



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2012.0032E
 Project Address: 100 Van Ness Avenue
 Zoning: C-3-G (Downtown-General)
 120/200-R-2 Height and Bulk District
 Van Ness & Market Downtown Residential Special Use District (SUD)
 Market and Octavia Neighborhood Plan
 Block/Lot: 0814/020
 Lot Size: 15,500 square feet
 Project Sponsor: Marc Babsin, Emerald Fund Inc., (415) 489-1313
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PROJECT DESCRIPTION:

The project site is located on the east side of Van Ness Avenue at the corner with Fell Street in the Market and Octavia Area Plan, and comprises the block bounded by Hayes Street to the north, Fell Street to the south, and Polk Street to the east within the Downtown/Civic Center neighborhood. The project site is currently occupied by a 29-story, 488,420 square-foot (sf) office building with ground-floor retail, a 112-space off-street parking garage accessed from Van Ness Avenue and an off-street loading space accessed from Fell Street. The proposed project would involve retention of the existing building structure, a change of use from office to residential, renovation of the interior of the building to create 399 residential units and 6,375 sf of ground-floor retail, re-skinning of the exterior of the building, removal of a portion of the mechanical floor at the top of the building to replace it with common open space for project residents, the addition of six (6) parking spaces in the existing garage through restriping, the provision of three (3) car share parking spaces, and the provision of approximately 120 bicycle parking spaces in secure rooms on the third and fourth floors. The building height would remain at 400 feet.

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

Please see next page.

DETERMINATION:

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

Bill Wycko

Bill Wycko
 Environmental Review Officer

cc: Marc Babsin, Project Sponsor
 Historical Distribution List
 Marvis J. Phillips

July 19, 2012

Date

Supervisor Kim, District Six
 Sue Hestor

PROJECT DESCRIPTION (CONTINUED):

The unit mix is 11% studios, 51% one-bedrooms, and 38% two-bedrooms. The proposed project also involves retention of the off-street parking garage, including the loading space, and would move the parking garage entrance from Van Ness Avenue to Hayes Street within five (5) years after building completion. Project construction would take approximately 16 months.

Floors 1 and 2 of the building would have new curved faces, inset from the flat face of the building tower, along the Van Ness Avenue and Fell Street frontages. The proposed design would also add a divider between the building column at the corner of Fell Street and Van Ness Avenue and the face of the curved exterior wall, to prevent air flow between the column and the exterior glass curtain wall.

The building directly to the east of 100 Van Ness Avenue, 42-50 Fell Street, is a Category I Significant Building under Article 11 of the Planning Code and an historic resource for the purposes of CEQA. The following design modifications have been incorporated into the proposed Project:

A new joint would be installed between 100 Van Ness Avenue and 42-50 Fell Street buildings to ensure that:

- water, moisture or debris are not trapped between buildings;
- excessive amounts of water do not flow onto 42-50 Fell Street;
- earthquake damage is minimized; and
- exterior material of the new joint is not reflective or shiny.

Prior to construction:

- The brick-clad steel and concrete exterior walls would be carefully surveyed and any cracks would be noted.
- Crack gauges would be installed and monitored to assure that there is no structural movement caused by construction activities.
- The 42-50 Fell Street metal windows would be photographically documented. Any broken elements would be replaced to match the existing.

During construction:

- The clay tile roof of 42-50 Fell Street would be protected from falling pieces of construction debris, and any broken tiles would be replaced to match the existing.
- The decorative finial at the property line between 100 Van Ness Avenue and 42-50 Fell Street would be carefully protected during construction with plywood or other impact resistant material.
- Other elements would be noted and crack gauges installed as necessary.

The east exterior wall of 100 Van Ness Avenue along the property line that faces 42-50 Fell Street would be blank, or minimally articulated, at the street level. Simple stucco, or an equivalent unreflective material, of a single color would be installed as a finish for this level.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to a) those which

are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, and d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed Project, then an EIR need not be prepared for that project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects peculiar to the 100 Van Ness Avenue mixed-use project described above, and incorporates by reference information contained within the Market and Octavia Neighborhood Plan Final EIR (EIR). Project specific studies and analysis summarized in this determination were prepared for the proposed Project at 100 Van Ness Avenue to determine if there would be significant impacts attributable to the proposed Project. This analysis examined that Project's potential environmental effects on transportation, noise, air quality, and wind.

This determination assesses the proposed Project's potential to cause environmental impacts and concludes 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 EIR. This determination does not identify new or additional information that would alter the conclusions of the EIR. This determination also identifies a mitigation measure contained in the EIR that would be applicable to the proposed Project at 100 Van Ness Avenue. Relevant information pertaining to prior environmental review conducted for the EIR is included below, as well as an evaluation of potential environmental effects.

Background

On April 5, 2007, San Francisco Planning Commission certified the EIR for the Market and Octavia Plan Area (Case No. 2003.0347E; State Clearinghouse No. 2004012118). The EIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Area Plan, an element of the San Francisco General Plan. The EIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Plan. Since the 100 Van Ness Avenue project site includes an existing 400-foot office building which is proposed for a change of use from office/retail uses to residential/retail uses, the density was assumed and envisioned as a site with residential uses with the incorporation of the Van Ness & Market Downtown Residential Special Use District (SUD) within the Market and Octavia Neighborhood Plan.

The Van Ness & Market Downtown Residential SUD is comprised of parcels zoned C-3-G in the Market Octavia Neighborhoods Plan area. This SUD is comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Neighborhood Plan.

Subsequent to the certification of the EIR, in May 30, 2008, 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 Neighborhood Plan EIR. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable “whole” neighborhoods meeting everyday needs. The Plan, as evaluated in the EIR and as approved by the Board of Supervisors, accommodates the proposed use, design and density of the 100 Van Ness Avenue building.

As noted in the EIR, “individual projects that could occur in the future under the Plan would undergo project level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and additional environmental review would be required.” This determination concludes that the proposed change of use at 100 Van Ness Avenue is consistent with and was encompassed within the analysis in the EIR for the Market and Octavia Neighborhood Plan, that the EIR adequately described the impacts of the proposed 100 Van Ness Avenue Project, and identified the necessary mitigation measures in the EIR, as adapted for project-specific conditions described in this Certificate of Exemption. The proposed Project is also consistent with the zoning controls for the Project site. Therefore, the 100 Van Ness Avenue Project is consistent with the adopted Market and Octavia Plan EIR, its impacts are adequately addressed in the EIR, and no further CEQA evaluation is necessary.

Potential Environmental Impacts

The Market and Octavia Neighborhood Plan EIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historical and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 100 Van Ness Avenue Project is in conformance with the height, use and density for the site described in the EIR and would represent a small part of the growth that was forecast for the Market and Octavia Neighborhood in the EIR. Thus, the project analyzed in the EIR considered incremental impacts of the proposed 100 Van Ness Avenue Project. As a result, the proposed Project would not result in any new or substantially more severe impacts than were identified in the EIR. The following discussion demonstrates that the Project would not result in significant impacts beyond those analyzed in the EIR, including assessment of Project-specific impacts related to historic resources, transportation, air quality, wind, and noise.

Historic Resources

The subject property is not included on any historic resource surveys or listed on any local, state or national registries. The building is considered a “Category C” property (Not a Historic Resource) for the purposes of the Planning Department’s California Environmental Quality Act (CEQA) review procedures because it is less than 50 years old (constructed 1976).

The subject property is located in a mixed-use area with diverse building types including residential, office, educational, civic and commercial. The subject property is located immediately adjacent to 42-50 Fell Street to the west. It was built in 1932 and is attributed to Willis Polk. It is listed in Article 11 of the Planning Code as a Significant Building (Category 1) and is a historical resource. The subject property is also located directly across Van Ness Avenue from the southwestern-most block of the locally-listed Civic Center Historic District. The district includes one of the most realized collections of City Beautiful Movement buildings in America and its central focus is City Hall. The district is also listed on the National Register; however, the boundary and the federally listed district do not reach as far south as the

locally listed district. The closest building to the subject property within the locally designated Civic Center Historic District is the High School of Commerce, local Landmark No. 140, located at 135 Van Ness Avenue.

The Planning Department Preservation Staff concurs¹ with the findings of the consultant prepared Historic Resource Evaluation Report², that the proposed Project would have no significant adverse impact to historic resources. Staff finds that altering the cladding material and articulation of the existing building would not adversely affect the integrity of either the individual resources or the historic district. The building located at 42-50 Fell Street is the only historic resource that would be materially affected by the Project. However, the proposed design and construction methods would ensure an appropriate treatment of the joint between the two buildings and the protection of the resource during the construction phase. The joint between the two buildings would protect the historic building from potential water damage and would not detract from the historic character of the building. The historic 42-50 Fell Street building would be surveyed prior to construction and protected during construction to ensure that its good condition is maintained. Also, the monochromatic, flat-finished cladding material at the lower level of the east façade at 100 Van Ness Avenue would create a compatible yet modern third wall for the historic courtyard that maintains the setting of the resource.

Regarding the Project's effect on the setting of the adjacent resources, the subject building's location far to the south of the main axis of the Civic Center Historic District would be sufficient so that the new materials and articulation would not create a distraction from City Hall that could damage or destroy the district's integrity. Also, the material and coloration of the new design would also blend with the backdrop of the sky more so than the existing concrete cladding, possibly reducing its visual impact from views within the district. Finally, the proposed glass curtain wall would be less reflective than the existing glass at 100 Van Ness Avenue, so that the project would reduce potential glare and light reflection on adjacent resources. For these reasons, the Department finds that the project would have no adverse impact to historic resources. Therefore, the proposed project would not result in peculiar impacts related to historic architectural resources.

Transportation

The Market and Octavia Neighborhood Plan EIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the EIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, it was anticipated that the significant adverse effects at certain local intersections and the cumulative impacts on certain transit lines could not be fully mitigated. Thus these impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Neighborhood Plan approval on May 30, 2008.

Trip Generation

Trip generation of the proposed Project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco

¹ Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, July 13, 2012.

² Johanna Street, *Historic Resource Evaluation Report 100 Van Ness Avenue*, May 31, 2012. The report is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Planning Department.³ The site is located in the City’s C-3 traffic analysis area. The proposed change of use from office to residential would result in an increase of 407,235 sq. ft. of residential use (existing 421,005 sq. ft. of office), and approximately 1,820 sq. ft. of new retail use (existing 4,555 sq. ft. of retail to be retained). The approximately 413,610 sq. ft. proposed residential and retail uses on the Project site would generate about 4,326 gross person trips (inbound and outbound) on a weekday daily basis, consisting of 874 person trips by auto, 1,761 transit trips, 1,461 walk trips and 230 trips by other modes, including bicycle. During the PM peak hour, the proposed Project would generate 669 PM peak hour person-trips of which 129 would be auto trips, 291 would be transit trips, 219 would be walk trips, and 31 would be other, including bicycle.

It should be noted that the proposed Project would displace existing office use on the Project site. When determining the trip generation for the proposed Project, the number of existing trips and future trips (by mode) was calculated. The Project travel demand, therefore, would be provided for the number of net-new trips (i.e. the number of trips generated by the new uses less the number of trips generated by the existing uses to be removed) that was developed through this modeling process. In other words, the Project would receive trip credits for the number of existing trips that would be eliminated as part of the proposed Project. As shown in tables below, there is a minimal difference in trip generation when comparing the existing uses (office/retail) with the proposed uses (residential/retail). The estimated net-new travel demand (in person-trips) after accounting for a trip generation credit for existing uses resulted in an increase of five (5) PM peak hour vehicle trips.

	Mode Split (Person-Trips)			
	Existing Uses		Proposed Project	
	Daily Person-Trips	PM Peak Hour Person-Trips	Daily Person-Trips	PM Peak Hour Person-Trips
Auto	2,595	230	874	129
Transit	3,755	386	1,761	291
Walk	1,454	64	1,461	219
Other	499	29	230	31
Total	8,303	709	4,326	670

Net New Person-Trips	
Existing Uses	8,303
Proposed Uses	4,326
Net New Total	-3,977

PM Peak Hour Net New Person-Trips	
Existing Uses	709
Proposed Uses	670
Net New Total	-39

PM Peak Hour Net New Vehicle Trips	
Existing Uses	99
Proposed Uses	104
Net New Total	+5

These estimated five (5) net new PM peak hour vehicle trips would travel through the intersections surrounding the Project block, but would not substantially increase traffic volumes at these intersections.

³ San Francisco 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines), May 17, 2012, updated June 21, 2012. These calculations are available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

The proposed Project would result in a minor increase in the average delay per vehicle at these intersections, but the increase would not be substantial or noticeable, and the proposed Project would not significantly change the existing Levels of Service (LOS) at the intersections surrounding the Project site.

Traffic

Intersection operating conditions are characterized by the concept of 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.

According to the Market and Octavia Neighborhood Plan EIR, the following intersections in the vicinity are anticipated to fail under 2025 Cumulative conditions with the addition of the Plan traffic during weekday PM peak hour: Market Street/Van Ness/South Van Ness (one block away) at LOS E and Van Ness/Hayes Street (one block away) at LOS F. Under the same conditions, the intersection of Van Ness/Fell Street (Project site) is anticipated to operate at LOS D.

With implementation of the proposed Project, it is not anticipated that intersections around the Project site would deteriorate to unacceptable levels. However, if they did, these conditions would occur with or without the Project, and the proposed Project's contribution of five (5) PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by these projects, should they be approved. Since the proposed Project would not contribute considerably to 2025 Cumulative conditions, it would therefore not have any significant cumulative transportation impacts.

Transit

The proposed change of use to residential would result in a reduction of 1,994 daily transit person trips when compared with the existing office use. The project site is well-served by several local and regional transit lines, including seven Muni bus lines (6, 9, 9L, 16X, 21, 47, 49, 71, and 71L), seven Muni Metro lines (J, K, L, M, N, T, and F) and the recently approved Van Ness Bus Rapid Transit (BRT).

The decrease in daily transit trips, as a result of the proposed project, would not result in any significant or noticeable impacts upon transit services in the project area or affect transit operations. Additionally, the proposed Project would not substantially interfere with any nearby transit routes. Loading activities would remain on Fell Street, which does not have any transit service. Similarly, vehicles accessing the proposed new off-street parking garage entrance on Hayes Street would result in minimal interference with the 21 Hayes transit service along Hayes Street. Therefore, the project would have a less-than-significant impact on transit.

The Market and Octavia Neighborhood Plan EIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increases in delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Streets, and Hayes Street/Gough Street. Mitigation measures were proposed to address these impacts related to changes to street configurations and traffic patterns. Even with mitigation, however, cumulative impacts were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Neighborhood Plan EIR approval. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely that the significant and unavoidable cumulative transit conditions would occur with or without the proposed

Project. The proposed Project's change of use to residential would result in a reduction to the overall transit volume generated by Market and Octavia projects, should they be approved. The proposed Project would not contribute significantly to 2025 Cumulative Conditions; therefore, it would not have a significant cumulative transit impact.

Loading

The Project site currently contains one loading space accessed from Fell Street and would retain the loading space as part of the proposed Project. Based on the SF Guidelines, the Project's residential uses are expected to generate approximately fourteen service vehicle trips per day, while the retail uses are expected to generate approximately one service vehicle trip per day. Under Section 152 of the Planning Code, the proposed Project would be required to have one off-street freight loading space since the site includes more than 100,000 square feet of residential use. No off-street loading spaces would be required for the retail uses.

Pedestrian and Bicycle Conditions

The EIR notes that the Market and Octavia Neighborhood Plan area contains several key bicycle corridors, and that the generally flat terrain combined with major thoroughfares that traverse the project area and the density and mix of uses in the project area provide for bicycle travel. The EIR notes also that the Neighborhood Plan area contains several key pedestrian corridors, and the Plan includes new pedestrian facilities and amenities. The EIR did not identify significant impacts related to bicycle and pedestrian conditions as a result of Plan implementation.

The proposed Project would not cause a substantial amount of pedestrian and vehicle conflicts, as there are adequate sidewalk and crosswalk widths. The proposed project includes improving the exterior lighting and sidewalks along the project's perimeter.

Planning Code Section 155.5 requires 113 bicycle parking spaces for the proposed Project (For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50). The proposed Project would provide a total of 121 bicycle parking spaces.

There are four bicycle routes near the project site: Route 20 along Grove Street, Route 25 along Polk Street, Route 32 on Page Street, and Route 50 on Market Street. As part of the proposed Project the entrance to the off-street parking garage would be moved to Fell Street, which does not include a bicycle route. Although the proposed Project and the Market and Octavia Neighborhood Plan would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle or pedestrian travel in the area.

Parking

The proposed Project would retain the existing 112 off-street parking spaces. Based on the methodology presented in the 2002 Transportation Guidelines, on an average weekday, the demand for parking would be 515 spaces. Thus, the Project would have an unmet parking demand of 463 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, month to

month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

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

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the Project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed Project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Air Quality

Article 38 of the San Francisco Health Code requires new residential development near high-volume roadways to include upgraded ventilation systems to minimize exposure of future residents to particulate matter (DPM) and other pollutant emissions, as well as odors. Since the proposed Project would include the addition of 399 residential units the project sponsor has agreed to install air filters in all residential units that will reduce PM_{2.5} by 80% to comply with Article 38.⁴

The Market and Octavia FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and short-term construction exhaust emissions. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and Octavia Neighborhood Plan EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure*

⁴ 100 Van Ness Associates, LLC. *100 Van Ness Air Filtration Letter*. June 6, 2012. The letter is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

5.8.A – *Construction Mitigation Measure for Particulate Emissions* would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved 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), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level. Since the Project would comply with the Construction Dust Control Ordinance, the Project would not result in a significant impact related to construction dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during Project construction would be less than significant.

The Market and Octavia FEIR identified a significant impact related to short-term construction exhaust emissions from construction equipment and determined that Mitigation Measure 5.8B – *Construction Mitigation Measure for Short-Term Exhaust Emissions* would reduce effects to a less-than-significant level. Since the proposed Project includes construction activities, this mitigation measure would apply. Compliance with the Construction Emissions Minimization measures would result in less than significant impacts from construction vehicles and equipment. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement the Construction Emissions Minimization Mitigation Measure, as updated below.

Project Mitigation Measure 1: Construction Emissions Minimization:

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
 - b) All off-road equipment shall have:
 - i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, *and*
 - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).⁵
 - c) Exceptions:
 - i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.

⁵ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

- ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).
- iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.

**TABLE A1
OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE***

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

**Alternative fuels are not a VDECS

- 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
- 3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
- 4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification

number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.

5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. *Reporting.* Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

Wind

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The Market and Octavia FEIR identified a potentially significant impact related to new construction and determined that *Mitigation Measure 5.5B1: Wind Mitigation Measure – Buildings in Excess of 85 feet in Height* and *Mitigation Measure 5.5B2: Wind Mitigation Measure – All New Construction* would reduce effects to less-than-significant levels. Mitigation Measures 5.5B1 and 5.5B2 requires the application of design standards to new buildings and alterations and standards to reduce the potential for ground-level wind currents from exceeding pedestrian comfort levels. Since the proposed project would involve alteration of the existing 100 Van Ness Avenue building, which is currently 400 feet in height and would remain the same height as part of the proposed Project, the Project could have the potential to result in significant wind impacts; therefore, Mitigation Measure 5.5B1 and 5.5B2 would apply to the Project.

Wind tunnel testing was performed for the proposed Project in June 2012⁶ to evaluate pedestrian wind conditions, the results of which are summarized in the following discussion. Pedestrian-level wind speeds were measured at selected points for the building as it presently exists and with the proposed changes in place to quantify resulting pedestrian-level winds in public spaces adjacent to 100 Van Ness.

The existing setting represents the building and vicinity as it presently exists and also includes approved buildings that are under construction. For the cumulative development scenario, approved buildings that are not yet built as well as proposed buildings in the vicinity are modeled and included as though they were fully constructed.

⁶ ESA, *Technical Memorandum-Potential Planning Code Section 148 Wind Impacts*, July 13, 2012. The letter is available for review as part of Case File No. 2012.0032E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

