



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBURAY 4, 2016

Date: January 28, 2016
Case No.: 2014.0519CUAVAR
Project Address: **2100 Market Street**
Zoning: Upper Market Street Neighborhood Commercial Transit District
40-X and 60/65-X Height and Bulk Districts
Block/Lot: 3542/041
Project Sponsor: Brian Spiers Development
388 Market Street, Suite 940
San Francisco, CA 94111
Staff Contact: Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The project proposes the demolition of an existing a two-story commercial building (former “Home” restaurant) and the construction a new 4- to 7-story (40’ to 65’ in height) mixed-use building approximately 61,678 square feet in size. The proposed building would include 62 residential units, a roof deck providing approximately 4,960 square feet of common usable open space and 2,600 square feet of ground-floor commercial use to be occupied by a yet to be determined restaurant use as defined in Section 790.91 of the code. The proposed mix of units is 6 studio units, 31 one-bedroom units, and 25 two-bedroom units. The proposed building would include 62 Class I bicycle spaces at the ground-floor level and five (5) Class II bicycle spaces located on the Market Street sidewalk in front of the project site. The proposed project would remove the existing 19-foot-wide curb cut on Market Street and would reduce the existing curb cut on 14th Street from 30 feet to 11 feet, which would provide access to the proposed building for service vehicles only. The proposed project would also widen the 14th Street sidewalk from 9 to 12 feet where feasible.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the northwest corner of Market, Church and 14th Streets; Lot 041 in Assessor’s Block 3542. The project site is an triangular-shaped lot and is currently occupied by a 20-foot-tall, two-story, commercial building approximately 4,406 square feet in size with a surface parking lot containing 15 spaces. The existing building was constructed in 1955 and is currently vacant, but was formerly occupied by a restaurant (“Home”). The parcel is located with the Market and Octavia Plan Area. Notable features immediately adjacent to the project site along Market Street includes an approximately 10-foot-tall Muni elevator, overhead , an escalator to the underground Church Street Muni station, an approximately 15-foot-tall newsstand structure, and two 33-foot-tall decorative lamp posts. There is a Muni shelter immediately adjacent to the project site on 14th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located within the Upper Market Street Neighborhood Commercial Transit District, which extends along Market Street from Church to Castro, and on side streets off Market, and is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

The District controls are designed to promote moderate-scale development, and preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Some areas of the District are noticeably low-rise, automobile oriented lots, with gas stations and single-story commercial establishments with surface parking lots. Just off Market Street there are small-scale residential streets that support the district. In general, the district is a full-service shopping area providing a variety of uses within easy walking distance.

The adjacent property to the west of the subject property on Market Street is occupied by a three-story mixed-use building and the adjacent property to the west of the subject property on 14th Street is occupied by a one-story commercial building containing a pizza parlor (d.b.a The Slice) and laundromat (d.b.a Sean's Laundromat). Across Market and Church Streets to the south and west there are three-story, mixed-use buildings, to the north across 14th Street there are three-story, mixed-use, and across Church Street to the northeast is the Safeway shopping center. The greater context to the north, south and east of the subject property is transit-oriented neighborhood commercial uses (NCT and NCT-3) and the area west of the subject property is within the RTO Zoning District. Height and bulk district within an one-block radius range between 40-X to 65-X.

ENVIRONMENTAL REVIEW

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 22, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Market and Octavia Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

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 January 22, 2016 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 January 22, 2016 (the "CPE Certificate"), the Planning Department concluded that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the FEIR. This determination does not identify new or additional information that would alter the conclusions of the FEIR. This determination also identifies mitigation measures contained in the FEIR that are applicable to the proposed project.

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 improvement measures developed as part of the CPE. 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	January 15, 2016	January 15, 2016	20 days
Posted Notice	20 days	January 15, 2016	January 15, 2016	20 days
Mailed Notice	10 days	January 25, 2016	January 25, 2016	10 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- The Department received a letter of support from the CASTRO MERCHANTS (formerly "Merchants of Upper Market & Castro – MUMC").

ISSUES AND OTHER CONSIDERATIONS

- The project site is an underutilized, unattractive and inactive parcel. The project site is located on a major transit corridor and is appropriate for a more substantial development.
- The project site accommodates and incorporates into the Market Street façade a street level MUNI accessibility elevator.

- The project site's most recent use was as a full-service restaurant (Home) which closed in 2011. The building has been vacant ever since. On June 20, 2013 the Planning Commission heard and disapproved a Conditional Use Authorization (2012.1356C; Motion No. 18913) for a formula retail use operating as a restaurant (d.b.a. Chipotle).
- The project seeks Conditional Use Authorization for a perspective restaurant use per Code Section 733.44. Authorization would not preclude the need for additional Conditional Use Authorizations for a formula retail use or to satisfy other provisions of the Planning Code.
- No formula retail uses are currently proposed in the project.
- The General Plan discourages an over-concentration of eating and drinking establishments as outlined in the Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 25% of the total occupied commercial frontage." Planning staff has performed a site survey of the subject District and confirmed that including the subject tenant space, approximately 24% of the commercial frontage in Upper Market Street NCT/NCD District within 300 feet of the subject property is dedicated to eating and drinking establishments, which is below the 25% threshold established by the General Plan and the 25% threshold established under Planning Code Section 303(p).
- The proposed project requires a variance from Planning Code Section 134, for rear yard. The property is located on an triangular lot and the requirements for a 25% rear yard at the back of the property (the 14th Street frontage) would result in the elimination of the portions of the four-story residential component.. The zoning administrator is to hold a concurrent hearing on this request.
- The proposed project would require a variance from Planning Code Section 145.1, for ground floor non-residential ceiling height that is less than 14-feet in height. The Property is located on a lot that slopes up approximately 5-1/2 feet along Market Street from the northeast to southwest, and approximately 4 feet along 14th Street from the east to west. To accommodate this change in slope, the building's ground level is stepped down along Market and 14th Streets, providing progressively higher ground floor ceiling heights towards the east of the Property along Market and 14th Streets, respectively. The Property has approximately 148 feet of frontage on Market Street to the Southwest, and approximately 141 feet of frontage on 14th Street to the North. All of the retail interior's footprint will have a minimum floor-to-floor height of 14 feet, as measured from the interior ground floor slab to the second level slab. The zoning administrator is to hold a concurrent hearing on this request.
- In 2013, the Upper Market Street NCD was rezoned to the Upper Market Street Neighborhood Commercial Transit (NCT) District through a Zoning Map Amendment. The Zoning Map Amendment also recommended that the Planning Commission consider fixing existing height limit errors on Market Street, this included the subject property which was listed as having an error in being zoned as 60/65-X and should be zoned 65-B Height and Bulk District. If the subject

property were to be zoned 65-B Height and Bulk District, the proposed project would not meet the requirements of the B Bulk District. The project would seek an exception through Section 271(B) and (C), as the massing of the building is broken into distinct elements due to the northern portion of the property being located within a 40-X Height and Bulk District.

- The Project Sponsor proposes to satisfy the Inclusionary Affordable Housing Program by providing on-site rental units. The Department has determined that the project is eligible to provide inclusionary rental units because it qualifies for an exception to the Costa Hawkins Act.
- To meet the Better Streets requirement, the project will include six new street trees along 14th Street and the widening of the 14th Street sidewalk from 9 to 12 feet where feasible.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization pursuant to Planning Code Sections: 303, 155(r)(4) (curb cut along 14th Street, an official City bike route); 733.11 (to develop a lot exceeding 9,999 square feet) and 733.44 (to establish a restaurant).

BASIS FOR RECOMMENDATION

- The project creates 62 new dwelling units, specifically studios, one-and two-bedroom dwelling units accompanied by 2,800 square feet of new commercial space to expand housing opportunities and enhance the District.
- The project provides needed new housing including seven new affordable dwelling units on-site.
- The project complies with the Upper Market Development Design Guidelines.
- The project meets all applicable requirements of the Planning Code and General Plan with the requested Conditional Use Authorization and variances.
- The project is consistent with the objectives and policies of the General Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Zoning Map

Site Photos

Public Correspondence

Inclusionary Affordable Housing Program: Affidavit for Compliance

Exhibit B - Reduced Plans

-Site Photos

-Renderings

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Draft Costa Hawkins Agreement |

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

_____ JCH _____
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☒ Affordable Housing (Sec. 415)

☐ Jobs Housing Linkage Program (Sec. 413)

☐ Downtown Park Fee (Sec. 412)

☒ First Source Hiring (Admin. Code)

☐ Child Care Requirement (Sec. 414)

☒ Anti-Discriminatory Housing (Admin Code)

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 155(r)(4), 733.11 AND 733.44 OF THE PLANNING CODE FOR A PROJECT PROPOSING TO DEMOLISH AN EXISTING A 20-FOOT-TALL, TWO-STORY, COMMERCIAL BUILDING (FORMER “HOME” RESTAURANT) APPROXIMATELY 4,406 SQUARE FEET IN SIZE AND TO CONSTRUCT A NEW 4- TO 7-STORY (40’ TO 65’ IN HEIGHT) MIXED-USE BUILDING APPROXIMATELY 61,678 SQUARE FEET IN SIZE WITH 2,600 SQUARE FEET OF GROUND-FLOOR COMMERCIAL USE TO BE OCCUPIED BY A YET TO BE DETERMINED RESTAURANT AS DEFINED IN SECTION 790.91 OF THE CODE, APPROXIMATELY 4,960 SQUARE FEET OF COMMON USABLE OPEN SPACE AND 62 CLASS 1 AND FIVE CLASS 2 BICYCLE PARKING SPACES, LOCATED ON A PROPERTY WITH FRONTAGE ON MARKET AND 14TH STREETS WITHIN THE UPPER MARKET STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT, 40-X AND 60/65-X HEIGHT AND BULK DISTRICTS AND THE MARKET AND OCTAVIA AREA PLAN, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 11, 2015, Brian Spiers Development (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303, 155(r)(4), 733.1 and 733.44 for a project proposing to demolish an existing a 20-foot-

tall, two-story, commercial building (former “Home” restaurant) approximately 4,406 sq. ft. in size and to construct a new 4- to 7-story (40’ to 65’ in height) mixed-use building approximately 61,678 square feet in size with 2,600 square feet of ground-floor commercial use and approximately 4,960 square feet of common usable open space on a property located within the Upper Market Street NCT District, 40-X and 60/65-X Height and Bulk Districts and the Market and Octavia Area Plan.

On February 11, 2015 and amended on December 15, 2015, the Project Sponsor filed an application for variances from Planning Code Sections: 134, for rear yard; 145.1, for a ground floor non-residential ceiling height that is less than 14-feet in height.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report (hereinafter “EIR”). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter “CEQA”). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Market and Octavia Area Plan, the Commission adopted CEQA Findings in its Motion No. 17406 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there is 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, or (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.

On January 22, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the

Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Market and Octavia Area Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C

On February 4, 2016 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0519CUAVAR.

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. 2014.0519CUAVAR, 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 is located on the northwest corner of Market, Church and 14th Streets; Lot 041 in Assessor's Block 3542. The project site is a triangular-shaped lot and is currently occupied by a 20-foot-tall, two-story, commercial building approximately 4,406 square feet in size with a surface parking lot containing 15 spaces. The existing building was constructed in 1955 and is currently vacant, but was formerly occupied by a restaurant ("Home"). The parcel is located within the Market and Octavia Plan Area.
3. **Surrounding Properties and Neighborhood.** District, which extends along Market Street from Church to Castro, and on side streets off Market, and is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street District as a single

commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

The District controls are designed to promote moderate-scale development, and preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Some areas of the District are noticeably low-rise, automobile oriented lots, with gas stations and single-story commercial establishments with surface parking lots. Just off Market Street there are small-scale residential streets that support the district. In general, the district is a full-service shopping area providing a variety of uses within easy walking distance.

The adjacent property to the west of the subject property on Market Street is occupied by a three-story mixed-use building and the adjacent property to the west of the subject property on 14th Street is occupied a one-story commercial building containing a pizza parlor (d.b.a The Slice) and laundrymat (d.b.a. Steve' Laundrymat). Across Market and Church Streets to the south and west there are three-story, mixed-use buildings, to the north across 14th Street there are three-story, mixed-use, and across Church Street to the northeast is the Safeway shopping center. The greater context to the north, south and east of the subject property is transit-oriented neighborhood commercial uses (NCT and NCT-3) and the area west of the subject property is within the RTO Zoning District. Height and bulk district within a one-block radius range between 40-X to 65-X.

4. **Project Description.** The project proposed the demolition of an existing a two-story commercial building (former "Home" restaurant) and the construction a new 4- to 7-story (40' to 65' in height) mixed-use building approximately 61,678 square feet in size. The proposed building would include 62 residential units, a roof deck providing approximately 4,960 square feet of common usable open space and 2,600 square feet of ground-floor commercial use. The proposed mix of units is 6 studio units, 31 one-bedroom units, and 25 two-bedroom units. The proposed building would include 62 Class 1 bicycle spaces at the ground-floor level and five (5) Class 2 bicycle spaces located on the Market Street sidewalk in front of the project site. The proposed project would remove the existing 19-foot-wide curb cut on Market Street and would reduce the existing curb cut on 14th Street from 30 feet to 11 feet, which would provide access to the proposed building for service vehicles only. The proposed project would also widen the 14th Street sidewalk from 9 to 12 feet where feasible.
5. **Public Comment.** The Department received a letter of support from the CASTRO MERCHANTS (formerly "Merchants of Upper Market & Castro – MUMC"). The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the CASTRO MERCHANTS, Duboce Triangle Neighborhood Association (DTNA) and the Castro/Upper Market Community Benefit District.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Restaurant Use.** Planning Code Section 733.44 requires Conditional Use Authorization to establish a restaurant use as defined in Section 790.91 of the Planning Code within the Upper Market Street NCT.

(1) **Conditional Use Criteria.** With regard to a conditional use authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts, the Planning Commission shall consider, in addition to the criteria set forth in Subsection 303(c):

(A) The existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The Project Sponsor is requesting conditional use authorization to establish a yet to be determined restaurant use within an approximately 2,800 gross square-foot ground floor commercial space. Planning staff has performed a survey of the Upper Market Street NCT District within 300' of the subject property and determined that there are seventeen eating and drinking establishments with 300' of the subject property, which includes and Lucky 13, Blackbird, Churchill, The Residence and Pilsner Inn bars and Woodhouse Fish Co., Chow, Chilango, Red Jade, Miyabi, Sparky's, Thorough Bread and Pastry, Crepevine, Casa Mexicana, Jasmine Garden, Cathay Express and The Slice restaurants. The total frontage devoted to these eating and drinking uses is 24%, below the 25% threshold established by the Code. Therefore, the project will not prevent the Upper Market Street NCT District from achieving optimal diversity in the types of goods and services available in the neighborhood.

B. **Open Space.** Planning Code Section 135 requires 60 square feet of private usable open space or 80 square feet of common open space for each dwelling unit.

The project includes 62 dwelling units and is required to provide a total of 3,720 square feet of private open space, or 4,960 square feet of common open space, or some equivalent combination of private and common open space. The project proposes 4,960 square feet of common usable open space all located on the roof of the building, in compliance with the amount of usable open space required by the Planning Code.

C. **Streetscape Improvements.** Planning Code Section 138.1 requires streetscape and pedestrian improvements for new developments. One street tree is required for every 20 lineal feet of street frontage. The Section also requires additional streetscape and pedestrian elements for large projects.

The project site has approximately 148 feet of frontage on Market and 141 feet of frontage on 14th Street and would provide 6 street trees at the 14th Street frontage. The size of the project also requires additional streetscape and pedestrian elements to meet the requirements of the Better Streets Plan. To

meet the objectives of the plan, the project will include a widening of 14th Street from 9 feet to 12 feet where feasible.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 75-feet of frontage on Market Street and 58-feet on 14th Street all of which is constructed of transparent glazing. The remainder of the Market Street frontage contains a lobby and leasing office and 14th Street provides ground floor residential units.

- E. **Required Ground Floor Commercial Uses.** Section 145.4(d) of the Planning Code requires that on Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market NCT Districts, an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing facade. Modifications to this requirement may be granted through the Conditional Use process.

The project proposes a corner restaurant use that would occupy approximately 143 contiguous linear feet of frontage along Market, Church, and 14th Streets. The Project Sponsor is seeking conditional use authorization pursuant to this Section of the Planning Code for this retail space. The space will provide multiple active, pedestrian-oriented commercial uses along Market Street, as contemplated by the Code.

- F. **Height and Bulk.** The subject project is located within the UM-NCT zoning district, with a 40-X and 60/65-X Height and Bulk District. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls.

Within the Upper Market NCT Zoning and the 60/65-X and 40-X Height and Bulk Districts, the proposed mixed-use project, at a height of 65 feet at Market Street, stepping down to 45 feet at the rear of the building, is consistent with the Height and Zoning. In order to encourage generous ground floor ceiling heights for commercial and other active uses up to an additional 5 feet of height is allowed in

certain NCT and NCD areas. Along Market Street, the ground level floor to ceiling height measures approximately 14 feet, which is consistent with the Code.

In 2013, the Upper Market Street NCD was rezoned to the Upper Market Street Neighborhood Commercial Transit (NCT) District through a Zoning Map Amendment. The Zoning Map Amendment also recommended that the Planning Commission consider fixing existing height limit errors on Market Street, this included the subject property which was listed as having an error in being zoned as 60/65-X and should be zoned 65-B Height and Bulk District. If the subject property were to be zoned 65-B Height and Bulk District, the proposed project would not meet the requirements of the B Bulk District. The project would seek an exception through Section 271(B) and (C), as the massing of the building is already broken up due to the northern portion of the property having a 45-X Height and Bulk.

- G. Lot Size per Development.** Planning Code Section 733.11 permits development of lots larger than 9,999 square-feet within the District with conditional use authorization.

In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:

- (1) The mass and facade of the proposed structure are compatible with the existing scale of the district.
- (2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project Sponsor is seeking conditional use authorization to develop an existing 10,416 square-foot lot. The project site is much larger than the average lot within the District but it is located on a prominent corner site where a larger development is more appropriate to add emphasis and frame the intersection. The façade of the project will contribute to the positive visual quality of the district, which does not possess a prevailing architectural style. The Market Street façade is articulated with protruding bay window projections and recessed Juliet balconies with the most provocative design element located at the gore corner. The pattern of bay projections and recesses are modulated to break up the building mass. The 14th Street frontage maintains the context of protruding bay window projections and recessed Juliet balconies towards Church Street but transitions to a more residential oriented building that becomes 40 feet in height towards the west of the property. With the ground floor residential units, the character of the 14th Street frontage responds to the finer grain residential buildings to the north of the site. Overall, the building responds well to its varied context.

- H. Floor Area Ratio.** Section Planning Code 733.20 restricts non-residential uses to 3.0 to 1.

31,248 square-feet of non-residential uses are permitted pursuant to this Section of the Code. The project would provide approximately 2,600 square-feet of commercial uses, well within the limit prescribed by the Code.

- I. **Rear Yard.** Section 134 of the Planning Code requires a 25% rear yard opposite the Market Street frontage.

The project sponsor is requesting a rear yard variance to develop the northern portion of the lot that could not be developed otherwise.

- J. **Exposure.** Planning Code Section 140 requires that each dwelling unit shall face a public street, a Code-compliant rear yard, or another defined open space.

The majority of the project's dwelling units would face onto Market or 14th Street, and 2 units face onto a code-compliant courtyard, meeting this requirement.

- K. **Ground Floor Ceiling Height.** Pursuant to Section 145.1 of the Planning Code, ground floor non-residential uses shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

The ground floor ceiling height of the Market Street and 14th Street frontage would be less than 14 feet in height. The Project Sponsor is seeking a variance from this Section of the Planning Code for the portion with the reduced ceiling height.

- L. **Protected Cycling Street Frontages.** In NCT Districts, no curb cuts accessing off-street parking shall be created or utilized on street frontages identified along any official City bicycle routes or bicycle lanes, where an alternative frontage is available. Where an alternative frontage is not available, parking access along any official City bicycle routes may be allowed on streets not listed in subsection (2) above as an exception in the manner provided in Section 303 for NCT Districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to the safety of bicyclists to the fullest extent feasible.

The project proposes to provide vehicular access to off-street parking along the 14th Street frontage which is designated as an official City bike route. There is no alternative frontage available because Market Street is a protected transit preferential street. The proposed entrance is minimal in size and would only accommodate one vehicle at a time. Furthermore, the entrance is located at the western edge of the site, furthest away from the intersection of Market, Church, and 14th Streets.

- M. **Off-Street Freight Loading (Commercial).** Sections 152 and 733.23 of the Planning Code requires off-street loading be provided in the Upper Market NCT for retail uses exceeding 10,000 square feet in area.

The project contains a total of 2,600 square feet of retail space, therefore, the project is not required to provide off-street loading and provides none.

- N. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space for every dwelling unit, one Class 2 bicycle parking space for every 20 dwelling units and one Class 2 bicycle parking space for every 2,500 square feet of commercial use.

The project is required to provide 62 Class 1 bicycle parking spaces and five Class 2 bicycle parking spaces and would meet this requirement by providing 62 Class 1 bicycle parking spaces and five Class 2 bicycle parking spaces.

- O. **Residential Density.** Section 733.91 of the Planning Code places no limit on residential density within the District.

The Project Site is 10,416 square-feet in area and provides 62 dwelling units for a ratio of one dwelling unit for each square foot of lot area.

- P. **Dwelling Unit Mix.** Section 207.6 of the Planning Code requires that a minimum of 40% of the dwelling units within a Neighborhood Commercial Transit district shall contain at least two bedrooms.

The Project proposes 62 dwellings; therefore, 25 dwellings (40%) must contain two bedrooms. The project would provide 25 two-bedroom dwellings, meeting this requirement.

- Q. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that the project is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has submitted the required Affidavit and Costa Hawkins Agreement on April 4, 2014. The Project would construct 62 dwelling units, resulting in the construction of 7 on-site inclusionary units. If the project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the on-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- R. **Market and Octavia Community Infrastructure Impact Fee.** Per Section 421 of the Code, the project requires payment per gross new square foot of residential and commercial development for the Market and Octavia Community Improvements Fund.
- S. **Market and Octavia Plan Area Affordable Housing Fee.** Per Section 416 of the Code, the project requires payment per net square foot of residential development as part of the Market and Octavia Affordable Housing Fee.
- T. **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.

- U. **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.

- 7. **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 would replace an unsightly vacant commercial unit formerly occupied by the Home restaurant with a contemporary mixed-use building with 62 dwellings, the design of which is compatible with the neighborhood character. The intensity of the development is necessary and desirable for a transit corridor.

- B. The proposed 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 Project will demolish an underutilized commercial retail building and replace it with 62 units of additional housing within an established neighborhood that is well served by public transit. A majority of the units being provided would be specifically designed to meet the unmet housing needs of the neighborhood. In addition, the project's density necessitates an inclusionary housing requirement which would be met on-site, and payment to the Market and Octavia Affordable Housing Fund.

The proposed project will also provide ground floor retail space helping to fill a gap in the district's commercial frontage. The retail space will be accessible by walking and transit. In combination, the proposed residential and retail uses, at the densities and scale contemplated, will enhance the existing mixed-use character of the neighborhood.

The 65 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 north of the site. The design of the building is distinctive. While the building is relatively large, its size is appropriate for its corner location. Furthermore, the use of recesses, projecting bay windows, and rhythm of ground floor storefronts and residential units give the building articulation and verticality breaking up the horizontal massing.

- 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;

With multiple lot frontages, the project site is well suited for residential mixed-use development, allowing service vehicular circulation to take place on 14th Street strengthening the commercial street wall and pedestrian environment on Market Street. The two service vehicle parking would be located within the building served by a driveway on 14th Street. The project is well served by transit. The property's Market Street frontage provides direct access to MUNI Light Rail and the K-Owl, L-OWL, and M-OWL bus lines. The property is located within a few hundred feet of the F, 37 and 22 bus lines, the J metro line, and directly in front of the MUNI subway station at Market and Church Streets, which serves the K, L, M, N and T metro lines.

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

The project would consist of high quality residential units and neighborhood serving commercial space. The uses would not generate any noxious or offensive emissions, noise, glare, dust, or odors.

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

The project would include required street trees along the 14th Street frontage. The garage entrance is located at the 14th Street frontage to reduce pedestrian and vehicle conflicts and avoid conflicts with transit.

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

With the requested approvals, 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.

- F. 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 the Upper Market Neighborhood Commercial Transit District in that the project includes residential units on the upper floors, space for neighborhood-serving commercial uses on the ground floor, which would provide compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

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

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development would provide desirable goods and services to the neighborhood and would provide resident employment opportunities to those in the community. The project would replace an unsightly vacant commercial retail building with essential housing and neighborhood-serving commercial uses. The project would not result in any undesirable consequences. Further, the Project Site is located within a neighborhood commercial district and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The project would strengthen the neighborhood commercial district by replacing an underutilized vacant commercial retail building with a new commercial space for neighborhood-serving commercial uses and much needed housing. The project would fill in a large gap in a prominent location within the commercial frontage along Upper Market Street.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;

- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage.... Except in districts with an established pattern of service to a broad market, such establishments should not occupy more than 25% of the total commercially-occupied frontage in a district." Planning staff has performed a site survey of the NCT District which contains the proposed building. With the proposed restaurant use, approximately 24% of the frontage of this NCT District is attributed to eating and drinking establishments.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The project creates 62 new dwelling units, seven of which would be affordable units on-site. The Project would address the community's desire for smaller, more affordable dwellings by providing 59 dwellings that are less than 1,000 square-feet and the three larger units are 1,050 square-feet. All of the dwellings are proposed to be offered as rental, which combined with their smaller sizes provide the more affordable and flexible housing option that the community desires.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The 25 proposed two bedroom units are sized to provide housing for families with children.

9. **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 be enhanced.

The proposal would enhance the district by providing a full-service restaurant in an area that is not over concentrated by restaurants. The business would be locally owned and it creates 10-15 more employment opportunities for the community. The proposed alterations are within the existing building footprint.

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

The existing units in the surrounding neighborhood would not be adversely affected.

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

No housing is removed for this Project.

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

All the parking would be located underground and accessed from the rear of the property eliminating transit and pedestrian conflict on a major transit corridor. The project is also well served by transit. The Project Site is within close proximity to the MUNI subway station at Church and Market Streets.

- 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. 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 achieve 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 landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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 existing parks and open spaces. The Project does not have an impact on open spaces.

10. 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.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, 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 CPE (Community Plan Exemption) and the Mitigation Monitoring and Reporting Program and APPROVES Conditional Use Application No. 2014.0519CUAVAR subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 8, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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 Market and Octavia Area Plan EIR and contained 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, and 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 4, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 4, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to demolish an existing a 20-foot-tall, two-story, commercial building (former "Home" restaurant) approximately 4,406 square feet in size and to construct a new 4- to 7-story (40' to 65' in height) mixed-use building approximately 61,678 square feet in size with 2,600 square feet of ground-floor commercial use and approximately 4,960 square feet of common usable open space located at 2100 Market Street Lot 041 in Assessor's Block 3542 pursuant to Planning Code Section(s) **303, 155(r)(4), 733.11 and 733.44** within the Upper Market Neighborhood Commercial Transit District and 40-X and 60/65-X Height and Bulk Districts; in general conformance with plans, dated **January 8, 2016** and stamped "EXHIBIT B" included in the docket for Case No. **2014.0519CUAVAR** and subject to conditions of approval reviewed and approved by the Commission on **February 4, 2016** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 4, 2016 under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
3. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
4. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
5. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency; appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

6. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

1. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

2. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

3. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

4. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

5. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning

Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.

6. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, <http://sfdpw.org>.

PARKING AND TRAFFIC

1. **Bicycle Parking** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 67 bicycle parking spaces (62 Class 1 spaces for the residential portion of the Project and three Class 2 spaces for the residential portion and two Class 2 spaces for the commercial portion of the Project).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863 www.sf-planning.org.

2. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

PROVISIONS

1. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org.
2. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
3. **Jobs Housing Linkage.** Pursuant to Planning Code Section 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
4. **Inclusionary Affordable Housing Program.** Pursuant to Planning Code Section 415
 - A. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 62 units; therefore, 7 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 7 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
 - B. **Unit Mix.** The Project contains six studios (10%), 31 one-bedroom units (40%) and 25 two-bedroom units (30%); therefore, the required affordable unit mix is one studio, three one-bedroom units and three two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- C. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- D. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- E. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <http://www.sf-planning.org> or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- F. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("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. 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 MOH 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 Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent

with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual. e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI 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 Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available

remedies at law. h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

5. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416, the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

6. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421, the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

MONITORING - AFTER ENTITLEMENT

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

OPERATION

1. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>.
3. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2100 MARKET STREET- MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule

MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR

ARCHEOLOGICAL RESOURCES

Project Mitigation Measure 1 – Archeological Testing (Implements Mitigation Measure C2 of the Market & Octavia PEIR). Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this requirement. The archeological consultant's work shall be conducted in accordance with this requirement at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this requirement could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans or the Overseas Chinese an appropriate representative²</p>	<p>Project sponsor/archeol</p>	<p>In the event of discovery of an</p>	<p>Contact any individual listed</p>	<p>Archeological consultant and</p>	<p>Considered complete</p>
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¹ By the term "archeological site" is intended here to minimally included any archeological deposit, feature, burial, or evidence of burial.

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

MONITORING AND REPORTING PROGRAM

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

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures		Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
A)	The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or					
	A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.					
<i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:		Project sponsor/ archeological consultant/ archeological monitor / contractor(s) at the direction of the ERO.	ERO and archeological consultant meet prior to commencement of soil-disturbing activity. If ERO determines that an AMP is necessary, monitor throughout all soil-disturbing activities.	Implement AMP.	Archeological consultant and ERO.	Considered complete on findings by ERO that AMP implemented.
•	The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;					
	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 archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;					
	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 activities and equipment until the deposit is evaluated. If in the case of pile driving activity	Archeological consultant.		Notify ERO if intact archeological deposit is		

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation				Mitigation		Monitoring Schedule
	Implementation				Schedule	Action	
<p>(foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <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. 	encountered.				If there is determination by the ERO that an ADRP is required.	Prepare an ADRP.	Considered complete on findings by ERO that ADRP is implemented.

MONITORING AND REPORTING PROGRAM

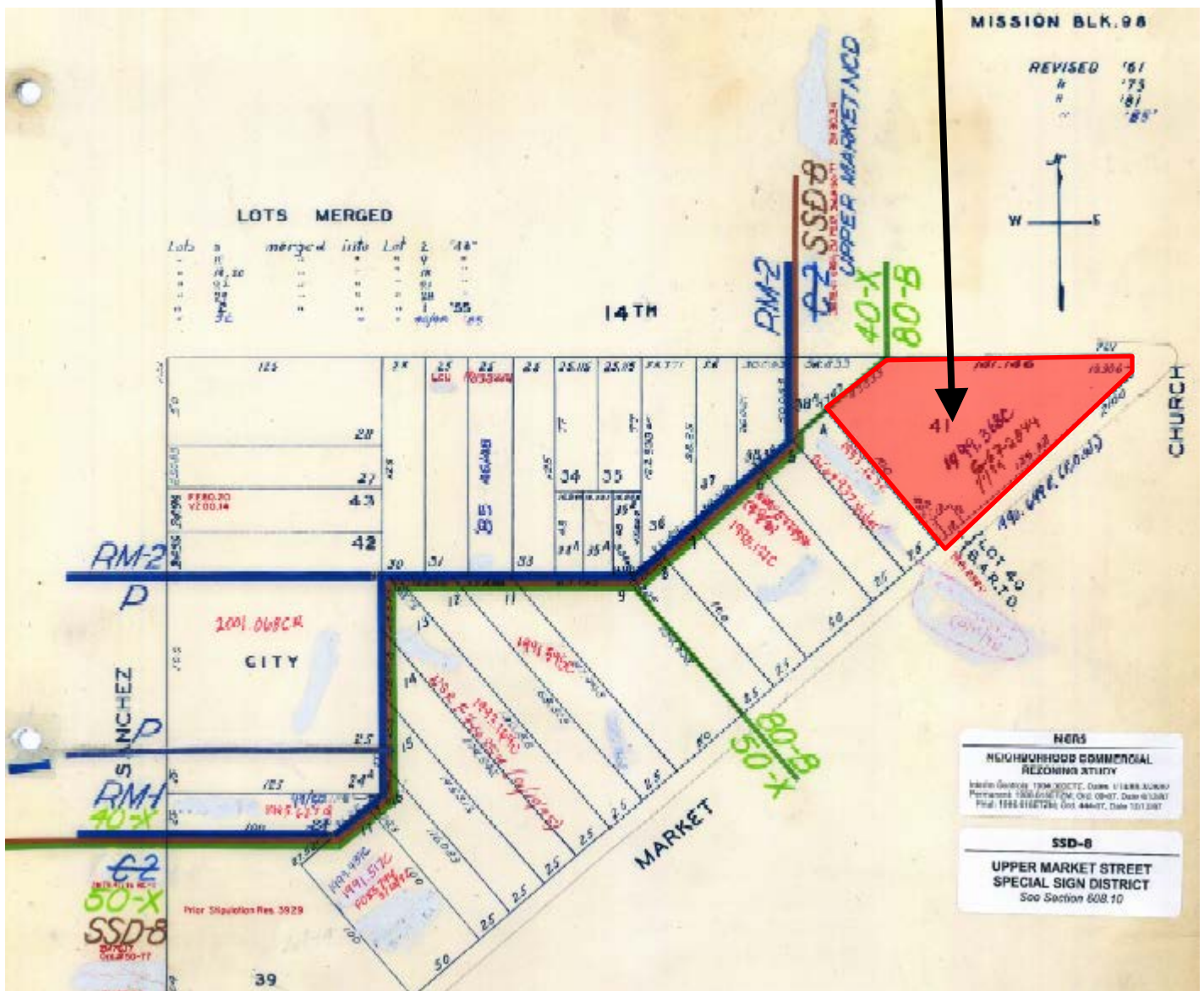
Adopted Mitigation Measures	Responsibility for Implementation			Mitigation			Monitoring Schedule
				Schedule	Action	Reporting Responsibility	
<ul style="list-style-type: none"> <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and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

MONITORING AND REPORTING PROGRAM

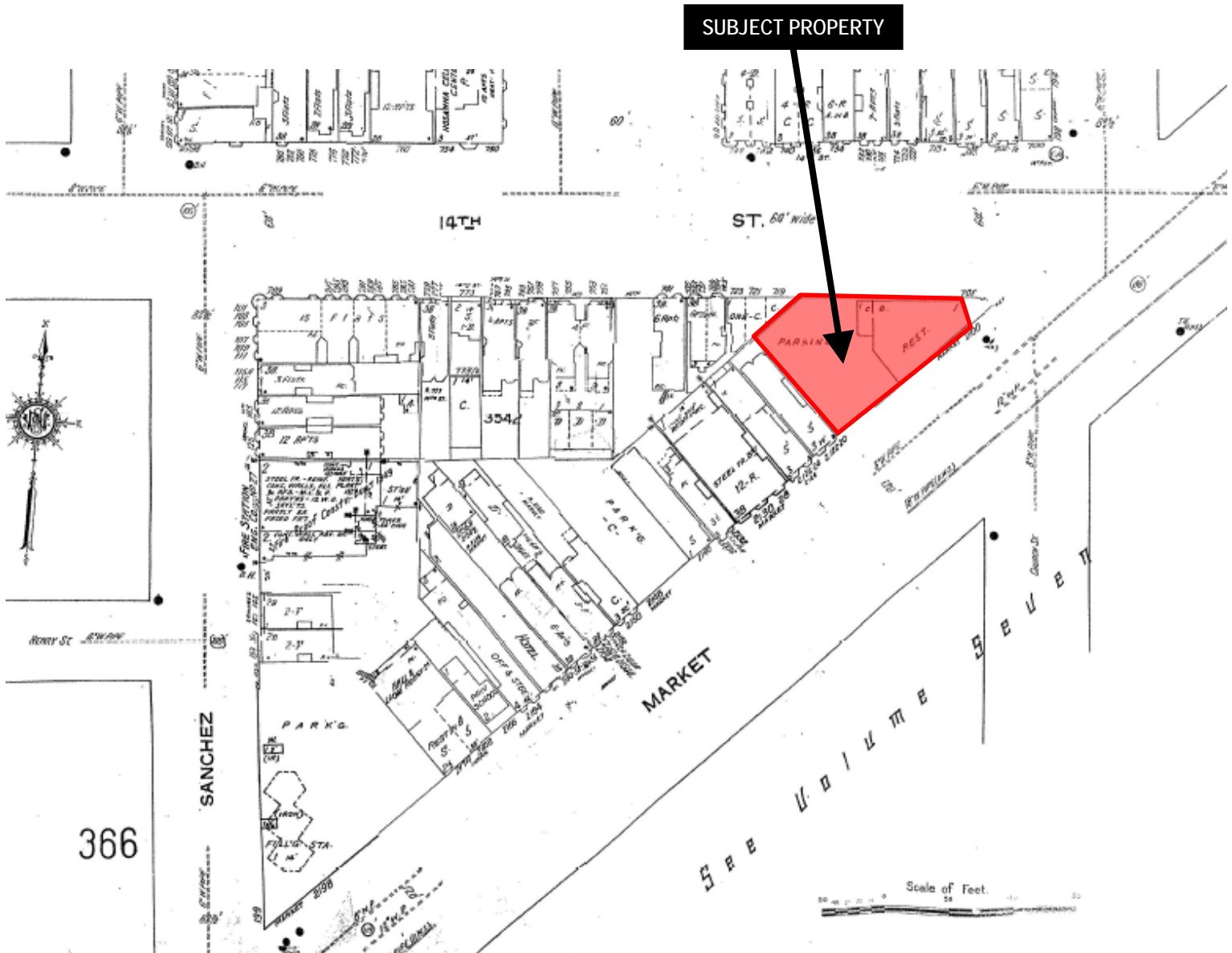
Adopted Mitigation Measures		Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the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

Parcel Map

SUBJECT PROPERTY



Sanborn Map*

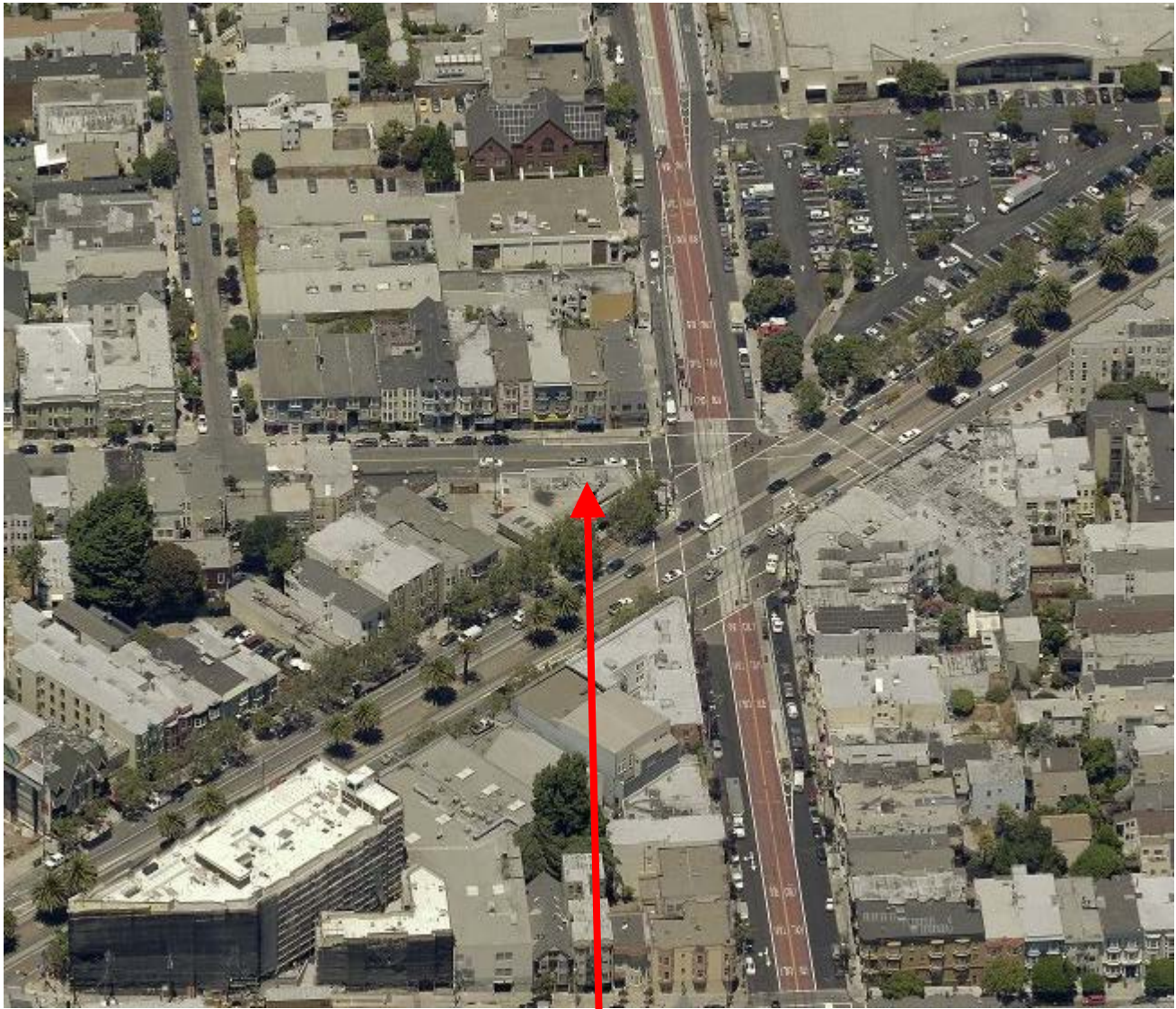


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Aerial Photo

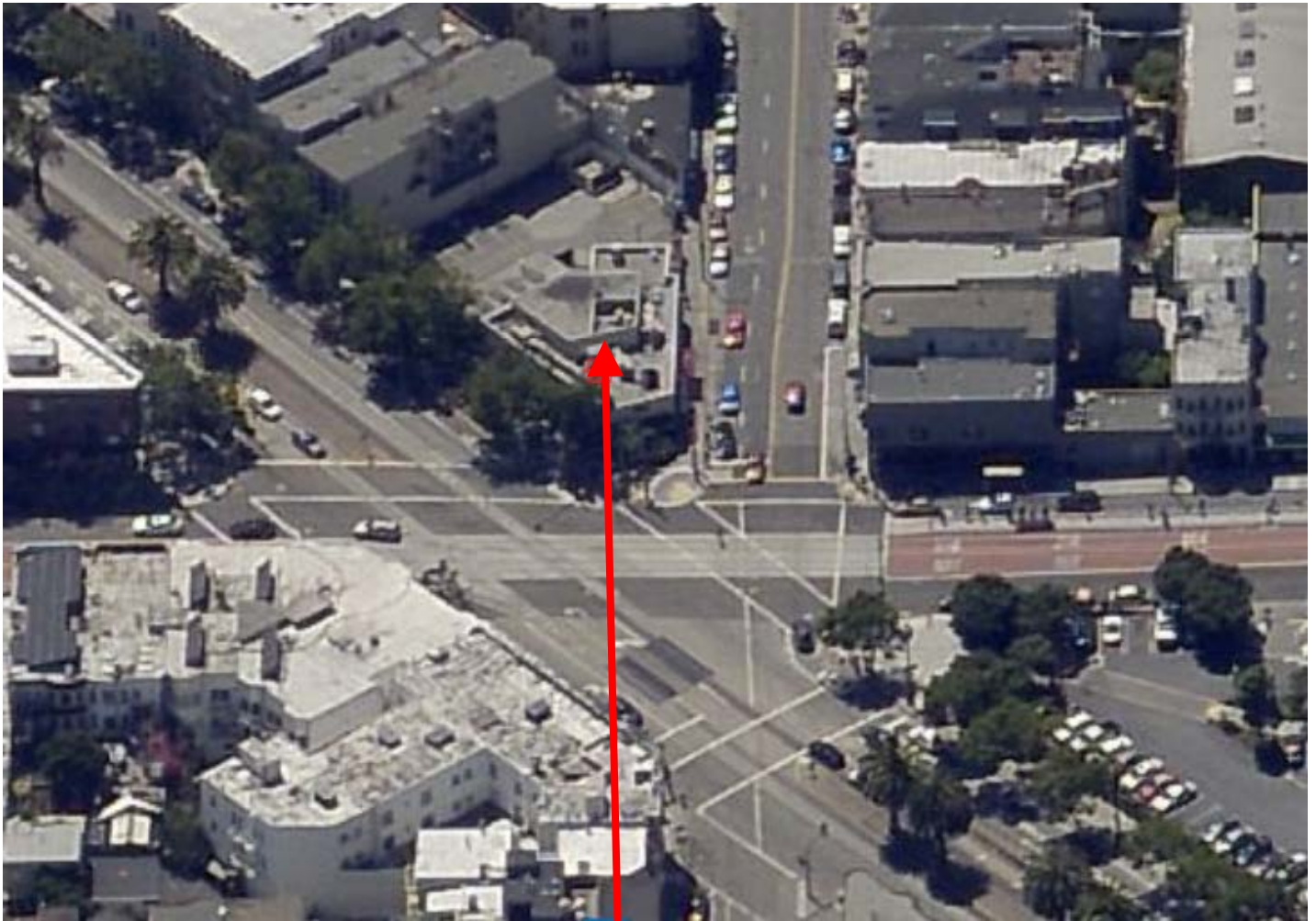


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Aerial Photo

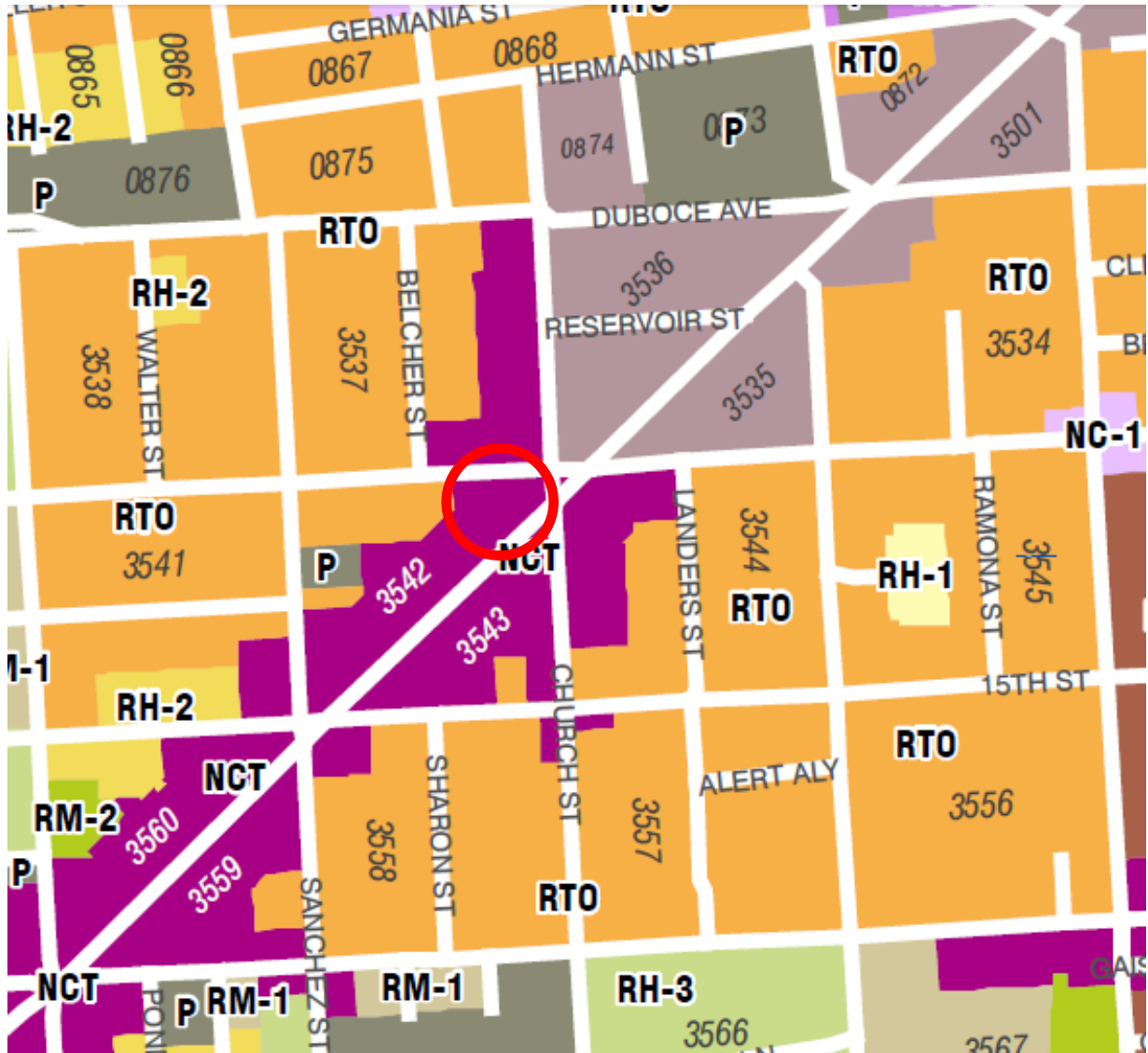


SUBJECT PROPERTY



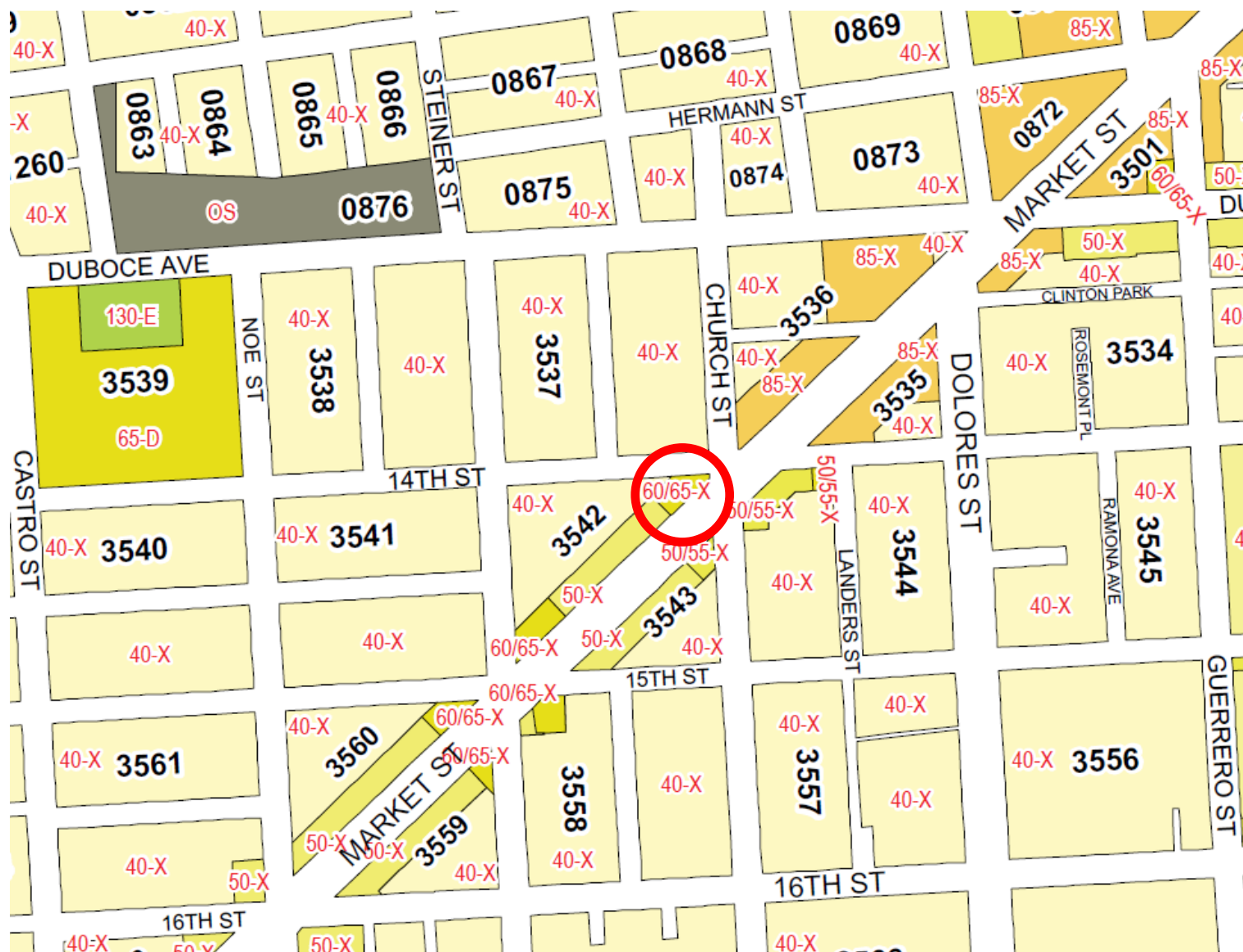
Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Zoning Map



Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Height and Bulk District Map



Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Site Photo



Church Street View

Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Site Photo



Market Street View

Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street

Site Photo



14th Street View

Conditional Use Hearing
Case Number 20140519CUA
2100 Market Street



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

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

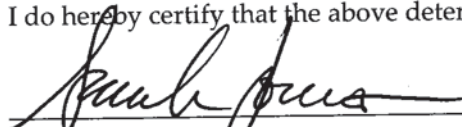
(Continued on next page.)

EXEMPT STATUS

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

DETERMINATION

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


SARAH B. JONES
Environmental Review Officer

January 22, 2016
Date

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

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

PROJECT DESCRIPTION (continued)

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

PROJECT APPROVALS

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

Actions by the Planning Commission

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

Actions by other Departments

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

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

COMMUNITY PLAN EXEMPTION OVERVIEW

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

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

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

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

¹ San Francisco Planning Department Case No. 2003.0347E, State Clearinghouse No. 2004012118.

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

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

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

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

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

PROJECT SETTING

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

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

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

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

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

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

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

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

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

POTENTIAL ENVIRONMENTAL EFFECTS

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

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

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

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

Table 1 – Market and Octavia PEIR Mitigation Measures

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

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

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

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

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

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

PUBLIC NOTICE AND COMMENT

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

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

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

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

While the project site is identified as being in a high-injury corridor⁹, implementation of the proposed project would improve pedestrian circulation by removing the 9-foot-wide curb cut on Market Street and reducing the curb cut on 14th Street from 30 to 11 feet. The proposed project would also remove the approximately 13-space parking lot and would not provide any off-street parking. The proposed project would widen the 14th Street sidewalk from 9 to 12 feet where feasible, and the proposed garage entrance (service vehicles only) would include a warning signal for pedestrians. Furthermore, the new pedestrian trips that would be generated by the proposed project could be accommodated on existing sidewalks and crosswalks adjacent to the project site.¹⁰ Although the proposed project would result in an increase in the number of vehicles and pedestrians in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. Regarding the comment about the proposed project placing a strain on City services, as discussed in the attached CPE Checklist, the proposed project would be within the scope of development projected under the *Market and Octavia Area Plan*.

CONCLUSION

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

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

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

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is located on an irregular-shaped lot on the northwest corner of Church, Market and 14th streets in the Castro/Upper Market neighborhood. The project site is occupied by a 20-foot-tall, two-story, commercial building approximately 4,406 square feet in size with a surface vehicular parking lot containing 13 spaces. The existing building was constructed in 1955 and is currently vacant, but was formerly occupied by a restaurant ("Home"). The proposed project involves the demolition of the existing building, the removal of the surface parking lot, and construction of a 65-foot-tall (81-foot-tall with elevator penthouse), seven-story, mixed-use building approximately 61,678 square feet in size. The proposed building would step down to four stories along its 14th Street frontage. The proposed building would include 62 residential units and 2,600 square feet of ground-floor commercial use. The proposed mix of units would be 6 studio units, 31 one-bedroom units, and 25 two-bedroom units. The proposed building would include 62 Class I bicycle spaces at the ground-floor level and five Class II bicycle spaces would be located on the Market Street sidewalk in front of the project site. The proposed project would remove the existing 19-foot-wide curb cut on Market Street and would reduce the existing curb cut on 14th Street from 30 to 11 feet. The proposed project would provide two off-street parking spaces at the ground-floor level for service vehicles only. The proposed garage entrance would include a warning signal. The proposed project would widen the 14th Street sidewalk from 9 to 12 feet where feasible. The proposed building would include a 4,800-square-foot, common roof deck. The nine existing street trees along Market Street would remain and seven new street trees would be planted along 14th Street. During the approximately 20-month construction period, the proposed project would require approximately five feet of excavation below ground surface and approximately 222 cubic yards of soil is proposed to be removed from the project site. Construction of the proposed project would require deep soil mixing (DSM) to improve the soil for the portion of the project site that is not located within the Bay Area Rapid Transit (BART) Zone of Influence (ZOI) area. DSM columns or panels would be installed in a regular grid pattern and the proposed building would be supported on a mat designed to span between areas of improved soil. The portion of the proposed structure that is located within the ZOI would be supported on drilled piers.

PROJECT APPROVALS

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

Actions by the Planning Commission

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

Actions by other Departments

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

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

EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project, and indicates whether such impacts are addressed in the Programmatic Environmental Impact Report for the Market and Octavia Area Plan (Market and Octavia PEIR).¹ The CPE Checklist indicates whether the proposed project would result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the Market and Octavia PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Market and Octavia PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such topics are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures section at the end of this checklist.

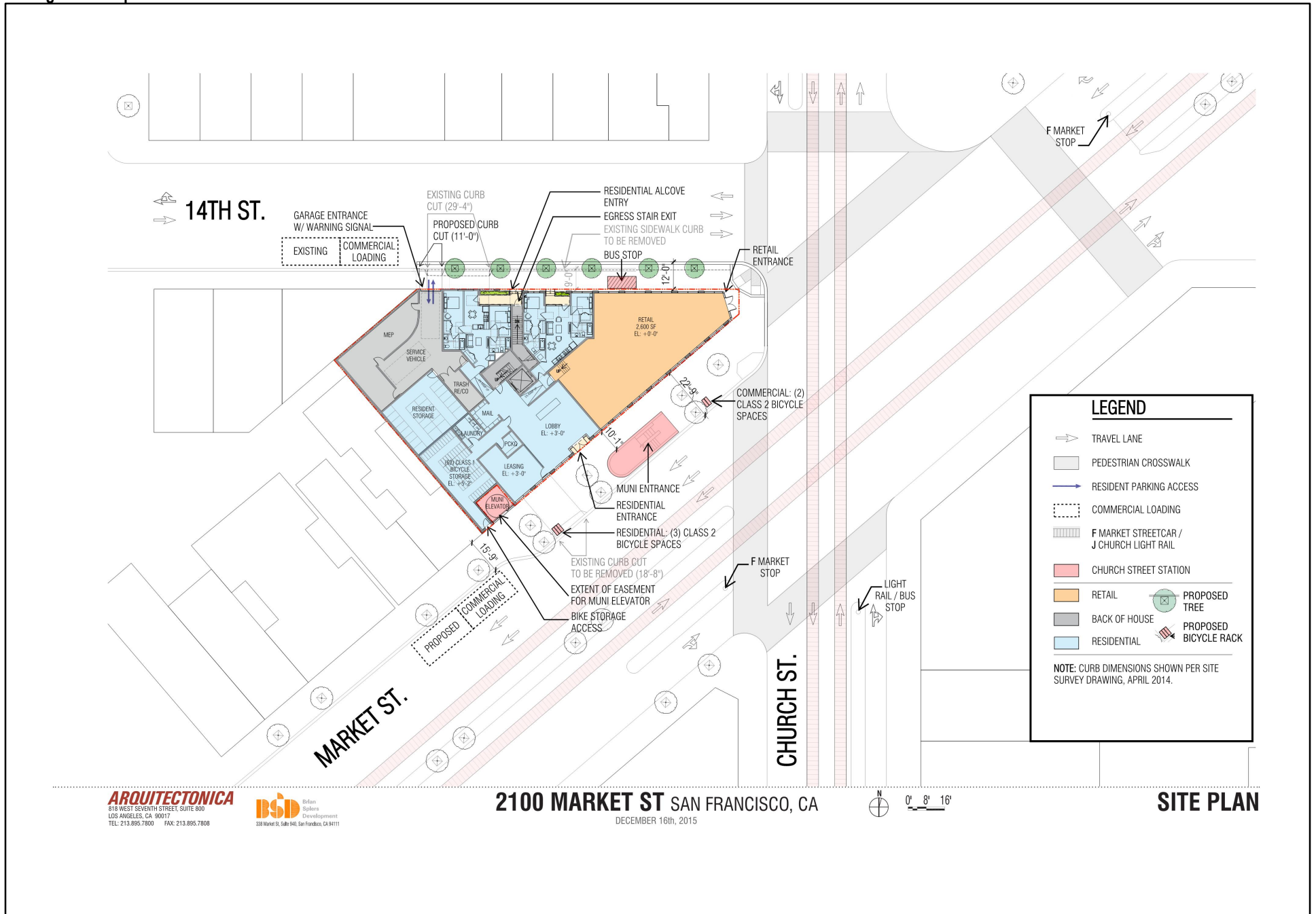
The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for

¹ San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document, and other cited documents, are available online at www.sf-planning.org/index.aspx?page=1714 or at the Planning Department, 1650 Mission Street, Suite 400.

Figure 1: Project Location



Figure 2. Proposed Site Plan



Comments: Not to Scale
Source: Arquitectonica, December 16, 2015.

Figure 3. Proposed Ground Floor



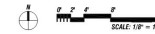
Figure 4. Proposed Upper Floor



ARQUITECTONICA
818 WEST SEVENTH STREET, SUITE 800
LOS ANGELES, CA 90017
TEL: 213.895.7800 FAX: 213.895.7808

BSD Brian
Sellers
Development
338 Market St, Suite 940, San Francisco, CA 94111

2100 MARKET ST SAN FRANCISCO, CA
AUGUST 28th, 2015



LEVEL 2 PLAN

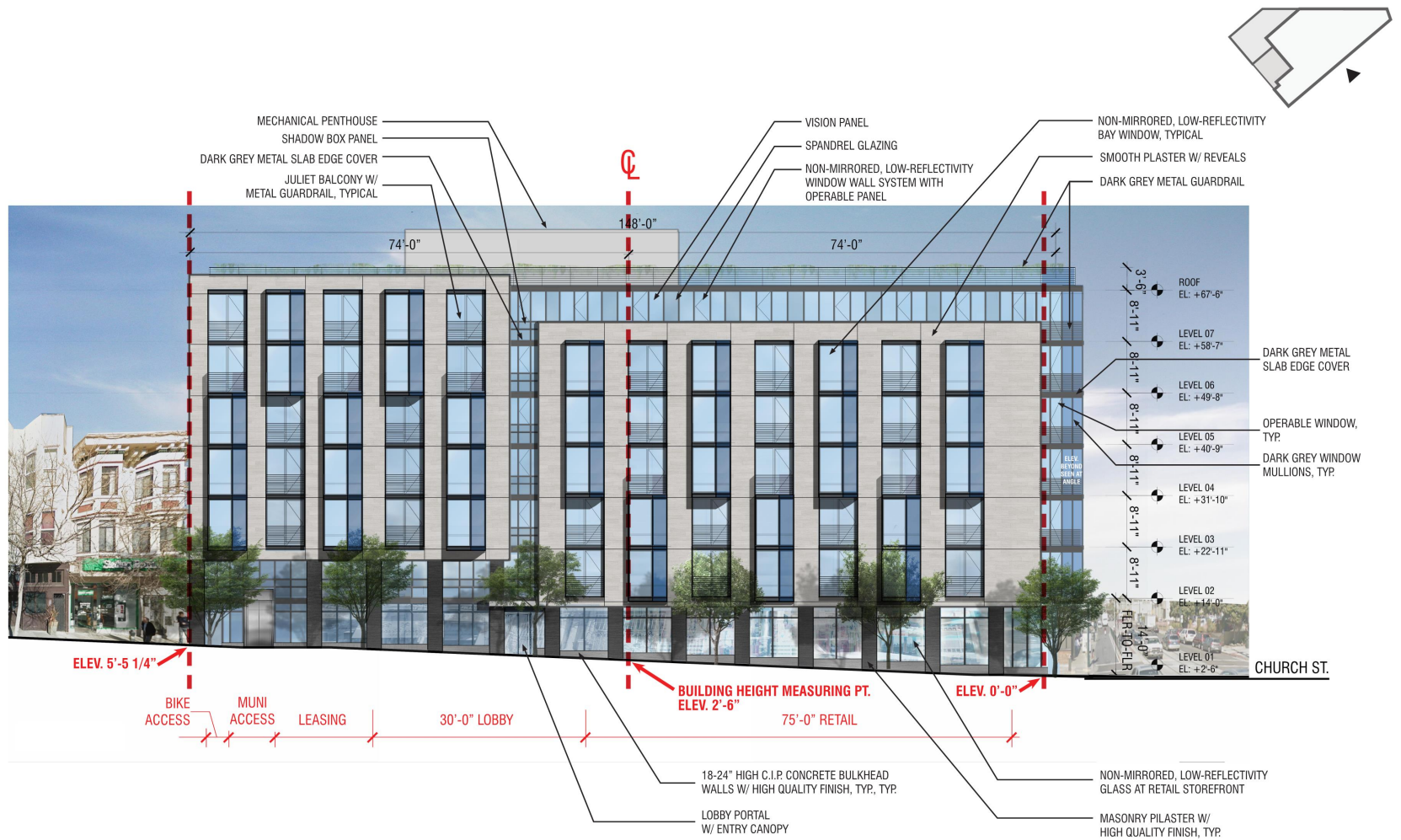
Comments: Not to Scale
Source: Arquitectonica, December 16, 2015

Figure 5. Proposed Roof Plan



Comments: Not to Scale
Source: Arquitectonica, December 16, 2015

Figure 6. Proposed Market Street Elevation



ARQUITECTONICA
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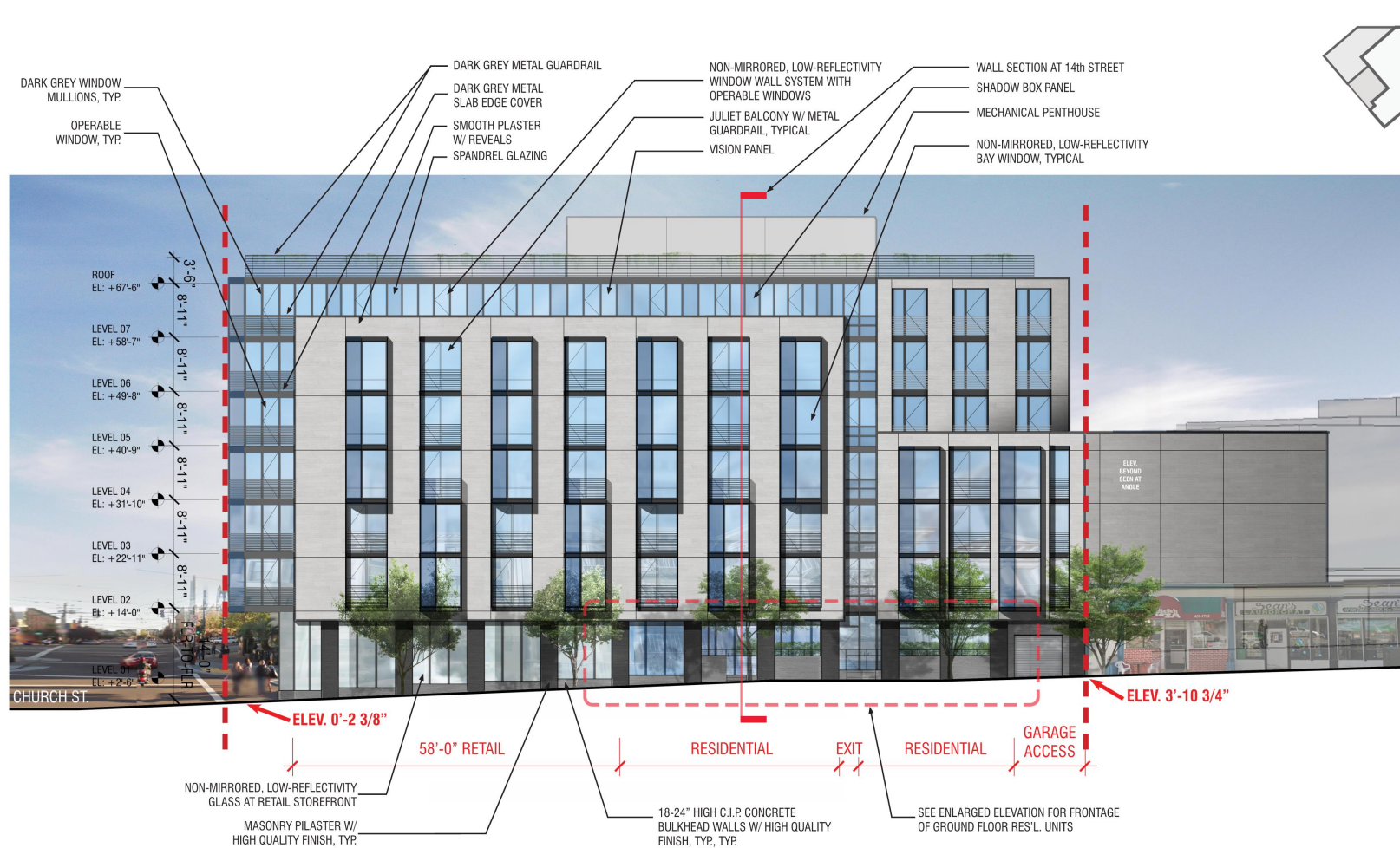
2100 MARKET ST SAN FRANCISCO, CA

DECEMBER 16th, 2015

MARKET STREET ELEVATION

Comments: Not to Scale
Source: Arquitectonica, December 16, 2015

Figure 7. Proposed 14th Street Elevation



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300 Market St, Suite 940, San Francisco, CA 94111

2100 MARKET ST SAN FRANCISCO, CA
DECEMBER 16th, 2015

14TH STREET ELEVATION

Comments: Not to Scale
Source: Arquitectonica, December 16, 2015

these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line).

Implementation of the proposed project would result in the demolition of the existing two-story commercial building and construction of a 65-foot-tall, seven-story, mixed-use building approximately 61,678 square feet in size with 62 residential units and 2,600 square feet of ground-floor commercial use.

As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia PEIR.

AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria; therefore, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.²

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</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"/>
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 PEIR determined that implementation of the *Market and Octavia Area Plan* would not result in a significant adverse impact related to land use and land use planning, and no mitigation

² San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 2100 Market Street, November 12, 2015.

measures were identified. The PEIR also determined that implementation of the Plan would not physically divide or disrupt an established community.

The proposed project consists of the demolition of a two-story, 4,400-square-foot commercial building with surface parking containing 13 spaces and the construction of a 65-foot-tall mixed-use building containing 62 dwelling units and approximately 2,600 square feet of ground-floor retail space. The proposed project is within the scope of development projected under the Market and Octavia Area Plan.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Upper Market NCT³, and is consistent with the bulk, density, and land uses envisioned in the Market and Octavia Area Plan. The Upper Market NCT is meant to encourage mixed-use development in keeping with the character of the area's existing neighborhood commercial districts. The zoning district allows for residential uses on all floors, and retail uses on the 1st and 2nd floors. As a mixed-use project with ground-floor commercial and residential uses above, the proposed development is consistent with this designation.^{4,5}

For these reasons, the proposed project would not result in significant project-level or cumulative impacts related to land use and land use planning that were not identified in the Market and Octavia PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
2. 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 checked="" 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"/>

A goal of the Area Plan is to implement citywide policies to increase the housing supply at higher densities in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and infill development sites. The Area Plan anticipates an increase of 7,620 residents in the Plan Area by the year 2025. The Market and Octavia PEIR determined that although the additional development that would result from adoption of the Area Plan would generate household growth, this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

³ As a result of the Market and Octavia Area Plan, the project site was rezoned from Upper Market Neighborhood Commercial District to Upper Market Neighborhood Commercial Transit Zoning District.

⁴ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 2100 Market Street, April 2, 2015.

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

The proposed project involves the demolition of the existing two-story commercial building and construction of a 65-foot-tall, seven-story, mixed-use building approximately 61,678 square feet in size with 62 residential units and 2,600 square feet of ground-floor commercial use. With implementation of the proposed project, 62 new dwelling units would be added to San Francisco's housing stock. These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Market and Octavia Area Plan and evaluated in the Market and Octavia PEIR.

For the reasons described above, the proposed project would not result in significant project-level or cumulative impacts on population and housing that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
3. CULTURAL RESOURCES —Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Historic Architectural Resources

The Market and Octavia PEIR noted that although development would be allowed in the Plan Area, the implementation of urban design guidelines and other rules, such as evaluation under CEQA, would reduce the overall impact on historic architectural resources to a less-than-significant level. No mitigation measures were identified.

Under CEQA, evaluation of the potential for proposed projects to impact historical resources is a two-step process: the first is to determine whether the property is an historical resource as defined in Section 15064.5(a)(3) of CEQA; and, if it is determined to be an historical resource, the second is to evaluate whether the action or project proposed would cause a substantial adverse change.

Department staff finds that the project site at 2100 Market Street is not individually eligible for inclusion in the California Register of Historical Resources and that the project site, which is within the California Register-eligible Upper Market Street Commercial Historic District (District), is considered a non-contributor to the District as the project site no longer retains historic integrity.⁶ The subject building was constructed in 1955 and was substantially altered in 1962. The proposed building is glazed from the ground floor to the roof with each floor delineated by horizontal dark gray metal bands. The ground floor would include metal transom and storefront windows on concrete bulkheads while the upper floors would be clad with light gray smooth plaster with a combination of slightly recessed punched window

⁶ Preservation Team Review Form, 2100 Market Street, January 6, 2016.

openings and projecting bays and balconies that are consistent with fenestration patterns found within the District. Although many District buildings are wood-clad, smooth plaster or stucco, as proposed, is also present. Other proposed cladding materials, while contemporary, appear to be appropriate within the District. The proposed building steps down in height along 14th Street to relate more closely to the scale and use pattern on the surrounding block. Department staff finds that the design of the proposed building is compatible with the Upper Market Street Commercial Historic District.

Immediately adjacent to the west of the project site is the 2120-2122 Market Street building which was constructed in 1911. This building was evaluated in the *Market and Octavia Historic Resource Survey*, and was given a rating of “3CD,” which designates the property as “appears eligible for California Register (CR) as a contributor to a CR eligible district through a survey evaluation.”⁷ A “substantial adverse change” on a historical resource is defined by CEQA Guidelines Section 15064.5 as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” While the proposed project would be constructed adjacent to a building that is considered a potential historic resource, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. Construction adjacent to historic resources is a common occurrence in San Francisco, and the Department of Building Inspection (DBI) permit procedures adequately address this situation. In light of the above, the proposed project would not materially impair the adjacent contributing resource and there would be no impacts to off-site historic resources.

Therefore, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

Archeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources, and identified four mitigation measures that would reduce these potential impacts to a less-than-significant level (Mitigation Measures C1 through C4). Mitigation Measure C1 — Soil-Disturbing Activities in Archeologically Documented Properties⁸ applies to properties that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2 – General Soils-Disturbing Activities⁹ was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of 4 feet and located in those areas proposed in the Area Plan for which no archeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archeological Sensitivity Study (PASS) be prepared by a qualified consultant. Mitigation Measure C3 – Soil-Disturbing Activities in Public Street and Open Space Improvements¹⁰ applies to improvements to public streets and open spaces if those improvements disturb soils beyond a depth of 4 feet; it requires an Archeological Monitoring Program. Mitigation Measure C4 – Soil-Disturbing Activities in the Mission Dolores Archeological District¹¹ applies to projects in the Mission Dolores Archeological District that result in

⁷ The survey evaluation is available online at: <http://50.17.237.182/docs/DPRForms/3542004.pdf>, accessed January 7, 2016.

⁸ Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the project; mitigation numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the PEIR.

⁹ Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

¹⁰ Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

¹¹ Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.

substantial soils disturbance; it requires an Archeological Testing Program, as well as an Archeological Monitoring Program and Archeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archeological deposits, and Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Market and Octavia PEIR Mitigation Measure C2 states that any project resulting in soils disturbance beyond a depth of four feet and located within properties within the Plan Area for which no archeological assessment report has been prepared shall be required to conduct a preliminary archeology sensitivity study (PASS) prepared by a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. Based on the study, a determination shall be made if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. The Planning Department's archeologist conducted a preliminary archeological review (PAR) of the project site in conformance with the study requirements of Mitigation Measure C2 and determined that the Planning Department's third standard archeological mitigation measure (testing) would apply to the proposed project.¹² The PAR and its requirements (e.g., testing) are consistent with Mitigation Measure C2 from the Market and Octavia PEIR. With implementation of this mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement this mitigation measure as Project Mitigation Measure 1 (full text provided in the "Mitigation Measures" section below).

For the above reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Market and Octavia PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
4. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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 checked="" type="checkbox"/>

¹² San Francisco Planning Department, 2014. Email from Randall Dean, Preliminary Archeo Review results. September 18. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.1179E.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR anticipated that growth resulting from the zoning changes under the *Market and Octavia Area Plan* would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction.

The Market and Octavia PEIR identified significant traffic impacts at seven intersections and one significant transit impact. In the vicinity of the project site, the Market and Octavia PEIR identified cumulatively considerable impacts at the intersections of Market Street/Church Street/14th Street (intersection at project site) and Market Street/Sanchez Street/15th Street (one block west of the project site). The Market and Octavia PEIR identified a significant and unavoidable cumulative transit impact on the 21 Hayes Muni route during the weekday p.m. peak hour. This impact was a result of the increased vehicle delay along Hayes Street from Van Ness Avenue to Gough Street due to the proposed reconfiguration of Hayes Street under the *Market and Octavia Area Plan*.

The PEIR identified eight transportation mitigation measures involving plan-level traffic management strategies, intersection and roadway improvements, and transit improvements to be implemented by the Planning Department, the Department of Public Works (DPW), and the San Francisco Municipal Transportation Agency (SFMTA). The PEIR did not identify project-level transportation mitigation measures to be implemented by project sponsors for future development under the *Market and Octavia Area Plan*. The PEIR determined that, even with implementation of the identified plan-level mitigation measures, the significant adverse effects at seven intersections and the cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable.

Because the proposed project is within the scope of development projected under the *Market and Octavia Area Plan* and the proposed project is not designed in a manner to create potential hazardous conditions or accessibility issues to users of the transportation system, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the PEIR.

Trip Generation

Trip generation of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines), developed by the San Francisco Planning Department.¹³ The proposed project would generate an estimated 918 person trips (inbound and outbound) on a weekday daily basis, consisting of 367 person trips by auto, 338 transit trips, 133 walk trips, and 79 trips by other modes. During the PM peak hour, the proposed project would generate an estimated 30 vehicle trips.

¹³ San Francisco Planning Department, Transportation Calculations for 2100 Market Street, April 29, 2015.

Traffic

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

The Market and Octavia PEIR analyzed traffic impacts at 32 intersections in the Plan Area. Of these 32 intersections, the four intersections closest to the project site are shown in Table 1: Weekday P.M Peak-Hour Levels of Service at Nearby Intersections. As shown in Table 1, the LOS data for these four intersections indicate that all four of these intersections operate at LOS D or better during the weekday p.m. peak hour under existing conditions. Cumulative (2025) conditions represent future conditions after the buildout of the *Market and Octavia Area Plan*. Under cumulative conditions, two of the four intersections closest to the project site would operate at LOS C or better during the weekday p.m. peak hour. The other two intersections (Market Street/Church Street/14th Street and Market Street/Sanchez Street/15th Street) would operate at LOS E due to increased delays in the p.m. peak hour, resulting in a significant impact.

Table 1: Weekday PM Peak-Hour Levels of Service at Nearby Intersections

Intersection	Existing LOS (2008)	Cumulative LOS (2025)
Market Street/Church Street/14th Street	D	E
Market Street/Sanchez Street/15th Street	D	E
Duboce Street/Church Street	B	C
16th Street/Church Street	B	B

Source: Market and Octavia PEIR, Table C-9, 2007.

Notes:

(1) **Bold** indicates intersection operates at unacceptable LOS conditions (LOS E or F).

The Market and Octavia PEIR proposed a specific mitigation measure (5.7.E) for the Market/Church/14th streets intersection that included minor changes to signal timing to allow for more time for impacted movements to improve intersection conditions. However, the PEIR concluded that the feasibility of implementing this measure could not be fully assessed at that time, because implementation of the signal timing changes would be dependent on later assessments by the Metropolitan Transportation Agency (MTA) of transit and traffic coordination along Market Street, to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. Because the PEIR could not determine whether this mitigation measure was feasible, it could not determine that the measure would reduce the traffic impact at this intersection to a less-than-significant level. Consequently, in certifying the completion of the PEIR, the Planning Commission found that the impact to the Market/Church/14th streets intersection was significant and unavoidable.

The Market and Octavia PEIR proposed a specific mitigation measure (5.7D) for the Market/Sanchez/15th streets intersection that included minor changes to signal timing in conjunction with the addition of a right-turn pocket on the westbound approach on 15th Street. However, the FEIR concluded that the feasibility of implementing this measure could not be fully assessed at that time, because implementation of the signal timing changes would be dependent on later assessments by the Metropolitan Transportation Agency (MTA) of transit and traffic coordination along Market Street, to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. Because the FEIR could not determine whether this mitigation measure was feasible, it could not determine that the measure would reduce the traffic impact at this intersection to a less-than-significant level. Consequently, in certifying the completion of the FEIR, the Planning Commission found that the impact to the Market/Sanchez/Fifteenth streets intersection was significant and unavoidable.

Consistent with the assumptions in the Market and Octavia PEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Church/14th streets intersection and the Market/Sanchez/Fifteenth streets intersection that could potentially contribute to worsening the LOS. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure.

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on traffic that were not identified in the Market and Octavia PEIR.

Transit

The project site is well served by public transportation. Within 250 feet of the project site, the San Francisco Municipal Railway (Muni) operates the F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines and the 22-Fillmore and 37-Corbett bus lines.

The proposed project would be expected to generate 338 daily transit trips, including 56 transit trips during the PM peak hour. Given the wide availability of nearby transit, the addition of 56 PM peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in transit delays or operating costs such that significant adverse impacts to transit service would result.

As discussed above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21 Hayes Muni route. This degradation to transit service would occur as a result of changes to the configuration of Hayes Street, which were designed to enhance local vehicle circulation. The 21 Hayes route does not run near the vicinity of the project site, and as stated above, the project site is well served by other transit lines. Therefore, the proposed project would not contribute considerably to this 2025 significant cumulative transit impact.

For these reasons, the proposed project would not result in significant project-level impacts related to transit beyond those identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
5. 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"/>

Construction Impacts

The Market and Octavia PEIR noted that the background noise levels in San Francisco are elevated primarily due to traffic noise and that some streets, such as Market Street, have higher background noise levels. The PEIR identified an increase in the ambient noise levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that compliance with the San Francisco Noise Ordinance (Noise Ordinance), codified as Article 29 of the San Francisco Police Code, would reduce construction impacts to less-than-significant levels. No mitigation measures related to noise from construction were identified in the Market and Octavia PEIR.

All construction activities for the proposed project (approximately 20 months) would be subject to and would comply with the Noise Ordinance, which requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA¹⁴ 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) or the Director of the Department of Building Inspection (DBI) 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

¹⁴ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

7:00 a.m. unless the Director of the DPW authorizes a special permit for conducting the work during that period.

The 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. Although pile driving is not required or proposed, occupants of nearby properties could be disturbed by construction noise during the 20-month construction period for the proposed project. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise levels in the project vicinity during construction of the proposed project would not be considered a significant impact, because the construction noise would be temporary, intermittent, and restricted in occurrence and level due to required compliance with the Noise Ordinance.

For these reasons, the proposed project would not result in significant project-level or cumulative construction-related noise and vibration impacts that were not identified in the PEIR, and no mitigation measures are necessary.

Operational Impacts

The PEIR noted that Area Plan-related land use changes would have the potential to create secondary noise impacts associated with projects' fixed-location heating, ventilating, or air-conditioning equipment and other localized noise-generating activities. The PEIR determined that existing ambient noise levels in the Plan Area would generally mask noise from new on-site equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The PEIR also determined that all new development in the Plan Area would be required to comply with Title 24 of the California Code of Regulations and with the Land Use Compatibility Guidelines for Community Noise in the Environmental Protection Element of the of the *General Plan*, which would prevent significant operational impacts on sensitive receptors.

The project sponsor has conducted an environmental noise study demonstrating that the proposed project can feasibly attain acceptable interior noise levels.¹⁵ The study concluded that outdoor noise levels would range from 70 to 78 dBA (Ldn) along the proposed building façade on Market Street and from 60 to 78 dBA (Ldn) along the proposed building façade on 14th Street. To meet the 45 dBA interior noise level, the noise study provided the following recommendations: (1) the exterior windows facing 14th Street should provide an Outside-Inside Transmission Class (OITC) rating of 26 to 34 for levels 2 through 4, and a rating of 29 to 34 for levels 5 through 7; (2) the exterior windows facing Market Street should provide an OITC rating of 31 to 34 for levels 2 through 5, and a rating of 29 to 34 for levels 6 and 7; and (3) supplemental mechanical ventilation should be provided for all residential units to allow the windows to be closed if desired. The noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units. In addition, the noise study concluded that the existing ambient noise levels would not limit the enjoyment of the proposed roof-top open space.

The proposed project includes the installation of mechanical equipment, such as heating and ventilation systems, that could produce operational noise. The operation of this equipment would be required to

¹⁵ Shen Milson Wilke, Environmental Noise Report, 2100 Market Street Residential Development, San Francisco, CA, May 22, 2015.

comply with the standards set forth in Section 2909 of the Noise Ordinance, which would minimize noise from building operations. Therefore, noise impacts related to the proposed project's operation would be less than significant. The proposed building would also not contribute to a considerable increment or to any cumulative noise impacts related to noise from mechanical equipment.

Ambient noise levels in San Francisco are largely influenced by traffic. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (a 3 decibel increase). As discussed under CPE Checklist Topic 4, Transportation and Circulation, the proposed project would generate 30 vehicle trips during the p.m. peak hour. Given the existing traffic volumes in the project vicinity, the 30 vehicle trips during the p.m. peak hour would not double the traffic volumes on any given street in the project vicinity. Therefore, the proposed project would not result in a perceptible increase in noise levels from project-related traffic and would not contribute to a considerable increment or to any cumulative noise impacts related to traffic.

During the review of the building permit, DBI would check project plans for compliance with applicable noise standards. Compliance with applicable noise standards would ensure that project-related impacts from exposure of building residents to ambient noise and project-related operational noise would result in less-than-significant impacts.

The project site is not in an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, CPE Checklist Topics 5e and 5f above are not applicable.

For these reasons, the proposed project would not result in significant project-level or cumulative noise and vibration impacts that were not identified in the PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
6. AIR QUALITY —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"/>
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"/>

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter (DPM) during

construction of development projects under the Area Plan. The PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures E-1 and E-2 address air quality impacts during construction. All other air quality impacts were found to be less than significant.

Construction Dust Control

Market and Octavia PEIR Mitigation Measure E2: Construction Mitigation Measure for Particulate Emissions requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants.¹⁶ Subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective August 29, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive 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 the Department of Building Inspection (DBI). Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, sweeping streets and sidewalks, and other measures.

The regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure E1. Therefore, PEIR Mitigation Measure E1 is no longer applicable to the proposed project.

Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District's *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria¹⁷ for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the *Air Quality Guidelines*, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a seven-story, 62-unit residential building which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). Therefore, the proposed project would not result in any significant project-level or

¹⁶ Mitigation Measure E1 is Mitigation Measure 5.8.A in the Market and Octavia PEIR.

¹⁷ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2011, pp. 3-2 to 3-3.

cumulative impacts related to criteria air pollutants that were not identified in the Market and Octavia PEIR. A detailed air quality assessment is not required, and no mitigation measures are necessary.

Health Risk

Subsequent to certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 7, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The project site is not within an APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

Construction

Market and Octavia PEIR Mitigation Measure E2 – Construction Mitigation Measure for Short-Term Exhaust Emissions requires construction equipment to be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants.¹⁸ Since the project site is not within an identified APEZ, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, PEIR Mitigation Measure E2 is not applicable to the proposed project.

Siting Sensitive Land Uses

Implementation of the proposed project would result in the development of residential uses, which are considered sensitive land uses for the purposes of air quality evaluation. As discussed above, the project site is not in an APEZ. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial, and Article 38 is not applicable to the proposed project.

Siting New Sources

The proposed project would not generate 100 truck trips per day or 40 refrigerated truck trips per day. Furthermore, the proposed project would not include a backup diesel generator or other equipment that would emit DPM or other toxic air contaminants. As discussed above, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and Article 38 is not applicable to the proposed project.

Conclusion

For these reasons, the proposed project would not result in significant air quality impacts beyond those identified in the PEIR.

¹⁸ Mitigation Measure E2 is Mitigation Measure 5.8.B in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
7. GREENHOUSE GAS EMISSIONS —Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The Market and Octavia PEIR was certified in 2007, and therefore did not analyze the effects of GHG emissions. However, information on the effect of greenhouse gas emissions on climate was known well before the certification of the PEIR in 2007.

The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy,¹⁹ which is comprised of regulations that have proven effective in reducing San Francisco's overall GHG emissions; San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

For the above reasons, the proposed project would not result in significant impacts due to GHG emissions that were not identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
8. WIND AND SHADOW —Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wind

The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to

¹⁹ Greenhouse Gas Analysis: Compliance Checklist, 2100 Market Street, September 15, 2015.

ground-level wind hazards. Mitigation Measure B1 – Buildings in Excess of 85 Feet in Height²⁰ and Mitigation Measure B2 – All New Construction,²¹ identified in the PEIR, require individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measures. The Market and Octavia PEIR concluded that implementation of Mitigation Measures B1 and B2, in combination with existing San Francisco Planning Code requirements, would reduce both project-level and cumulative wind impacts to a less-than-significant level.

A proposed project's wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 85 feet generally has little potential to cause substantial changes to ground-level wind conditions. At a height of 65 feet (approximately 81 feet with mechanical penthouse) with seven stories, the proposed project would be three to four stories taller than most of the existing development adjacent to the site and would be similar in height to new development in the project vicinity, including the six-story building at 2175 Market Street and the six-story building at 2198 Market Street.²² In addition, the proposed project's long axis is aligned along the prevailing wind directions instead of across the prevailing wind directions (i.e., the proposed project's Market Street façade would allow overhead winds to continue flowing eastward instead of intercepting them and driving them down toward the sidewalk). Given its height, orientation, design, location, and surrounding development context, the proposed 65-foot-tall building has little potential to cause substantial changes to ground-level wind conditions adjacent to and near the project site.

Because of the height of the proposed building at 65 feet tall (approximately 81 feet-tall with mechanical penthouse), PEIR Mitigation Measure B1 would not apply to the proposed project. PEIR Mitigation Measure B2, which applies to all new construction, would apply to the proposed project. However, since the proposed project does not have the potential to result in significant wind impacts, a project-level wind analysis is not required, and the project sponsor has fulfilled the requirements of PEIR Mitigation Measure B2.

For the above reasons, the proposed project would not result in significant wind hazard impacts that were not identified in the Market and Octavia PEIR.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between 1 hour after sunrise and 1 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. Private open spaces that are required under the Planning Code as part of an individual development proposal are not subject to Section 295.

The Market and Octavia PEIR analyzed impacts to existing and proposed parks under the jurisdiction of the San Francisco Recreation and Park Commission, as well as the War Memorial Open Space and

²⁰ Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

²¹ Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

²² Additionally there are two proposed developments west of the project site along Market Street. There is a proposal for a new five-story building at 2140 Market Street and a proposal for a new six-story building at 2201 Market Street.

the United Nations Plaza, which are not under the commission's jurisdiction. The Market and Octavia PEIR found no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the PEIR identified potential significant impacts related to new construction of buildings over 50 feet tall, and determined that Mitigation Measure A1 – Parks and Open Space not Subject to Section 295²³ would reduce, but may not eliminate, significant shadow impacts on the War Memorial Open Space and United Nations Plaza. Specifically, the PEIR noted that potential new towers at Market Street and Van Ness Avenue could cast new shadows on the United Nations Plaza, and that Mitigation Measure A1 would reduce, but may not eliminate, significant shadow impacts on the United Nations Plaza. The PEIR determined shadow impacts to United Nations Plaza could be significant and unavoidable.

The proposed project would involve construction of a 65-foot-tall building (81 feet tall with mechanical penthouse). Based on the preliminary shadow fan analysis prepared by the Planning Department, the proposed project would not cast new shadow on nearby parks, including the United Nations Plaza or any new and proposed parks and open spaces developed since the time of the Market and Octavia PEIR (e.g., Patricia's Green).²⁴ Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

However, at various times during the day, the proposed project would shade portions of nearby streets and sidewalks and private property in the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant impact under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant impacts related to shadow that were not identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</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"/>

²³ Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

²⁴ San Francisco Planning Department, Shadow Fan Analysis, 2100 Market Street, April 29, 2015.

The Market and Octavia PEIR concluded that implementation of the Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Market and Octavia PEIR. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies locations where proposed open space connections should be built, specifically streets appropriate for potential “living alleys”. In addition, the amended ROSE identifies the role of both the Better Streets Plan and the Green Connections Network in open space and recreation. Green Connections are streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Two routes identified within the Green Connections Network cross the Market-Octavia Plan area: Marina Green to Dolores Park (Route 15) and Bay to Beach (Route 4).

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-level or cumulative impacts related to recreation that were not identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</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 Market and Octavia PEIR determined that the anticipated increase in population under the Area Plan would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-level or cumulative impacts on utilities and service systems that were not identified in the Market and Octavia PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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 Market and Octavia PEIR determined that the anticipated increase in population under the Area Plan would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any project-level or cumulative impacts on public services that were not identified in the Market and Octavia PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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 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"/>

As described in the Market and Octavia PEIR, the Market and Octavia Area Plan is in a developed urban environment completely covered by structures, impervious surfaces, and introduced landscaping. No known, threatened, or endangered animal or plant species are known to exist in the project vicinity that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Market and Octavia Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

Because the proposed project would not result in significant impacts on biological resources, and would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on biological resources beyond those analyzed in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
iv) Landslides?	<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"/>
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 checked="" 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 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 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"/>

The Market and Octavia PEIR did not identify any significant operational impacts related to geology, soils, and seismicity. Although the PEIR concluded that implementation of the Area Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides, the PEIR noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area.

The Market and Octavia PEIR identified a potential significant impact related to soil erosion during construction. The PEIR found that implementation of Mitigation Measure G1 – Construction Related Soils Mitigation Measure, which consists of construction best management practices (BMPs) to prevent erosion and discharge of soil sediments to the storm drain system, would reduce any potential impacts to a less-than-significant level. In 2013, the San Francisco Public Utilities Commission (SFPUC) adopted the Construction Site Runoff Ordinance (Public Works Code, Ordinance 260-13) which requires all construction sites, regardless of size to implement BMPs to prevent construction site runoff discharges into the combined or separate sewer systems. Further, construction sites that disturb 5,000 square feet or more of ground surface are required to apply for a Construction Site Runoff Control Permit from the SFPUC and submit an Erosion and Sediment Control Plan which includes BMPs to prevent stormwater runoff and soil erosion during construction. Therefore, the project would be subject to the Construction Site Runoff Ordinance, which supersedes the Market Octavia PEIR Mitigation Measure G1.

A geotechnical investigation was prepared for the proposed project at 2100 Market Street.²⁵ The project site is underlain by approximately 19 feet of fill underlain by an approximately six-foot-thick layer of medium dense sand underlain by dense to very dense sand to the maximum depth explored of 101 feet below ground surface (bgs). The project site is located within a liquefaction area and therefore the existing fill is not suitable for the support of the proposed structure. Considering the excessive

²⁵ Langan Treadwell Rollo, Geotechnical Investigation, 2100 Market Street, San Francisco, California, August 21, 2014.

anticipated ground deformations and the project site's proximity to the BART/Muni tunnel/station, shallow foundation systems, such as spread footings or a mat foundation, are not considered feasible unless the potential for liquefaction and lateral spreading is eliminated. The geotechnical report concluded that deep soil mixing (DSM) is the most feasible soil improvement method for the portion of the project site that is not located within the BART Zone of Influence (ZOI) area. DSM columns or panels should be installed by advancing a drill stem, cutter head or blades/paddles into the soil to a pre-determined depth and pumping cement slurry through the tip of the tools during penetration. The soil is mixed in-situ with the cement slurry, forming the columns or panels which may be installed in a regular grid pattern. The structure can then be supported on a mat designed to span between areas of improved soil. The portion of the structure that is located within the ZOI should be supported on drilled piers that gain frictional support from the dense to very dense sand. The drilled piers should be double-cased so that the proposed structure is not imposing loads on the existing BART/Muni walls.

The project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City, and which is enforced by DBI. The final building plans will be reviewed by DBI to ensure compliance with all applicable San Francisco Building Code provisions regarding structural safety. The above-referenced geotechnical investigation report would be available for use by DBI during its review of building permits for the site. In addition, DBI could require that additional site specific soils report(s) be prepared in conjunction with permit applications, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils or geology.

For these reasons, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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 or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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) 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 Market and Octavia PEIR determined that the anticipated increase in population as a result of implementation of the Area Plan would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. Groundwater encountered during construction would be required to be discharged in compliance with the City's Industrial Waste Ordinance (Ordinance Number 199-77), and would meet specified water quality standards. No mitigation measures were identified in the PEIR.

The project site, which is occupied by an existing commercial building and surface parking, is completely covered by impervious surfaces. Implementation of the proposed project would not substantially change existing surface runoff and drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or substantial erosion or siltation. The rate or amount of surface runoff would not increase to the point that it would exceed the capacity of existing or planned stormwater drainage systems. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges into surface and underground bodies of water.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface and ground water bodies. Implementation of the proposed project would not increase the amount of impervious surface area on the project site, which is completely paved and covered by an existing structure. Implementation of the proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City's combined stormwater/sewer system,

ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plan before being discharged into the San Francisco Bay. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The project site is not within an area in the City prone to flooding during storms.

For these reasons, the proposed project would not result in significant project-level or cumulative impacts on hydrology and water quality that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 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 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 type="checkbox"/>	<input checked="" 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"/>

The Market and Octavia PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to

hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at the site could result in exposure to hazardous materials during construction. The Market and Octavia PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations and implementation of Mitigation Measure F1 – Program or Project Level Mitigation Measures for Hazardous Materials,²⁶ which would require implementation of construction BMPs to reduce dust emissions and tracking of contaminated soils beyond the site boundaries, by way of construction vehicles tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under CPE Checklist Topic 6, Air Quality, subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by the BAAQMD. Compliance with the Asbestos ACTM would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

During operations, the PEIR found that businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community from exposure to hazardous materials during operations. In addition, compliance with existing building and fire codes would reduce potential fire hazards, emergency response, and evacuation hazards to a less-than-significant level.

Hazardous Building Materials

Implementation of the proposed project would result in the demolition of the existing commercial building on the project site, which was built in 1955. Because this structure was built before the 1970s, hazardous building materials such as polychlorinated biphenyls (PCBs), mercury, asbestos and lead-based paint are likely to be present in this structure. Demolishing the existing structure could expose workers or the community to hazardous building materials.

Asbestos is a common material that was used in the construction of buildings prior to 1978. Prior to obtaining a demolition or renovation permit, the BAAQMD requires sampling of suspected asbestos-containing material. If asbestos is detected, it must be abated in accordance with applicable regulations prior to the commencement of demolition or renovation activities. Pursuant to state law, the Department of Building Inspection (DBI) will not issue a permit for a proposed project until compliance with applicable regulations has been completed.

Lead-based paint and PCB-containing materials could also be encountered as a result of dust-generating activities that include removal of walls and material disposal during construction. Compliance with Chapter 36 of the San Francisco Building Code would ensure no adverse effects due to work involving

²⁶ Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

lead paint. PCB-containing materials must be managed as hazardous waste in accordance with Occupational Safety and Health Administration worker protection requirements. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Market and Octavia Plan area are subject to this ordinance.

The project site is located within the Article 22A (Maher) area of the San Francisco Health Code, and the proposed project would require approximately five feet of excavation below ground surface and approximately 222 cubic yards of soil is proposed to be removed. Therefore, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA²⁷ to DPH²⁸. The Phase I ESA stated that the property was vacant through 1899 and by about 1913, the project site was occupied by buildings that covered the entire parcel, including a drug store, offices, a restaurant, stores, and a saloon. In 1950, the property remained completely occupied by structures shown as stores and a transfer warehouse and by 1965 the property was occupied by a restaurant in a single building. According to city directory listings the project site was occupied by various restaurants from 1957 to 2008. In 1953, the listings include a market, an “opportunity shop”, a moving company, and a musical instrument repair shop. The Phase I ESA revealed no evidence of Recognized Environmental Conditions (RECs) associated with the project site. However, since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

²⁷ Piers Environmental Services, *Phase I Environmental Site Assessment for 2100 Market Street, San Francisco, CA*, November 2013.

²⁸ Russell Yim, SFDPH, email to Don Lewis, 2100 Market Street, May 6, 2015

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
16. MINERAL AND ENERGY RESOURCES— Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally imported mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities, which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the Area Plan's effects on mineral and energy resources, and no mitigation measures were identified. The project site is not a designated mineral resource recovery site, and implementation of the proposed project would not result in the loss of availability of any mineral resources.

The PEIR determined that the *Market and Octavia Area Plan* would facilitate the new construction of both residential and commercial uses. Development of these uses would not result in the use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection.

For these reasons, the proposed project would not result in any significant project-specific or cumulative impacts related to mineral and energy resources, and no mitigation measures are necessary.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
17. AGRICULTURE AND FOREST RESOURCES: —Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural uses, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of fore land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environmental which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the Area Plan's effects on agriculture and forest resources, and no mitigation measures were identified. The project site is not zoned for or occupied by agricultural uses, forest land, or timberland, and implementation of the proposed project would not convert agricultural uses, forest land, or timberland to non-agricultural or non-forest uses.

For these reasons, the proposed project would have no project-specific or cumulative impacts related to agriculture and forest resources, and no mitigation measures are necessary.

MITIGATION MEASURES

Project Mitigation Measure 1 – Archeological Testing (Implementing Mitigation Measure C2 of the Market and Octavia PEIR):

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this 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) and (c).

Consultation with Descendant Communities: On discovery of an archeological site²⁹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative³⁰ of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities,

²⁹ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

³⁰ An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

- such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological 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 archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
 - 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 activities and 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

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 and 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. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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 final report.

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



**584 Castro Street #333
San Francisco CA 94114-2512**

formerly "Merchants of Upper Market & Castro – MUMC"
415/431-2359

Info@CastroMerchants.com
www.CastroMerchants.com

January 10, 2016

By Email and USPS hardcopy

Jeffrey Horn, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning File/Case No. 2014.0519CV
Proposed 7 story Mixed Use Building at 2100 Market Street, SF
Brian Spiers Development, Project Sponsor

Dear Mr. Horn,

This confirms that the Members of **CASTRO MERCHANTS** (formerly "Merchants of Upper Market & Castro – MUMC") have voted to SUPPORT the proposed Project referenced above and related requests to your Department.

CM's support is based on information provided by Mr. Spiers during his presentation at our Members Meeting on December 3, 2015. We have asked the Project Sponsor to notify us if there are any subsequent, substantive changes to their proposal prior to approval, so we can evaluate whether such changes would affect the previous vote. We have received no such notification, to date.

CASTRO MERCHANTS is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19th Street; and cross streets throughout that area. **CASTRO MERCHANTS** has about 300 paid Members for 2015-2016. The property covered by this matter is within our organization's primary service area.

In addition to today's email to you and to the individuals cc'd below, hardcopies of this letter are being mailed to you and to Mr. Spiers.

..... continued

CASTRO MERCHANTS

San Francisco Planning Department
Re: Planning Case/File No 2014.0519CV
Brian Spiers Development
2100 Market Street, SF

January 10, 2016

Please let us know if you have any questions regarding **CASTRO MERCHANTS's** SUPPORT for this Application and related items. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,



Daniel Bergerac, President

Email and hardcopy cc: Brian Spiers
Email cc: Supervisor Scott Wiener, Staff Andres Power
Capt. Daniel Perea, SFPD Mission Station
Capt. John Sanford, Jr., SFPD Park Station
Capt. Greg McEachern, SFPD Northern Station

.... LtrPlanning2100MktSpiers011016



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: January 11, 2013

To: Applicants subject to Planning Code Section 415: Inclusionary
Affordable Housing Program

From: San Francisco Planning Department

Re: Compliance with the Inclusionary Affordable Housing Program

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

All projects that involve ten or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

1/25/2016
Date

I, BRIAN SPIERS, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

2100 MARKET STREET, SAN FRANCISCO, CA 94114 3542/041
Address Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2014.0519 CUA _____
Planning Case Number Building Permit Number

This project requires the following approval:

- ☒ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

JEFF HORN
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- ☐ Yes (if yes, please indicate Tier) _____
☒ No

This project is exempt from the Inclusionary Affordable Housing Program because:

- ☐ This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
☒ On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.

☒ **Rental.** Exemption from Costa Hawkins Rental Housing Act.² The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:

☐ Direct financial contribution from a public entity.

☐ Development or density bonus or other public form of assistance.

☒ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

(1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;

(2) Record a new Notice of Special Restrictions; and

(3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the 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.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on this day in:

SAN FRANCISCO, CA
Location

1/25/2016
Date

Brian Spier
Signature

BRIAN SPIERS, PRESIDENT
Name (Print), Title

cc: Mayor's Office of Housing
Planning Department Case Docket
Historic File, if applicable
Assessor's Office, if applicable

415-445-4670
Contact Phone Number

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
62		6	31	25	

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- ☒ On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
7		1	3	3	

- ☐ Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

- ☐ Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee _____ % of affordable housing requirement.


2. On-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
<p>Company Name</p> <p>BRIAN SPIERS DEVELOPMENT</p>	<p>Company Name</p>
<p>Print Name of Contact Person</p> <p>BRIAN SPIERS</p>	<p>Print Name of Contact Person</p>
<p>Address</p> <p>388 MARKET ST. SUITE 940</p>	<p>Address</p>
<p>City, State, Zip</p> <p>SAN FRANCISCO, CA 94111</p>	<p>City, State, Zip</p>
<p>Phone, Fax</p> <p>415-445-4670</p>	<p>Phone, Fax</p>
<p>Email</p> <p>bSPIERS@brianspiersdevelopment.com</p>	<p>Email</p>
<p>I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.</p>	<p>I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.</p>
<p></p>	<p>_____</p>
<p>Signature</p>	<p>Signature</p>
<p>BRIAN SPIERS, PRESIDENT</p>	<p>_____</p>
<p>Name (Print), Title</p>	<p>Name (Print), Title</p>

CONCEPT PACKAGE



ARQUITECTONICA

818 WEST SEVENTH STREET, SUITE 800
LOS ANGELES, CA 90017
TEL: 213.895.7800 FAX: 213.895.7808



Brian
Spiers
Development

338 Market St, Suite 940, San Francisco, CA 94111

2100 MARKET STREET
SAN FRANCISCO, CA
JANUARY 8th, 2016

PROJECT DATA

PROJECT AREA SUMMARY							
LEVEL	HEIGHT	GROSS AREA (SF)	NET UNIT AREA (SF)	STUDIO	1 BED	2 BED	TOTAL
LEVEL 7	8'-11"	7,601	6,258	1	4	4	9
LEVEL 6	8'-11"	7,601	6,258	1	4	4	9
LEVEL 5	8'-11"	7,601	6,258	1	4	4	9
LEVEL 4	8'-11"	9,535	8,116	1	6	4	11
LEVEL 3	8'-11"	9,535	8,116	1	6	4	11
LEVEL 2	8'-11"	9,390	7,783	1	7	3	11
LEVEL 1	11'-6"	10,415	1,590	RETAIL/PARKING/MEP		2	2
TOTAL	65'-0"	61,678	44,379	6	31	25	62
				10%	50%	40%	100%

BICYCLE PARKING SUMMARY			
Class	Use	Required Spaces	Provided Spaces
Class 1	Residential (1/Unit)	62	62
	Commercial	0	0
Class 2	Residential (62/20)	3	3
	Commercial (2,600SF/2,500SF)	2	2

RESIDENTIAL PARKING SUMMARY		
Permitted	.5 spaces/unit	31 spaces
Conditional	up to .75 spaces/unit	47 spaces
Conditional	up to .75 spaces/unit	47 spaces
Total Proposed	0 space/unit	0

* 2 service vehicle spaces are provided.

OPEN SPACE SUMMARY			
COMMON OPEN SPACE CALCULATION:			
UNITS W/ PRIVATE OPEN SPACE (60 SF MIN):	0		
REMAINING UNITS (required common open space):	62		
COMMON OPEN SPACE REQUIRED:	62 units x 80 SF/Unit =	4,960 SF	
COMMON OPEN SPACE PROVIDED:	4,960 SF ROOF TERRACE		
	4,960	TOTAL SF	

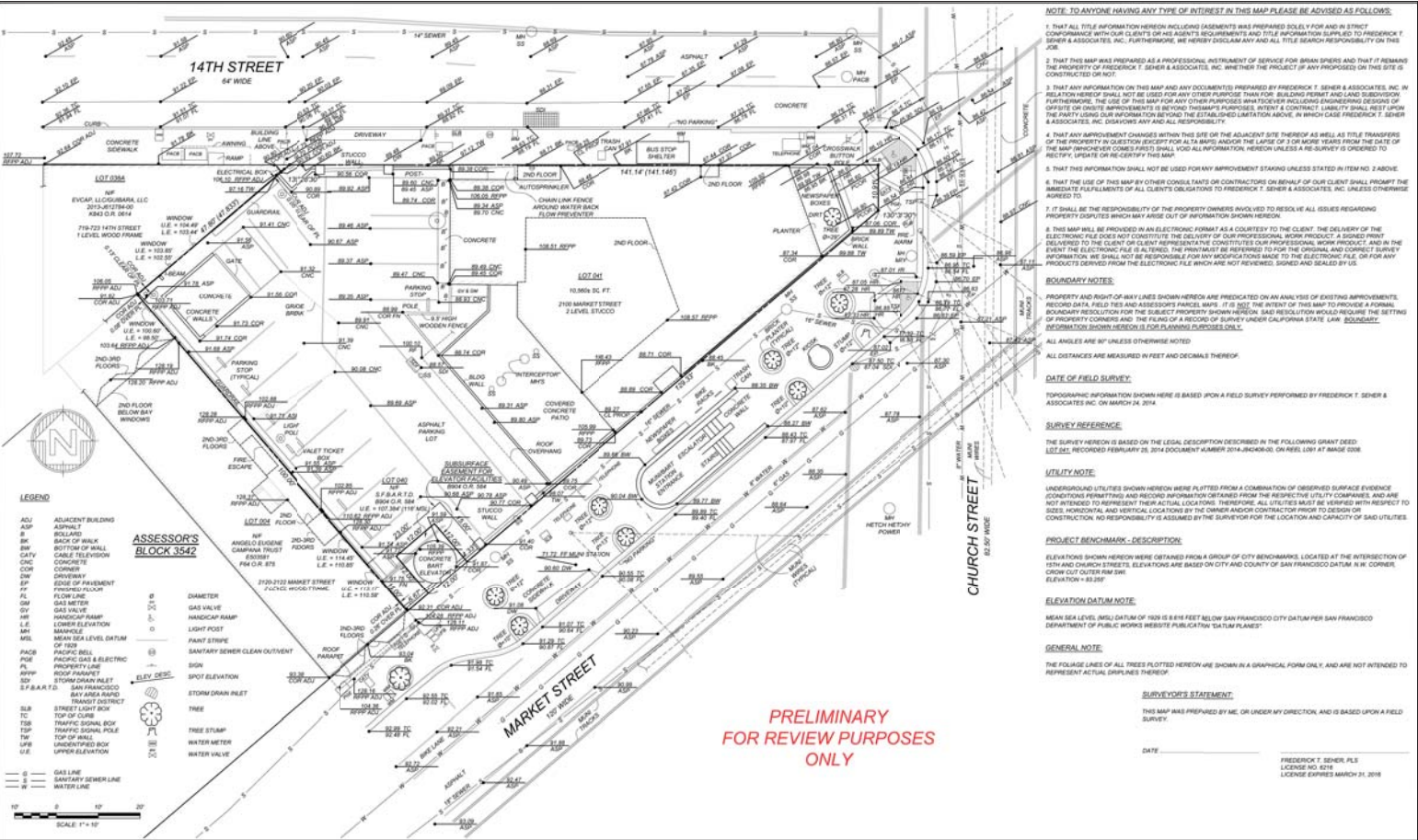
SHEET INDEX

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Pg 13 /	Elevation - 14th Street
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Pg 21 /	Roof Level Plan
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Pg 24 /	Courtyard Sections C & D (Sect. 140 Compliance Diagrams)
Pg 25 /	Wall Section - 14th Street
Pg 26 /	Enlarged Corner Plans - Levels 2-6 Corner Units
Pg 27 /	Enlarged Plan Diagrams - Bay Window Code Compliance
Pg 28 /	Enlarged Plan Diagram - Ground Floor Res'l Units
Pg 29 /	Enlarged Elevation - Ground Floor Res'l Units
Pg 30 /	Partial Section - Ground Floor Res'l Unit 01
Pg 31 /	Partial Section - Ground Floor Res'l Unit 02
Pg 32 /	Preliminary Material Board - Market Street
Pg 33 /	Preliminary Material Board - 14th Street

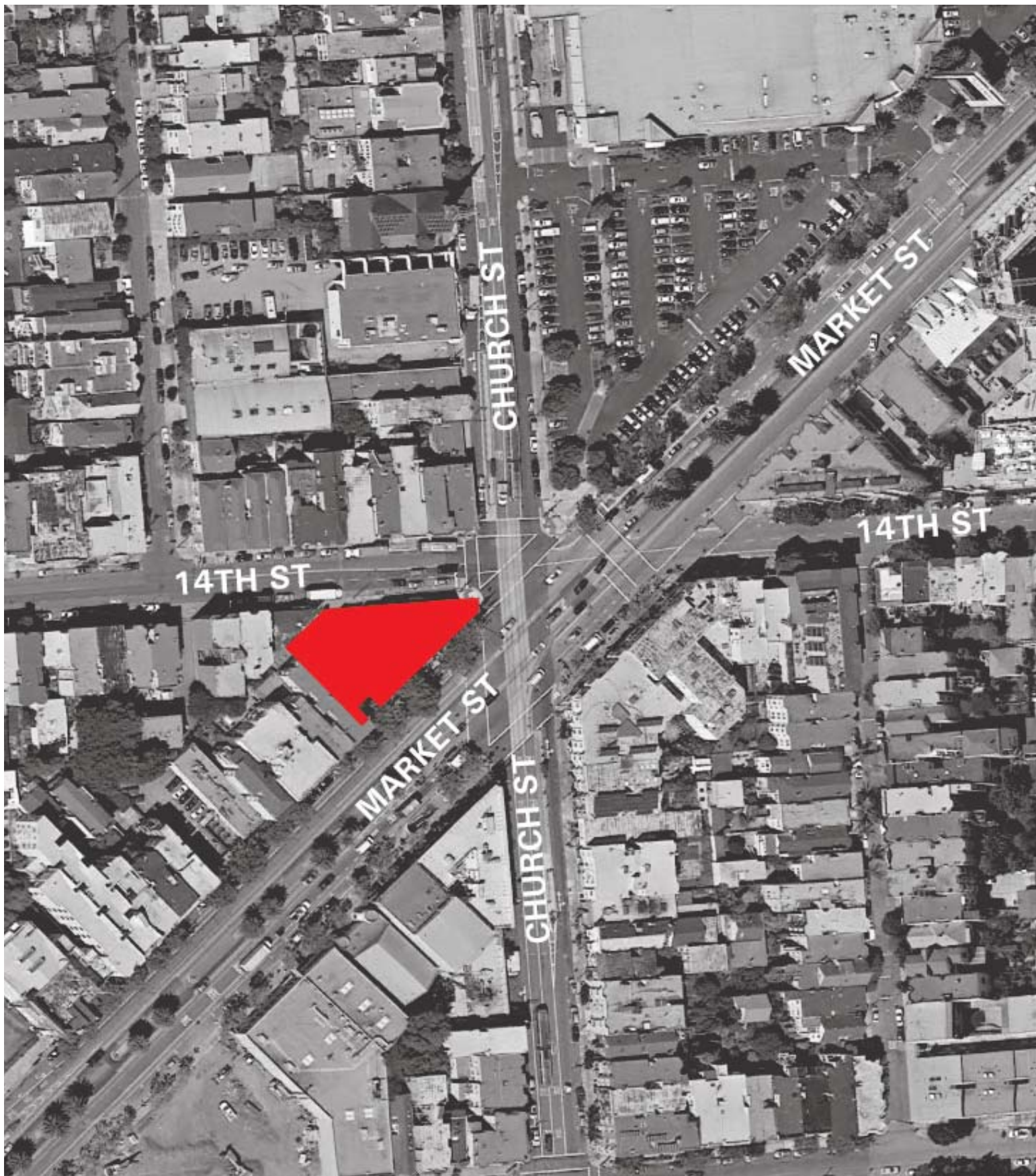
DESCRIPTION

The proposed project would involve the demolition of the existing two-story commercial building and the construction of a 65-foot-tall, seven-story, 61,678 S.F. mixed-use residential and retail building with a four-story-tall portion at 14th Street toward the northwest lot line. The building would occupy the entire 10,415 S.F. lot on the ground floor, and a rectangular light court will be cut out adjacent to the southwest lot line to provide light and ventilation for the courtyard-facing residential units above the ground floor with stormwater management planter boxes.

The ground floor will contain a 2,600-square-foot retail space at the building's northeast corner, a residential lobby entrance on Market Street, a garage entrance on 14th Street leading to service vehicle parking area, and two residential units on the ground floor. Mechanical rooms and bicycle storage will also be located at the back of house on the ground floor, and the existing MUNI elevator will remain in its current location. The building's circulation core is near the center of the lot, with two fire stairs and one elevator. Above the two ground floor residential units, the second through seventh floors will contain apartments. The roof will contain a bulkhead for the circulation core and will provide the required open space for residents with planter box landscaping.



SITE SURVEY





MAP LEGEND



1. VIEW FROM MARKET ST, 14TH ST, CHURCH ST INTERSECTION | 1941 FLOOD



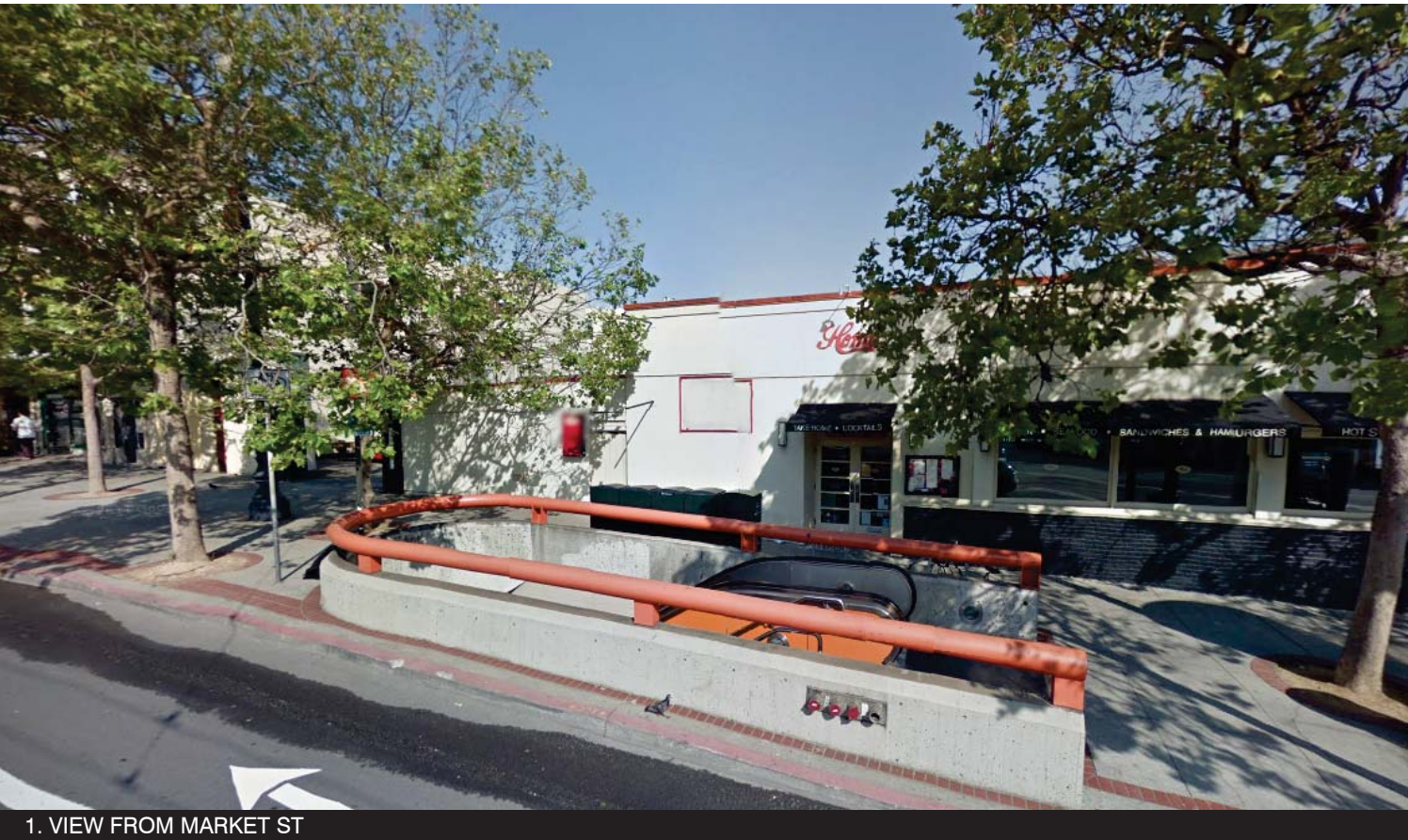
2. VIEW FROM MARKET ST AWAY FROM DOWNTOWN | 1944



3. VIEW FROM RESERVOIR ST AWAY FROM DOWNTOWN | 1966



MAP LEGEND



1. VIEW FROM MARKET ST



3. MUNI ELEVATOR



2. VIEW FROM MARKET ST



MAP LEGEND



1. VIEW FROM MARKET AND CHURCH INTERSECTION



2. VIEW FROM 14TH AND CHURCH INTERSECTION



3. VIEW FROM 14TH ST



1. PANORAMIC VIEW (COLOR STREETSCAPE) - MARKET STREET, FACING TOWARDS SITE



2. PANORAMIC VIEW (COLOR STREETSCAPE) - MARKET STREET, FACING ACROSS STREET, TOWARDS NEIGHBORS



3. PANORAMIC VIEW (COLOR STREETSCAPE) - 14th STREET, FACING TOWARDS SITE



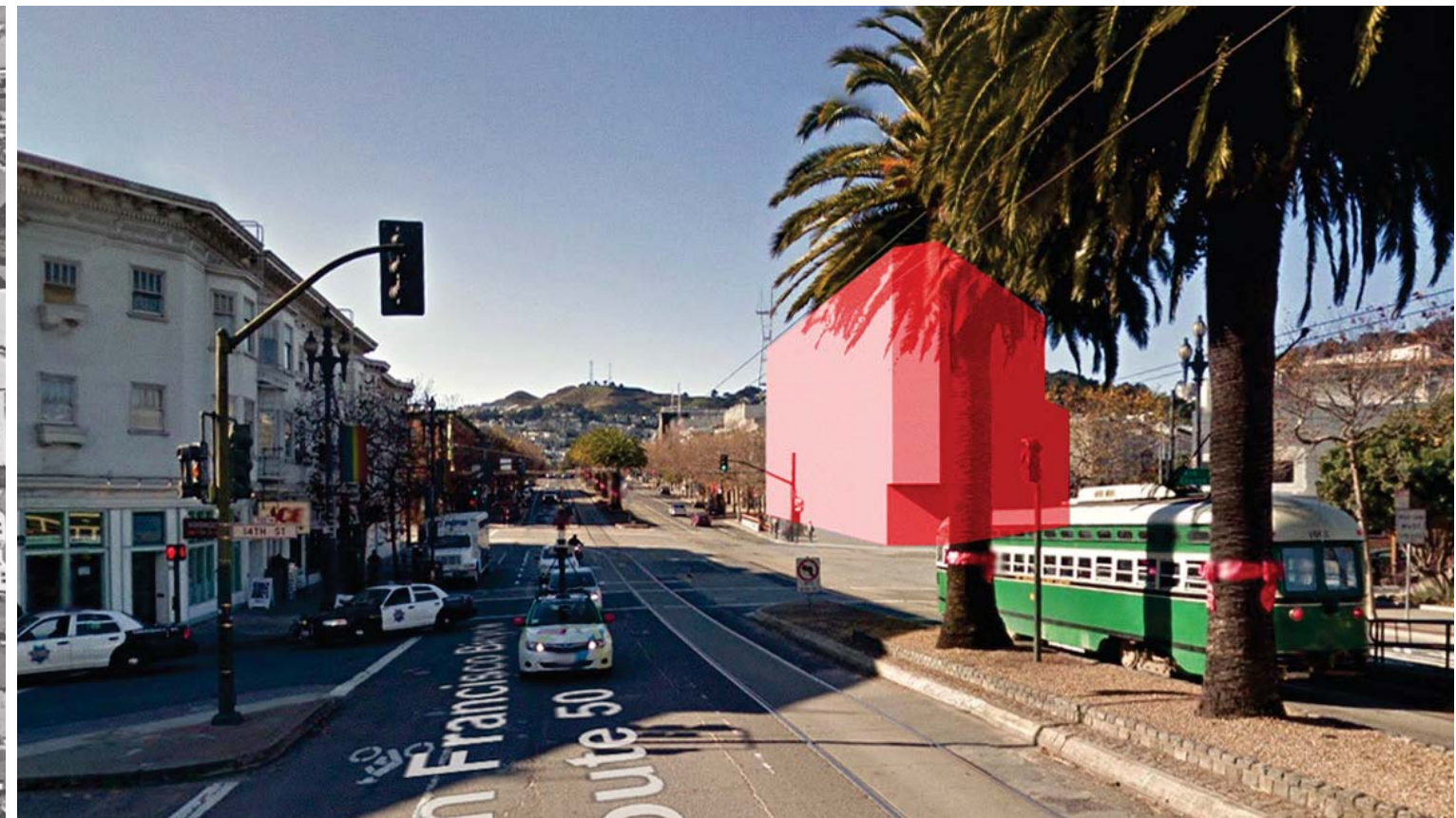
4. PANORAMIC VIEW (COLOR STREETSCAPE) - 14th STREET, FACING ACROSS STREET, TOWARDS NEIGHBORS



5. 360-DEGREE PANORAMIC VIEW (COLOR STREETSCAPE) - MARKET, CHURCH & 14th STREET INTERSECTION



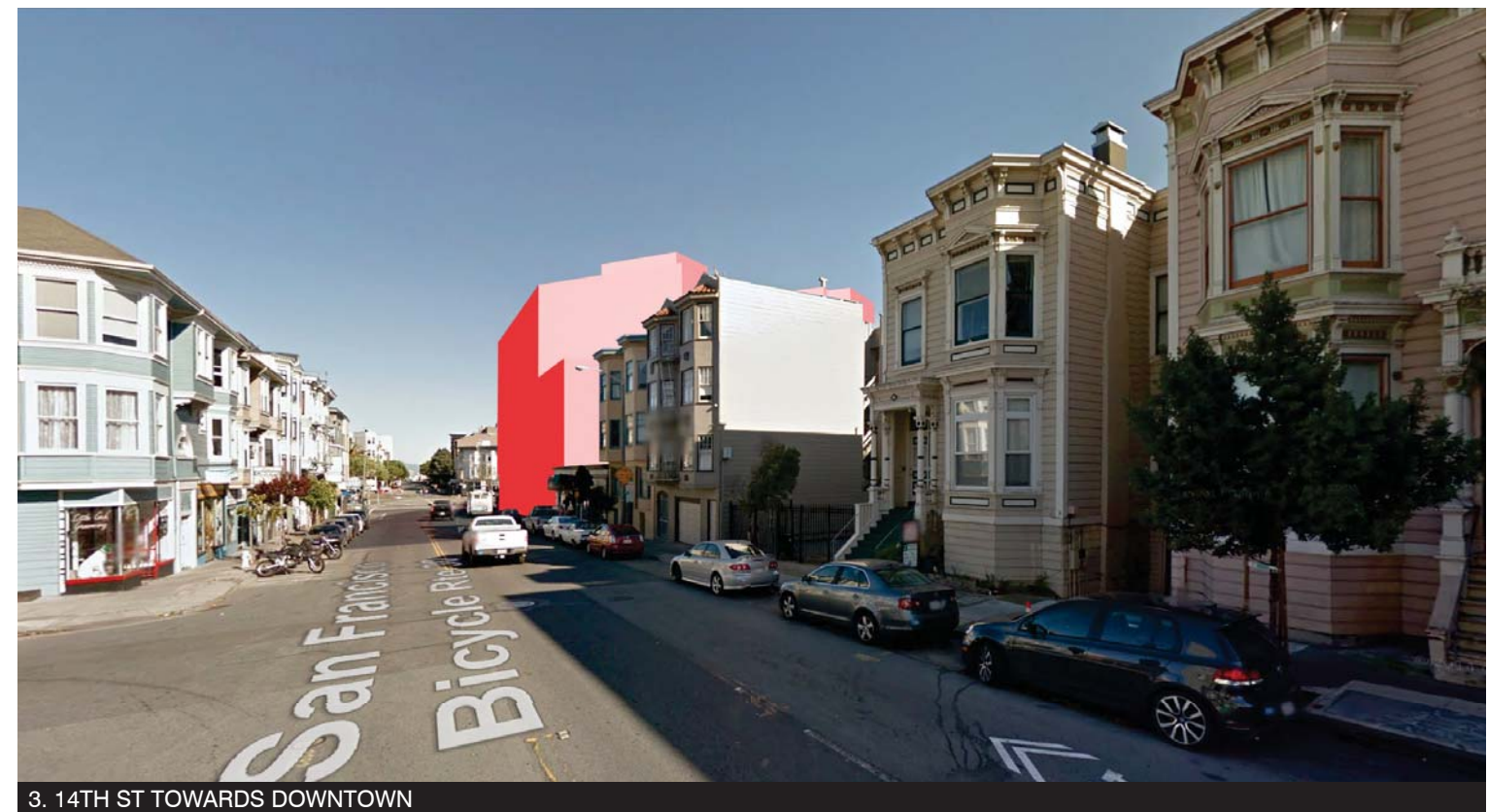
MAP LEGEND



1. MARKET ST AWAY FROM DOWNTOWN



2. MARKET ST TOWARDS DOWNTOWN



3. 14TH ST TOWARDS DOWNTOWN

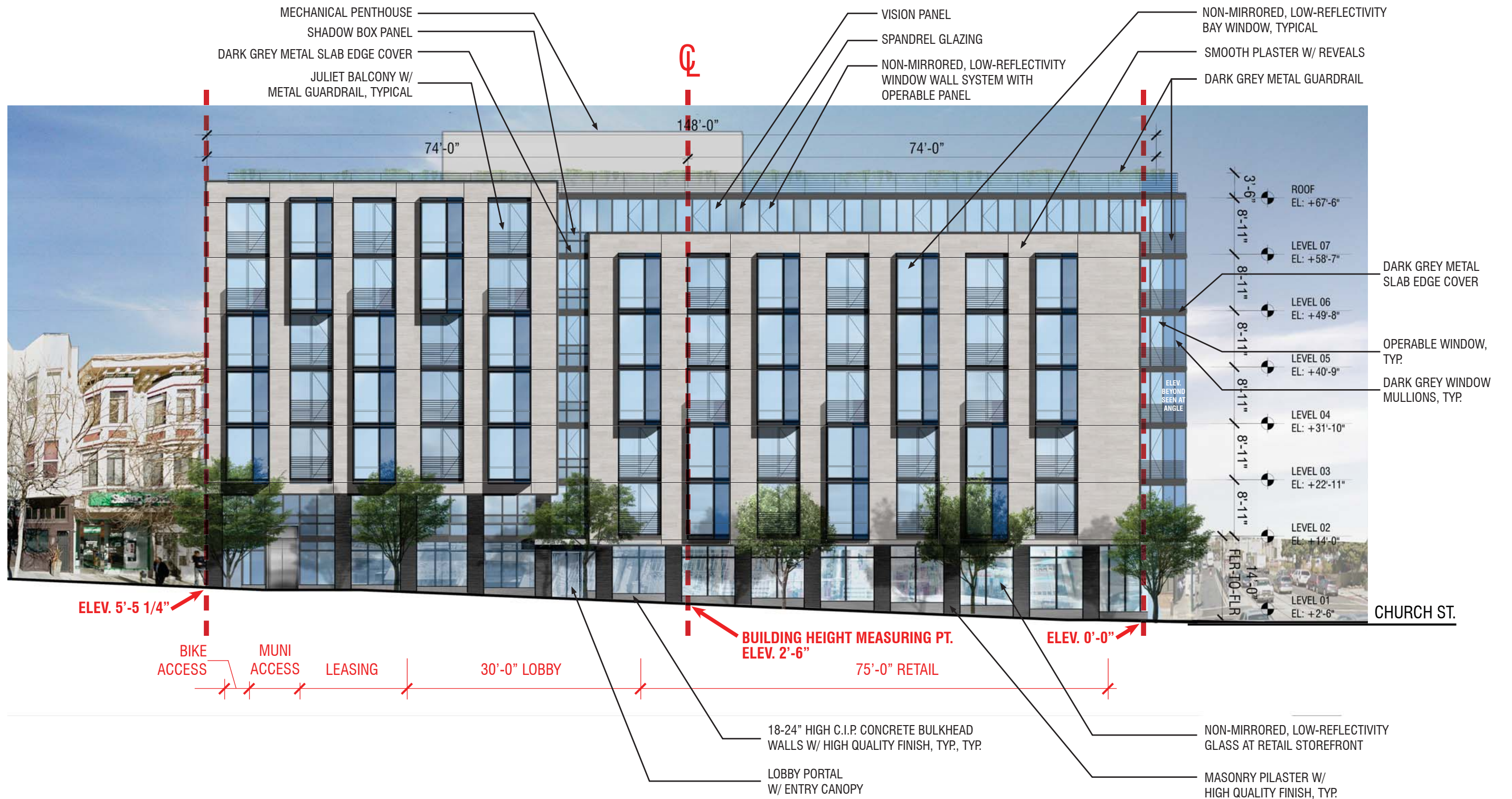
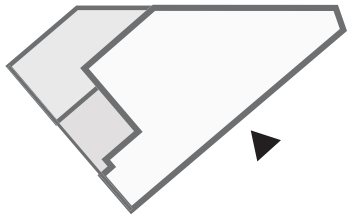
NOTE: BALCONIES NOT SHOWN FOR CLARITY (SEE ELEVATIONS, RENDERINGS, ETC.).

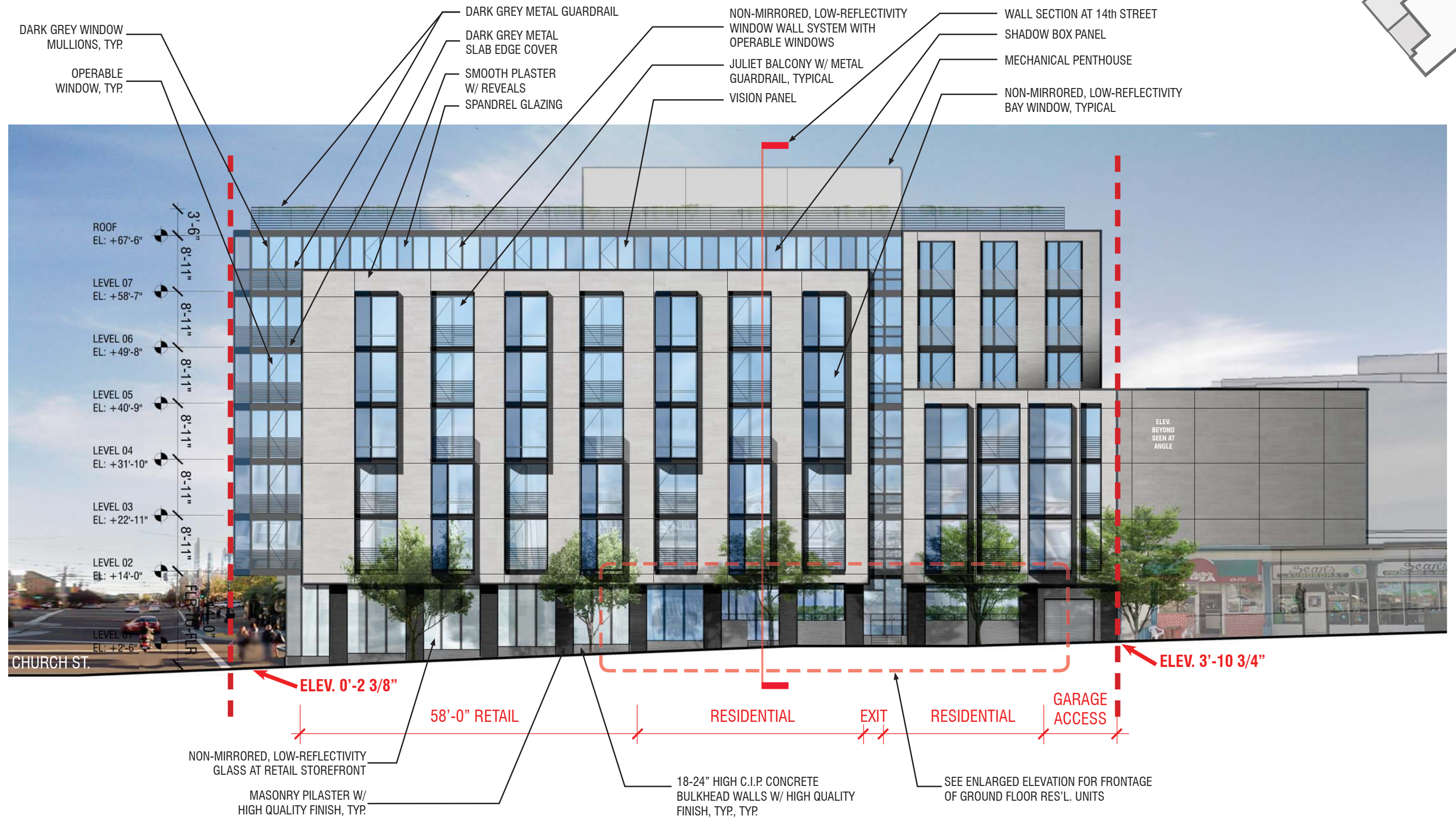
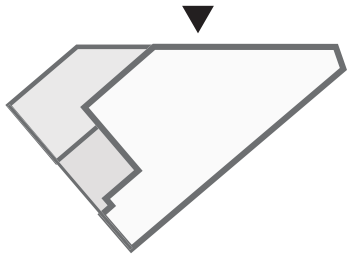


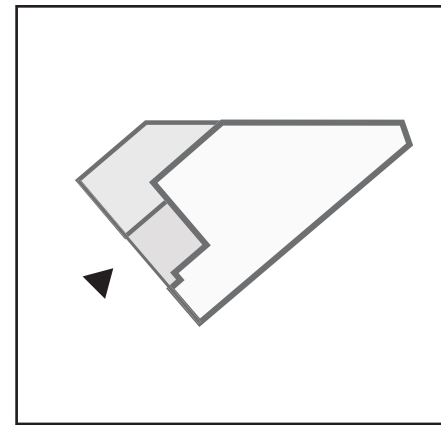
NOTE: BALCONIES NOT SHOWN FOR CLARITY (SEE ELEVATIONS, RENDERINGS, ETC.).



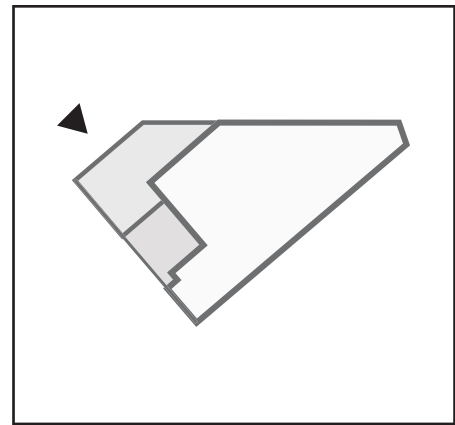




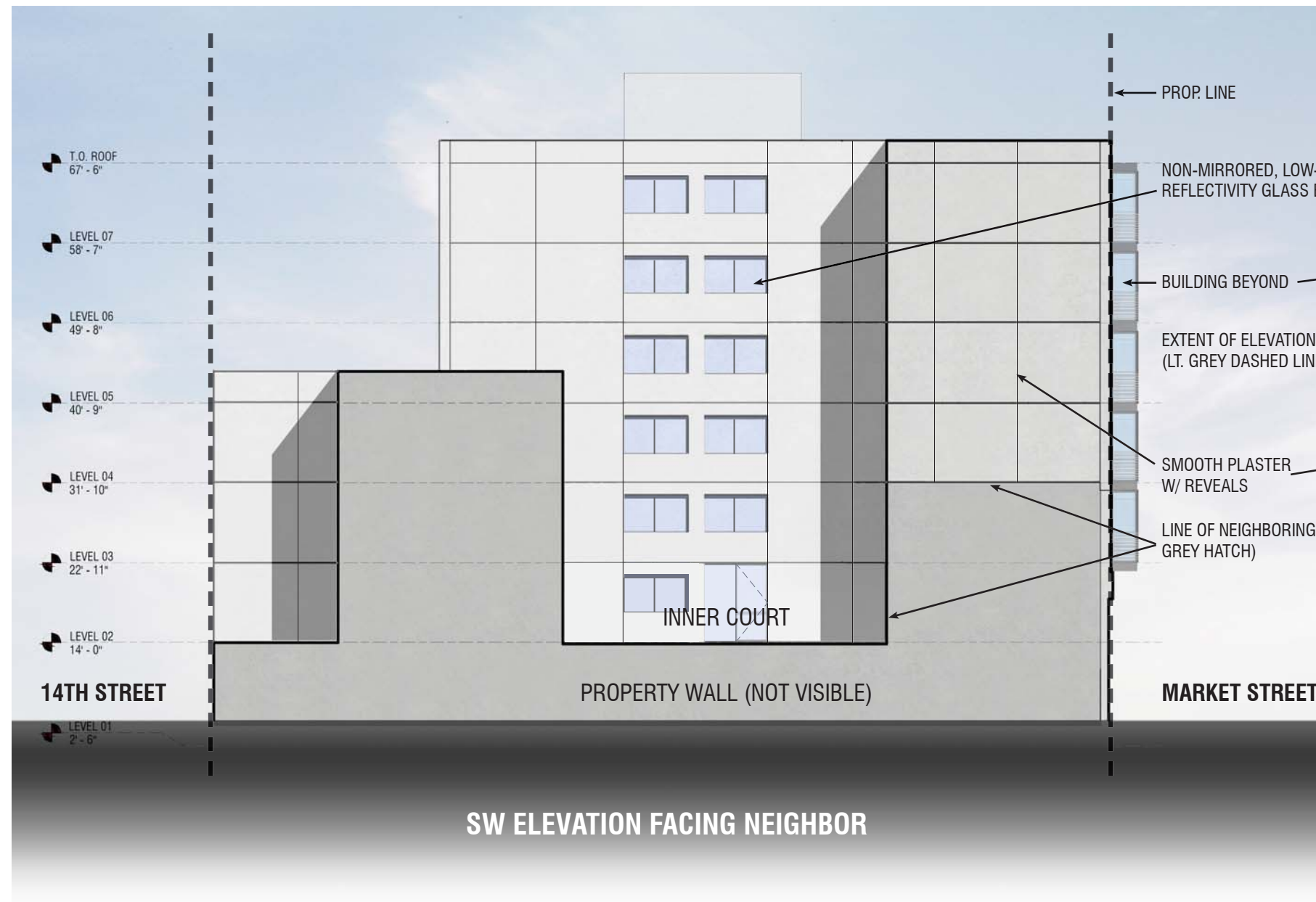




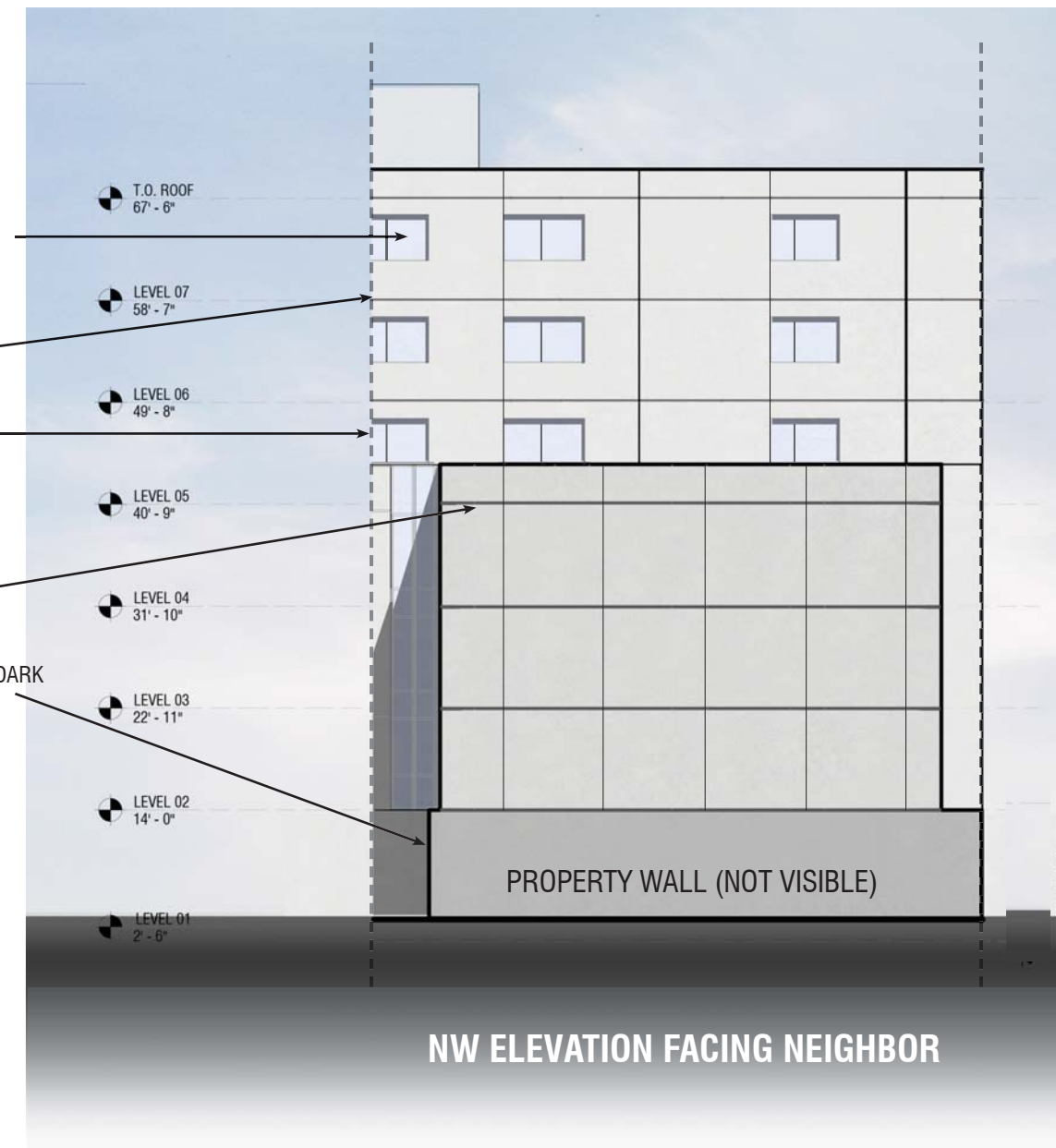
KEY PLAN



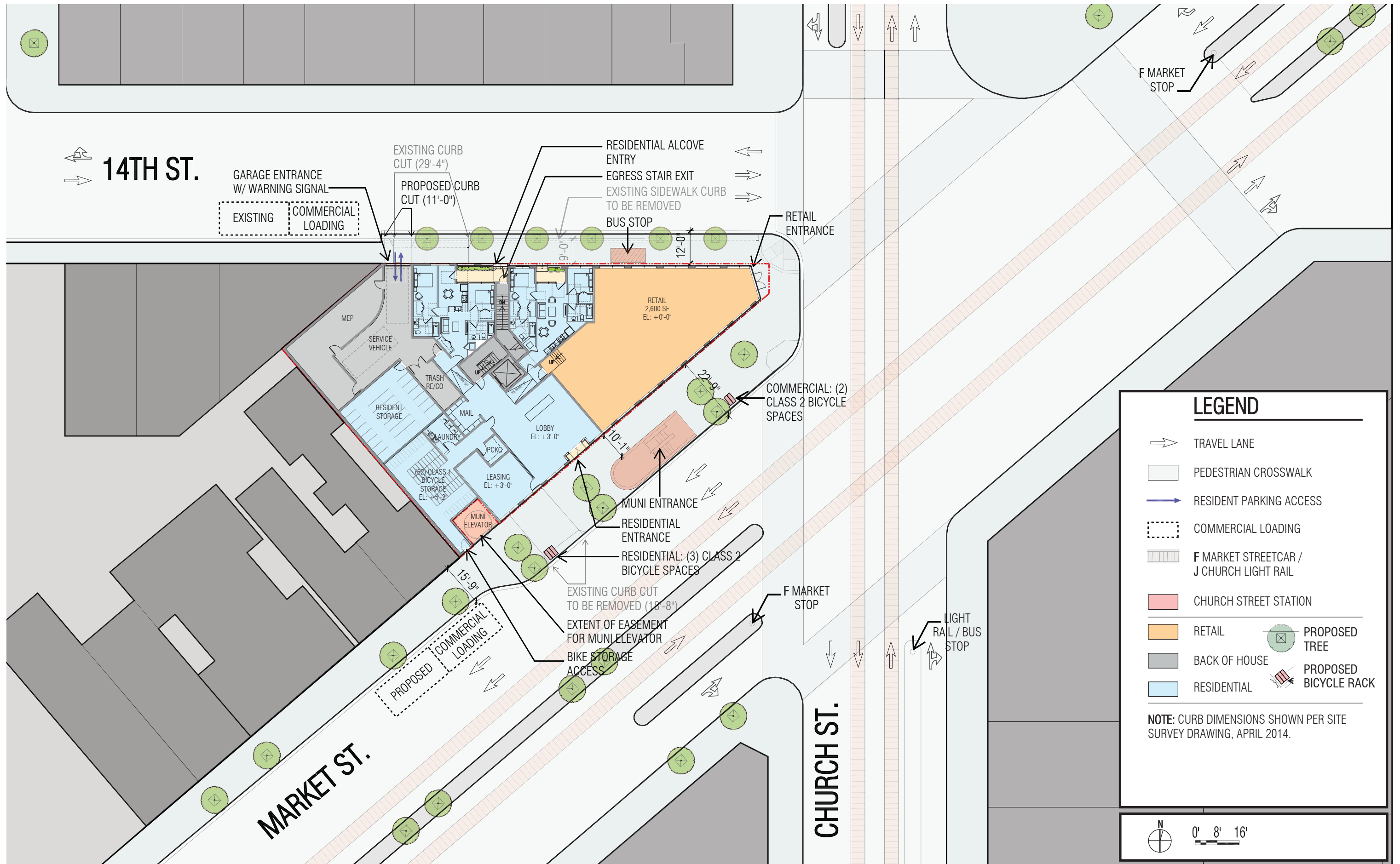
KEY PLAN



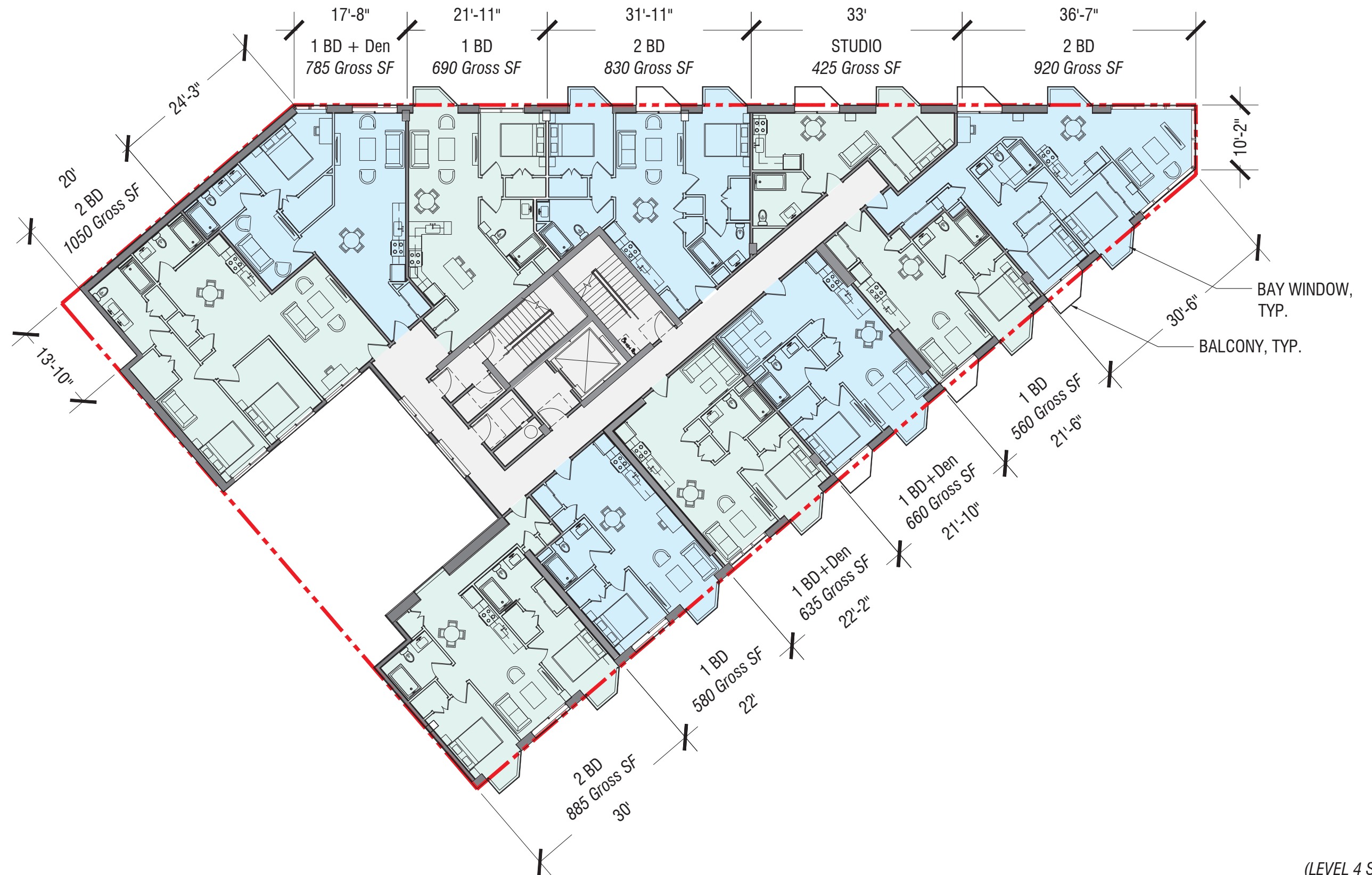
SW ELEVATION FACING NEIGHBOR



NW ELEVATION FACING NEIGHBOR







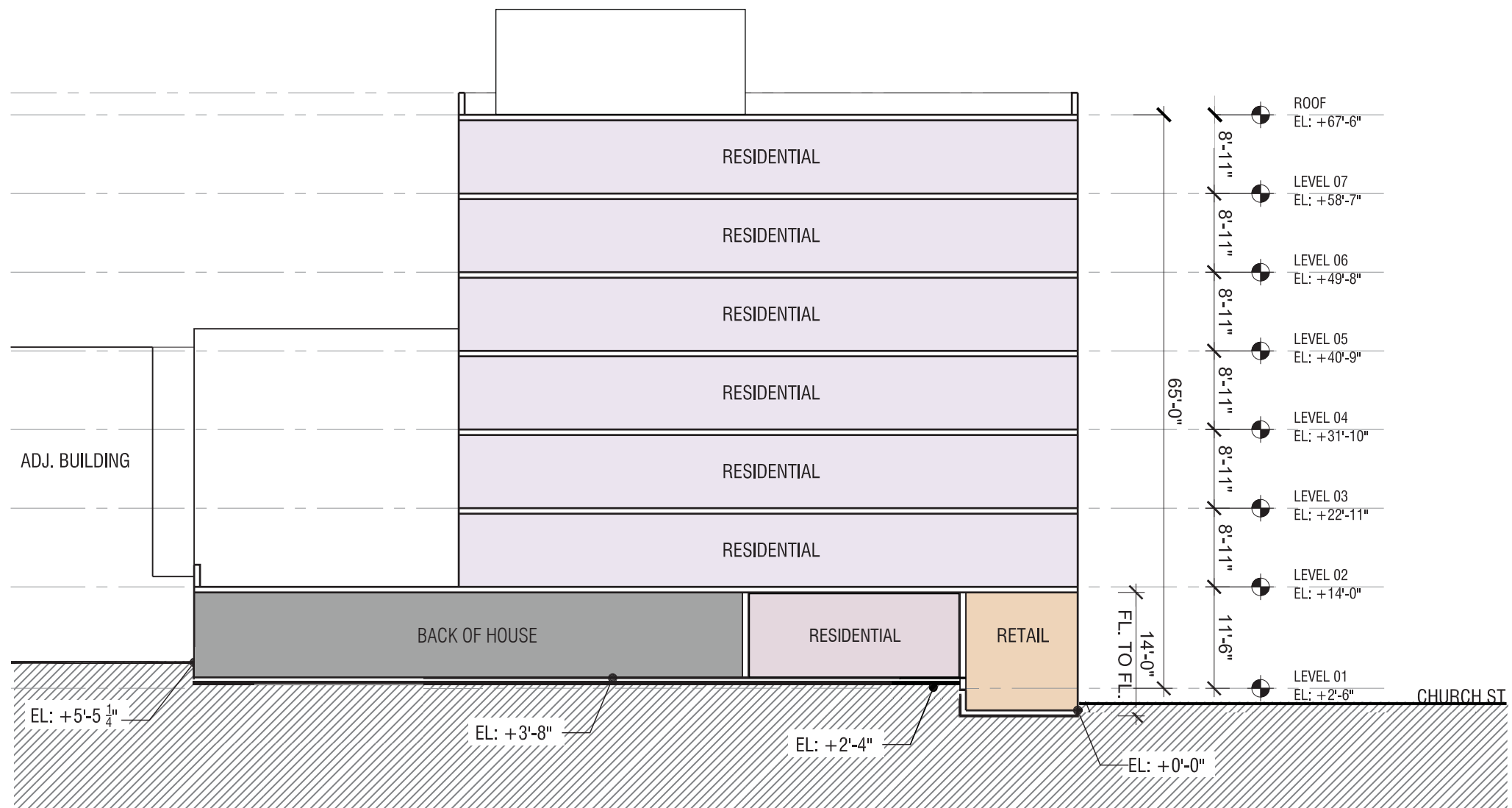
(LEVEL 4 SHOWN)

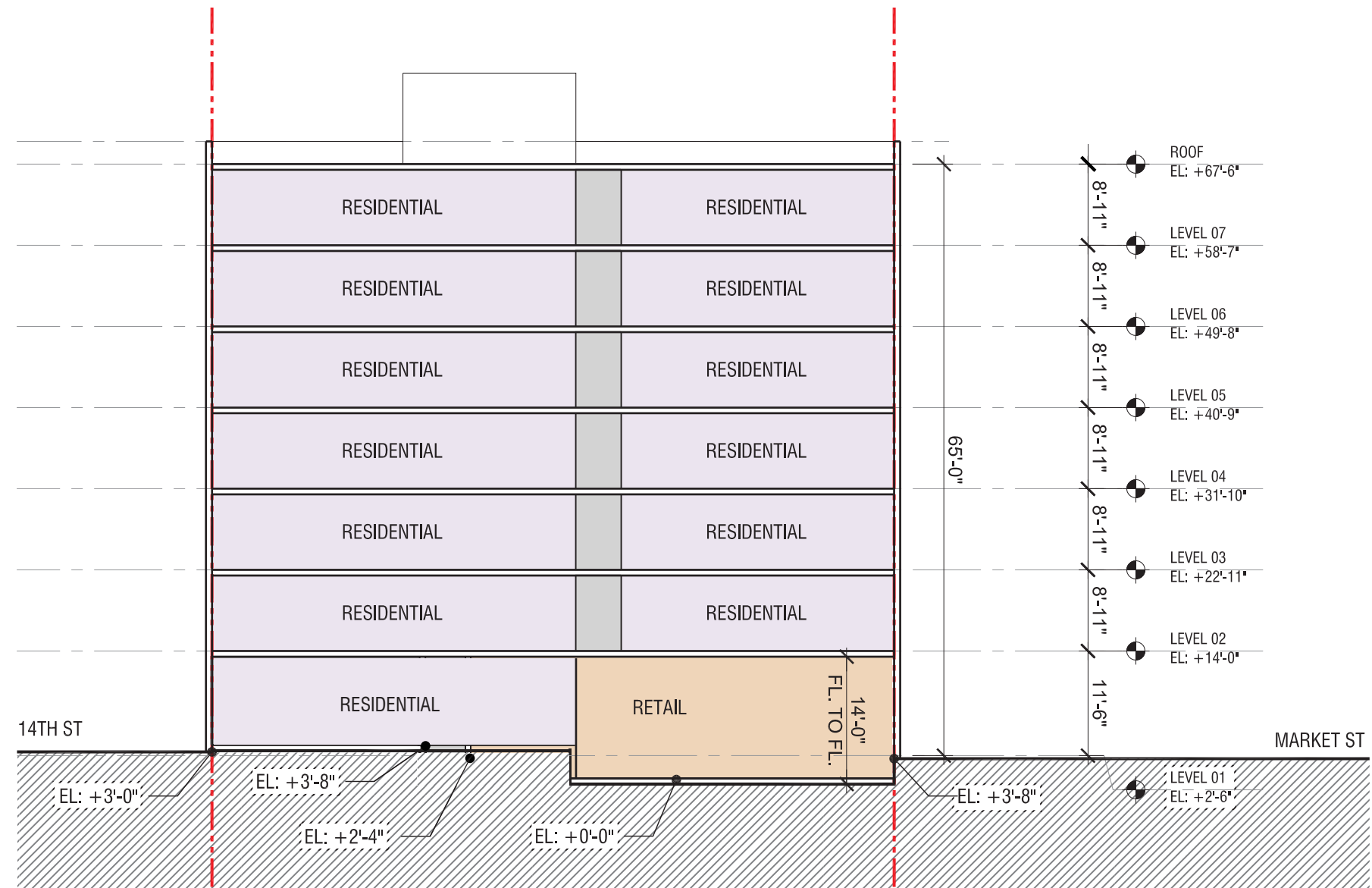
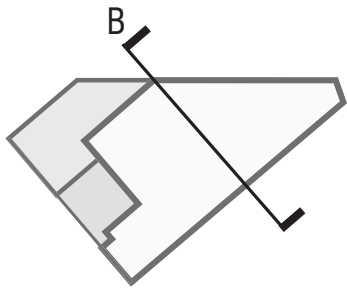


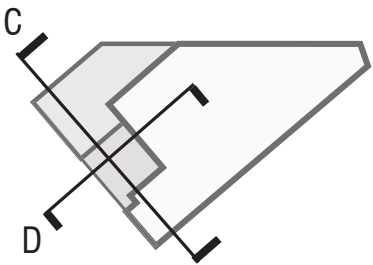
(LEVEL 5 SHOWN)











**INNER COURT DIMENSION COMPLIANCE
(SECTION 140)**

All units facing the interior court comply with Planning Code Section 140, providing them with adequate exposure to light and air. A graphic depiction of the project's compliance is illustrated with the dashed red line overlaid on the building section.

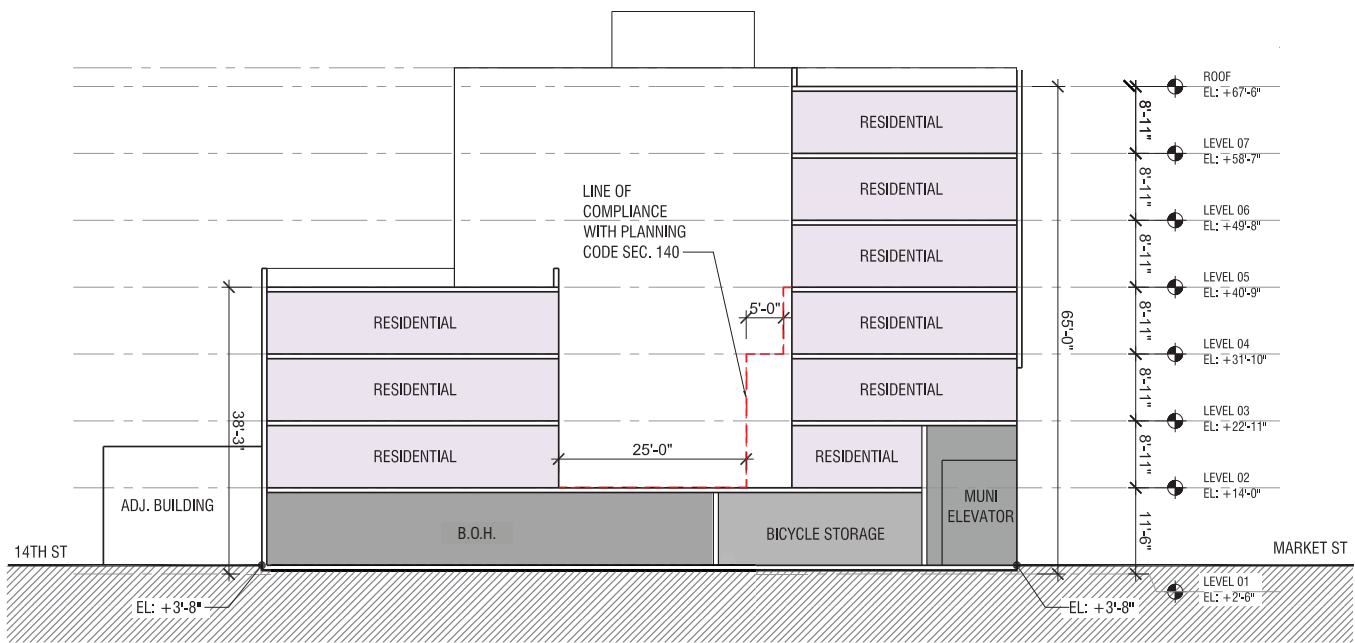


EXHIBIT: SECTION C

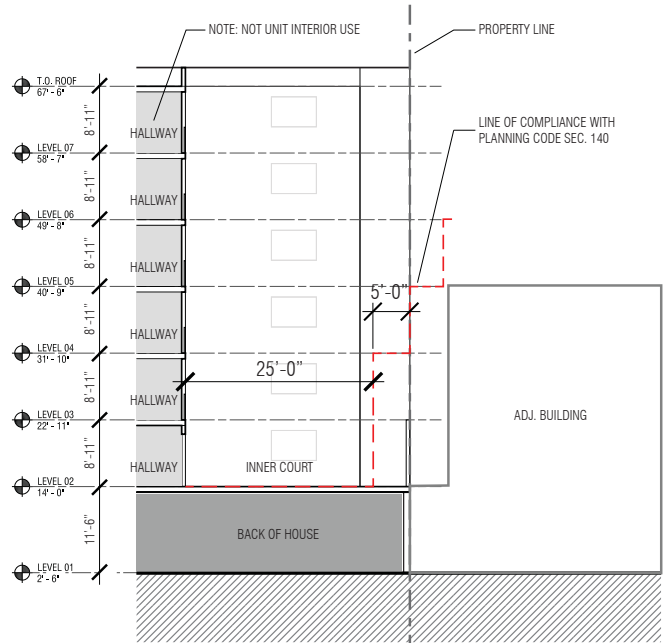
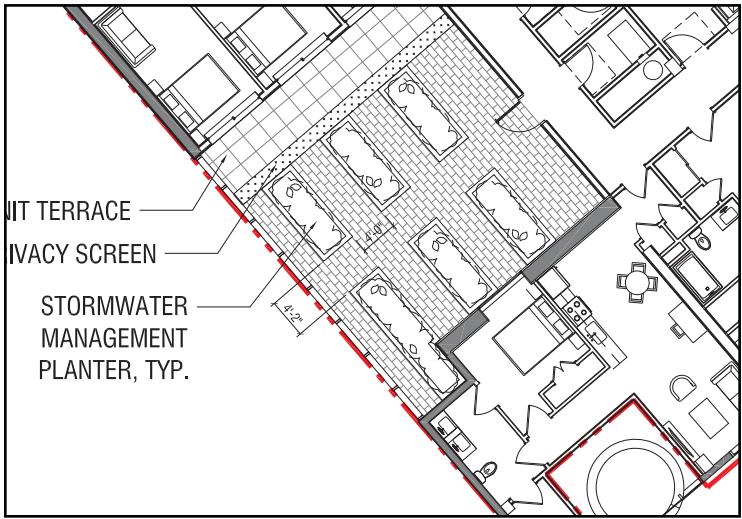
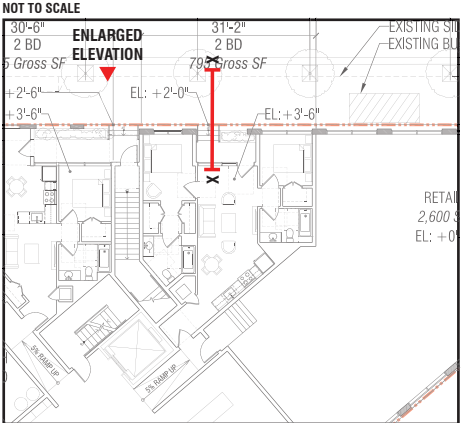
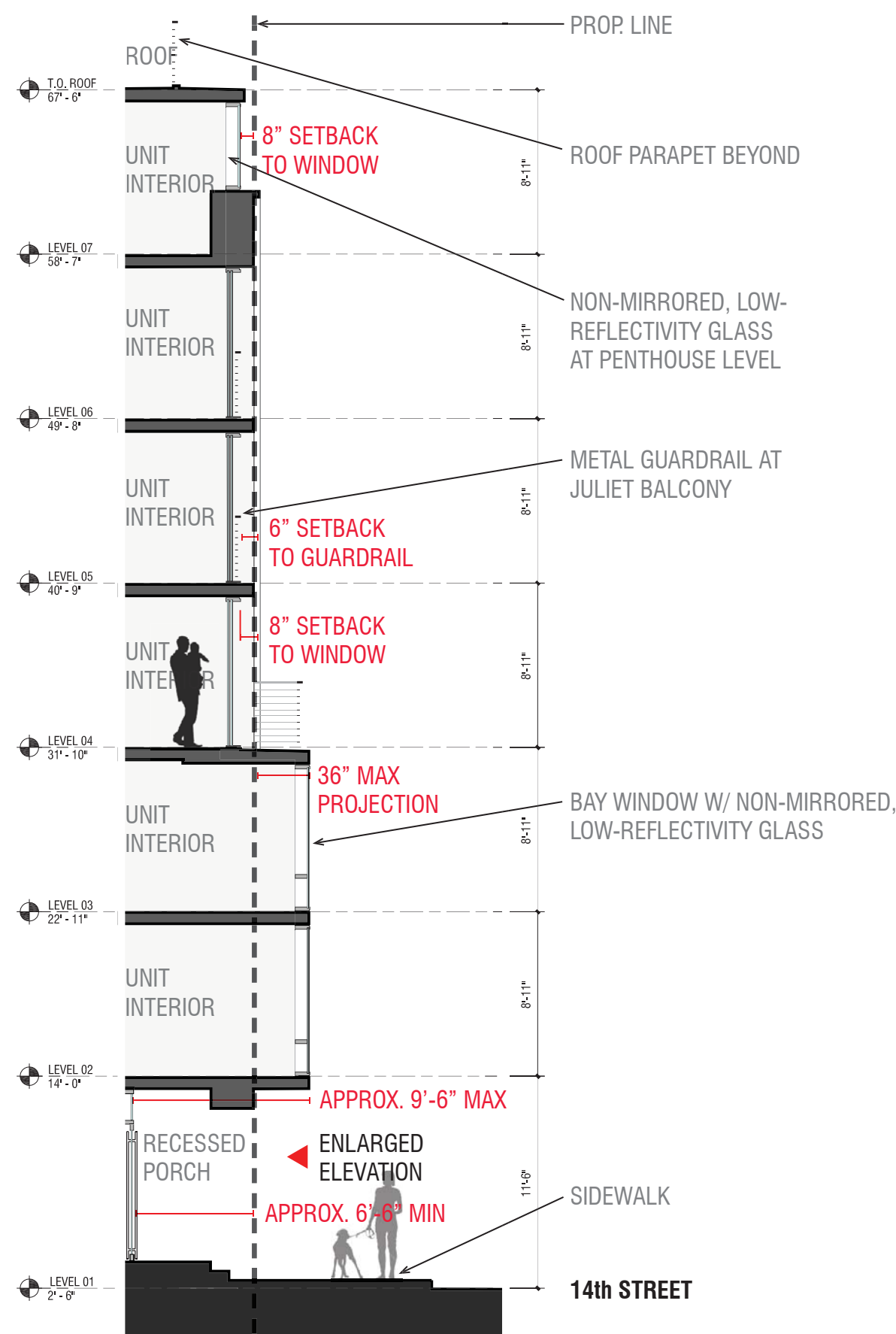


EXHIBIT: SECTION D

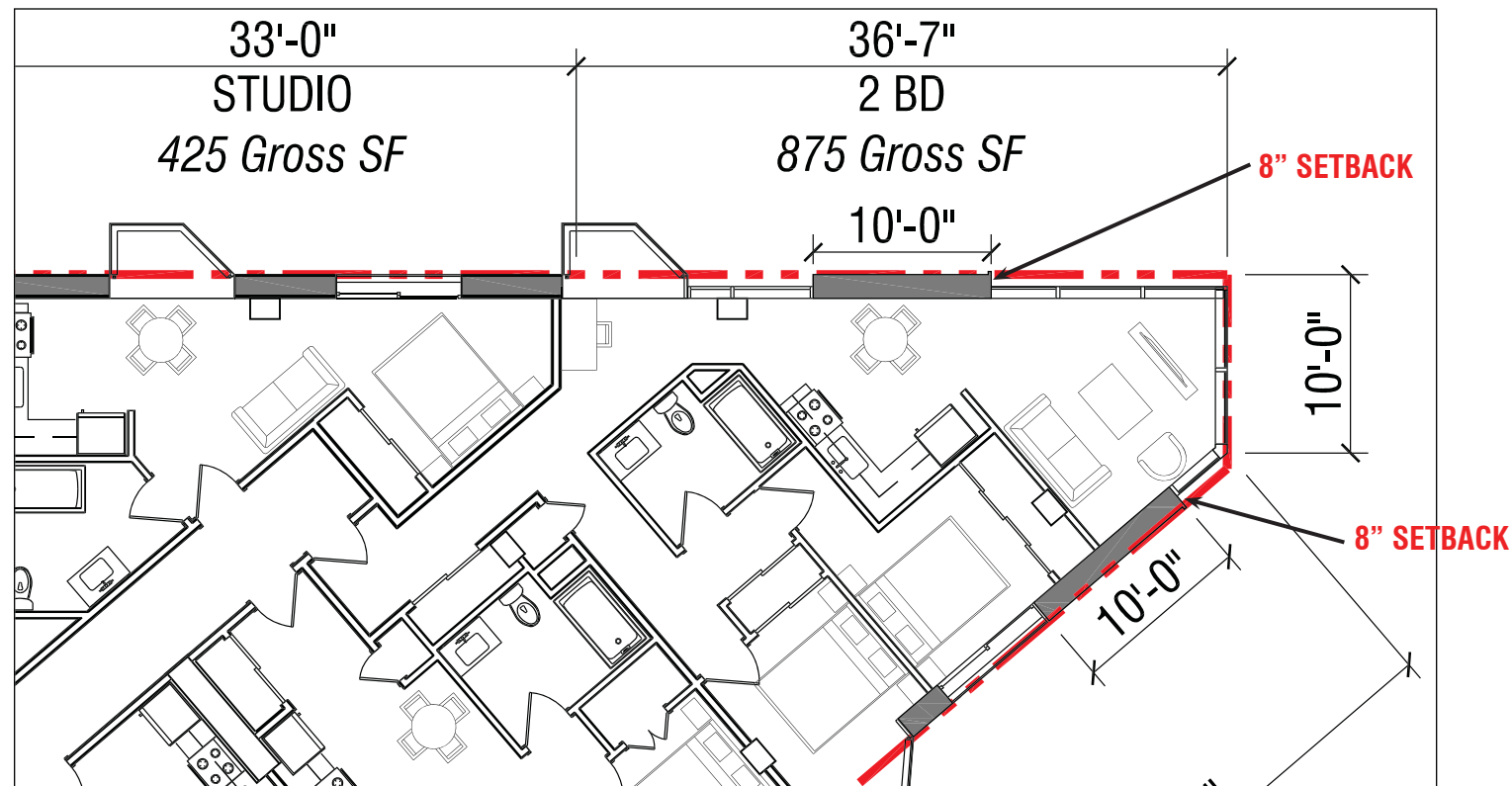


ENLARGED PLAN - INNER COURT AT LEVEL 2

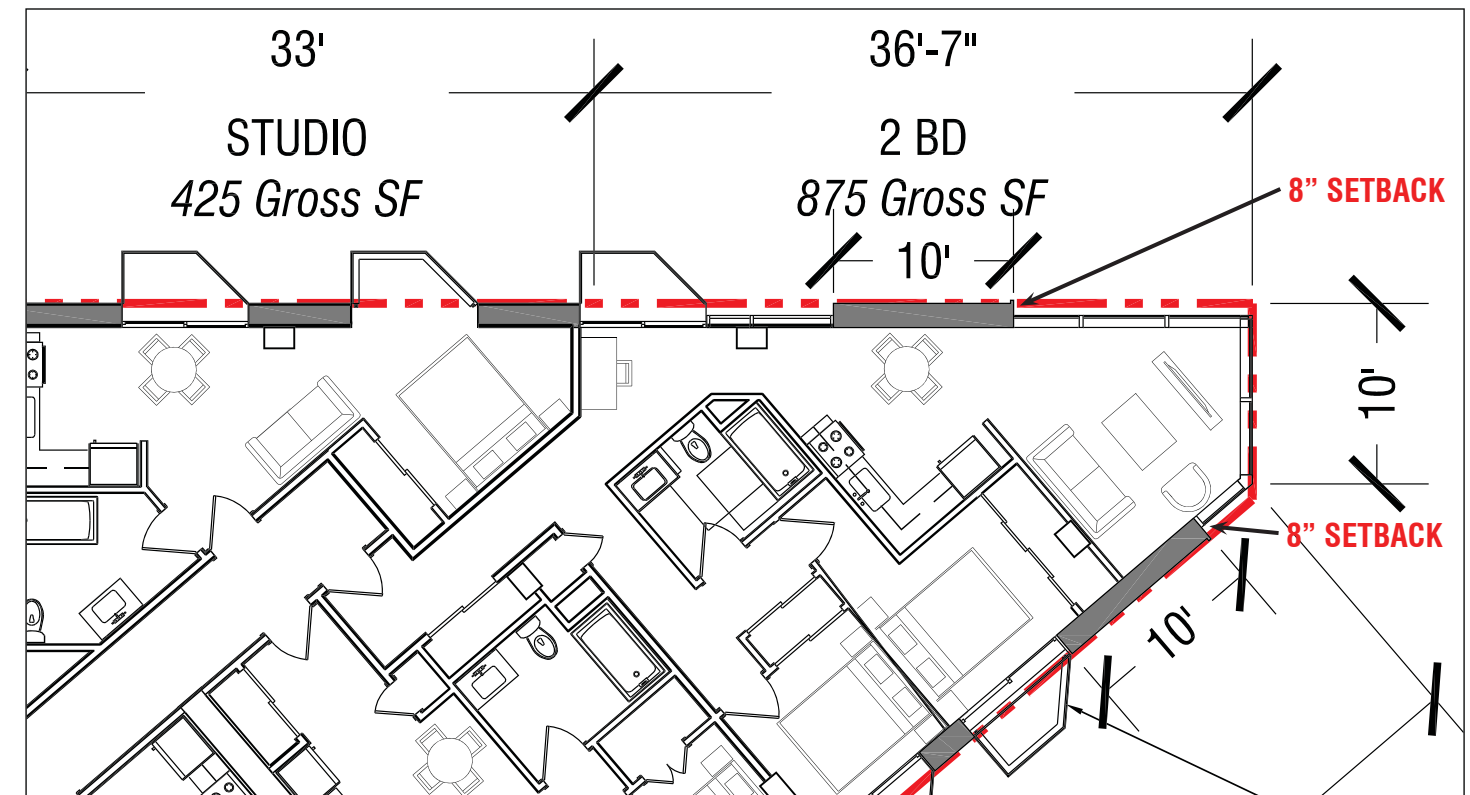
WALL SECTION AT 14th STREET



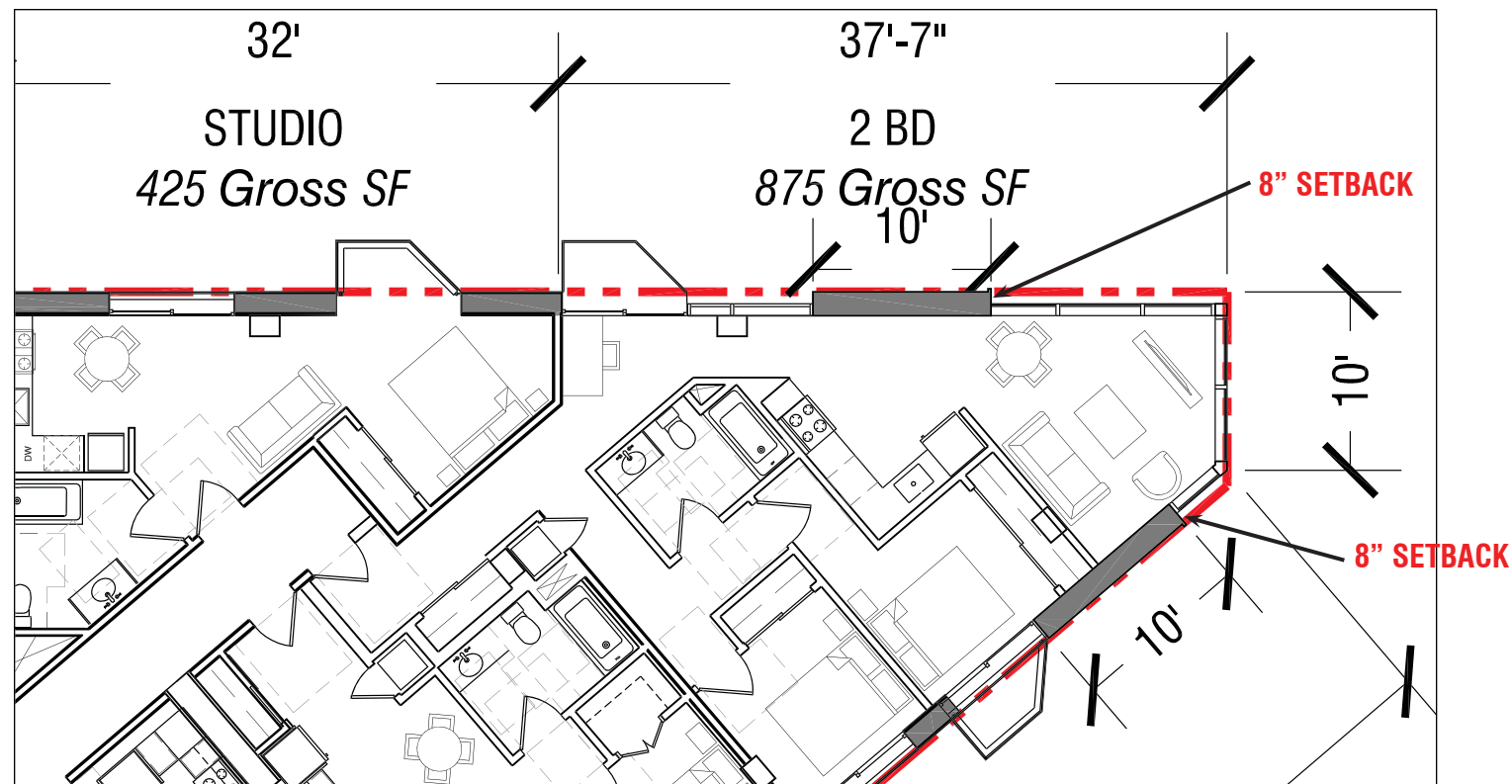
ENLARGED KEY PLAN



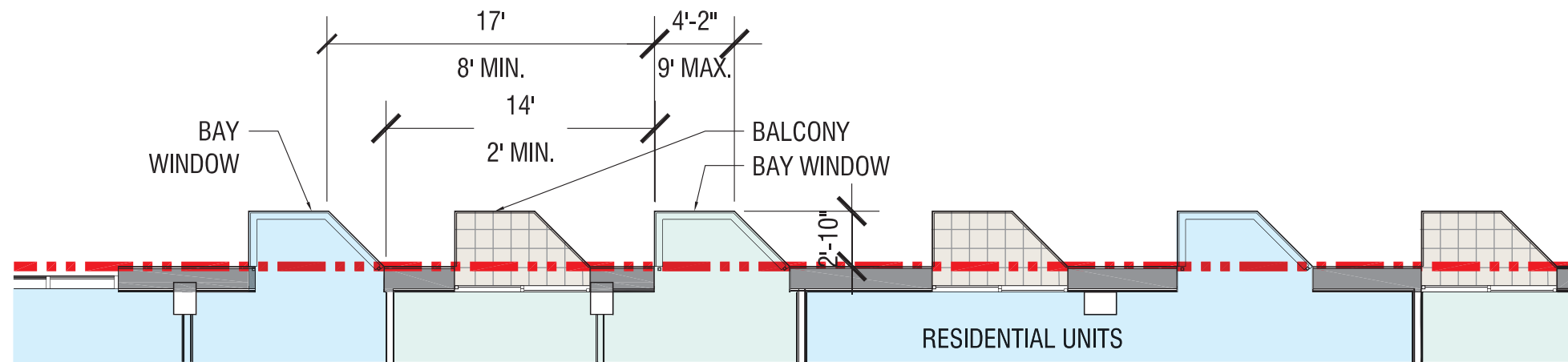
ENLARGED CORNER PLAN - 2BD UNIT - LEVEL 2



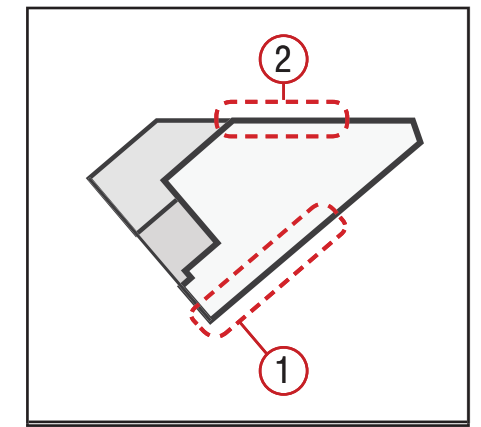
ENLARGED CORNER PLAN - 2BD UNIT - LEVELS 3 & 4



ENLARGED CORNER PLAN - 2BD UNIT - LEVELS 5 & 6

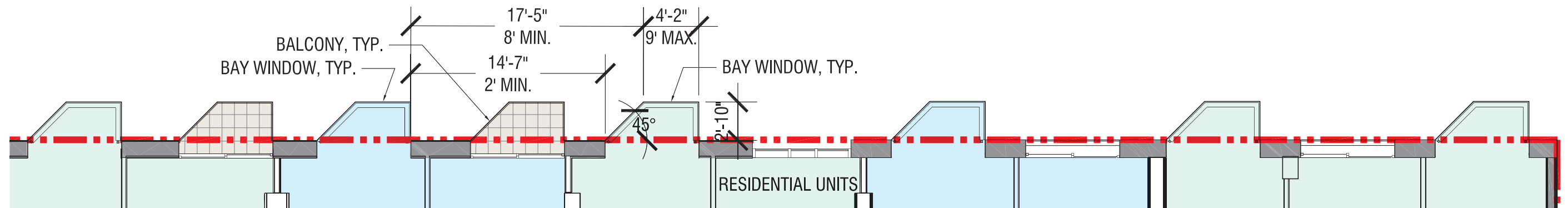


2 PARTIAL LEVEL 4 PLAN: 14TH STREET



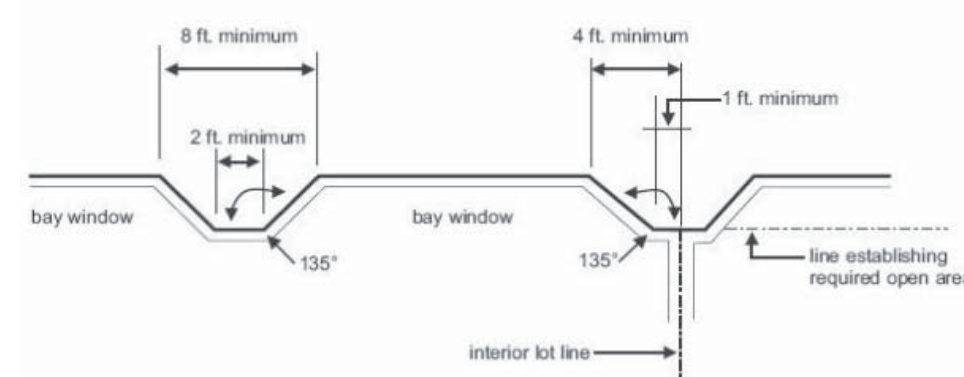
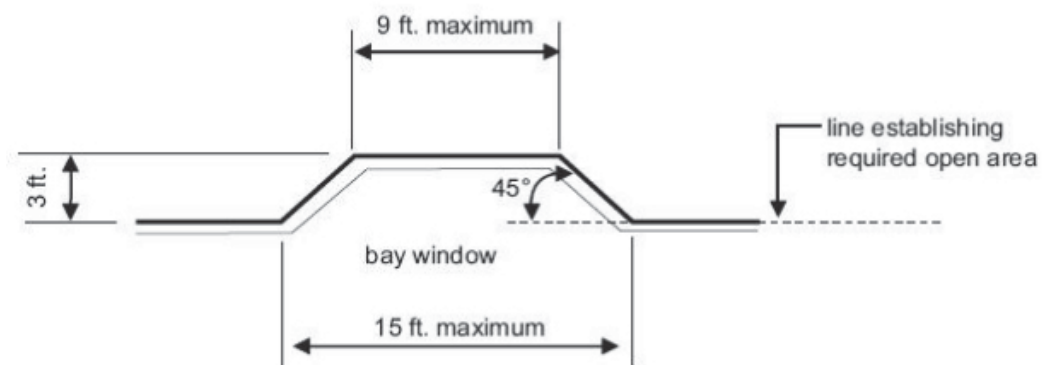
KEY PLAN

PARTIAL PLANS SHOWN HERE DISPLAY WORST CASE SCENARIOS OF BAY WINDOWS.

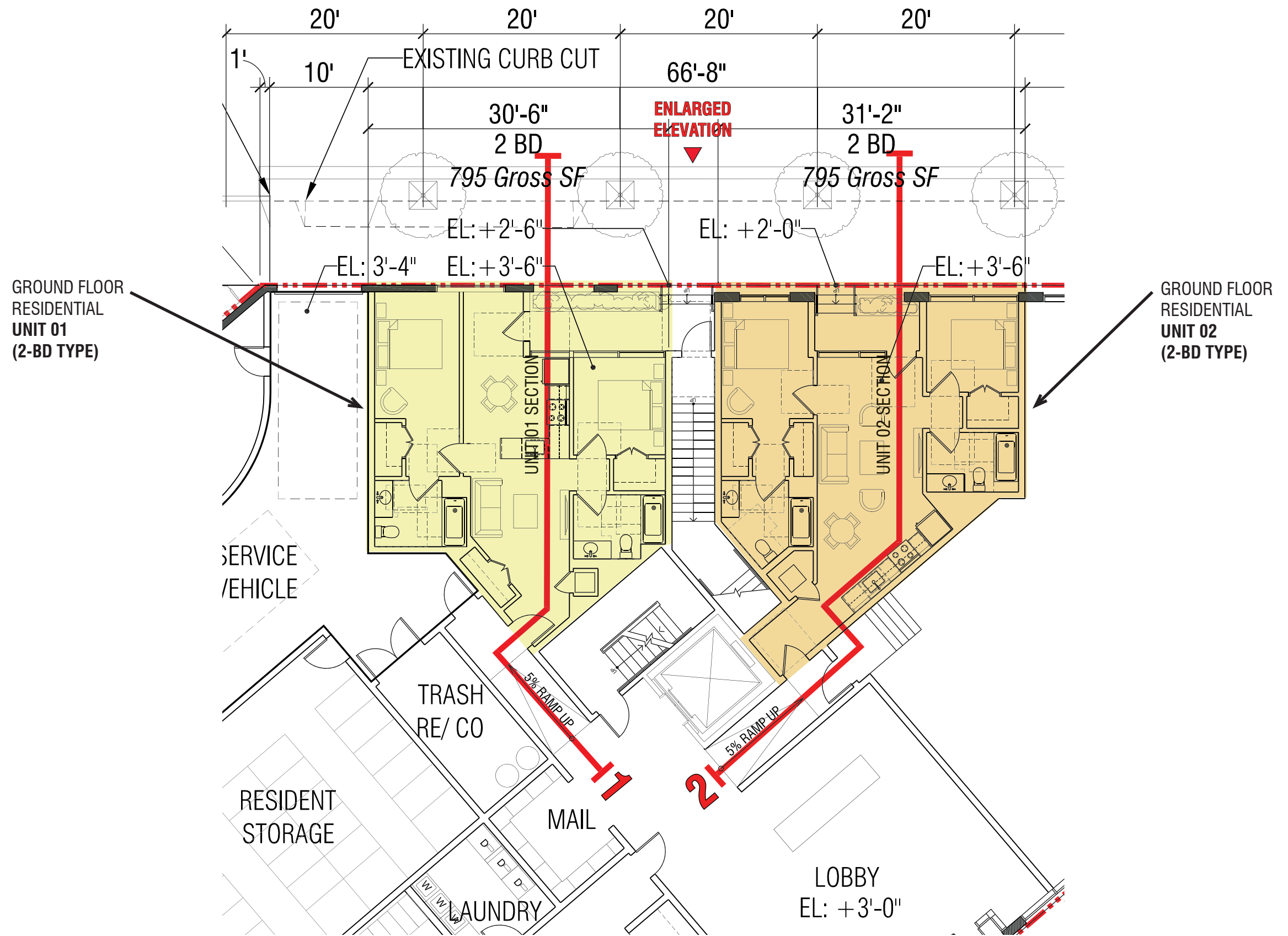


1 PARTIAL LEVEL 4 PLAN: MARKET STREET

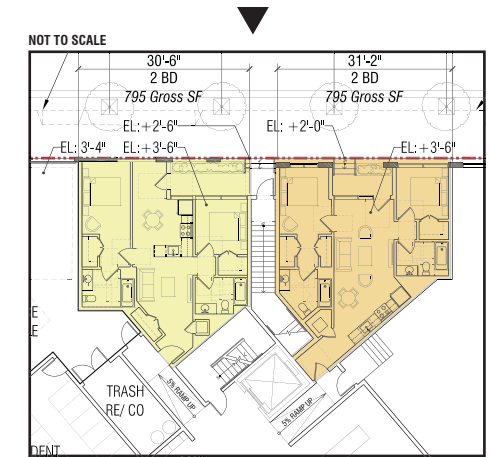
SAN FRANCISCO PLANNING CODE EXCERPT | ARTICLE 1.2 | SEC. 136.



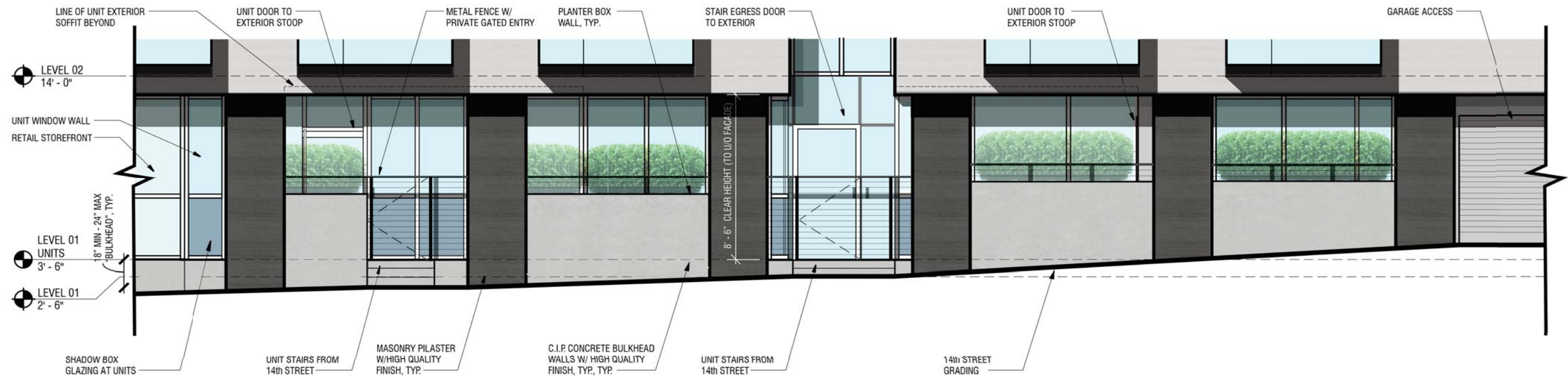
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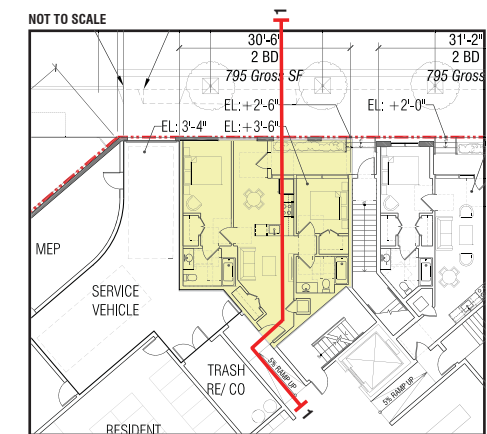
ENLARGED PLAN DIAGRAM - GROUND FLOOR RESIDENTIAL UNITS 01 & 02



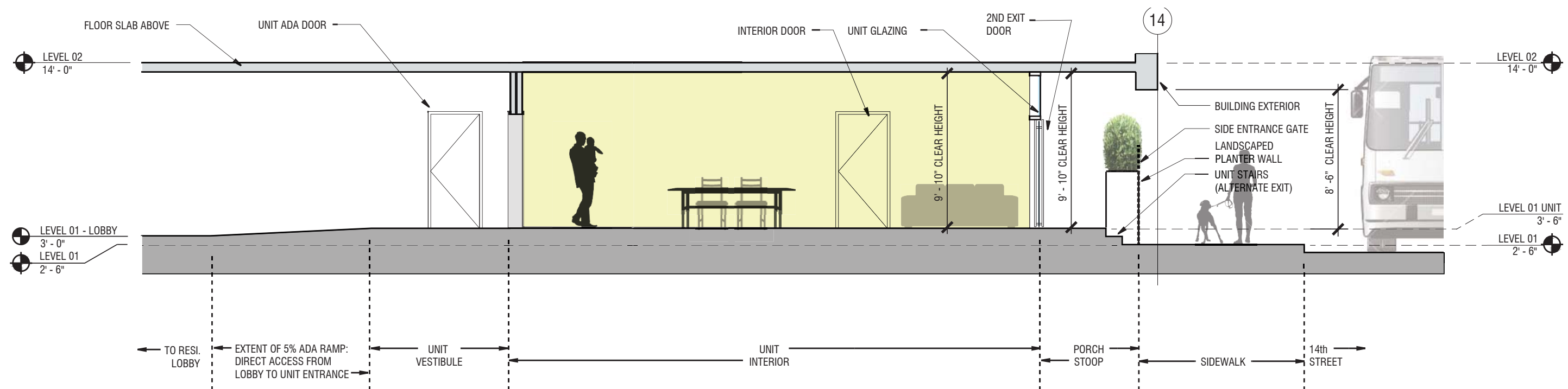
ENLARGED KEY PLAN



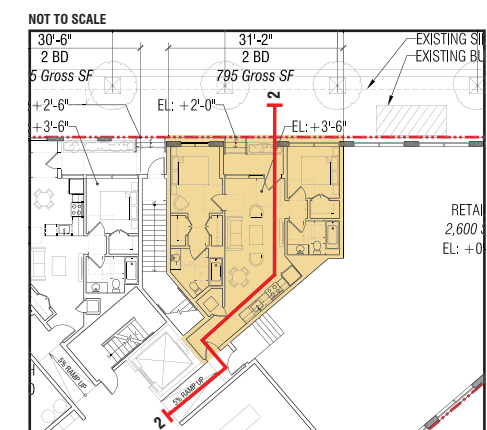
ENLARGED ELEVATION - 14th STREET - GROUND FLOOR RES'L UNITS



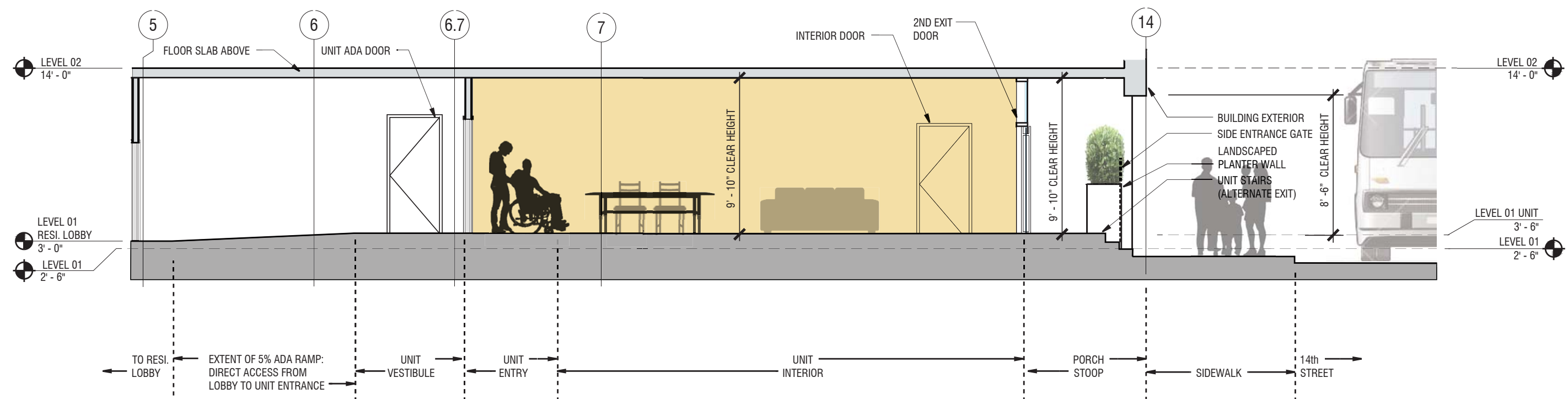
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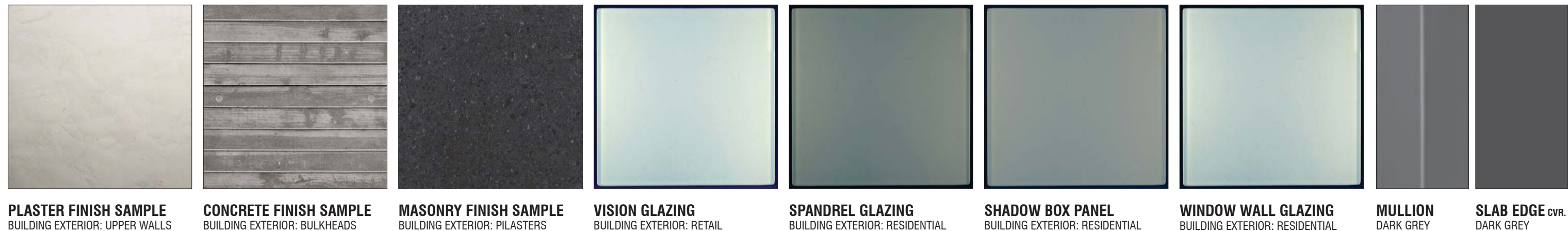
CONTIGUOUS SECTION - GROUND FLOOR RES'L - UNIT 01



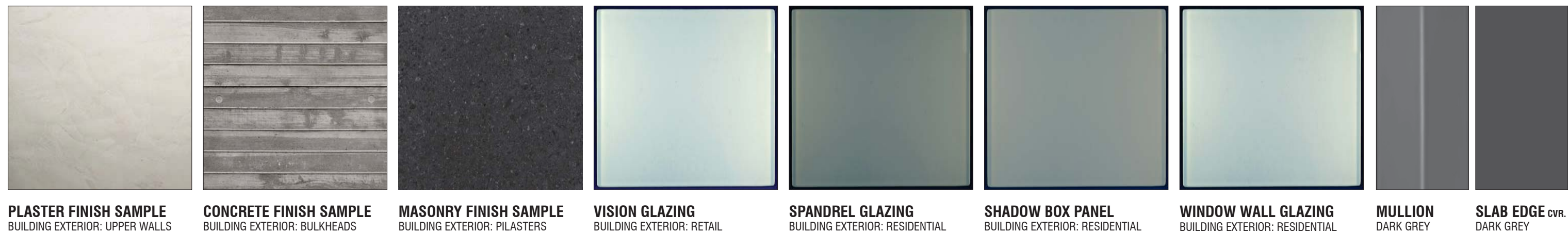
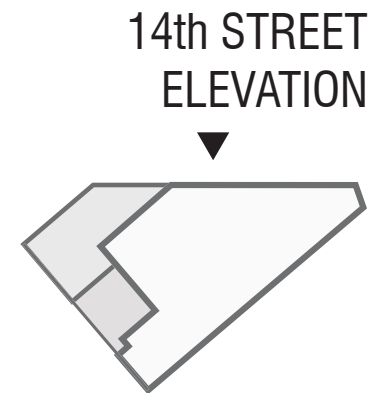
ENLARGED KEY PLAN



CONTIGUOUS SECTION - GROUND FLOOR RES'L - UNIT 02



NOTE: BUILDING MATERIALS AND COLORS ARE SUBJECT TO CHANGE WITH FURTHER REFINEMENT OF THE DEVELOPMENT.



NOTE: BUILDING MATERIALS AND COLORS ARE SUBJECT TO CHANGE WITH FURTHER REFINEMENT OF THE DEVELOPMENT.