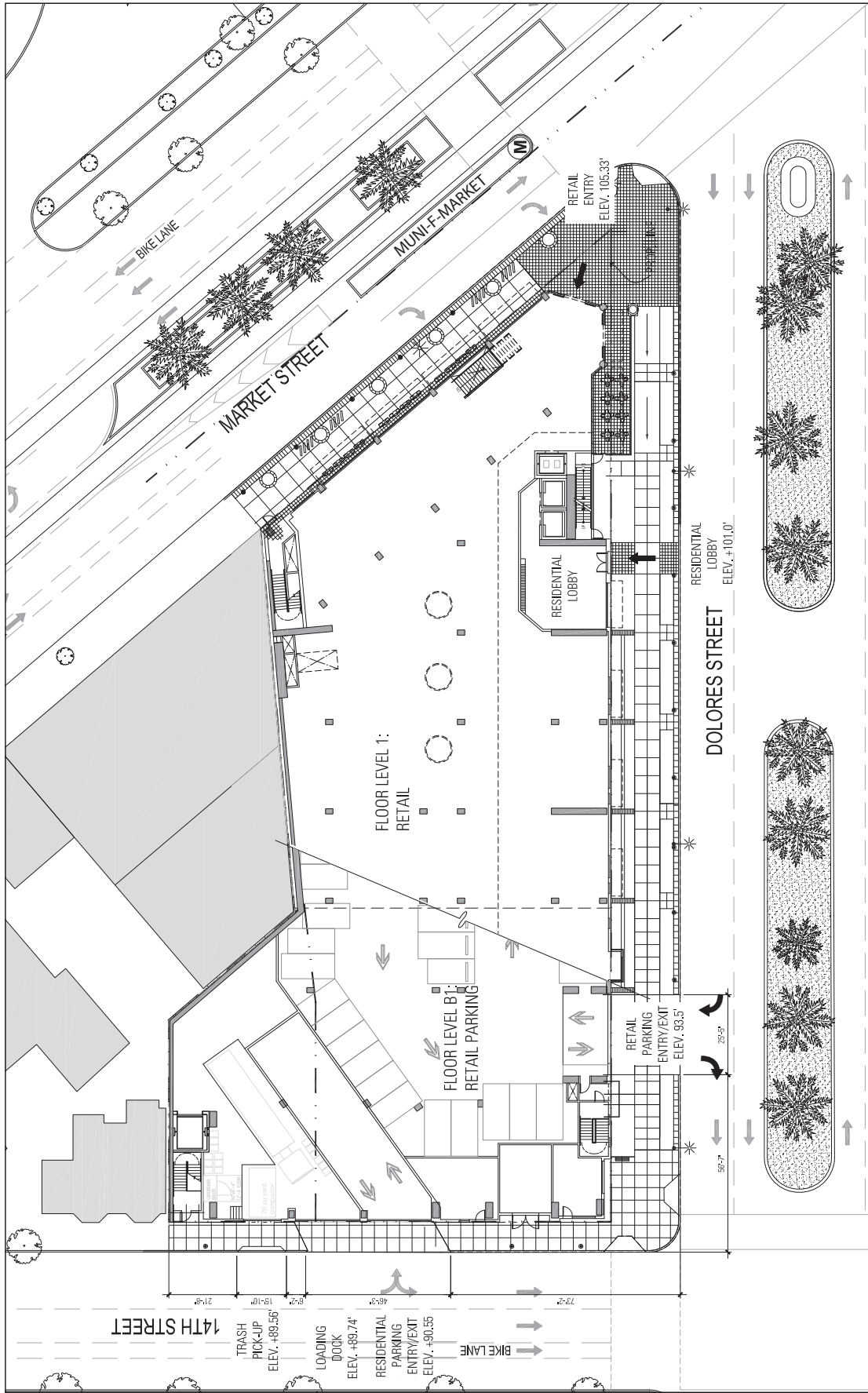


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 2: EXISTING SITE PLAN



SOURCE: BAR Architects

2001 MARKET STREET

2008.0550



FIGURE 3: PROPOSED SITE PLAN

section along the north side (the tallest element), the Dolores Street section (85 feet high with an eight-foot setback at 65 feet), and the 14th Street section (four stories tall with an eight-foot setback 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 to create vertical separation and to further differentiate the three building sections, which would include brick, tile, metal, glass, and cement plaster. An approximately 8,220 square-foot courtyard on the third floor podium would provide common usable open space for all the residential units.

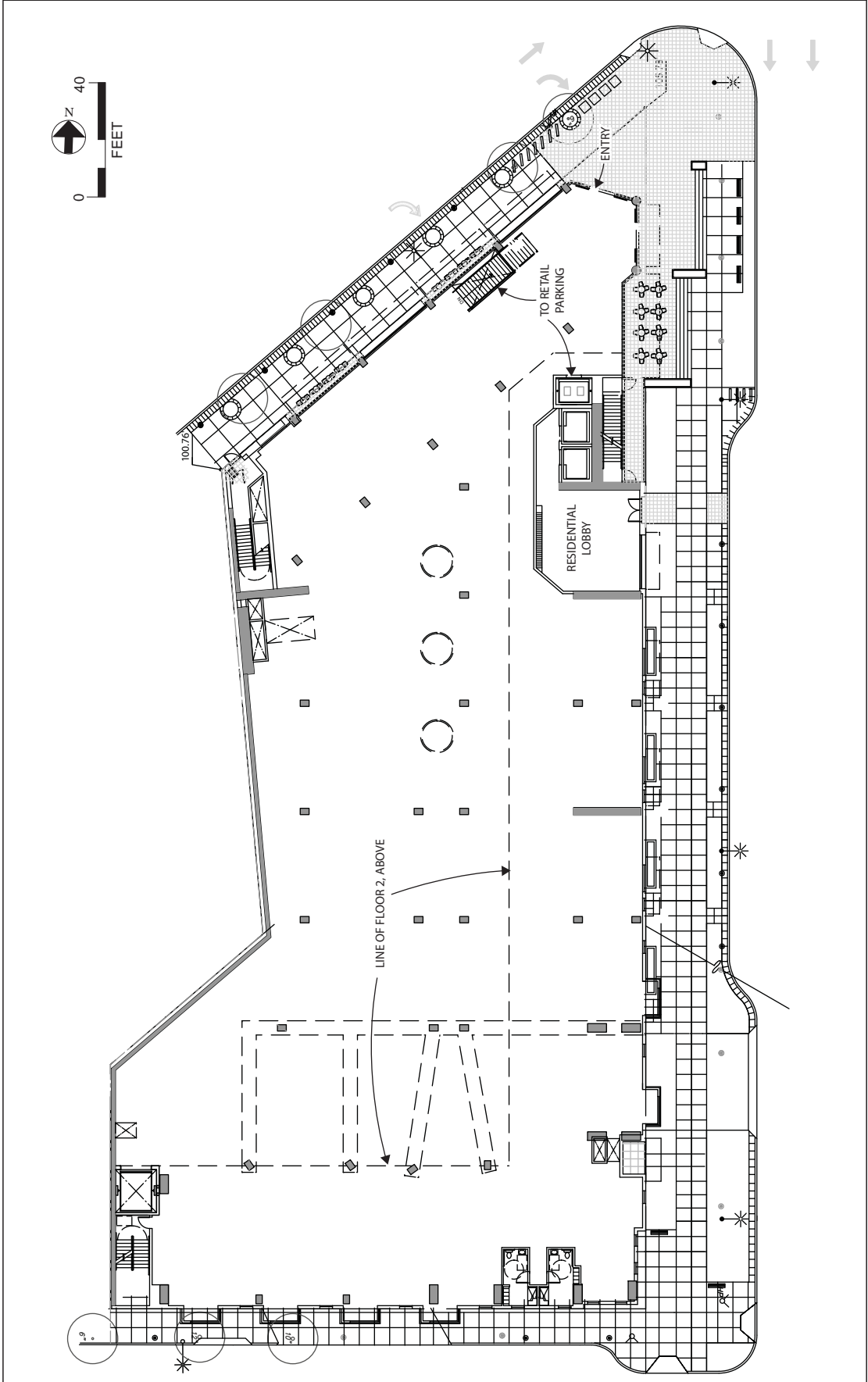
Proposed Building Program

As currently envisioned, the proposed 31,000 sq. ft. retail/commercial space would be occupied by a full-service grocery store (see Figure 4: Level 1 (Retail) Floor Plan). 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, as shown on Figure 5: Garage Level B1 Floor Plan, on p. 7.

In addition to the proposed 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).

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, which would be at ground level on 14th Street (see Figure 5: Garage Level B1 Floor Plan). The residential vehicle access leading to Garage Level B2 would be located on 14th Street, approximately in the middle of the building. Adjacent and west of that opening would be the retail loading dock, with trash and recycling facilities. The retail parking entry and exit would be on Dolores Street, about 55 feet north of the corner of 14th Street and about 250 feet south of the corner with Market Street.

Floors 2 through 8 would contain 82 residential units (approximately 102,400 sq. ft.) and core space. 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 9 units (see Figure 6: Level 3 Floor Plan, on p. 8, and Figure 7: Typical Upper Floor Plan, on p. 9. Elevations of the proposed project are shown in Figure 8: Market Street Elevation, p. 10; Figure 9: Dolores Street Elevation, p. 11; and Figure 10: 14th Street Elevation, p. 12. Sections are provided as Figure 11: North/South Section Looking East, p. 13; and Figure 12: East/West Section Looking North, p. 14).

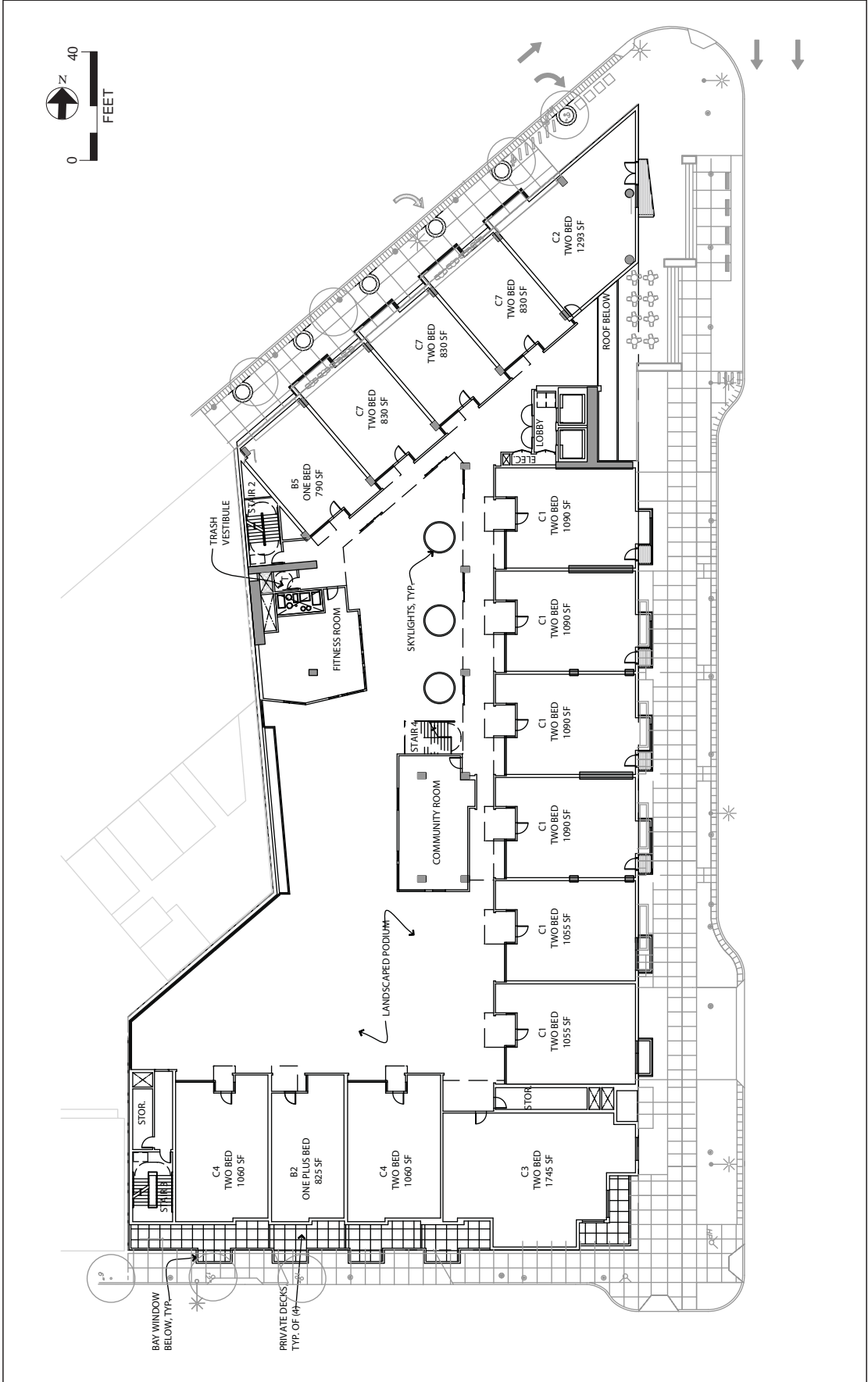


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 4: LEVEL 1 (RETAIL) FLOOR PLAN

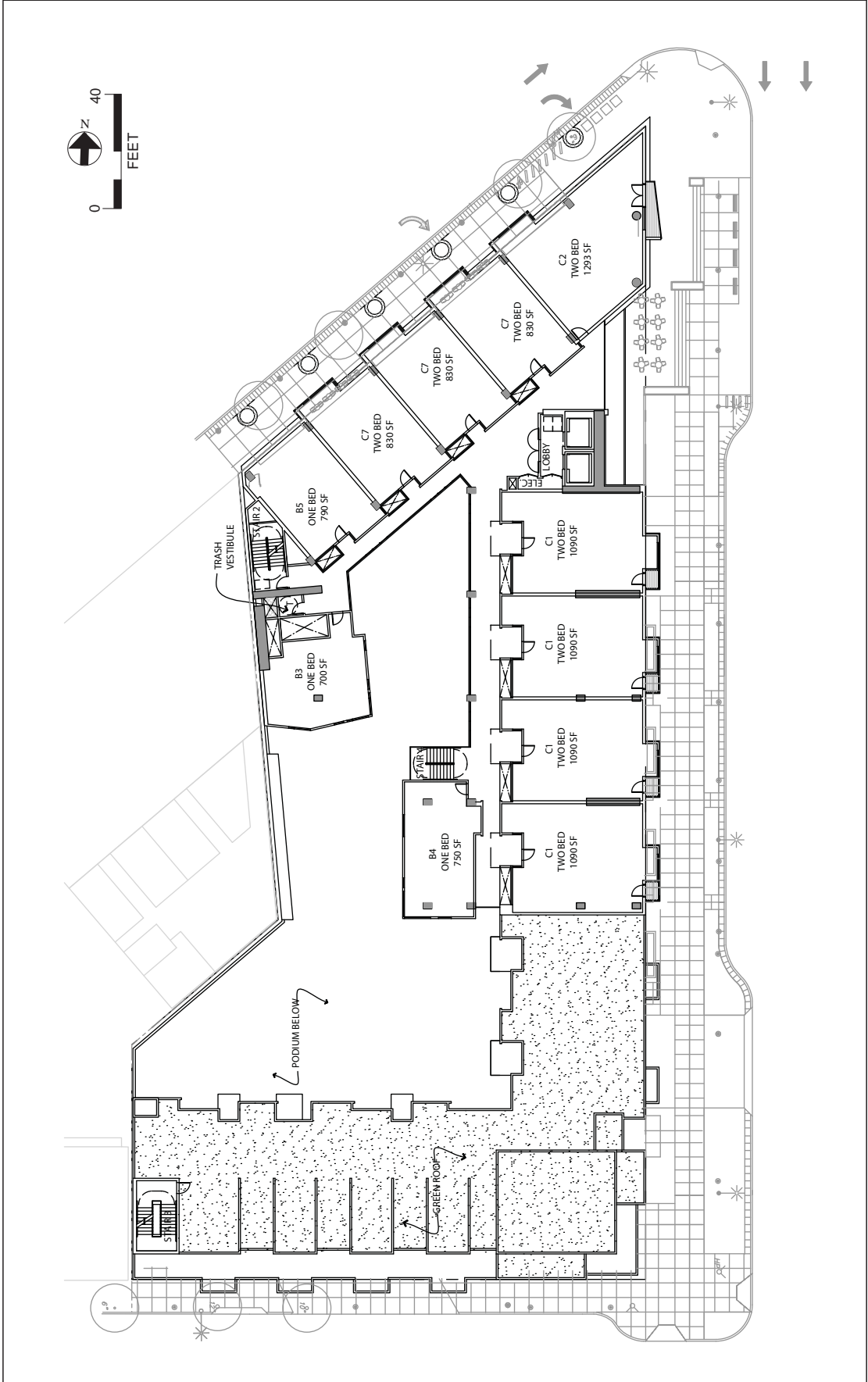


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 6: LEVEL 3 FLOOR PLAN

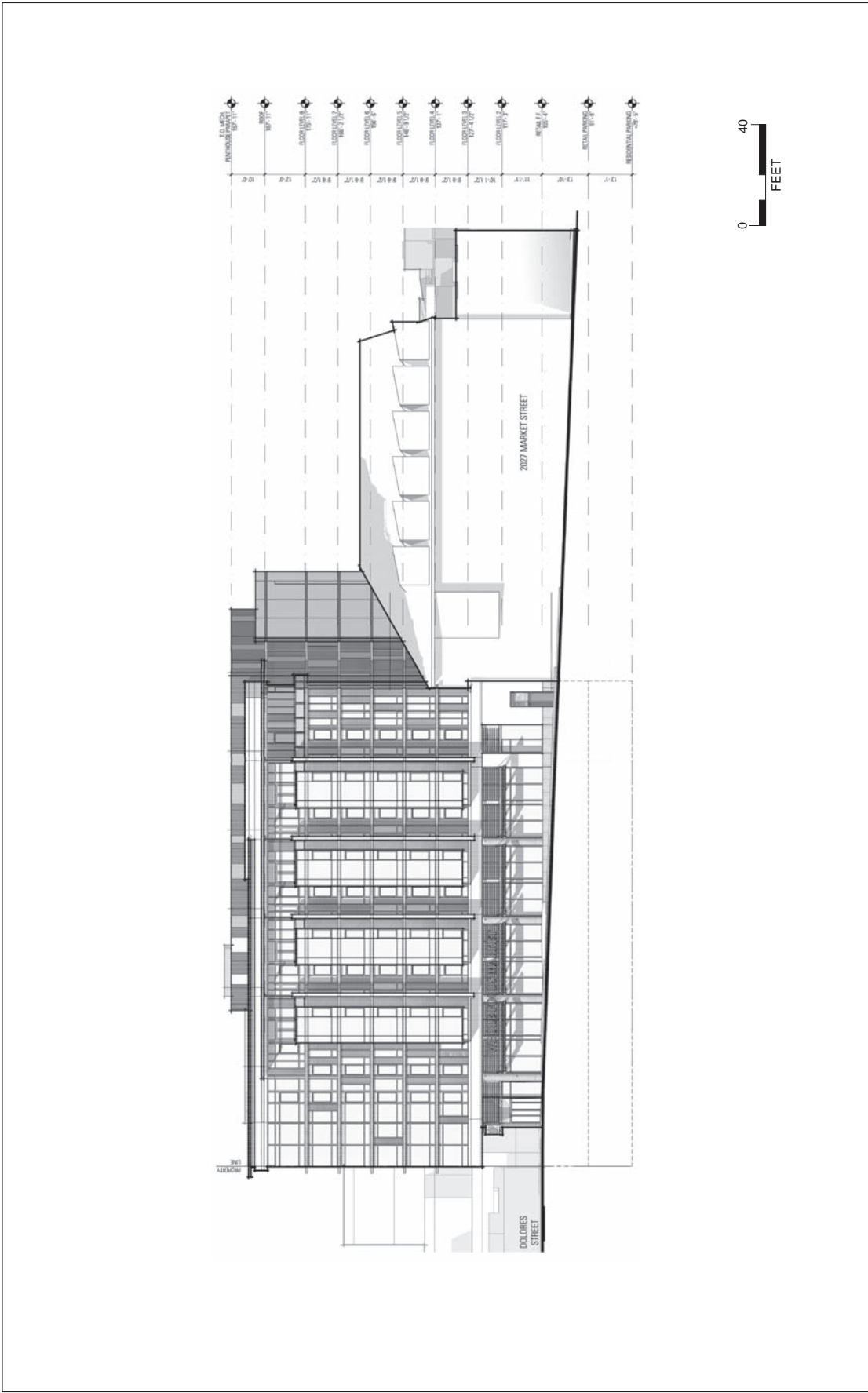


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 7: TYPICAL UPPER FLOOR

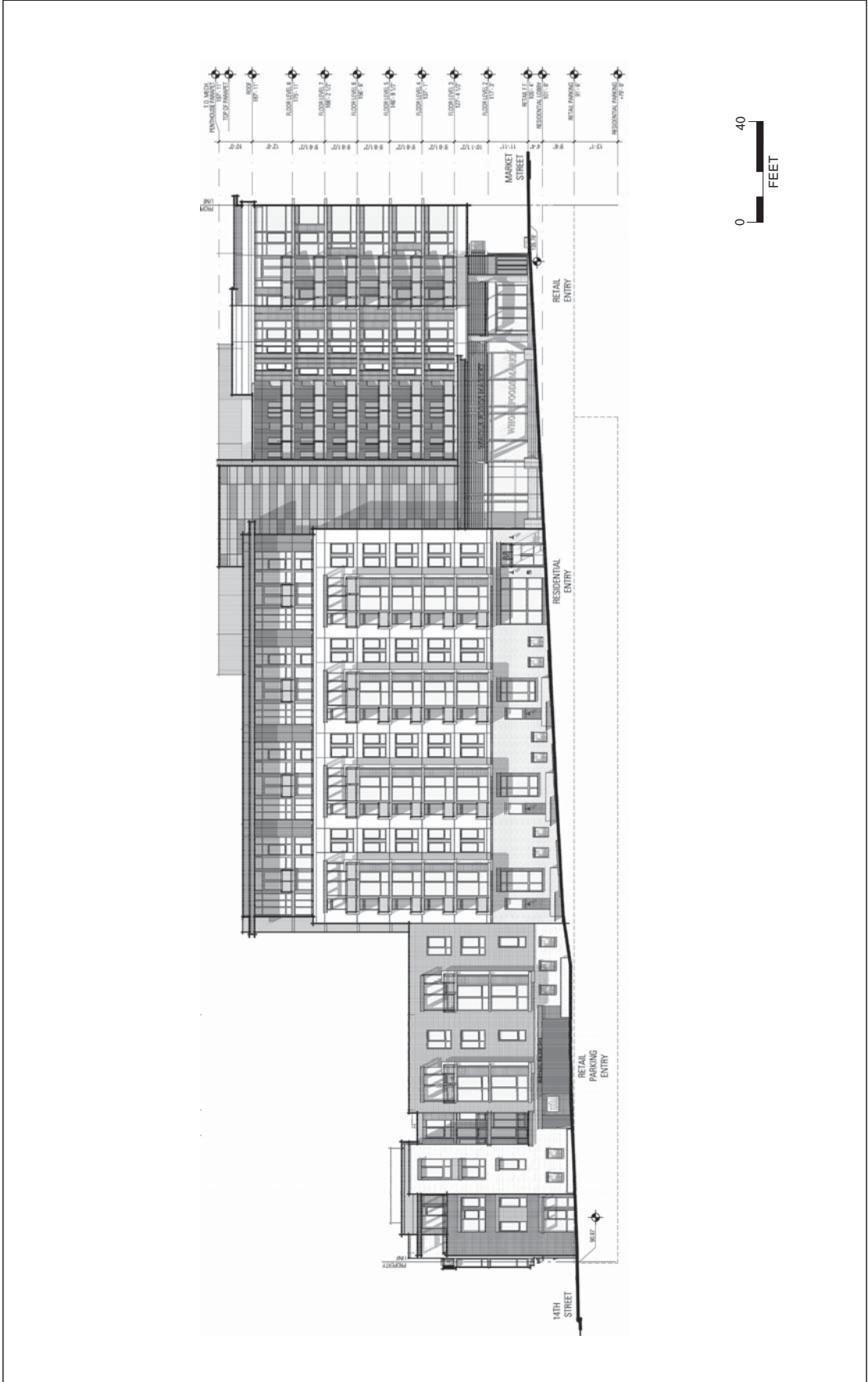


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 8: MARKET STREET ELEVATION

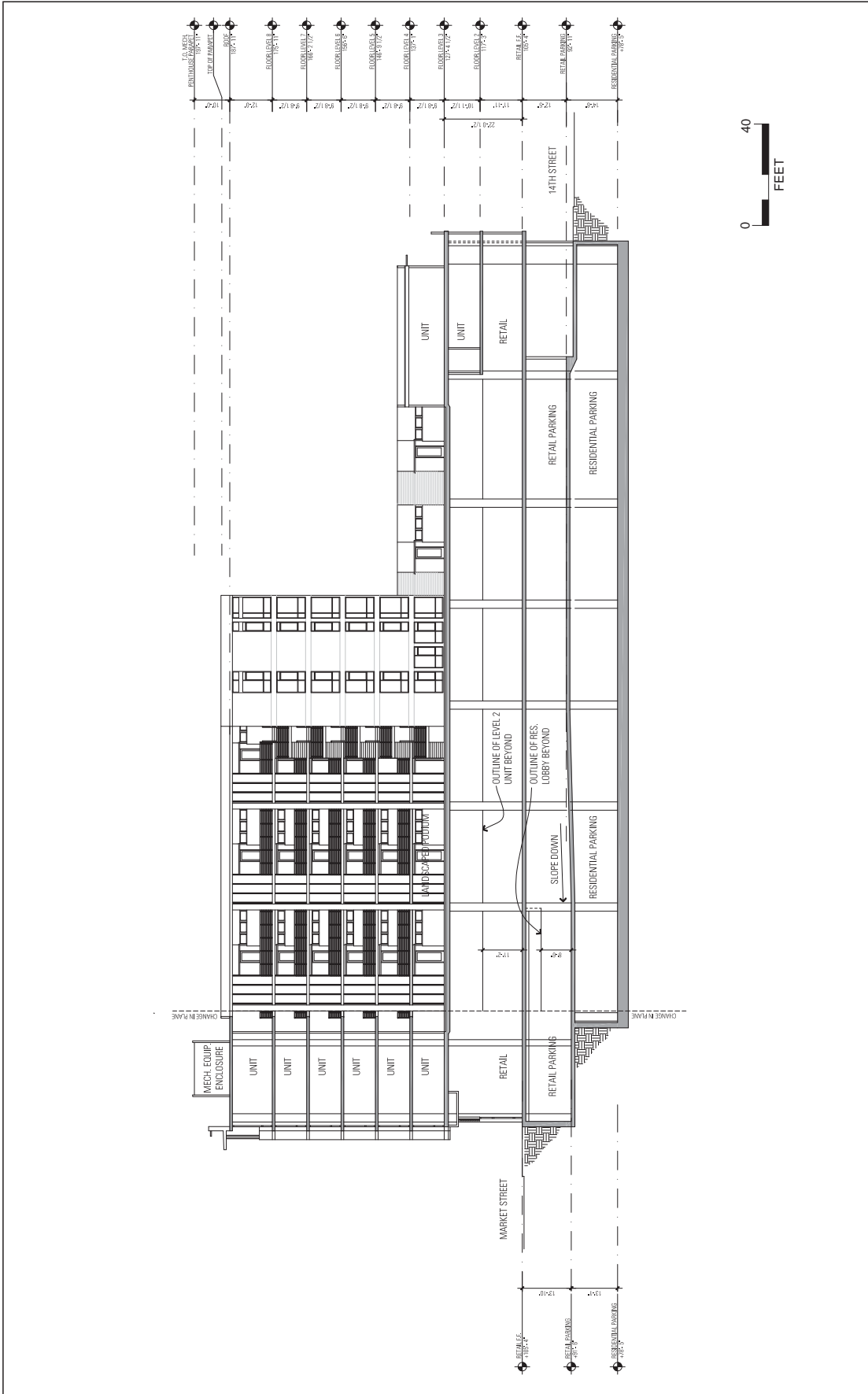


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 9: DOLORES STREET ELEVATION

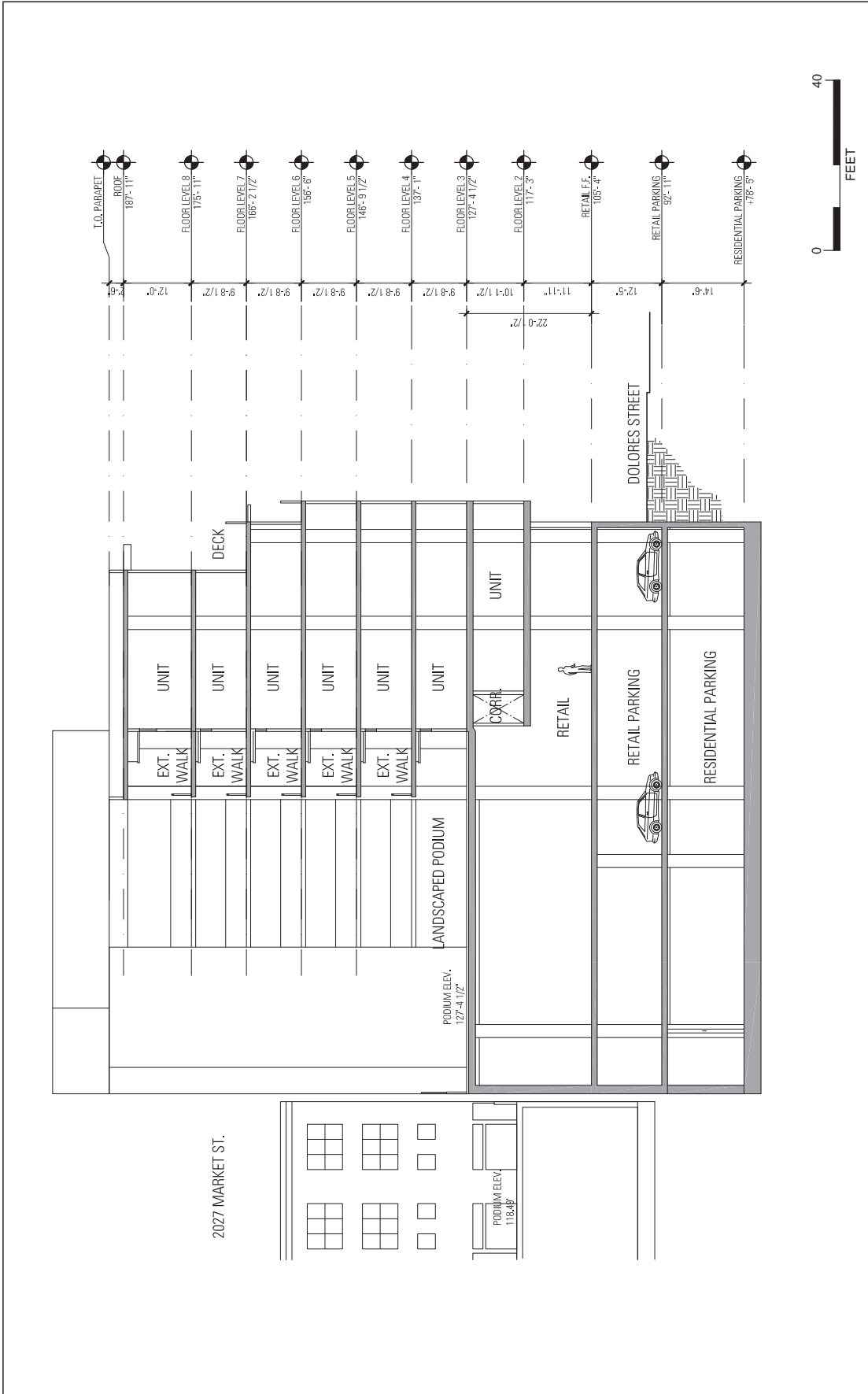


SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 11: NORTH/SOUTH SECTION LOOKING EAST



SOURCE: BAR Architects

2001 MARKET STREET

2008.0550

FIGURE 12: EAST WEST SECTION LOOKING NORTH

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, as updated by Interim Controls initiated by the Board of Supervisors in February 2010, the project sponsor would be required to pay an affordable housing fee.²

Proposed Parking Program and Loading

The site currently has 100 parking spaces on two levels in the S&C Ford building, with two rollup doors on 14th Street providing vehicular access. The 632-634 14th Street site has a curb cut and garage; 626-628 14th Street has a curb cut and parking area. 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 unconnected 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 site's slope (see Figure 3: Proposed Site Plan). 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 site, approximately 22 feet below grade as measured at the northwestern corner of the site, and approximately 13 feet deep at the south end of the site.

The existing site has six curb cuts, two on Dolores Street and four on 14th Street. In 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 through elevators in the residential lobby. Retail customers would access the retail parking level through an elevator and 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.³

² Board of Supervisors Resolution No. 3610, adopted February 2, 2010, File No. 100047.

³ The Project Sponsor may request eight additional parking spaces for the residential portion of the proposed project at a later date. If approved, the sponsor 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 Section 151.1(f), Section 303, and Section 304. No CU is required for the 0.5 spaces per unit included in the proposed project. The transportation impact study prepared for the proposed project analyzes 0.6 spaces per dwelling unit in a variant.

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.⁴ Showers and lockers for employees who bike to work would be located within the store. 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 on-street loading spaces on 14th Street would remain. 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 usable open space requirement for the proposed project would be 80 sq. ft. of private open space per residential unit or 106 sq. ft. per unit if provided in common. Ten units would have sufficient private open space. The common usable open space required for the other 72 units would be a minimum of 7,887 sq. ft. in accordance with the Planning Code requirements. The proposed project would provide 8,220 sq. ft. of common usable open space on the third floor podium. Thus, the proposed private and common open space would exceed Planning Code open space requirements.

Nine new street trees would be planted along Dolores Street to comply with Section 143 of the Planning Code. There are four existing street trees on Market Street and two on 14th Street. None of the existing trees has been designated as a landmark tree.⁵ The four street trees along Market Street would remain, and two new trees would be added, for a total of six street trees on Market Street. 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 in the *2001 Market Street Mixed-Use Development Transportation Impact Study*, under Case No. 2008.0550!, dated November 1, 2010, and prepared

⁴ 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.

⁵ Tree Disclosure Statement for 2001 Market Street. 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.

by Adavant Consulting.⁶ They would involve widening the sidewalks adjacent to the project site to create bulb-outs on both east and west sides of the Market and Dolores Street corner and the Dolores and 14th Street corner; extensions of the Dolores Street median at Market Street and at 14th Street; straightening of the crosswalk across Market Street on the west side of Dolores Street; extension of the eastbound bike lane at the intersection of Market and Dolores Street; elimination of the existing eastbound right-turn only lane from Market to Dolores Street; and elimination of 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. Some of these improvements may be constructed by the project sponsor as an in-kind contribution for some or all of the Market and Octavia Plan Area Community Improvement Fee that would be applied to the proposed project. An agreement to provide an in-kind contribution would need to be approved by the Market and Octavia Plan Area Citizens Advisory Committee.

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 27 feet below grade (as measured at the northeast corner of the proposed building). On the southern portion of the site the maximum depth of the proposed excavation would be approximately 13 feet below grade (as measured at the southwest corner of the proposed building). 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 third quarter of 2011, the building would be ready for occupancy in the first 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.

⁶ The project's transportation study is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2008.0550E.

B. PROJECT SETTING

Project Site Conditions

The project site is located on the east side of a triangular block created by Market Street, Dolores Street, and 14th Street, in an area known as Upper Market in San Francisco. The site is located south of the U.S. Mint and three blocks north of the historic Mission San Francisco de Asís. The site consists of two parcels, Lot 1 and Lot 2 in Assessor's Block 3535. Lot 1 has the 2001 Market Street address, which is the former location of the approximately 30-foot tall S&C Ford Showroom and Sales building that covers the entire lot. This building contains an approximately 8,152-gross-square-foot (gsf) auto showroom and sales office and a 33,131 gsf attached garage. S&C Ford discontinued its use of the building in March, 2008, and the building is currently partially occupied by a rental car facility and a used car dealership.

The proposed project site also includes Lot 2, which has two residential buildings: the three-story 626-628 14th Street building which includes 2,780 gsf of residential space and a parking garage of 1,430 gsf; and the two-story 632-634 14th Street building with 1,230 gsf of residential space and 410 gsf of parking space. Both buildings have two residential units. Currently, none of the units is occupied.

The combined project lots form a right angle at the corner of 14th and Dolores streets, and an acute angle at Dolores and Market streets. Adjacent properties form the north and west sides of the project block. The combined lots measure about 320 feet along Dolores Street, about 150 feet along Market Street, and about 140 feet on 14th Street. The lots slope downward from north to south with approximately 15 feet of grade change from the corner of Market and Dolores streets to the corner of Dolores and 14th streets, about a 5 percent slope. The project site is located within the NCT-3 District (Moderate-Scale Neighborhood Commercial Transit District) within the Market and Octavia Better Neighborhoods Plan Area ("Market and Octavia Plan"). The site is split between two Height and Bulk Districts: the north portion is in an 85-B Height and Bulk District while the south portion is in a 40-X Height and Bulk District. There is no floor area ratio requirement in the Market and Octavia Plan Area and for the NCT-3 District in the San Francisco Planning Code applicable to the project site.

The vacant S&C Ford dealership building, constructed in 1920, occupies a 27,687 sq. ft. lot. The 626-634 14th Street buildings, constructed in 1945, occupy a 3,863 sq. ft. lot; for a combined lot area of approximately 31,550 sq. ft.

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 uses. On the project block, directly to the west is a four-story, mixed-use building with vacant retail space on the ground floor. Retail uses predominate the rest of this block of Market Street, aside from 2059 Market Street, a five-story residential building with a small ground-story retail component. The 14th Street side of the

project block includes the rear of the 2059 Market Street building, and shorter multi-family residential buildings that are three to five stories in height.

14th Street, east of Dolores Street, is occupied by two- to six-story multi-family residential buildings. 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 hill. The hill slopes downward to the east, to the block of Buchanan and Market, where there are five-, six-, and seven-story residential buildings over retail uses. To the west of Safeway, along Church Street, are many and varied buildings with retail ground floor uses, some with residences and offices above. Golden Produce is located on this block, occupying two store fronts directly across from Safeway.

Required Approvals

The proposed project would require the following approvals:

Conditional Use Authorization by the Planning Commission for:

- Development of a site in excess of 9,999 sq. ft. (Planning Code Section 731.11);
- Development of retail space in excess of 5, 999 sq. ft. (Planning Code Section 731.21);
- Development in which the proposed retailer for grocery store is a formula retailer (Planning Code Section 703.3);
- Modification of the Bulk Limit, for the proposed length of the building would exceed 110 feet and the diagonal measurement would exceed 125 feet (Planning Code section 270);
- Approval to demolish two unoccupied (as of April 25, 2007 and November 15, 2008) residential buildings containing a total of four rent-controlled dwelling units (Planning Code Section 207.7);
- A Planned Unit Development (Planning Code Section 304), and Conditional Use Authorization (Planning Code Section 303), which would allow:
 - Building Height Measurement (Planning Code Section 260): Zoning Administrator determination that the building height would be measured from mid-block of Market Street;
 - Rear Yard (Planning Code Section 134): Modification of the rear yard requirement to provide common usable open space at the podium level and not at the first level of residential units that is located below the podium, in order to satisfy the rear yard requirement;
 - Residential Loading Spaces (Planning Code Section 152): Request an exemption from providing a residential loading space. The proposed approximately 102,400 gsf of residential area only nominally exceeds the 100,000 gross residential square footage threshold. In addition, due to the building's design, with units on only one side of the hallway and sustainable design, the net-to-gross ratio is much less efficient (74 percent) than in a standard building (typically 85

percent). Thus, the project site would accommodate fewer units, and hence, fewer residents per gross building square foot, which would reduce the demand for a residential loading space. This authorization is contingent upon the Zoning Administrator granting an exemption for this requirement of the Planning Code; and,

- Conditional Use Authorization for the replacement and upgrade of the existing cellular equipment and antennae on the existing site. (Cellular Antenna Permit #831831). During the construction of the project, the project sponsors will require a temporary cellular antennae location.
- Approval from San Francisco Metropolitan Transportation Authority to designate a new metered, yellow-striped loading space on Dolores Street, and to designate a white passenger loading zone.

The proposed project would require further review and approval by the Department of Building Inspection (DBI) for demolition, construction, and site permits and by the Department of Public Works (DPW) for any work within the public right-of-way, including sidewalks.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Market and Octavia Plan

The project site is on the western edge of the Market and Octavia Plan Area. 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. The Market and Octavia Plan includes both an Area Plan and a specific plan for those lots created by the demolition of the Central Freeway north of Market Street. For the Area Plan, the legislation created three new zoning districts: the Residential Transit-Oriented (RTO) District, the Downtown Residential (DTR) District, and the Neighborhood Commercial-Transit (NCT) District. The legislation altered height limits within this area, and adopted the Market and Octavia Area Plan within the *San Francisco General Plan*.

On April 5, 2007, San Francisco Planning Commission certified the Final EIR for the Market and Octavia Plan (Case No. 2003.0347E; State Clearinghouse No, 2004012118). The Program EIR analyzed amendments to the Planning Code and Zoning Maps and the then-proposed Market and Octavia Area Plan, which became an element of the *San Francisco General Plan* after completion of public reviews, Board of Supervisors adoption, and the Mayor’s approval. The EIR analysis was based on assumed land use development and activities that were anticipated to

occur under the Market and Octavia Plan. The 2001 Market Street project site was designated and envisioned as a site to be developed with mid-rise buildings up to 85 feet in height along the Market Street frontage with residential units above retail uses on the ground floor. Subsequent to the certification of the Final EIR, in September 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 Program EIR (Program EIR or PEIR).

The Market and Octavia Plan PEIR analyzed the following environmental issues: plans and policies, land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; historical resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; and biology. 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 portion of the growth that was forecast for the Market and Octavia Plan Area in the Program EIR.

The Citywide Planning, Neighborhood Planning, and MEA sections of the San Francisco Planning Department have determined that the proposed project is consistent with the Market and Octavia Neighborhood Area Plan; satisfies the provisions of the *General Plan* and the Planning Code; and is eligible for a Community Plan Exemption.⁷

The sufficiency of the Market and Octavia Plan Area PEIR for environmental review of the proposed project was considered in the Community Plan Exemption Checklist. Five of the topics addressed in the Community Plan Exemption Checklist were determined to require further analysis in this Initial Study: Cultural and Paleontological Resources, Air Quality, Greenhouse Gas Emissions, Biological Resources, Geology and Soils, and Hazards and Hazardous Materials. The case report for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

⁷ Community Plan Exemption Eligibility Determination, as signed by Neighborhood Planning, and Citywide Planning and Policy Analysis, on November 5, 2010.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- | | | |
|-------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gases | <input type="checkbox"/> Wind and Shadow |
| <input type="checkbox"/> Hydrology and Water Quality | | |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mineral/Energy Resources |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Biological Resources | |
| <input checked="" type="checkbox"/> Mandatory Findings of Signif. | | |

E. EVALUATION OF ENVIRONMENTAL EFFECTS

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
1. 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 <i>Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Historical Resources

Impact CP-1: The proposed project would demolish three existing buildings which are not considered historically significant for the purposes of CEQA, and would have a less-than-significant impact on historical architectural resources. (Less than Significant)

The demolition of three buildings that is part of the proposed project would include the approximately 30-foot tall former S&C Ford Showroom and Sales building (an approximately 8,152-gross-square-foot (gsf) auto showroom and sales office and a 33,131 gsf attached garage), and two residential buildings: the three-story 626-628 14th Street building which includes 2,780 gsf of residential space and a 1,430 gsf parking garage; and the two-story 632-634 14th Street building with 1,230 gsf of residential space and 410 gsf of parking space.

Historical resource surveys were conducted for the Plan Area subsequent to the adoption of the Market and Octavia Neighborhood Plan EIR, with interim controls for evaluation and protection

of historical 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 as part of 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.”⁸

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 “historical resource” for the purposes of CEQA, and does not meet the criteria for listing on the California Register of Historical Resources.⁹ The HRER also found that the proposed project would not have an adverse effect on off-site historic resources.¹⁰ The original car dealership at this location, Krestellar Motor Company was not one of the pioneering car dealerships in the City, and because of its location, it is only loosely associated with the automobile uses clustered around Van Ness Avenue.¹¹ The S & C Ford building also “does not possess high artistic value,” and it lacks physical integrity, due to alterations.¹²

Page & Turnbull also evaluated the three subject buildings in project-specific analyses, and determined that these buildings were not historical resources.¹³ 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 14th Street residential buildings were assigned the California Historical Resources Status Code “6Z,” indicating that the properties are ineligible for national, state, or local designation. Further, Page & Turnbull stated that the project site and buildings are not within the bounds of any historic district or potential historic district, noting that both the Market and Octavia Plan Historic Resource Survey and the Inner Mission North Historic Resource Surveys “determined that no potential historic districts are

⁸ 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.

⁹ 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.

¹⁰ *Ibid.*, p. 4.

¹¹ *Ibid.*, p. 2.

¹² *Ibid.*, p. 3

¹³ Page & Turnbull, Historic Resource Assessment, 2001 Market Street, April 4, 2008 (hereinafter cited as “2001 Market Street HRA”); Caitlin Harvey & Rich Sucré, 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.

present in the area.”¹⁴ The project would not contribute to any cumulative effects, because the project itself would not have an adverse effect on any historical resources.

Therefore, the demolition of the three buildings on the proposed project site would not result in a significant environmental impact, nor would the demolition cause peculiar impacts not addressed in the Market and Octavia Plan EIR.

Archeological Resources

Impact CP-2: The proposed project would result in damage to, or destruction of, as-yet unknown archaeological or human remains, should such remains exist beneath the project site. (Less than Significant with Mitigation)

Potential archeological impacts were identified in the Market and Octavia Plan EIR. The Market and Octavia Plan Program EIR found that the increased heights and density within the Market and Octavia Plan Area and the requirement of subgrade parking raise the likelihood of soils disturbance and could adversely affect potential subsurface archeological resources. The impact could be mitigated to a less-than-significant level through one of two mitigation measures, depending on whether the proposed project would be located on an archeologically documented property.¹⁵

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

Pursuant to Archeological Mitigation Measure 5.6.A2 of the Market and Octavia Plan PEIR, an archeological sensitivity study memorandum was prepared for the proposed project. Its evaluation concludes that the proposed project could affect CEQA-significant archaeological resources, based on the presence of documented archaeological sites in the vicinity of the project site.¹⁶ The evaluation is summarized here. The lower southwest portion of the project site is a likely location for a serpentinite quarry used during the Hispanic Period (1776-1850). Serpentinite was used extensively during this period for building and wall foundations, for at least portions of the community aqueduct, and in some cases as an apparent paving or floor material. Stonework of this period is frequently documented archeologically and is visible through some basement windows and foundation remnants in the Mission District. A serpentinite quarry was the source

¹⁴ Update to 2001 Market Street HRA, p. 1.

¹⁵ *Market and Octavia Neighborhood Plan Final Program Environmental Impact Report (PEIR)*, Planning Department Case No. 2003.0347E, September 2007, certified May 30, 2008, pp. 4-166 and 5-4.

of construction stone used in constructing the Protestant Orphans' Asylum in 1854. That quarry known as "Mint Hill," has not been located. Archeological study of the quarry surfaces would be highly informative in understanding the method of cuts, excavation, and removal, and based on surface markings, the tools involved.

The lower southwest portion of the project site might be a likely candidate for the Hispanic Period quarry based on an 1850 pencil drawing by William Dougal, which shows the only known graphic indication of what might have been the stone quarry at a location which could correspond to the lower part of the project site. The quarry would have been just to the northeast of the Camino de Presidio which appears to have passed to the southwest of the project site between the quarry and Mission Creek, just below 14th Street. The 1860 U.S. Surveyor General's plat land grant map for the *Suerte en Dolores* (F. Palomares) provides some additional support for the supposition that a portion of the quarry was within the Market, 14th, Dolores Street triangle and that excavation in the southwest corner of the project site may, with reasonable likelihood, encounter portions of the Hispanic Period serpentinite quarry.

Given the reasonable likelihood that some historic archeological evidence may be found, and pursuant to Mitigation Measure 5.6.A2 Archeological Mitigation Measure - General Soil Disturbing Activities,¹⁷ the staff determined that the potential for the project to adversely affect archeological resources may be avoided by implementation of MEA's second Standard Archeological Mitigation Measure (Monitoring). The full text of that mitigation measure is incorporated as Mitigation Measure M-CP-1:¹⁸

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 ERO¹⁹ 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

¹⁶ Randall Dean/Don Lewis, MEA Preliminary Archeological Review: Checklist, May 22, 2009. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

¹⁷ PEIR, p. 5-6.

¹⁸ Implementation of this mitigation measure meets the requirements of mitigation measure, 5.6.A2, Archeological Mitigation Measure – General Soil Disturbing Activities, from the Market and Octavia Plan EIR.

¹⁹ ERO is an abbreviation for the Environmental Review Officer at the Planning Department.

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, 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.

With the application of this mitigation measure identified in the Market and Octavia Plan EIR, there would be no significant archeological impacts from implementation of the proposed project.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia Plan Program EIR addresses Biological Resources²⁰ and concludes there would be no significant impact, and therefore, no mitigation measure would be necessary.

Impact BI-1: Implementation of the proposed project would not impact any special status species, habitats, or protected wetlands, and would not conflict with any adopted plans or policies related to biological resources (Less than Significant)

The project site is within a developed urban area and is completely covered by impervious surfaces, with the exception of six street trees. There are four sparse street trees along the project site's frontage on Market Street, no tree on the Dolores Street sidewalk, and two thickly-leaved trees on 14th Street. None of these street trees are significant trees or landmark trees.²¹ The proposed project would plant nine new street trees along Dolores Street to comply with Section 143 of the Planning Code. The four street trees along Market Street would remain, and two more would be added for a total of six on Market Street in front of the proposed new building. The two existing trees on 14th Street would be replaced, and two new trees would be added, for a total of four trees on the 14th Street frontage. These trees are not landmark trees or significant trees; but they are street trees, and thus the project sponsor would be required to apply for the appropriate DPW tree removal permit in advance of Planning Department approval.

The site and the six existing trees do not provide habitat for any rare or endangered plant or animal species; the trees are not themselves rare or endangered species; and the proposed project would not affect or substantially diminish plant or animal habitats. The proposed project would not affect any rare, threatened, or endangered species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, or native or migratory fish species. There is no adopted habitat conservation plan applicable to the project site. Further, there is no riparian area or wetland on the project site. For these reasons, 3a, 3b, 3c, and 3f are not applicable.

Impact BI-2: Implementation of the proposed project could interfere substantially with the movement of native resident or migratory bird species or with bird migration corridors. (Less than Significant With Mitigation)

Loss of trees on the project site could affect active birds' nests if any were in these trees at the time of removal. Compliance with the requirements of state and federal law²² would avoid any potentially significant impacts to migratory birds or nests. The requirements are incorporated as Mitigation Measure M-BI-1. With implementation of this mitigation measure, the proposed project would have less-than-significant biological impacts.

²⁰ PEIR, pp. 4-350 to 4-351.

²¹ Tree Disclosure Statement, April 18, 2009, This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

²² California Fish and Game Code, Section 3500 et seq.; Migratory Bird Treaty Act, 16 USC 703-712, as amended.

Mitigation Measure M-BI-1: Nesting Migratory Birds

The project sponsor would implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction.

Pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no nests will be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest.

Aside from the migratory bird nest mitigation, the proposed project would be consistent with the analysis of biological resources in the Market and Octavia Plan PEIR. There is no other significant environmental effect peculiar to the project or its site. Thus no additional mitigation measure would be necessary.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
3. 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is not within an Alquist-Priolo Earthquake Fault Zoning Map, so 4a (i) is not applicable. The project would not affect 4a (ii) or (iii). The project site and vicinity are not steep enough for landslides to be an issue, so 4a (iv) is not applicable.

Impact GE-1: The proposed project would not expose people or structures to adverse effects related to seismic activity or unstable soil. (Less than Significant)

The Market and Octavia Plan PEIR considered geology, soils, and seismicity,²³ and determined that the proposed project site has stable to generally stable slopes²⁴ and has a very low risk of soil liquefaction during a seismic event.²⁵ 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.²⁶

The project site slopes downward from north to south, with 15 feet of elevation change between Market Street and 14th Street along Dolores Street (about a 5 percent slope). Based on the geotechnical report prepared for the project site,²⁷ the project site is underlain by historic fill, stiff clay (colluviums), and bedrock. The fill varies from 4 to 15 feet thick; the clay is about 2 to 3 feet thick. The bedrock consists of serpentine rock²⁸ and shale of the Franciscan Complex, and dips deeper to the west.²⁹ According to the geotechnical investigation, the proposed building could be supported by a shallow mat foundation with tie-down anchors. The subsurface investigation included four borings drilled to depths of approximately 18 to 41 feet below ground surface (bgs) on the Market Street parcel, and a fifth boring to a depth of about 35 feet on the 626

²³ PEIR, pp. 4-315 - 4-332.

²⁴ PEIR, Figure 4-28, p. 4-318.

²⁵ PEIR, Figure 4-29, p. 4-320.

²⁶ PEIR, p. 4-325 and p. 4-327.

²⁷ *Geotechnical Investigation Proposed Residential Development, 2001 Market Street*, August 10, 2006, Treadwell & Rollo (hereinafter “Treadwell & Rollo 2006”). 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.

²⁸ See discussion under Topic 6, Hazards and Hazardous Materials.

²⁹ Treadwell & Rollo 2006, p. 5.

14th Street parcel.³⁰ Groundwater was encountered at a depth of 18 feet on Market Street to 23 feet at 626 14th Street.³¹ A tied-back soldier pile and lagging system would be used during construction, which would prevent any undermining of adjacent properties. 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 proposed building). 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 southeast corner of the proposed building). Approximately 20,650 cubic yards of soil and rock would be removed from the project site. Excavation could be accomplished by mechanical means and would take approximately three months.

The final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing geological hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geological hazards would be reduced during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

Impact GE-2: The proposed project would not result in substantial erosion. (Less than Significant with Mitigation)

The Market and Octavia Neighborhood 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 the impact to a less-than-significant level. The project site is gently sloping, and has stable to generally stable slopes.³² Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure³³ would be applied to the proposed project as Mitigation Measure M-GE-1. Implementation of the mitigation measure would reduce impacts to less-than-significant levels.

³⁰ *Addendum to Geotechnical Report*, Treadwell & Rollo, January 23, 2009 (hereinafter "Treadwell & Rollo 2009"). 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.

³¹ Treadwell & Rollo 2006, Treadwell & Rollo 2009.

³² PEIR, Figure 4-28, p. 4-318.

³³ PEIR, p. 5-21.

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

Program or project level temporary construction related impacts would be mitigated through 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.

The description of geology and seismicity in the Market and Octavia Plan PEIR did not identify any other significant impacts. The project site is not located on expansive soils, so 4(d) is not applicable. The proposed project would not use a septic waste disposal system, so 4e is not applicable. Impacts and Mitigation Measures related to naturally occurring asbestos in the serpentine rock to be excavated during project construction are discussed in Section 4, Hazards and Hazardous Materials. The proposed project would be consistent with the geology information discussed in the Market and Octavia Plan PEIR, and there is no significant environmental effect related to geology and soils peculiar to the project or its site; thus no additional mitigation measure would be necessary.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
4. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact HZ-1: Demolition and excavation of the project site could result in handling and accidental release of contaminated soils and hazardous building materials associated with historic uses. (Less than Significant with Mitigation)

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.³⁴ Given the wide variety of site conditions possible in the Market and Octavia Plan Area, the EIR requires the following mitigation measure, which would be applied to the proposed project as mitigation measure M-HZ-1:

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

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 run-off, and tarping overnight 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 used to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

Implementation of the mitigation measure would reduce potential hazards to a less-than-significant level.

³⁴ PEIR, pp. 4-297-4-302.

Impact HZ-2: Excavation of the project site could result in handling and accidental release of contaminated soils associated with naturally-occurring asbestos. (Less than Significant with Mitigation)

The Market and Octavia Plan PEIR notes that serpentine rock is present in the project area, and that serpentine rock, or serpentinite, contains naturally-occurring asbestos. In addition, the Market and Octavia Plan EIR notes that the presence of asbestos in the soil requires implementation of the California Air Resources Board regulations contained in California Code of Regulations Title 17, Section 93105: Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM), and that implementation of those regulations would reduce any impacts due to the removal of serpentine soils to less-than-significant levels.³⁵

The existence of asbestos in the serpentinite rock on the project site also led to preparation of a Phase II Environmental Site Assessment,³⁶ which has been reviewed by the San Francisco Department of Public Health (DPH). DPH concurred with the recommendation of the consultant, Environmental Risk Specialties, that a site-specific Dust Control Plan (DCP) with monitoring for asbestos and a Site Mitigation Plan (SMP) be required for excavation and development.³⁷

The project sponsor would follow all procedures of the SMP and DCP once they are approved. Mitigation Measure M-HZ-2 contains the representative features that are expected to be included in the DCP and the SMP. Implementation of this mitigation measure would reduce impacts related to asbestos-containing serpentine rock, and its excavation and removal, to less-than-significant levels.

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:

- use of 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,

³⁵ PEIR, p. 4-308.

³⁶ Subsurface Investigation Report, Environmental Risk Specialties Corp., David DeMent, PG, June 24, 2009. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

³⁷ Letter from Rajiv Bahtia, MD, MPH, to Lisa Congdon, Prado Group, July 6, 2009. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0550E.

- stabilizing soils with a dust palliative and water,
- covering stockpiles,
- seeding and watering areas that are inactive for more than four days, and
- controlling heights from which materials would be dropped.

Monitoring for Visible Dust: The sponsor shall ensure visual observation at the site for visible dust during active work. Third party observers shall be the responsibility of the contractor working on the site. Dust management “best management practices” shall be verified at the end of each day.

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

- Any occurrence of observed visible dust on-site shall lead to more aggressive application of dust control measures.
- Persistent visible dust from work activities for greater than one hour shall require the work to cease.
- Any occurrence of visible dust resulting from work activities that goes beyond the site boundary for more than five minutes shall require the work to cease until effective dust control measures are applied.

Quantitative Dust Monitoring: Dust monitoring devices for PM₁₀ shall 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 use real-time monitoring, complete with an alarm and recording method. Alarm should be triggered if levels exceed approximately 250 g/m³ 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/m³. The project sponsor shall submit monitoring data with related corrective activities to EHS-HWU on a weekly basis. Air monitoring shall 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 shall occur at two locations along the perimeter of the project during the first month of soil excavation. Air monitoring continuation after one month shall 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 project site is not within one-quarter mile of an existing or proposed school; Everett Middle School is about one-half mile from 2001 Market Street. Therefore, 5c — emission of hazardous emissions or handling hazardous materials, substances, or wastes within one-quarter mile of a school — is not applicable to the proposed project. Since the project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962, topic 5d is not applicable. Nor is the project site located within an airport land use plan, within 2 miles of an airport, or in the vicinity of a private airstrip. Thus topics 5e and 5f are not applicable.

The routine operation of the proposed project would not involve the routine transportation of hazardous materials. The proposed project would not affect emergency access to surrounding properties, and would follow current Building Code requirements related to fire safety and

emergency access. Therefore, the proposed project would have no significant effect on an adopted emergency response plan or fire hazards (5g and 5h).

Conclusion

Aside from the need for site-specific mitigation for serpentinite, the proposed project would be consistent with the hazards and hazardous materials analysis in the Market and Octavia Plan PEIR. There are no other significant environmental effects peculiar to the project or its site. Thus, no additional mitigation measure would be necessary.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mitigation Measures M-CU-1, M-BI-1, M-GE-1, M-HZ-1, and M-HZ-2, set forth in their respective topic sections, have been incorporated into the proposed project to address potential construction-related impacts on Cultural and Paleontological Resources, Air Quality, Biological Resources, Geology and Soils, and Hazards and Hazardous Materials. Implementation of these measures would reduce these potential impacts of the proposed project to less-than-significant levels. Therefore, the proposed project would not result in any new significant environmental impacts not already described in the Market and Octavia Plan Program EIR.

F. PUBLIC NOTICE AND COMMENT

Public Notice was provided by mail to all residents and owners 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 land use, potential hazards and hazardous materials, the presence of nearby grocery stores, wind effects, air quality, whether neighboring buildings would be destabilized, historical 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 above in this Focused Initial Study.

G. DETERMINATION

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.



Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning



2001 MARKET STREET

SAN FRANCISCO, CA

**CONDITIONAL USE PERMIT
RESUBMITTAL
MAY 19, 2010**

SHEET INDEX

COVER

- G0.10 NEIGHBORHOOD SITE PLAN
- G0.11 PARCEL MAP
- G0.12 SITE PHOTOS AND ADJACENT PROPERTIES
- G0.13 SITE PHOTOS AND ADJACENT PROPERTIES
- G0.14 SITE PHOTOS AND ADJACENT PROPERTIES
- G0.20 BUILDING CODE AND AREA SUMMARY
- G0.21 PLANNING CODE SUMMARY
- G0.22 PLANNING CODE SUMMARY
- G0.23 BUILDING CODE ANALYSIS DIAGRAMS
- G0.24 BUILDING CODE ANALYSIS DIAGRAMS
- G0.30 CAR LIFT INFORMATION
- G0.31 CELL TOWER INFORMATION

SITE SURVEY

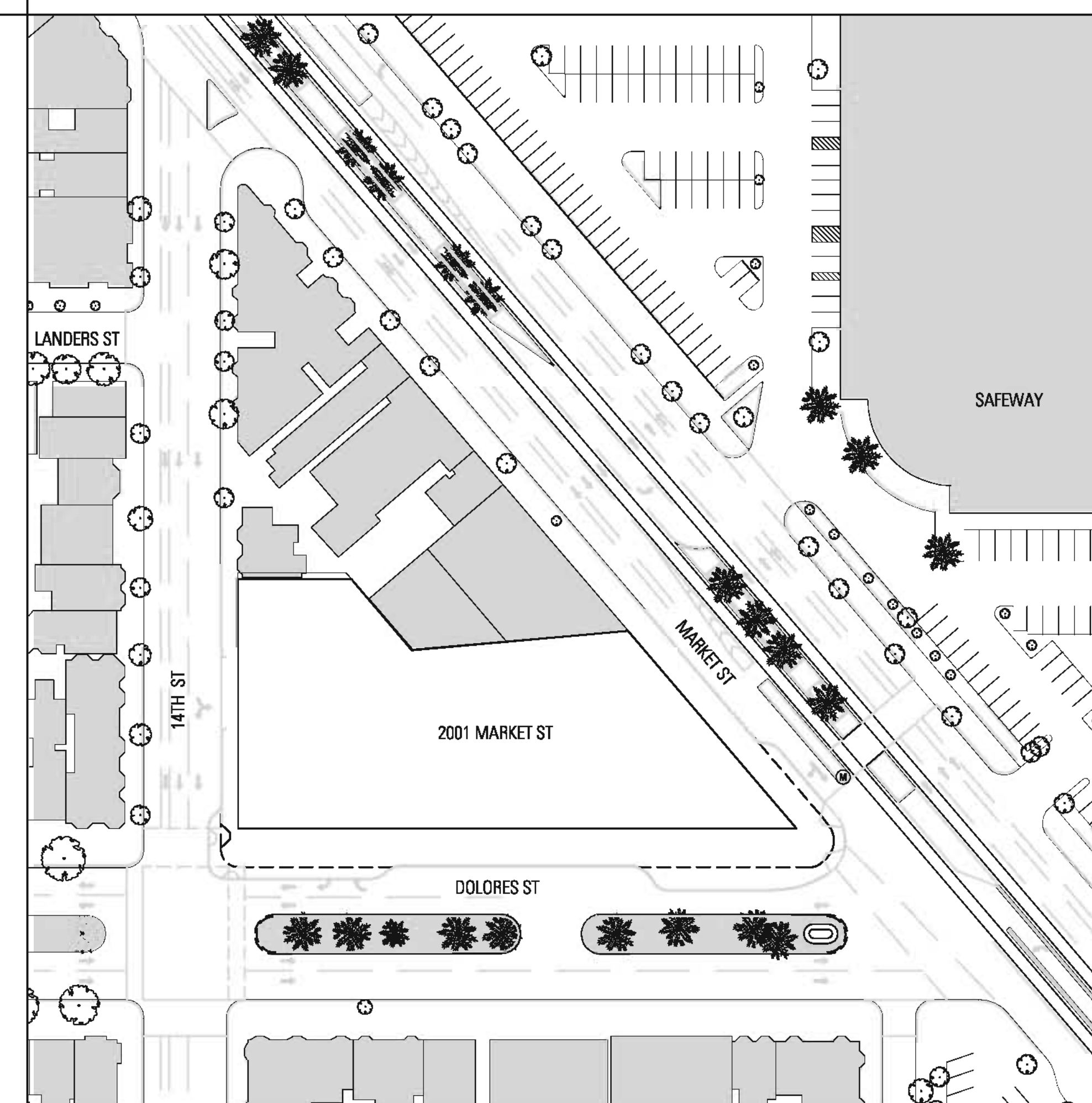
- L1 LANDSCAPE DESIGN PLAN
- L2 DOLORES ST & 14TH STREET DESIGN
- L3 PARKING EXHIBIT

- A1.00 PARTIAL SITE SURVEY
- A1.01 SITE PLAN
- A2.B2 BASEMENT PLAN LEVEL B2
- A2.B1 BASEMENT PLAN LEVEL B1
- A2.01 FLOOR PLAN LEVEL 1
- A2.02 FLOOR PLAN LEVEL 2
- A2.03 FLOOR PLAN LEVEL 3
- A2.04 FLOOR PLAN LEVEL 4
- A2.05 FLOOR PLAN LEVEL 5
- A2.06 FLOOR PLAN LEVEL 6
- A2.07 FLOOR PLAN LEVEL 7
- A2.08 FLOOR PLAN LEVEL 8
- A2.11 OVERALL ROOF PLAN
- A3.01 NORTH AND WEST EXTERIOR ELEVATIONS
- A3.02 SOUTH AND EAST EXTERIOR ELEVATIONS
- A3.21 NORTH/SOUTH BUILDING SECTION
- A3.22 EAST/WEST BUILDING SECTIONS
- A3.23 COURTYARD ELEVATIONS
- A4.01 MATERIALS BOARD
- A4.02 ILLUSTRATIVE VIEWS
- A4.03 ILLUSTRATIVE VIEWS
- A4.04 ILLUSTRATIVE VIEWS
- A4.05 ILLUSTRATIVE VIEWS

PROJECT TEAM

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> ■ OWNER:
2001 MARKET, LLC
C/O PRADO GROUP
150 POST STREET, SUITE 320
SAN FRANCISCO, CA 94108
TEL: 415.395.0880 ■ LANDSCAPE ARCHITECT:
APRIL PHILIPS DESIGN WORKS, INC.
30 MOUNT TALLAC COURT
SAN RAFAEL, CA 94903
TEL: 415.331.2784 ■ MEP ENGINEER:
TIMMONS DESIGN ENGINEERS
901 MARKET ST., SUITE 480
SAN FRANCISCO, CA 94103
TEL: 415.957.8788 | <ul style="list-style-type: none"> ■ ARCHITECT:
BAR ARCHITECTS
543 HOWARD STREET
SAN FRANCISCO, CA 94105
TEL: 415.293.5700 ■ CIVIL ENGINEER:
BKF ENGINEERING
4670 WILLOW ROAD, SUITE 25C
PLEASANTON, CA 94588
TEL: 925.396.7700 | <ul style="list-style-type: none"> ■ COLLABORATING ARCHITECT:
WILLIAM McDONOUGH + PARTNERS
177 POST STREET SUITE 920
SAN FRANCISCO, CA 94108
TEL: 415.743.1111 ■ STRUCTURAL ENGINEER:
TIPPING MAR AND ASSOCIATES
1906 SHATTUCK AVENUE
BERKELEY, CA 94704
TEL: 510.549.1906 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

VICINITY MAP



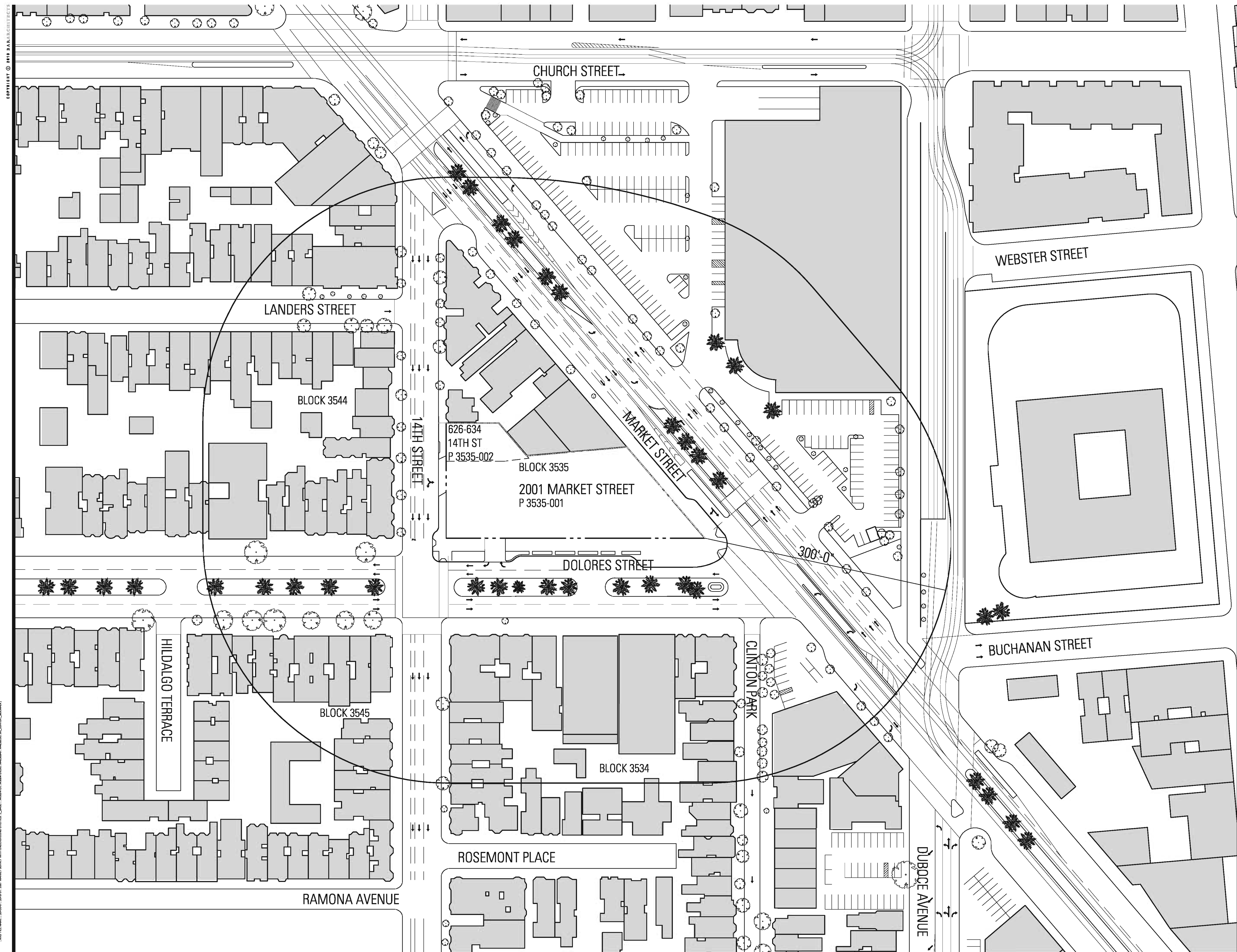
2001 MARKET ST.
 San Francisco, CA

DRAWN BY	
CHECKED BY	
PROJECT NO.	0705
DATE	ISSUE
08.18.09	Conditional Use Submittal
05.19.10	Conditional Use Re-submittal

PARCEL MAP

1" = 40'

GO.11



VEWS AWAY FROM SITE



A: Looking East on Market Street towards the Ferry Building.



B: Looking East on Clinton Park.

VEWS TOWARD SITE



C: Looking South across Market Street, towards existing Ford Bldg.

VEWS TOWARD SITE



D: Looking West on Market Street towards Twin Peaks.



E: Looking East on Market Street, towards the Safeway.



F: Looking North on Dolores St toward existing Ford Dealership.



KEY

DRAWN BY _____
CHECKED BY _____
PROJECT NO. _____

DATE ISSUED
05.15.10 Conditional Use Submittal
05.15.10 Conditional Use Re-submittal

SITE PHOTOGRAPHS AND
ADJACENT PROPERTIES

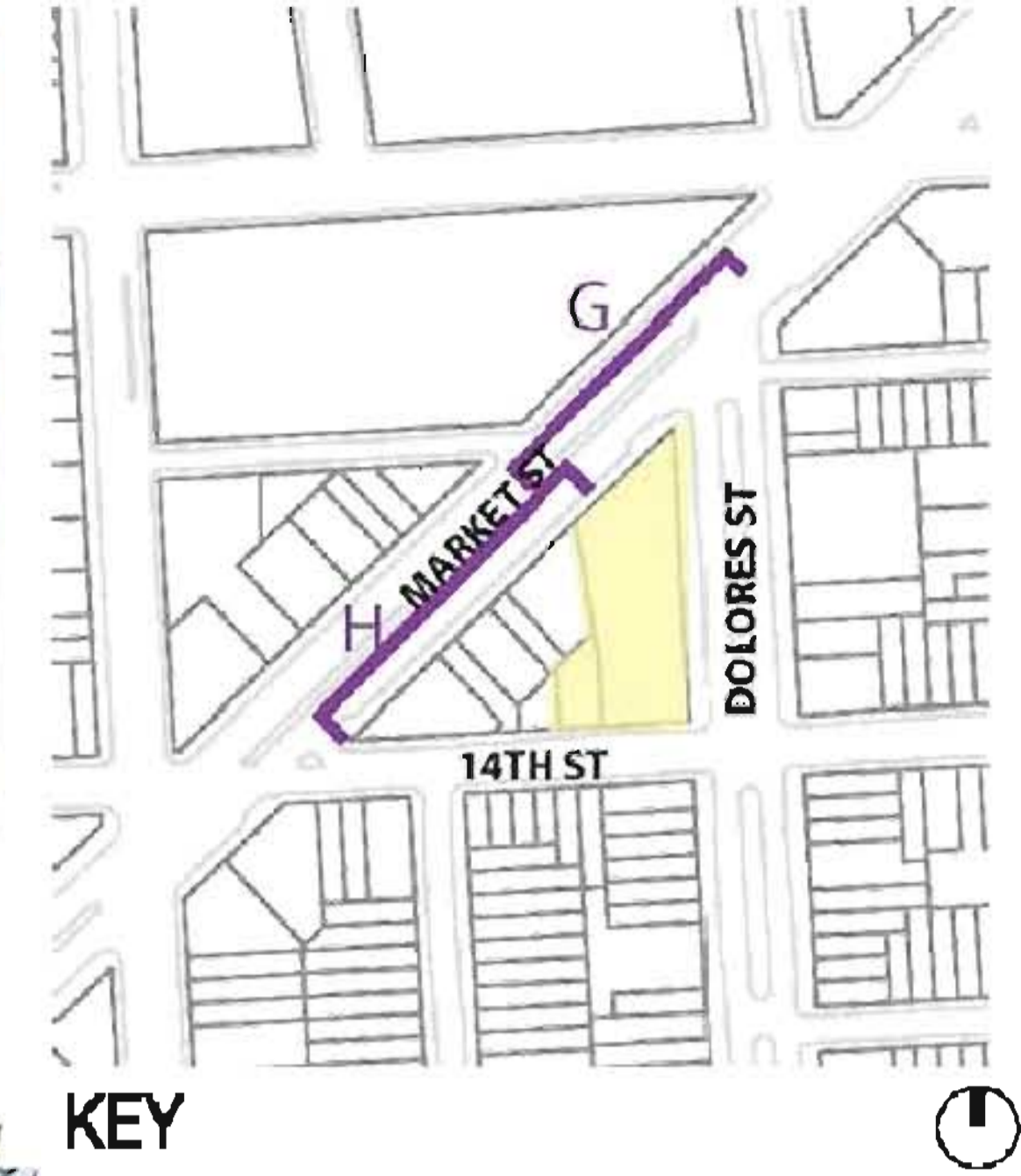
VIEWS TOWARD SITE



G: South Market Street Elevation, looking at the site.



H: South Market Street Elevation, showing neighboring buildings.



2001 MARKET ST.
San Francisco, CA

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05.18.10	Conditional Use Submittal
05.18.10	Conditional Use Re-submittal

SITE PHOTOGRAPHS AND ADJACENT PROPERTIES

VEWS TOWARD SITE



I: Panoramic view looking North at the site from the intersection of 14th Street and Dolores Street.

2001 MARKET ST.
San Francisco, CA

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PROJECT NO.	_____
DATE	ISSUE
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05.18.10	Conditional Use Re-submittal

SITE PHOTOGRAPHS AND ADJACENT PROPERTIES

[FILE NAME: Z:\07075 2001 MARKET STREET DRAWINGS\640 CAD-CURRENT\PLT FILES\640-CAD-CURRENT\PLT FILES\640-CAD-CURRENT\TAB - 42X30 CD] [May 19 - Wednesday 2010 - 11:48am] [Plotted by: LTRAC] [Pen Setting: Full (06)] [XREF FILE NAME: -\4\230BAR-WA230UG]

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BUILDING AREA SUMMARY

Floor Designation	Parking / Misc.	Retail Area Gross Retail s.f.*	Residential Area			Building Area Total Gross*
			Residential Unit Area s.f.*	Gross Residential Area s.f.*	Residential Net to Gross %	
<i>*Gross area includes party walls, exterior walls, and internal shafts</i>						
Roof						
Residential Level 8			9,151	12,435	74%	12,435
Residential Level 7			9,263	12,795	72%	12,795
Residential Level 6			10,383	13,940	74%	13,940
Residential Level 5			10,383	13,940	74%	13,940
Residential Level 4			10,383	13,940	74%	13,940
Residential Level 3 (Podium)			15,303	21,255	74%	21,255
Residential Level 2 (Linear Units)			8,753	12,990	67%	12,990
Retail Market Level 1		29,620		1,045		30,665
Retail Parking Level B1	28,791	2,429 ¹				31,220
Residential Parking Level B2	24,090					24,090
Total	52,881	32,049		102,440		187,370

1. RETAIL AREA IN PARKING LEVEL B1 INCLUDES LOBBY AND RECEIVING AREAS:
 RETAIL LOBBY: 1,318 SF
 RETAIL RECEIVING: 1,111 SF

UNIT TABULATION

	Target Mix	Gross Unit Area s.f.*	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Total Unit Count	Mix
<i>*Gross area includes party walls, exterior walls, and internal shafts</i>											
A Junior 1 Bedroom											
A1		495	6							6	
A2		590							1	1	
Total Number of A Type Units										7	9%
B 1 Bedroom / 1 Bedroom Plus											
B1		636	3							3	
B2	1 Bdrm Plus	825		1						1	
B3		700			1	1	1	1	1	5	
B4		750			1	1	1	1	1	5	
B5		790		1	1	1	1	1	1	5	
B6	1 Bdrm Plus	810						4		4	
B7		675	4							4	
Total Number of B Type Units										27	33%
C 2 Bedroom, 1 Bath											
C7		830		3	3	3	3	3	3	18	
Total Number of C Type Units										18	22%
C 2 Bedroom, 2 Bath 40%											
C1		1090		6	4	4	4			18	
C2		1293		1	1	1	1	1	1	6	
C3		1745		1						1	
C4		1060		2						2	
C5		1175	1							1	
Total Number of C Type Units										28	34%
D 3 Bedroom											
D1		1695							2	2	
Total Number of D Type Units										2	2%
Total number of Units										82	100%
Total gross area for Units										74,181	S.F.
General Notes: 1. Unit plan areas have not been reconciled with unit layouts.											

PROJECT DATA & BLDG. CODE SUMMARY

- **PROJECT ADDRESS:** 2001 MARKET STREET, SAN FRANCISCO, CALIFORNIA 94114
 - **ASSESSOR'S PARCEL NO.:** 3535-001, 3535-002
 - **ZONING:** NCT-3: NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
 - **LAND USAGE:** LOT AREA: 0.72 ACRES (31,560 SF)
 - **PROJECT DESCRIPTION:** 8 STORIES PLUS 2 BASEMENT LEVELS INCLUDES 2 LEVELS OF PARKING, 1 RETAIL LEVEL, 7 RESIDENTIAL LEVELS WITH ROOFTOP MECHANICAL EQUIP. PENTHOUSE
 - **APPLICABLE CODES:** 2007 SAN FRANCISCO BUILDING CODE (2007 CBC WITH SAN FRANCISCO AMENDMENTS) INCLUDING CHAPTER 13C - GREEN BUILDING ORDINANCE
 2007 SAN FRANCISCO ELECTRICAL CODE (2007 CEC WITH SAN FRANCISCO AMENDMENTS)
 2007 SAN FRANCISCO ENERGY CODE (2007 CALIFORNIA ENERGY CODE WITH NO LOCAL AMENDMENTS)
 2007 SAN FRANCISCO HOUSING CODE
 2007 SAN FRANCISCO MECHANICAL CODE (2007 CMC WITH SAN FRANCISCO AMENDMENTS)
 2007 SAN FRANCISCO PLUMBING CODE (2007 CPC WITH SAN FRANCISCO AMENDMENTS)
 - **CONSTRUCTION TYPE:** TYPE I-B
 - **SPRINKLERED:** FULLY SPRINKLERED (NFPA 13 SYSTEM)
 - **OCCUPANCY GROUP:** R-2, M, S-2
 - **STORY/HEIGHT ALLOWED:** R-2, M, S-2 / TYPE I-B 11 STORIES / 180 FT
 SPRINKLER INCREASE 12 STORIES / 180 FT
 - **STORY/HEIGHT PROVIDED:** 8 STORIES / APPROX. 90 FT.
 HEIGHT MEASURED FROM GRADE PLANE (SET AT APPROX. 98.17') TO THE HIGHEST ROOF SURFACE
 - **HEIGHT LIMIT:** SEE PLANNING CODE SUMMARY
 - **BUILDING AREA ALLOWED:** R-2, M / TYPE I-B) UL 79,000 SF
 S-2 / TYPE I-B)
 - **BUILDING AREA PROVIDED:**

BASEMENT B2	24,090	S.F.
BASEMENT B1	31,220	S.F.
FLOOR LEVEL 1	30,665	S.F.
FLOOR LEVEL 2	12,990	S.F.
FLOOR LEVEL 3	21,353	S.F.
FLOOR LEVEL 4	13,940	S.F.
FLOOR LEVEL 5	13,940	S.F.
FLOOR LEVEL 6	13,940	S.F.
FLOOR LEVEL 7	12,795	S.F.
FLOOR LEVEL 8	12,435	S.F.
TOTAL:	187,370	S.F.
 - **PARKING SPACES*:**

RESIDENTIAL	41	(INCLUDING 2 ACCESSIBLE SPACES)
RESIDENTIAL CARSHARE	2	
RETAIL	60	(INCLUDING 3 ACCESSIBLE SPACES)
RETAIL DELIVERY VAN	1	
RETAIL CAR SHARE	3	
TOTAL:	107	SPACES
- * SEE PLANNING CODE SUMMARY FOR PARKING REQUIREMENT

2001 MARKET ST.
San Francisco, CA

DRAWN BY _____
CHECKED BY _____
PROJECT NO. _____
DATE **ISSUE**
 09.18.09 Conditional Use Submittal
 09.18.09 50% DD Set
 12.14.09 CUP Submittal - Rev.#2
 05.16.10 Conditional Use Resubmittal

BUILDING CODE AND AREA SUMMARY

CUP MODIFICATION REQUEST

3 MODIFICATION REQUEST #3

HEIGHT LIMITS

Section 260 Height limits: measurement

Required

Per Zoning Map

85-B along Market and portions of Dolores
40-X along portions of Dolores and 14th St.

Per Section 260(a)(1)

The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code (Section 102.12)

Per Section 102.12

Where the lot has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken.

Provided

Building height measurement

As allowed by Section 102.12, building height for development is measured from the centerline of the Market Street frontage.

Building height measurement for 85-B

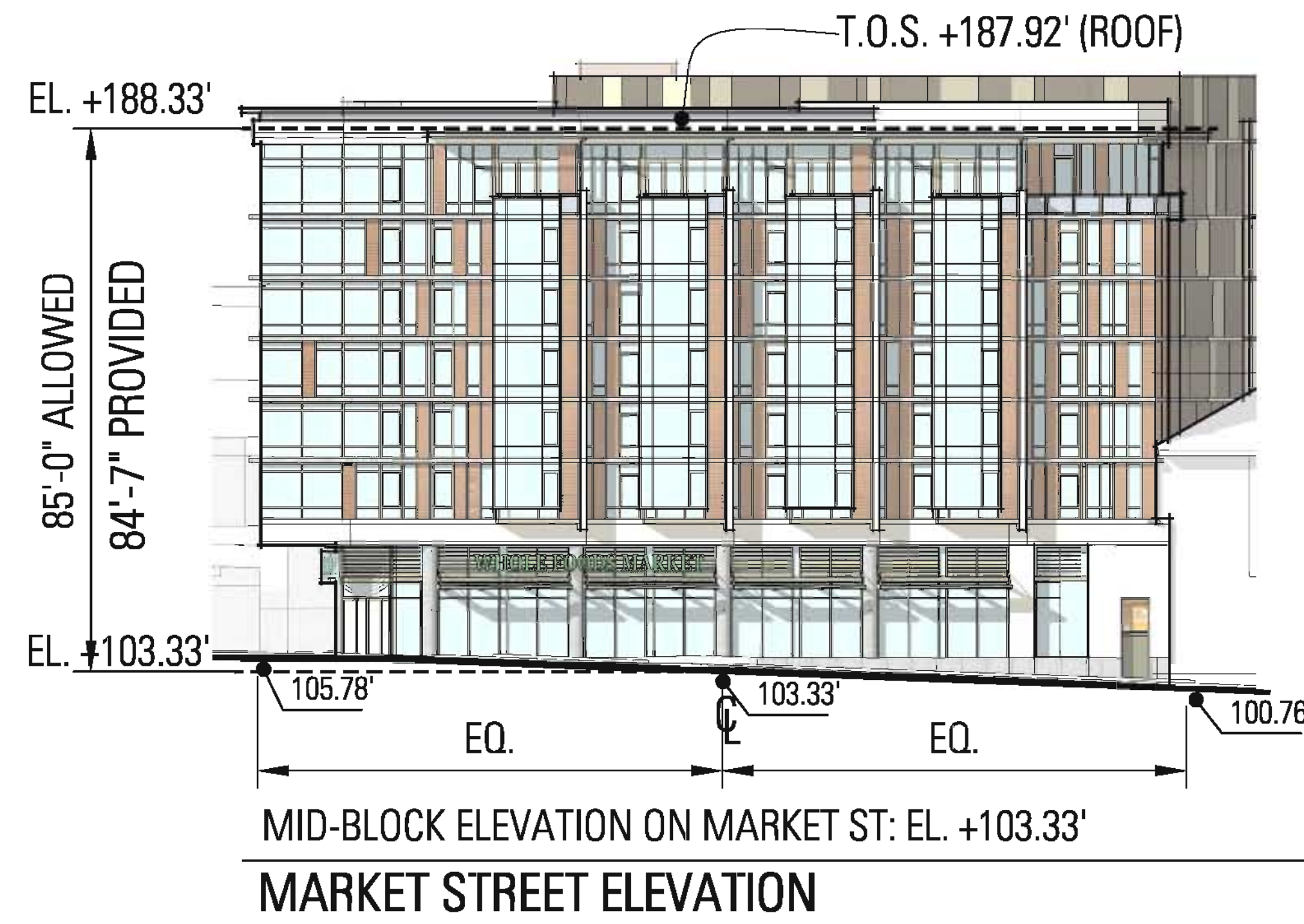
85' with a base measurement = 103.33' (center line of building along Market Street frontage)

Building height measurement for 40-X

40' with a base measurement = 103.33' (center line of building along Market Street frontage)

Justification:

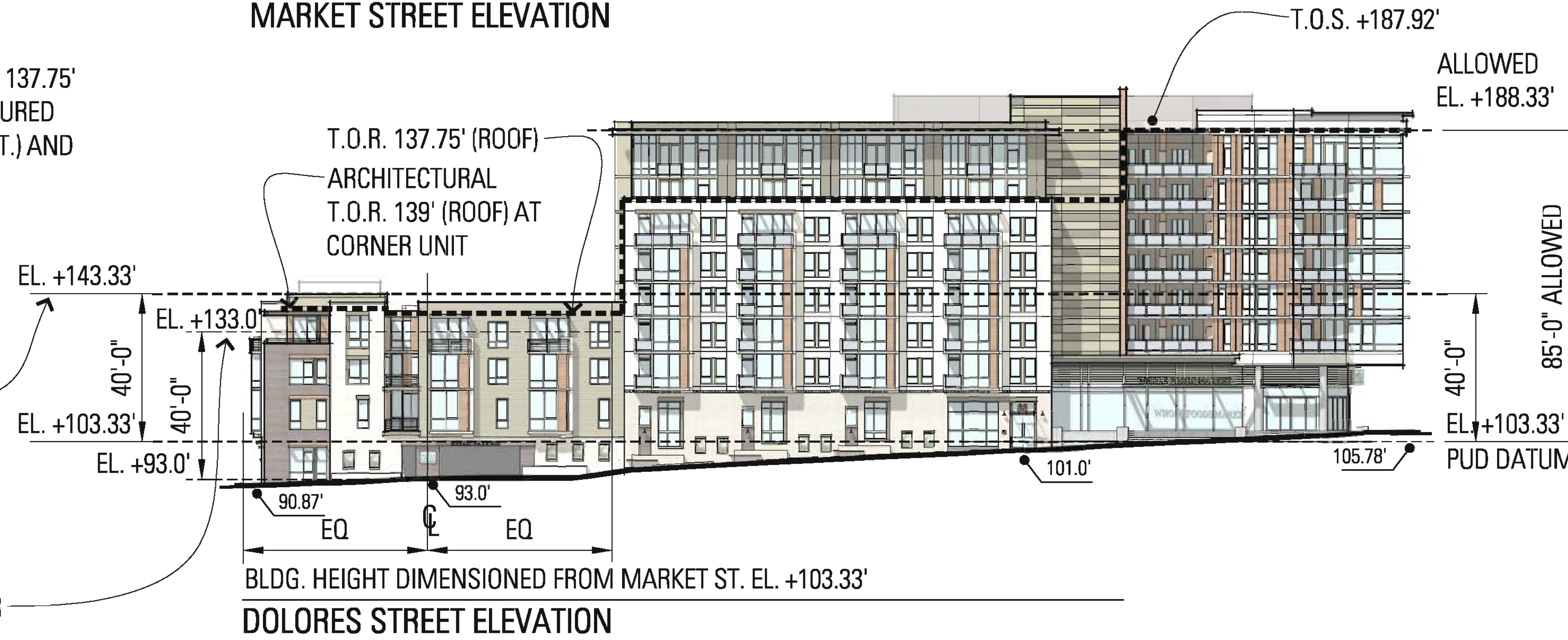
1. Since this development has a minimum of two frontage streets, the Market Street datum point of +103.33' is being used to establish the initial height.
2. Using the datum point, the design intends to achieve a desired massing reduction along the Dolores elevation. Per the diagram, the building design incorporates three distinct steps between Market to 14th St., 85 feet to 65 feet to 45 feet.
3. The project provides desired transit-oriented development (TOD) units, in line with city planning objectives. Reduction in height from the current design will create a reduction in the TOD units provided. (As indicated in the diagrams, the allowable heights as measured from Dolores is only exceeded by 5.52').



ACTUAL BLDG. HEIGHT (T.O.R.): 137.75'
5.58' BELOW 143.33', AS MEASURED FROM PUD DATUM (MARKET ST.) AND 4.75' ABOVE LOWER DATUM (DOLORES ST.)

40 FT. BLDG. HT. MEASURED FROM 103.33' PUD DATUM

40 FT. BLDG. HT. MEASURED FROM 93.0' LOWER DATUM



1 MODIFICATION REQUEST #1

RESIDENTIAL OFF STREET PARKING

Section 151.1 - Schedule of permitted off-street parking spaces in specified districts

Required

Permitted as Principal Use (per Table 151.1):

0.5 spaces / dwelling unit = 41 stalls

Proposed

Proposed as Conditional Use:

0.6 spaces* / dwelling unit = 49 stalls

Justification:

Per table 151.1, up to 0.75 cars for each dwelling unit is allowed, subject to a hearing by the Planning Commission (CPC)

* parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means.

2 MODIFICATION REQUEST #2

BULK LIMITS

Section 270 Bulk limits: measurement

Required

Bulk District per Table 270 and Zoning Map

B bulk X bulk

Height at which min. dimensions apply:

50 ft NA

Maximum length:

110 ft NA

Maximum diagonal dimensions:

125 ft NA

Provided

Maximum length:

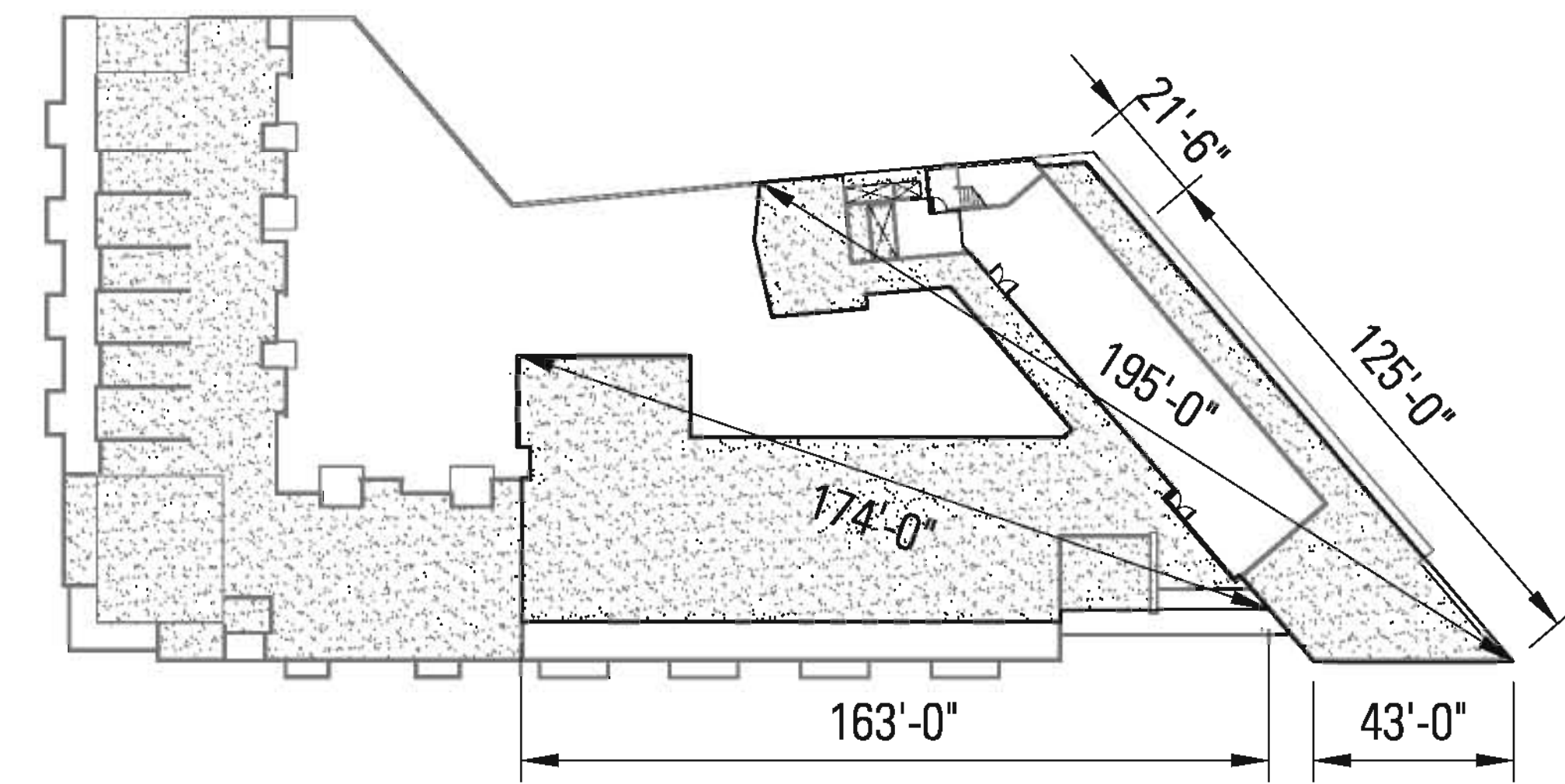
B bulk 163'-0" and 125'-0"

Maximum diagonal dimension:

174'-0" and 195'-0"

Justification:

1. Per Section 271 Bulk Limits: Special Exceptions, in Districts other than C-3, bulk limits may be permitted to be exceeded to a certain degree. Deviations from the bulk limits shall be permitted upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.
2. Due to the irregular triangular shape of this corner parcel, this section code enables a more efficient use of the site.



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San Francisco, CA

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PLANNING CODE SUMMARY



GREEN HILL



COMMUNITY DECK



FARM WALL



PRIVATE PATIO



LOW PROFILE INTENSIVE ROOF PLANTING



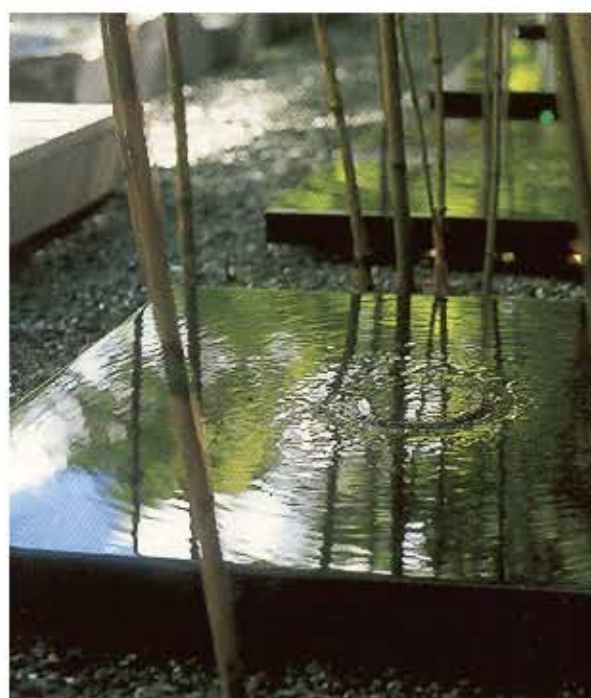
COMMUNITY TABLE



SKY LIGHT



FIRE WALL



RAIN FOUNTAIN

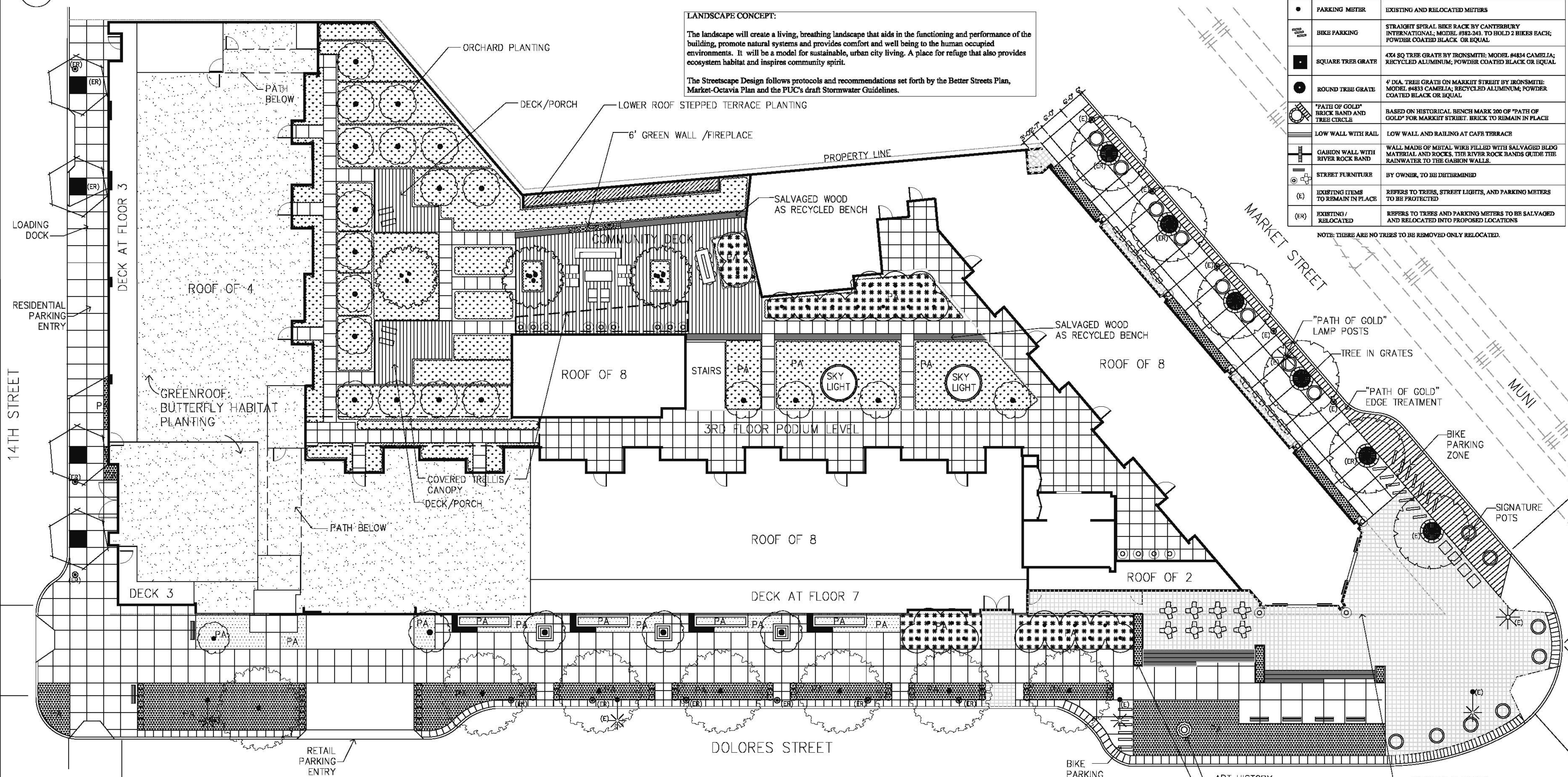
B LANDSCAPE CONCEPT IMAGES

NOTE: THESE IMAGES ARE FOR DESIGN INTENT PURPOSES ONLY.

LANDSCAPE CONCEPT:

The landscape will create a living, breathing landscape that aids in the functioning and performance of the building, promote natural systems and provides comfort and well being to the human occupied environments. It will be a model for sustainable, urban city living. A place for refuge that also provides ecosystem habitat and inspires community spirit.

The Streetscape Design follows protocols and recommendations set forth by the Better Streets Plan, Market-Octavia Plan and the PUC's draft Stormwater Guidelines.



A LANDSCAPE PLAN - STREET LEVEL AND PODIUM LEVEL

SCALE: 1/10" = 1'-0"

MATERIALS AND PLANT PALETTE

SYMBOL	DESCRIPTION	REMARKS
	PLATANUS RACEMOSA- LONDON PLANE TREE	PER CITY REQUIREMENTS. 4 EXISTING & 2 NEW
	MAGNOLIA GRANDIFOLIA- SOUTHERN MAGNOLIA	PER CITY REQUIREMENTS. 4 NEW
	PITISPORUM UNDULATUM	TO MATCH TREES ON 14TH STREET. 2 EXISTING & 2 NEW
	ACCENT TREE	OLIVE TREE OR FLOWERING TREE
	ACCENT/ CITRUS TREE	FLOWERING OR FRUITING TREE
	INTENSIVE ROOF PLANTING	CLIMATE APPROPRIATE PLANTING. LOW PROFILE PLANTING BEDS WITH SOME RAISED OR BERMED AREAS FOR LARGER PLANTS
	EXTENSIVE BUTTERFLY HABITAT PLANTING	LIGHT WEIGHT ROOF SYSTEM INCLUDING A MIX OF PLANTS TO ATTRACT THE ENDANGERED SAN BRUNO AND MISSION BAY BUTTERFLY. LIVERPOOT, HYDROTICH OR SIM.
	LOWER ROOF STEPPED TERRACE PLANTING	CLIMATE APPROPRIATE PLANTING IN PRECAST PLANTERS OR BUILT-IN PLANTER FOR SCREENING.
	STREETSCAPE PLANTING	CLIMATE APPROPRIATE PLANTING ON GRADE. MIX OF SHRUBS AND GROUNDCOVERS. PLANTING WILL BE USED AS FLOW THROUGH PLANTING FILTRATION FOR STORMWATER.
	NATIVE NEIGHBORHOOD GARDEN	CLIMATE APPROPRIATE PLANTING ON GRADE. RAINGARDEN MIX OF SHRUBS AND GROUNDCOVERS.
	BAMBOO GROVE	BAMBOO GROVE AND GROUNDCOVER ENTRY PLANTING
	DECK	PODIUM ACCENT PAVING
	PAVERS ON PEDESTAL	PODIUM PRE-CAST CONCRETE PAVERS ON PEDESTAL. SIZE TO BE DETERMINED.
	DECORATIVE PAVING	DECORATIVE CONCRETE PAVING
	CITY SIDEWALK	CONCRETE SIDEWALK TO MEET CITY CODE.
	SALVAGED WOOD BENCH	SALVAGED WOOD AS RECYCLED BENCH
	CITY STREET LIGHT	PROTECT EXISTING STREET LIGHTS AND PRESERVE "PATH OF GOLD" LIGHTS
	PARKING METER	EXISTING AND RELOCATED METERS
	BIKE PARKING	STRAIGHT SPIRAL BIKE RACK BY CANTERBURY INTERNATIONAL, MODEL #382-243. TO HOLD 2 BIKES EACH; POWDER COATED BLACK. OR EQUAL
	SQUARE TREE GRATE	4X4 SQ TREE GRATE BY IRONSMTIH; MODEL #4834 CAMELIA; RECYCLED ALUMINUM; POWDER COATED BLACK OR EQUAL
	ROUND TREE GRATE	4" DIA. TREE GRATES ON MARKET STREET BY IRONSMTIH; MODEL #4833 CAMELIA; RECYCLED ALUMINUM; POWDER COATED BLACK OR EQUAL
	"PATH OF GOLD" BENCH MARK AND TREE CIRCLE	BASED ON HISTORICAL BENCH MARK 200 OF "PATH OF GOLD" FOR MARKET STREET. BRICK TO REMAIN IN PLACE
	LOW WALL WITH RAIL	LOW WALL AND RAILING AT CAFE TERRACE
	GABION WALL WITH RIVER ROCK BAND	WALL MADE OF METAL WIRE FILLED WITH SALVAGED BLDG MATERIAL AND ROCKS. THE RIVER ROCK BANDS GUIDE THE RAINWATER TO THE GABION WALLS.
	STREET FURNITURE	BY OWNER, TO BE DETERMINED
	EXISTING ITEMS TO REMAIN IN PLACE	REFERS TO TREES, STREET LIGHTS, AND PARKING METERS TO BE PROTECTED
	EXISTING / RELOCATED	REFERS TO TREES AND PARKING METERS TO BE SALVAGED AND RELOCATED INTO PROPOSED LOCATIONS

NOTE: THERE ARE NO TREES TO BE REMOVED ONLY RELOCATED.



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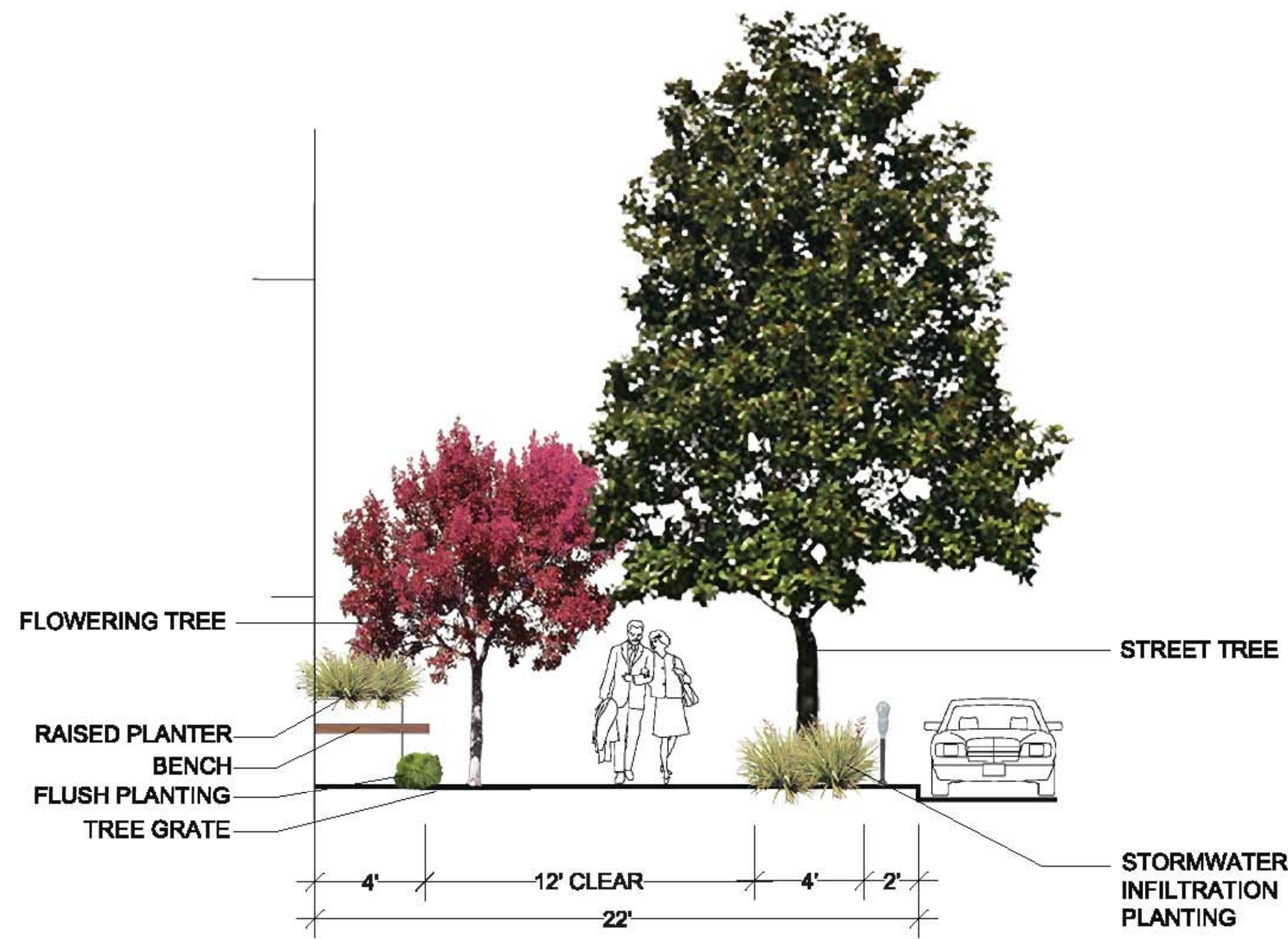
DATE	ISSUE
02/15/09	Conditional Use Submittal
05/19/10	Conditional Use Resubmittal



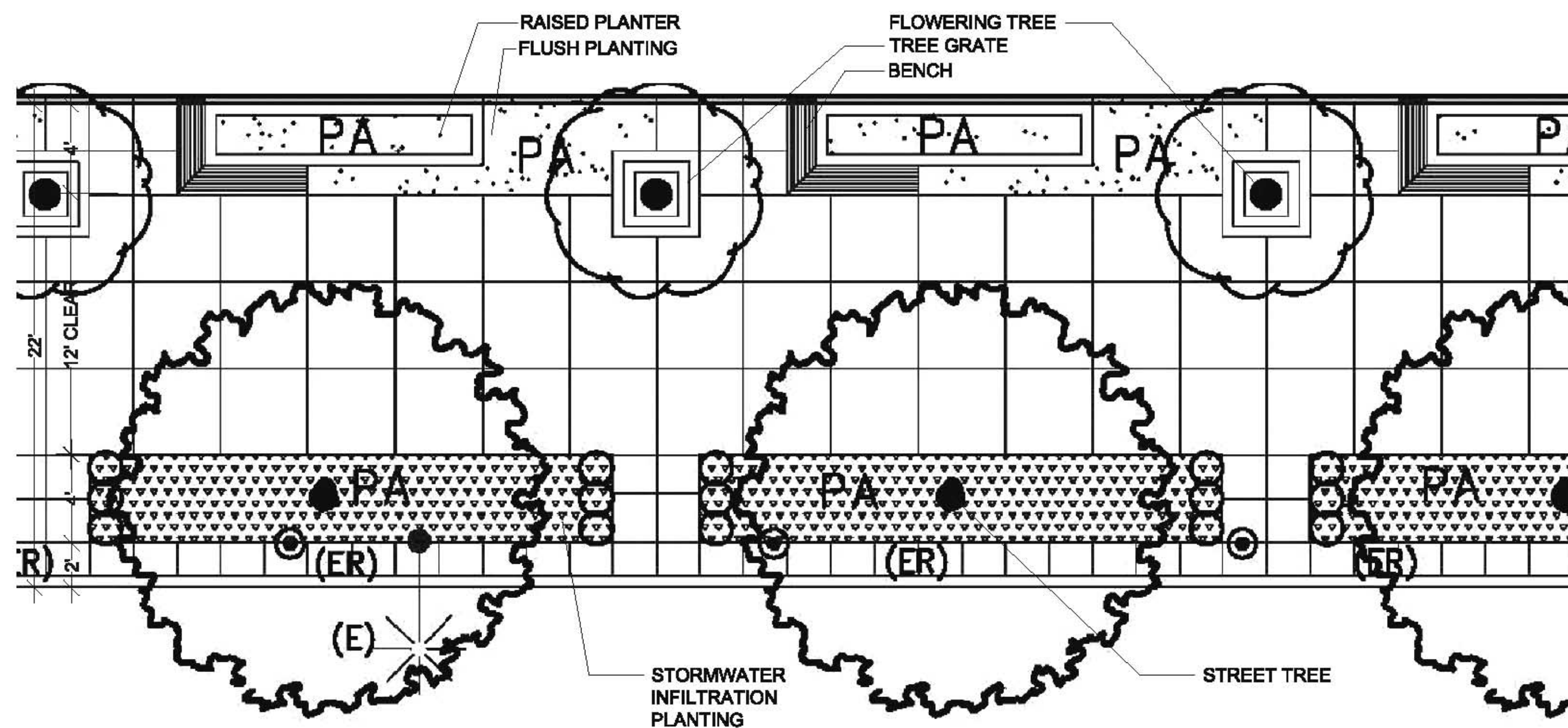
DOLORES STREET PERSPECTIVE



DOLORES AND MARKET STREET PLAZA



DOLORES STREET SECTION



DOLORES STREET ENLARGEMENT PLAN



VIEW OF PODIUM



14TH STREET PERSPECTIVE



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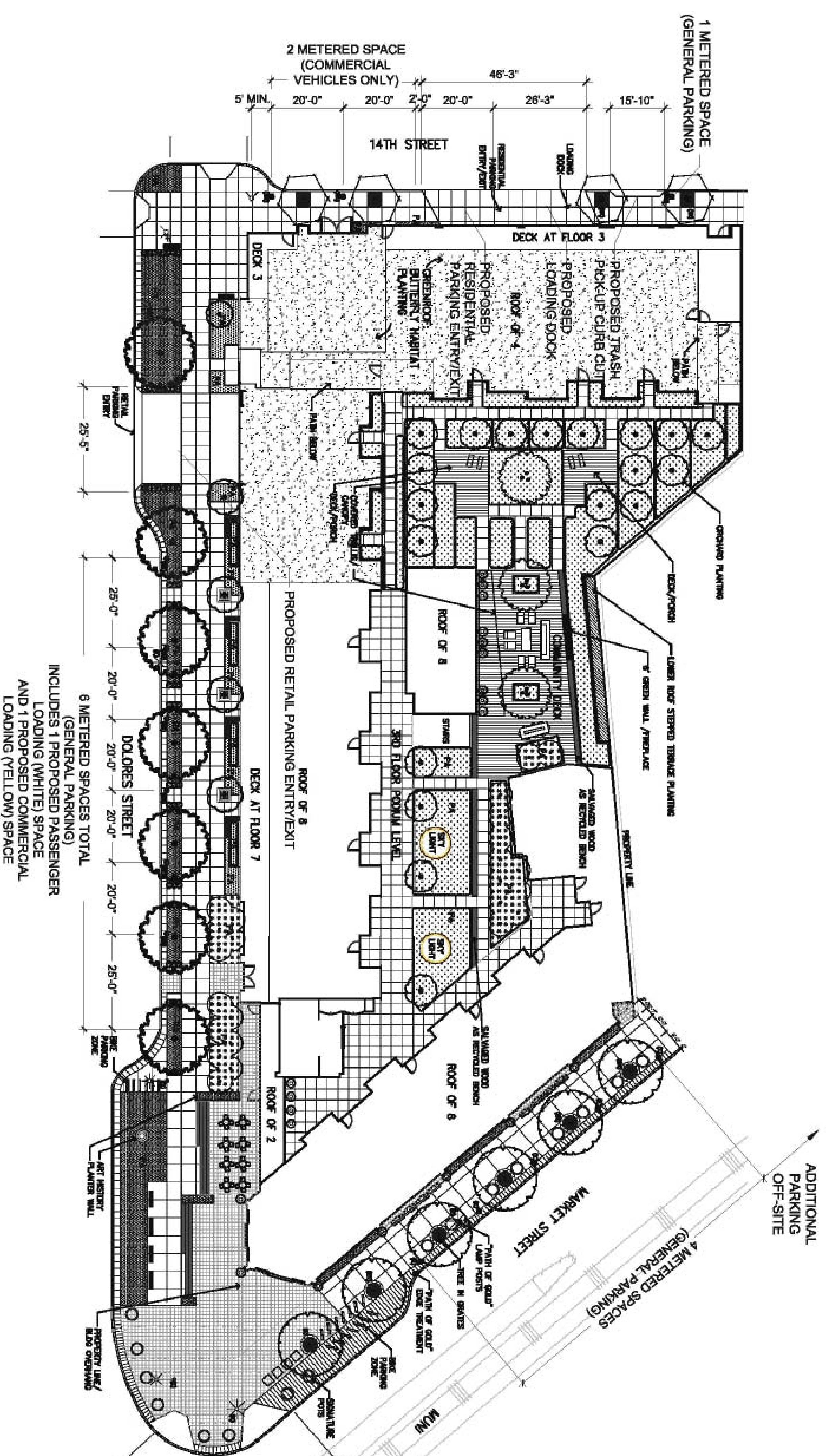
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PROJECT NO 0826140
DATE ISSUE

02/14/09 Conditional Use Submittal
02/19/10 Conditional Use Resubmittal

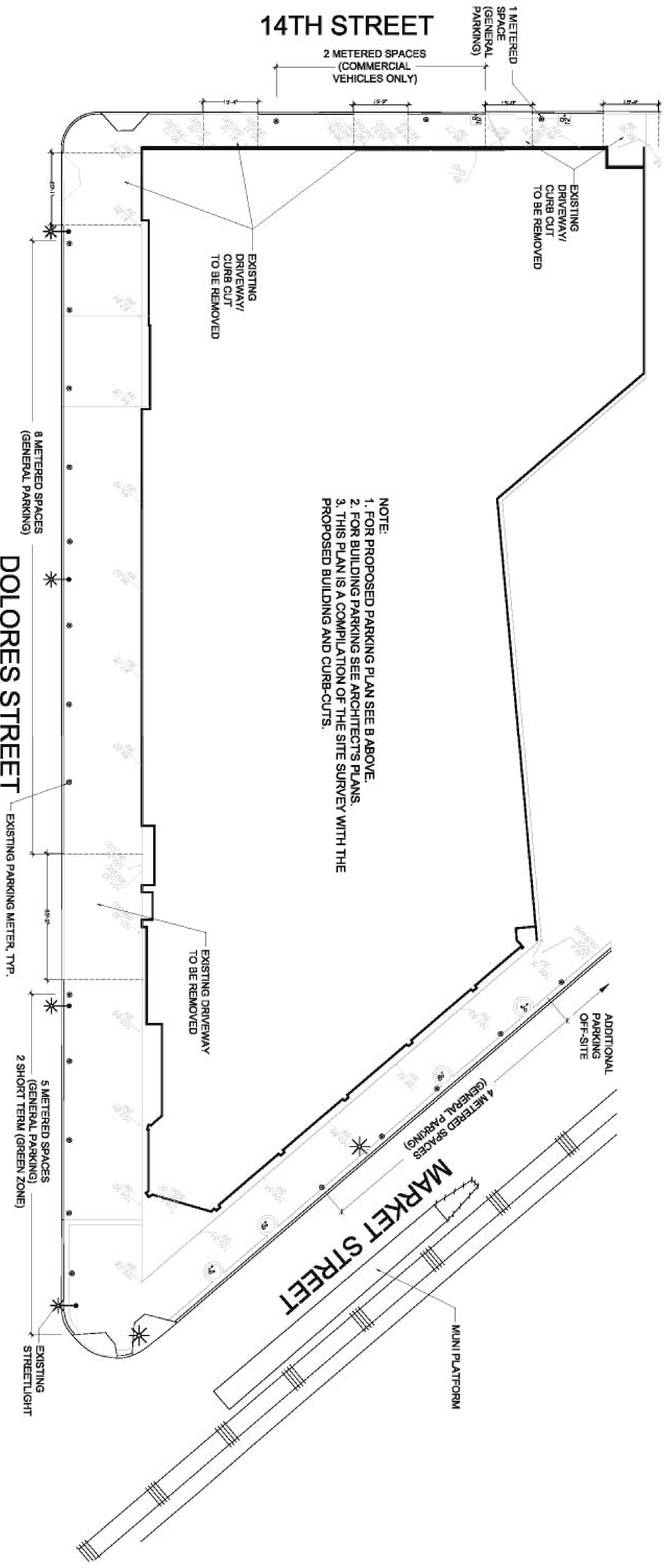
DOLORES ST & 14TH
STREET DESIGN

PARKING STATISTICS:	
EXISTING PARKING SPACES:	
STREET PARKING:	
MARKET STREET	4
14TH STREET (includes 2 commercial loading)	3
DOLORES STREET	13
GRAND TOTAL	20
PROPOSED PARKING SPACES:	
STREET PARKING:	
MARKET STREET	4
14TH STREET (includes 2 commercial loading)	3
DOLORES STREET (includes 1 commercial loading + 1 passenger loading)	6
TOTAL ON SITE	13

CURB-CUT STATISTICS:	
EXISTING CURB-CUTS (TO BE REMOVED)	6
PROPOSED CURB-CUTS	3
NET CHANGE	-3



B PROPOSED PARKING SPACE STATISTICS PLAN
N.T.S.

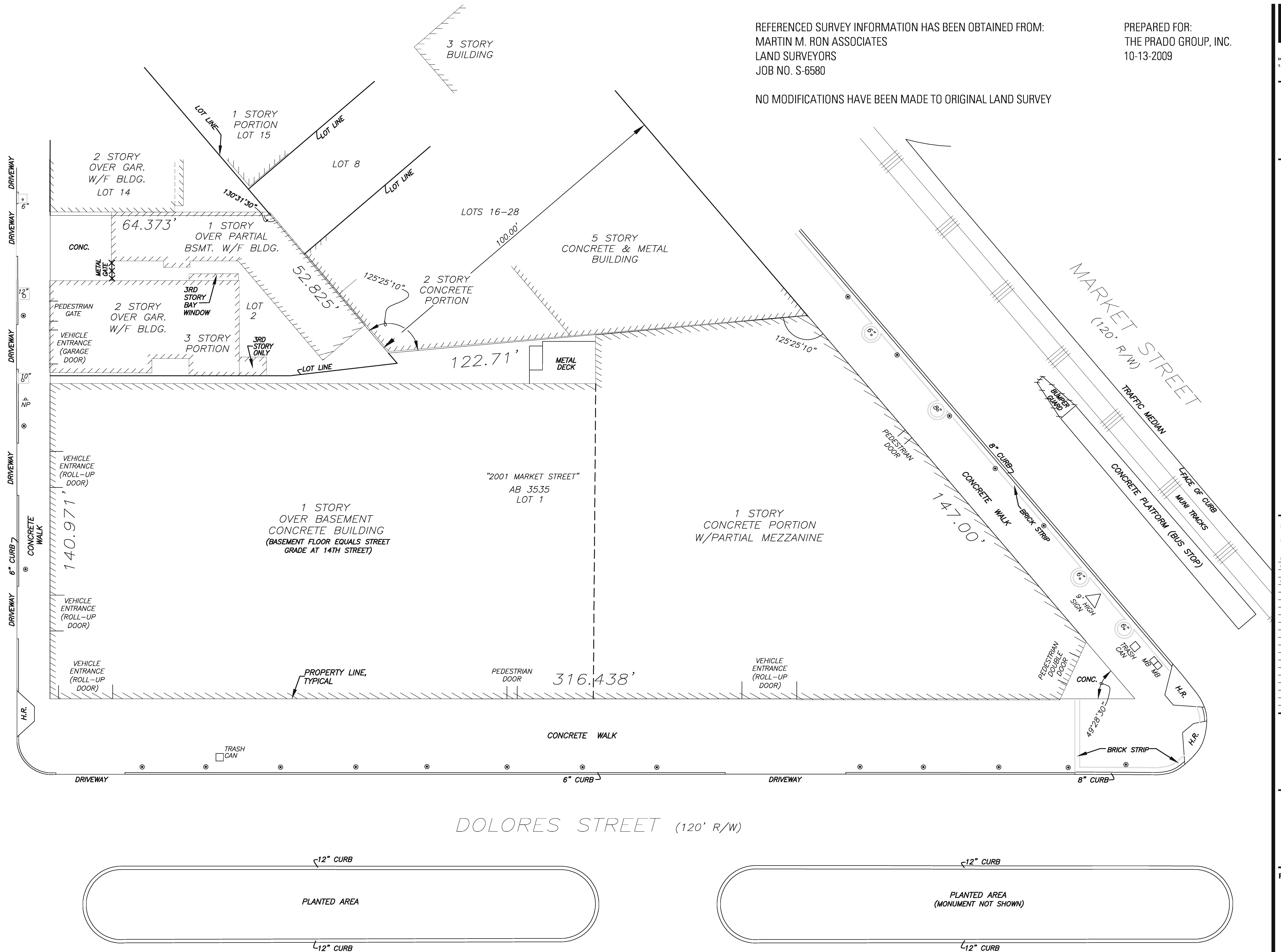


A EXISTING PARKING SPACE STATISTICS PLAN
SCALE: 1/16" = 1'-0"

REFERENCED SURVEY INFORMATION HAS BEEN OBTAINED FROM:
MARTIN M. RON ASSOCIATES
LAND SURVEYORS
JOB NO. S-6580

PREPARED FOR:
THE PRADO GROUP, INC.
10-13-2009

NO MODIFICATIONS HAVE BEEN MADE TO ORIGINAL LAND SURVEY



2001 MARKET ST. San Francisco, CA

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05.18.09	Conditional Use Submittal
09.18.09	50% DD Set
10.13.09	CJ Submittal - Rev. #1
05.19.10	Conditional Use Resubmittal

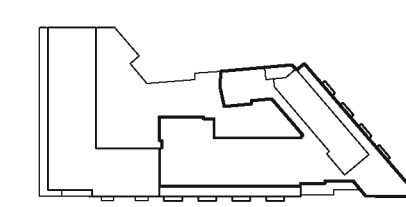
PARTIAL SITE SURVEY

1" = 10'

A1.00

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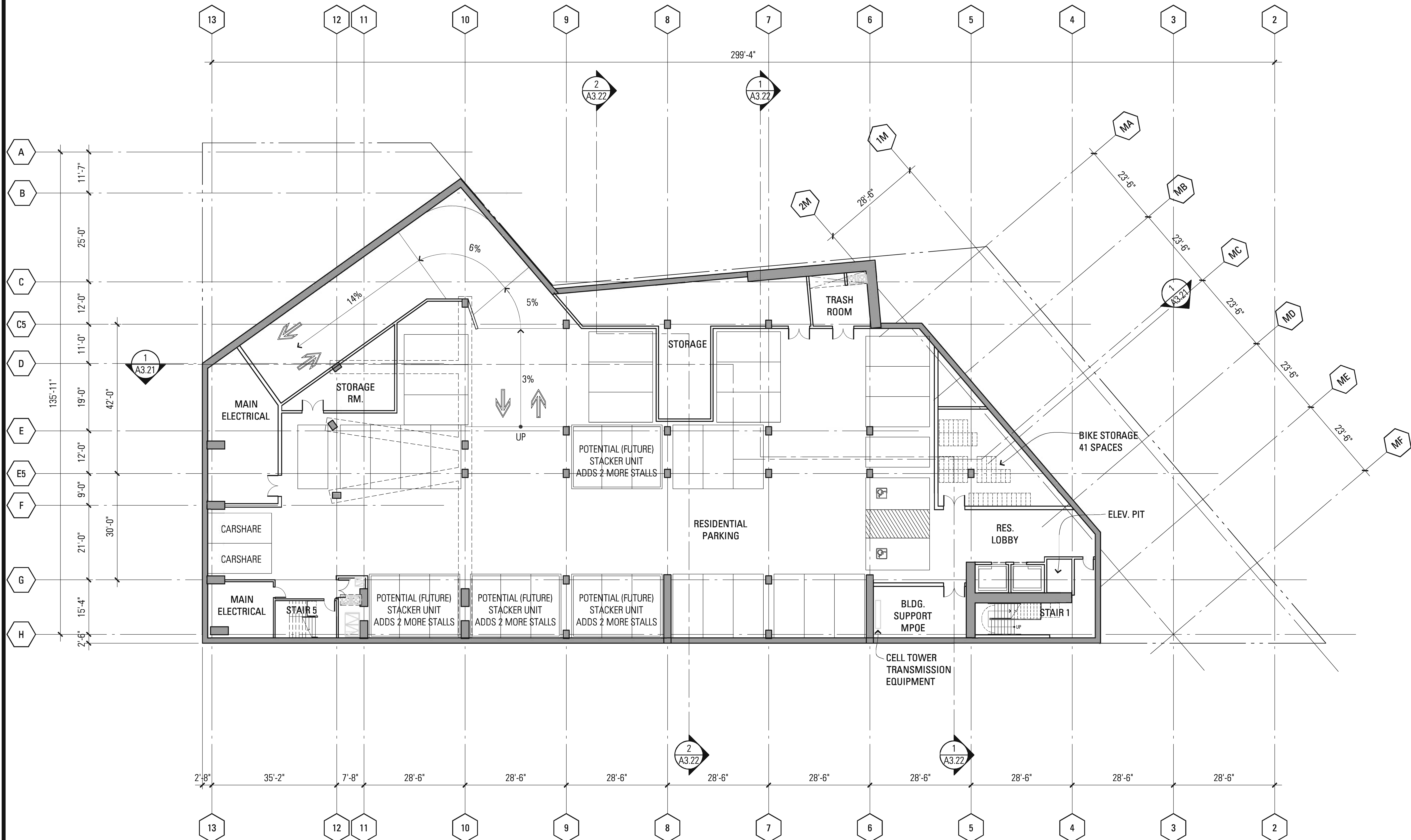
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BASEMENT PLAN
LEVEL B2:
RESIDENTIAL PARKING

3/32" = 1'-0"

A2.B2

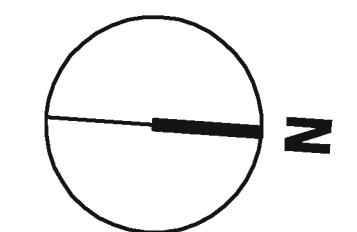


RESIDENTIAL PARKING COUNT:

POTENTIAL STACKER STALLS (NO PIT):	8	REGULAR STALLS	39
TOTAL INCLUSIVE OF POTENTIAL STACKER STALLS	51	ACCESSIBLE STALLS	2
		RESIDENTIAL CARSHARE	2
		TOTAL AS SHOWN	43

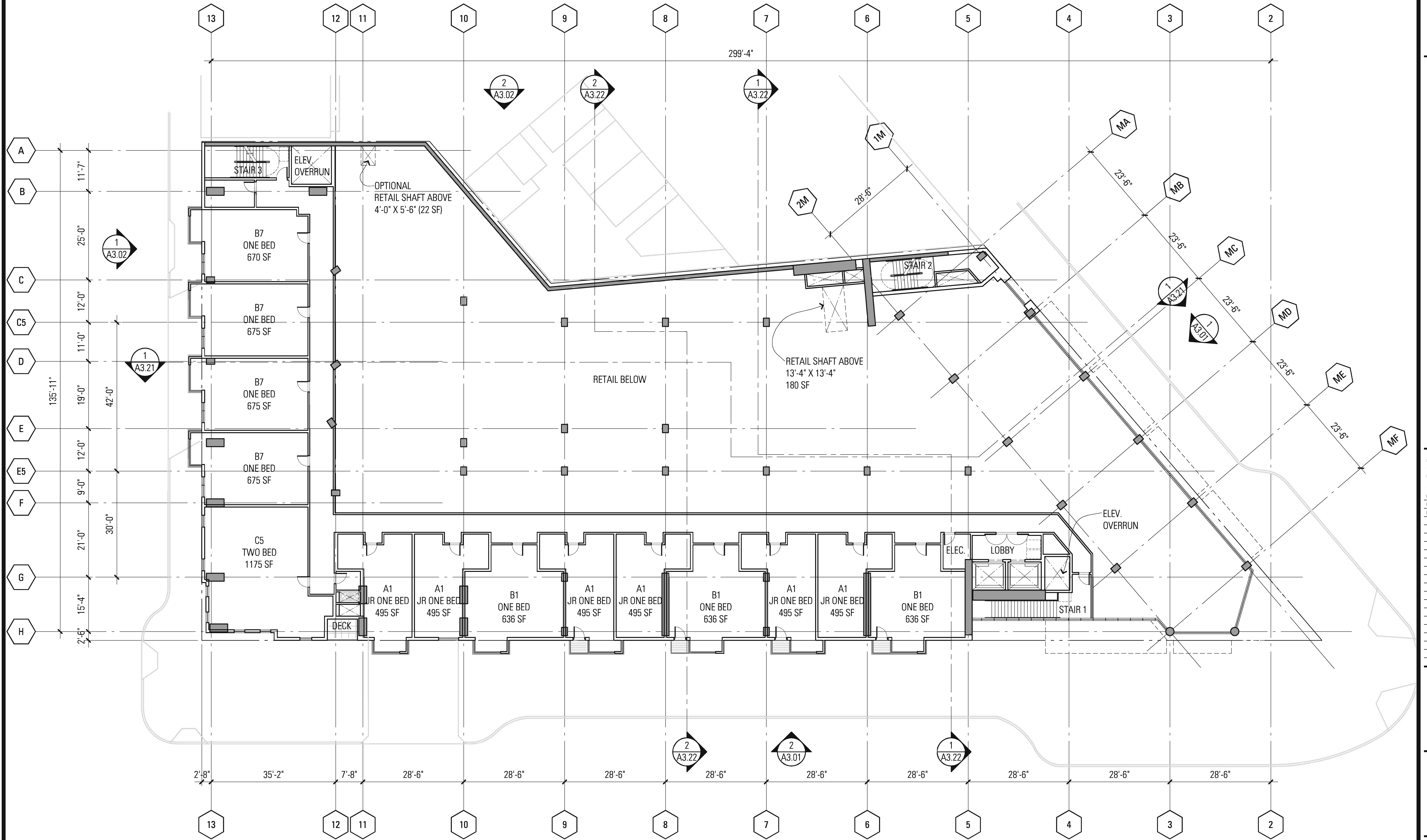
BIKE STORAGE: 41 BIKE SPACES *

* CLASS I BICYCLE RACKS, WALL OR FLOOR MOUNTED SECURE BIKE STORAGE



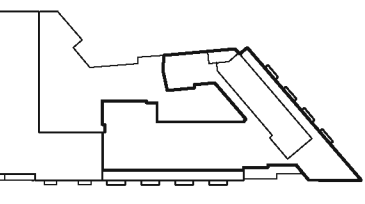
COPYRIGHT © 2010 BAR ARCHITECTS
FILE NAME: 20090201 MARKET STREET DRAWINGS/0400 CONSTRUCTION/0400 RESIDENTIAL/0400 B2 - CONDUCED (1) (Rev. 05/18/09) (1) (Rev. 03/18/09) (1) (Rev. 05/19/10)
XREF FILE NAME: 20090201 MARKET STREET DRAWINGS/0400 CONSTRUCTION/0400 RESIDENTIAL/0400 B2 - CONDUCED (1) (Rev. 05/18/09) (1) (Rev. 03/18/09) (1) (Rev. 05/19/10)

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FLOOR PLAN
LEVEL 2

3/32" = 1'-0"

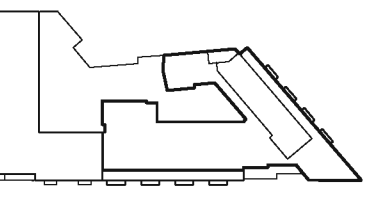
A2.02

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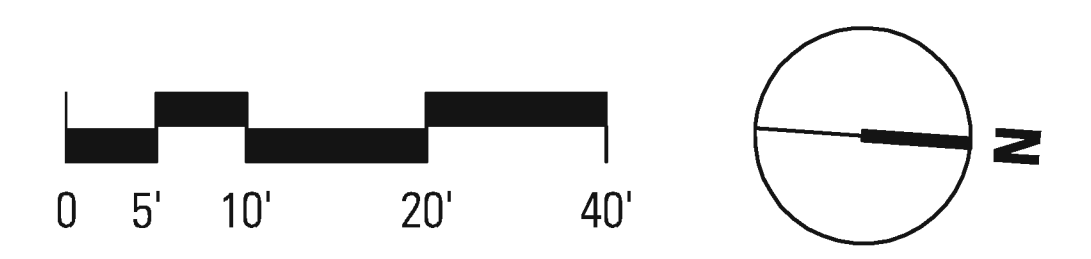


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FLOOR PLAN
LEVEL 5

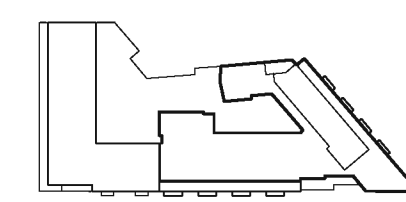


3/32" = 1'-0"

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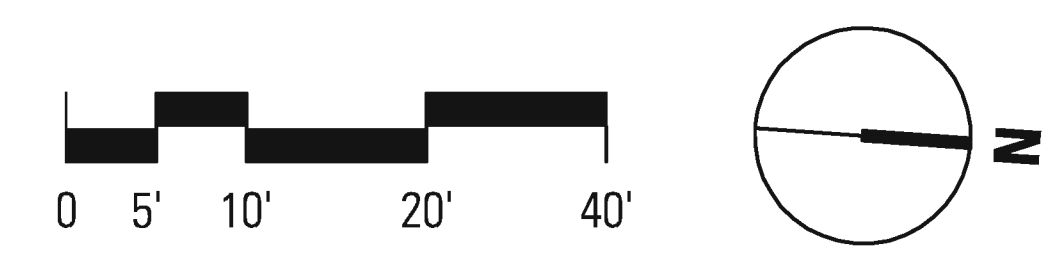
DATE	ISSUE
05.18.09	Conditional Use Submittal
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05.19.10	Conditional Use Resubmittal



FLOOR PLAN
LEVEL 6

3/32" = 1'-0"

A2.06



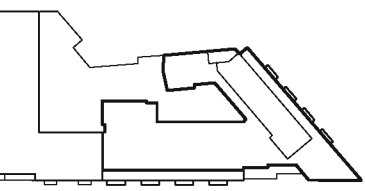
COPYRIGHT © 2010 BAR ARCHITECTS
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DATE: 05/18/09
DRAWN BY: J. L. JAMES
CHECKED BY: M. J. JAMES
PROJECT NO: 20010301
DATE: 05/18/09
ISSUE: 50% DD Set

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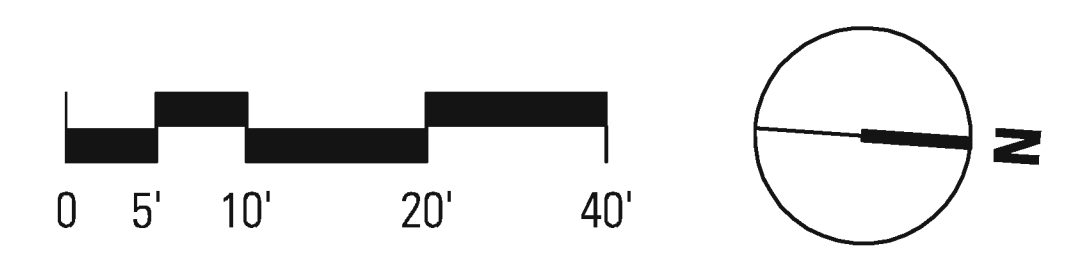


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FLOOR PLAN
LEVEL 7: PENTHOUSE 1



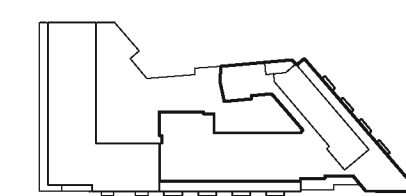
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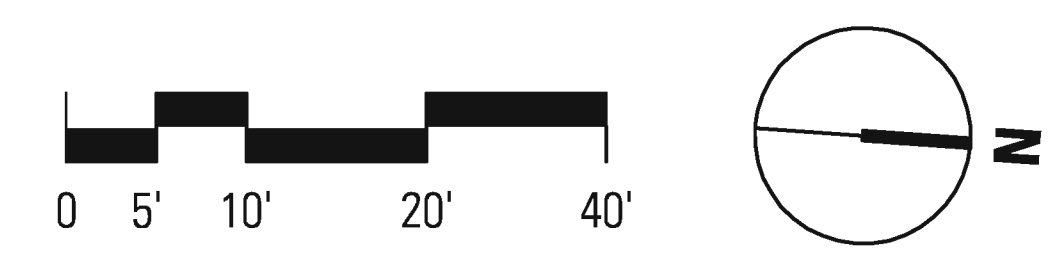
DATE	ISSUE
05.18.09	Conditional Use Submittal
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05.19.10	Conditional Use Resubmittal



FLOOR PLAN
LEVEL 8: PENTHOUSE 2

3/32" = 1'-0"

A2.08



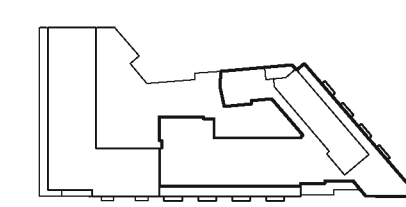
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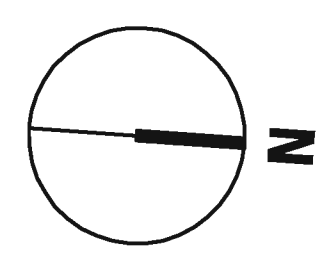
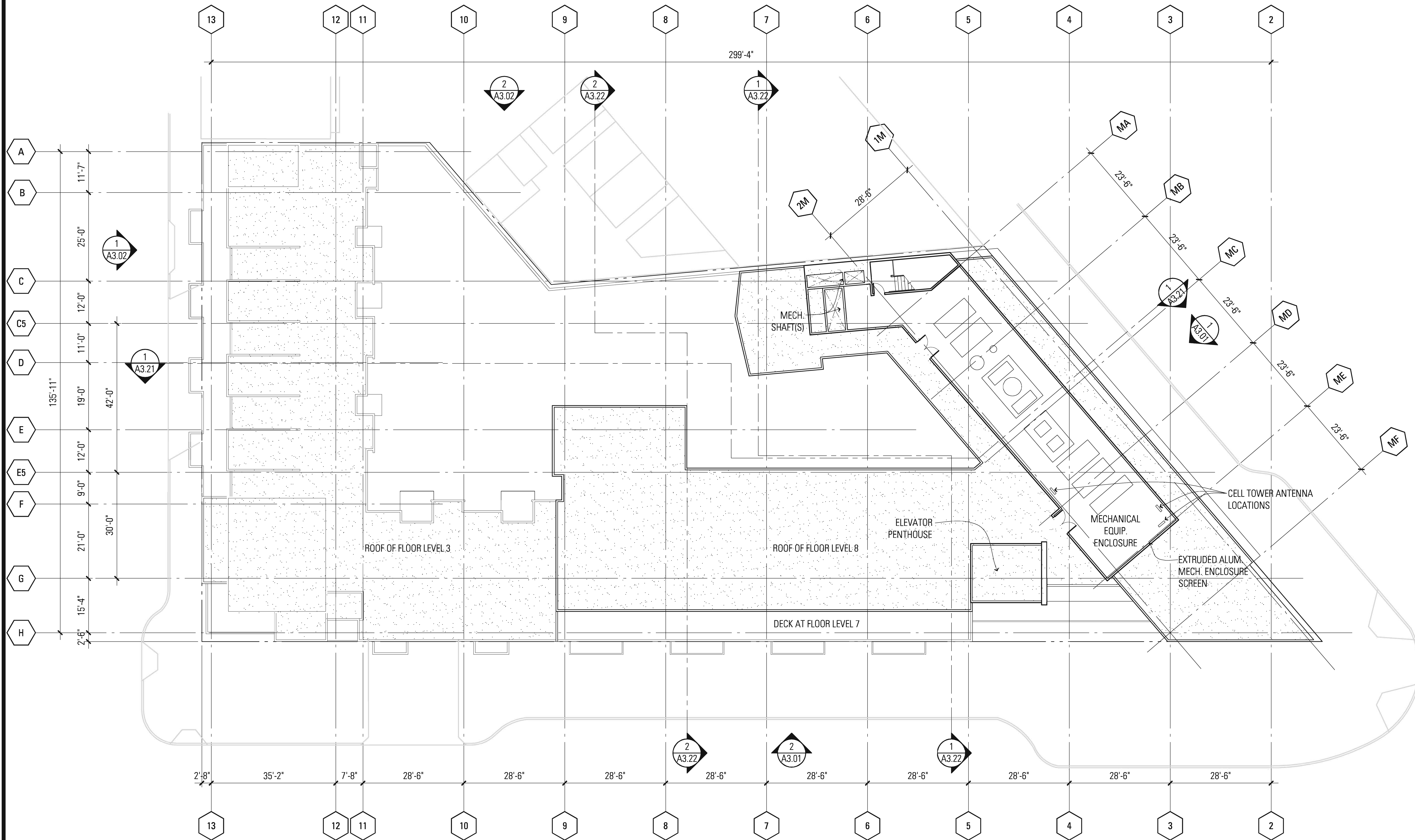
DATE	ISSUE
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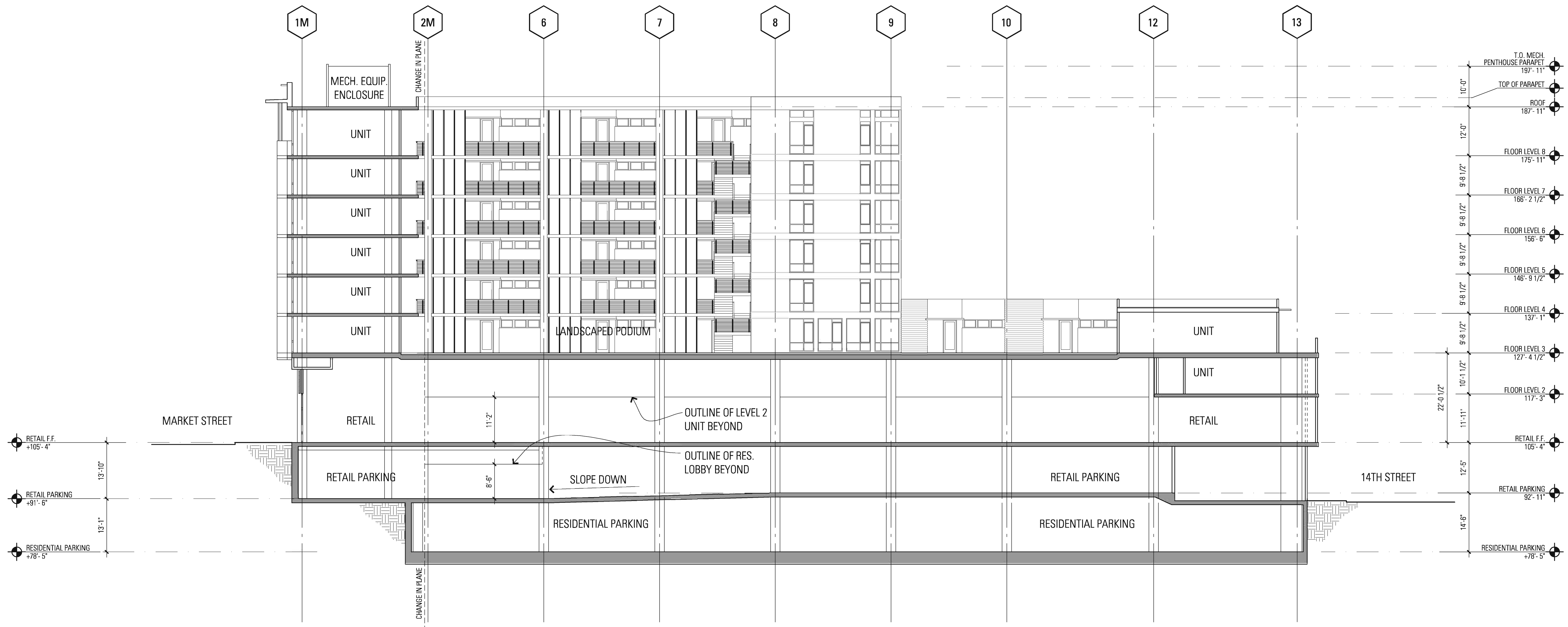
OVERALL ROOF PLAN

3/32" = 1'-0"

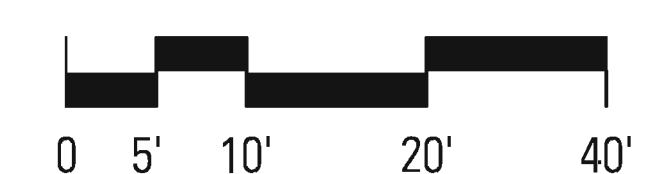
A2.11



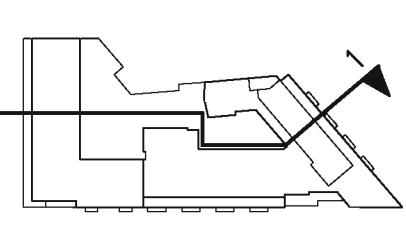
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NORTH/SOUTH SECTION LOOKING EAST 1



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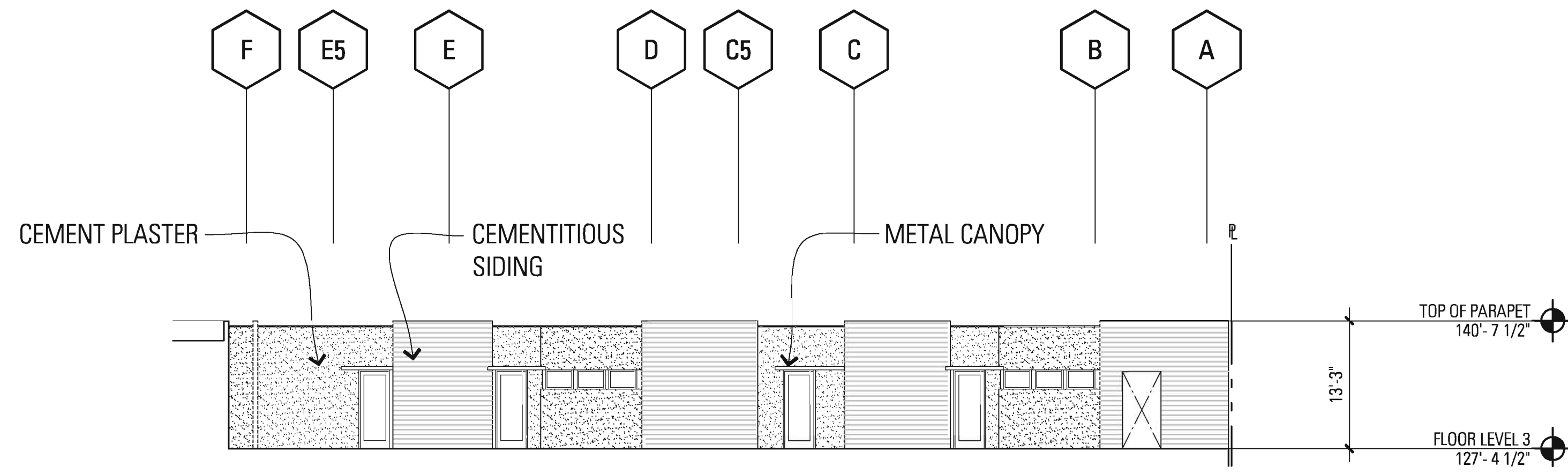


BUILDING SECTION

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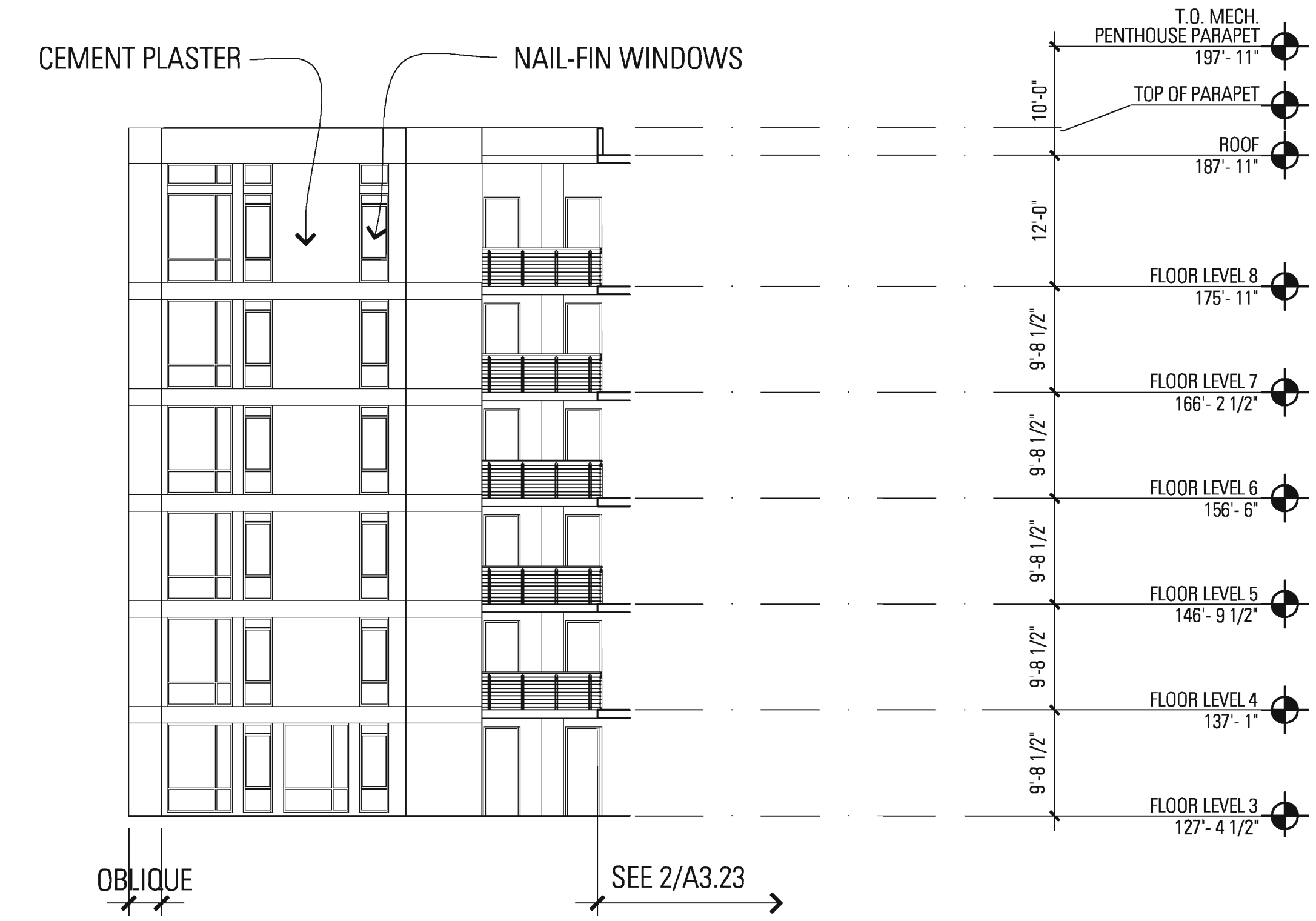
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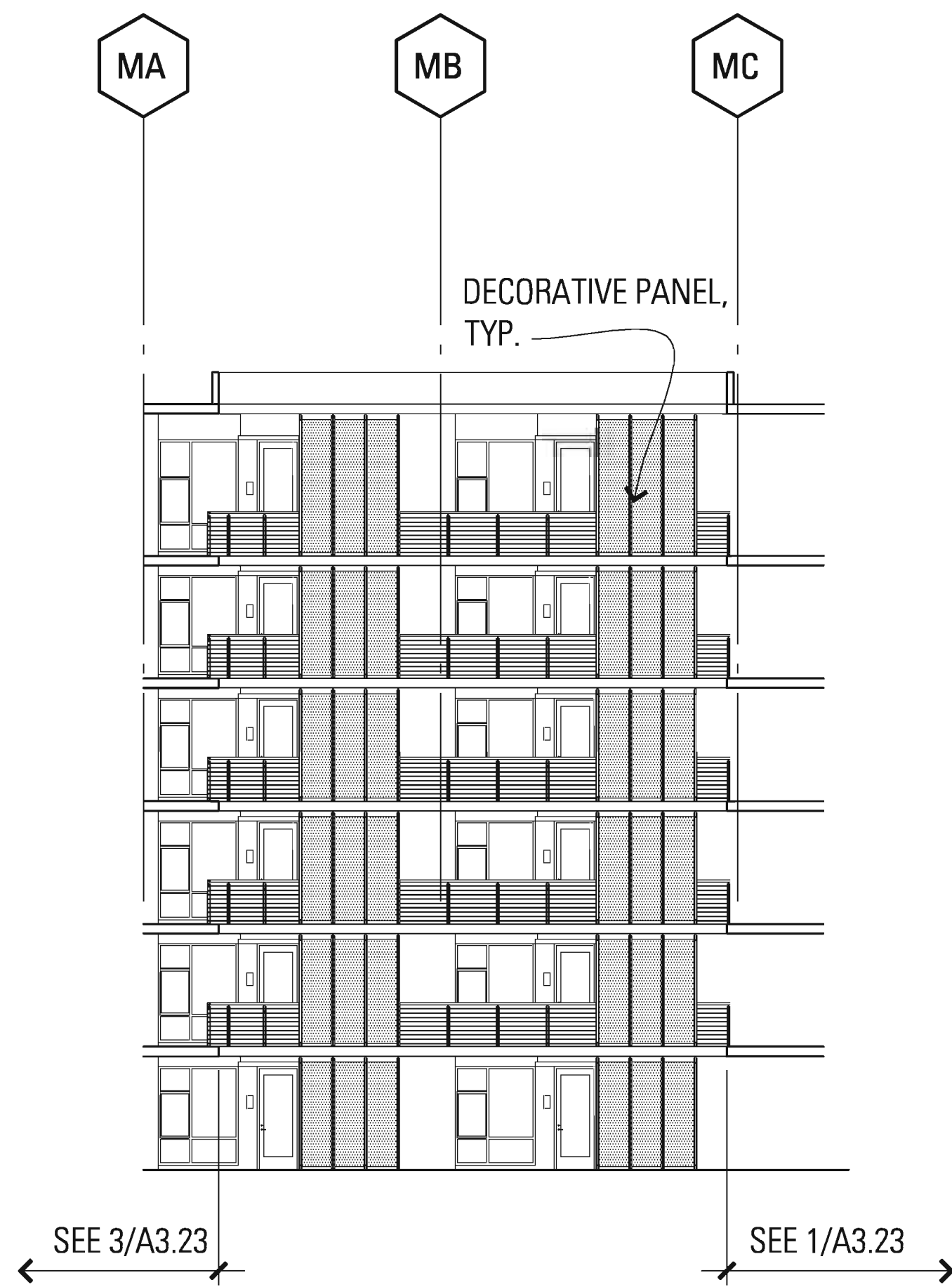
EAST COURTYARD ELEVATION

4
A3.23



COURTYARD: WEST ELEVATION

3
A3.23



COURTYARD: NORTH ELEVATION

2
A3.23

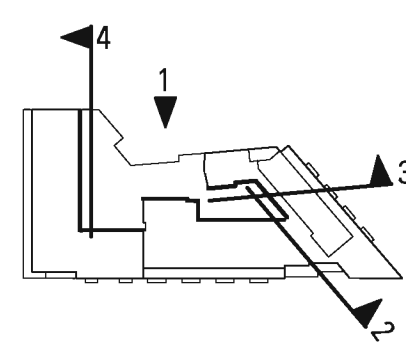


COURTYARD: EAST ELEVATION

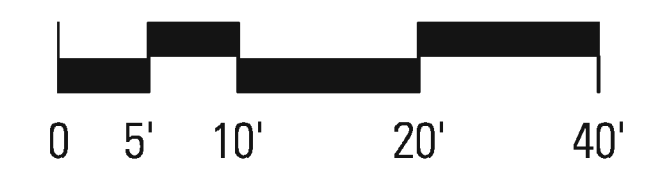
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A3.23

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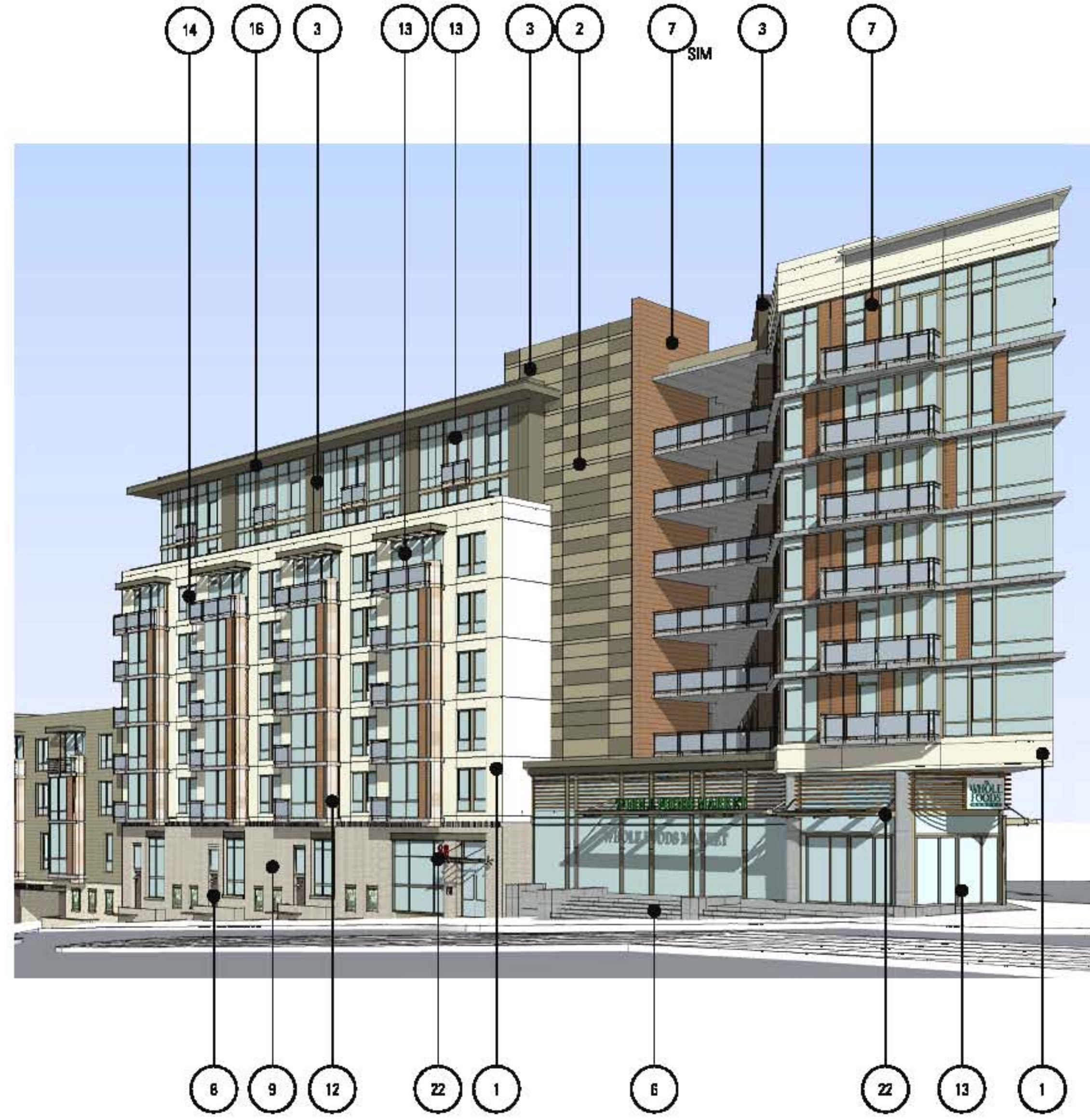


COURTYARD ELEVATIONS



3/32" = 1'-0"

A3.23



21 METAL CANOPY



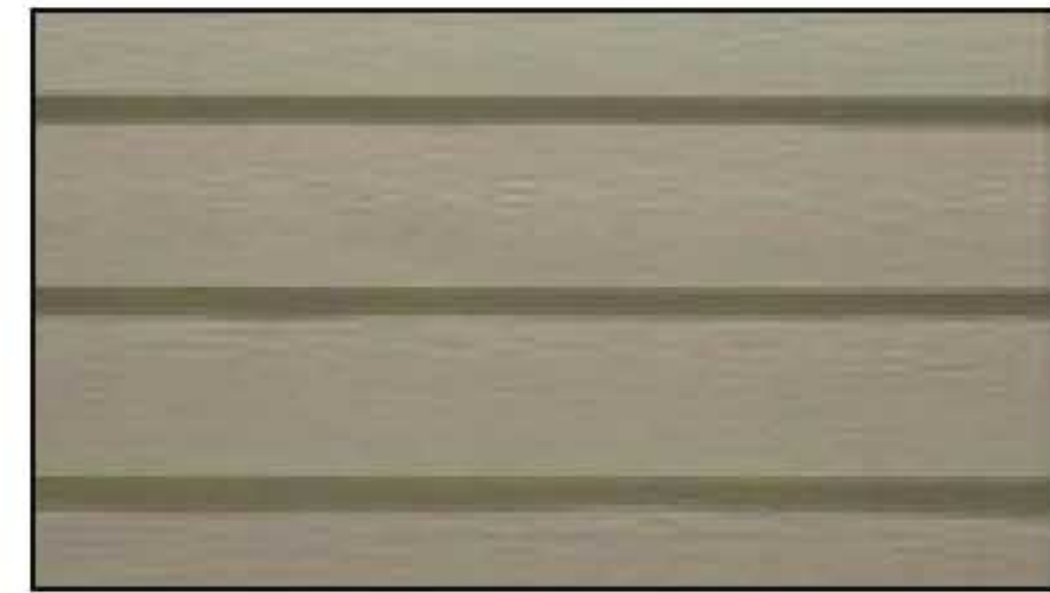
18 ALUM. NAIL-FIN BAY WINDOW SYSTEM
ANODIZED CHAMPAGNE FINISH



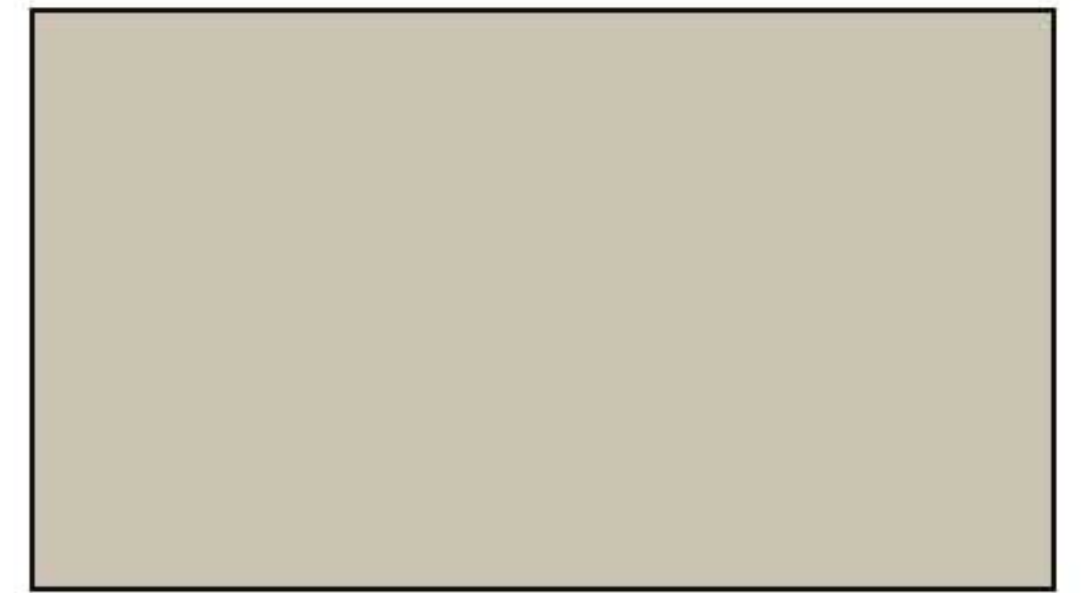
13 ALUM. WINDOW WALL SYSTEM
ANODIZED CHAMPAGNE FINISH



9 THIN BRICK VENEER
H.C. MUDDOX
2211 "TULE FOG"



5 CEMENTITIOUS HORIZONTAL SIDING - 5/8" THICK
JAMES HARDIE - ARTISAN LAP
PAINTED DUNN-EDWARDS, # DE6222 "WEATHER BOARD"



1 CEMENT PLASTER, FLAT TROWEL FINISH
PAINTED DUNN-EDWARDS,
DE6220 "POROUS STONE"



22 METAL CANOPY



18 ALUM. BALCONY RAILING WITH GLASS PANEL



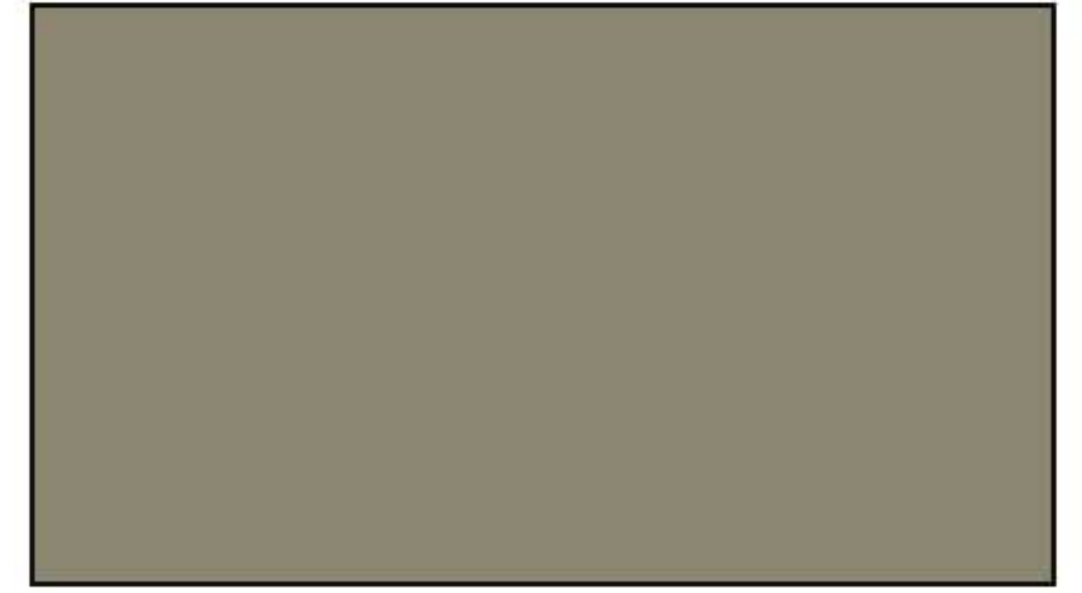
14 RECESSED ALUM. NAIL-FIN WINDOW
ANODIZED CHAMPAGNE FINISH



10 THIN BRICK VENEER
H.C. MUDDOX
1924 "FROSTED ALMOND"



6 PRECAST STONE



2 CEMENT PLASTER, FLAT TROWEL FINISH
PAINTED DUNN-EDWARDS,
DE6224 "WEATHER BOARD"



23 METAL LOUVER



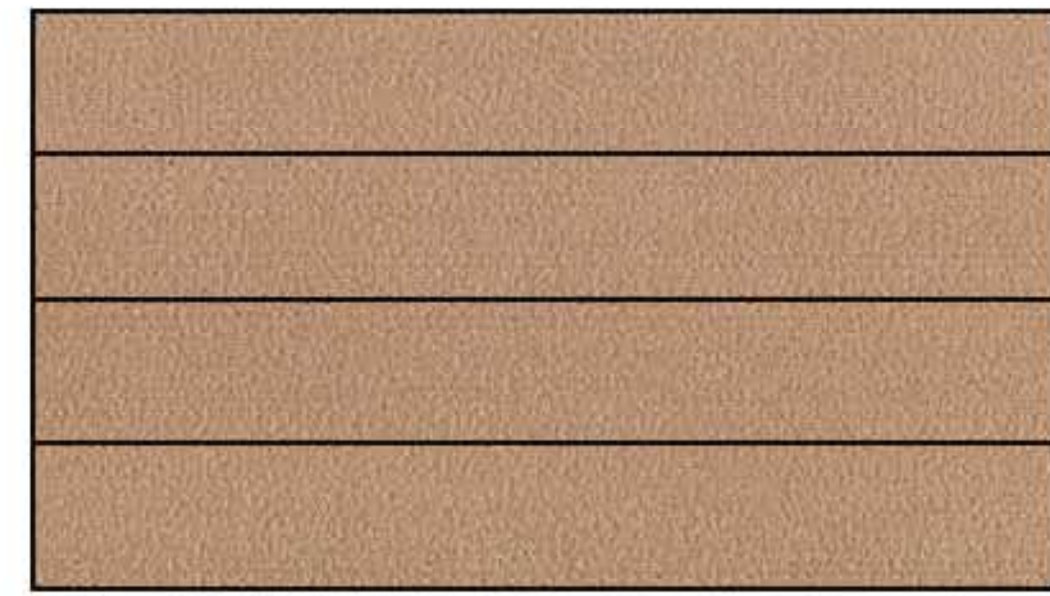
20 ALUMINUM FRAME WITH TRANSLUCENT GLASS



16 EXPOSED CONCRETE AT SLAB EDGE



11 EXPOSED CONCRETE COLUMNS



7 4"x24" CERAMIC TILE PANEL (8"x48" AT SIM.)
MORE LA GAMMA "GOBI"



3 CEMENT PLASTER, FLAT TROWEL FINISH
PAINTED DUNN-EDWARDS,
DE6224 "TREASURE CHEST"



24 TEXTURED METAL PANEL



20 ALUMINUM FRAME WITH TRANSLUCENT GLASS



16 METAL CANOPY



12 METAL PANEL



8 4"x24" CERAMIC TILE PANEL
MORE LA GAMMA "URBE"

2001 MARKET ST. San Francisco, CA

DRAWN BY
CHECKED BY
PROJECT NO. 01075

DATE 10.08
02.10.09
05.10.10
ISSUE
Conditional Use Rebuttal
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Conditional Use Rebuttal

MATERIALS BOARD



VIEW FROM MARKET ST. / DOLORES ST. CORNER

2001 MARKET ST.
San Francisco, CA

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PROJECT NO. 2007S
DATE 05.19.10 ISSUE Conditional Use Re-submittal



WEST FACADE VIEW

ILLUSTRATIVE VIEWS



DOLORES STREET VIEW



DOLORES ST. BASE ELEVATION

2001 MARKET ST.
San Francisco, CA

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PROJECT NO. 200705
DATE 05.19.10 ISSUE Conditional Use Re-submittal

ILLUSTRATIVE VIEWS



VIEW FROM DOLORES ST. / 14TH ST. CORNER



14TH ST. BASE ELEVATION

2001 MARKET ST.
San Francisco, CA

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ILLUSTRATIVE VIEWS