



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2009.0610E
 Project Address: 3418 26th Street
 Zoning: Residential Transit Oriented Mission (RTO-M) Neighborhood District
 55-X Height and Bulk District
 Mission Alcohol Beverage Control District
 Block/Lot: Block 6529, Lot 034
 Lot Size: 3,915 square feet
 Project Sponsor: Luke O'Brien – 415 877-1293, representing 104 Tara, LLC – 415 699-5593
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PROJECT DESCRIPTION:

The proposed project is the construction of a new 18,000-square-foot (sq-ft), 55-foot-high, five-story building with 13 dwelling units and six off-street parking spaces. Seven 2-bedroom and five 1-bedroom units with 7,800 sq ft of residential area would be on floors 2 through 6 above a ground floor with a 320-sq-ft studio unit and a lobby and parking garage with a combined 2,000 sq ft of area. The remaining 7,880 sq ft would consist of wall partitions and common areas such as stairways and elevator shafts. The vacant project site is within the block bounded by 26th Street to the south, Bartlett Street to the west, 25th Street to the north, and Mission Street to the east in the Mission District neighborhood.

EXEMPT STATUS:

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

REMARKS:

See next page.

DETERMINATION:

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

BILL WYCKO
 Environmental Review Officer

Date

cc: Luke O'Brien, Project Sponsor
 Ben Fu, B. Bollinger, Planning Department
 Exemption/Exclusion File

Bulletin Board/M.D.F.
 David Campos, Supervisor District 9
 Distribution List

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 3418 26th Street residential project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 3418 26th Street to determine if there would be significant impacts attributable to the proposed project. These studies examined that project's potential environmental effects on shadow and air quality.

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 Eastern Neighborhoods Final EIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 3418 26th Street. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certificate of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.¹

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 3418 26th Street.

¹ *Community Plan Exemption Checklist, 3418 26th Street, San Francisco, CA.* San Francisco Planning Department, date same as that on first page of this Certificate document. This document is on file and available for public review as part of Case File No. 2009.0610E at 1650 Mission Street, Suite 400, San Francisco, CA.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors.³

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods Final EIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the Final EIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods Final EIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as articulated in the City's General Plan.

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Residential Transit Oriented (RTO). RTO districts recognize and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO districts are composed of multi-family moderate-density areas and are well served by, and generally less than one-quarter mile from, transit service and neighborhood commercial areas. Limited small-scale neighborhood-oriented retail and services are common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. The proposed development's residential use would be generally compatible with the surrounding residential uses and limited commercial uses. The 3418 26th Street site, which is located in the Mission District neighborhood within the Eastern Neighborhoods Plan Area, was designated and

² *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762

³ San Francisco Planning Commission Motion 17659, August 7, 2008.
http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

envisioned as a site with a potential for a new development that would consist of a residential building with a height of up to 55 feet.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans 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 residential project at 3418 26th Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. Further, this determination finds that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts, if any, of the proposed 3418 26th Street project, and identified all applicable mitigation measures for the proposed project at 3418 26th Street. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation is necessary for the 3418 26th Street project.

Potential Environmental Effects

The Eastern Neighborhoods Final EIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. The proposed 3418 26th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 3418 26th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certificate of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist. The following discussion demonstrates that the proposed 3418 26th Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gas emissions, and shadow.

Land Use

Planning Department staff has determined that the proposed project is consistent with the Eastern Neighborhoods Area Plan Final EIR and satisfies the requirements of the General Plan and the Planning Code.^{4,5}

The proposed project would replace a vacant mid-block parcel with a 55-foot-high building. The proposed building is consistent with the height and bulk controls and the proposed residential use is permitted within the RTO district, whose zoning controls were analyzed in the Eastern Neighborhoods

⁴ David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 3418 26th Street, no date. This document is on file and available for review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

⁵ Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Planning Analysis, 3418 26th Street, June 21, 2010. This document is on file and available for review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Area Plan Final EIR. Further, the project is proposed as in-fill development on a vacant site, would not substantially impact the existing character of the vicinity, and would not physically divide an established community.

The Eastern Neighborhoods Final EIR identified an unavoidable significant land use impact due to the cumulative loss of PDR under Option C, which if fully adopted, would have preserved less PDR use-dedicated land than estimated to be necessary to accommodate the City's future PDR-related uses. Because no PDR use or structure exists at the project site, the 3418 26th Street project would not contribute to any cumulative loss-of-PDR impact.

Archeological Resources

Potential archeological impacts were identified in the Eastern Neighborhoods Rezoning and Area Plans Final EIR. *Mitigation Measure J-3: Mission Dolores Archeological District* applies to any project within the Mission Dolores Archeological District involving installation of foundations; construction of a sub-grade or partial sub-grade structure including a garage, or basement; grading; soils remediation; installation of utilities; or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. The proposed project at 3418 26th Street is not located within the Mission Dolores Archeological District and would therefore not be subject to its requirements.

The project site is not located within an area known to contain archeological resources. The depth of excavation required for the proposed building's foundation, two feet below grade surface (bgs), would not be expected to result in encountering any significant archeological resources.⁶ Therefore, the proposed project would not result in a significant effect on archeological resources.

Historic Architectural Resources

The project site does not contain any historic resources and is not located in a known historic district. It is not anticipated that the proposed project would result in any adverse effects on offsite historical architectural resources. Eastern Neighborhoods Final EIR *Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area* requires that projects involving new construction or alteration over 55 feet, or 10 feet higher than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the proposed project involves construction that is 55 feet in height and exceeds by 10 feet the adjacent properties, constructed prior to 1963, *Mitigation Measure K-1* (see Project Mitigation Measure 1 on page 13 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on February 17, 2010. The HPC concluded that the proposed project would not have a significant effect on the adjacent buildings, which are potential historic resources.

Mitigation Measures K-2 and K-3 are not relevant to the 3418 26th Street project since the project site is not located in either the East SoMa or Central Waterfront.

In light of the above, the project would not result in a significant effect with regard to cultural resources.

⁶ *MEA Preliminary Archeological Review: Checklist* by Randall Dean/Don Lewis, San Francisco Planning Department, for 3418 26th Street, September 2, 2009. This document is on file and is available for public review at the Planning Department 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0610E.

Transportation

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 Planning Department. The proposed project would generate about 115 person trips (inbound and outbound) on a weekday daily basis, consisting of 50 person trips by auto, 49 transit trips, 9 walk trips and 7 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 9 vehicle trips (accounting for vehicle occupancy data for this Census Tract. Due to the project site's location near major transit routes, this is likely a conservative estimate of vehicle trips.

Transit

As indicated above, the proposed project is estimated to add 49 daily transit person trips, of which 8 are estimated to occur in the p.m. peak hour. The project site is served by several local and regional transit providers including Muni routes 12, 14, 14L, 27, 49, and 67, and therefore, the additional p.m. peak hour trips would likely be accommodated on existing routes, and would result in a less-than-significant effect to transit services.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni routes 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni routes in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above routes were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of 8 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have a significant cumulative transit impact.

Parking

The project site is currently a vacant parcel. While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Sections 843.09 and 843.10, the project includes six at-grade off-street parking spaces. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the demand for parking would be 17 spaces. Thus, the project would have an unmet parking demand of 11 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 and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines Section 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "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 local public transit (Muni lines 12, 14, 14L, 27, 49, and 67) and bike lanes (45, Valencia), which provide alternatives to auto travel.

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.

Access

Vehicular access to and from the ground-floor parking garage would be on 26th Street. Vehicles would enter the building at grade and park in an assigned parking space. Pedestrian access would also be from 26th Street, a two-lane, two-way street with parallel parking on both sides. Emergency access to the project site would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the street. The nearest transit preferential streets are Mission Street and 24th Street.

Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.14 truck trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential developments of less than 100,000 square feet. Therefore, off-street loading spaces are not required for the proposed project. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term and construction loading/staging operations to the existing

on-street parking area along 26th Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on 26th Street.

Pedestrian and Bicycle Conditions

The proposed project would generate approximately 9 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

There are no existing or proposed bike lanes on or adjacent to the project site. In the vicinity of the project site, there are two major Citywide Bicycle Routes. Valencia and San Jose Streets comprise a portion of bicycle route #45; Cesar Chavez Street, a portion of route #60. Bicycle traffic is heavier on Valencia Street than on surrounding streets. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

The recently amended *Planning Code* Section 155.5 (Board of Supervisors Ordinance No. 129-06) requires that residential projects of 50 dwelling units or less provide one bicycle space for every two dwelling units. The proposed project includes 13 dwelling units and thus would be required to provide seven bicycle parking spaces which would be provided inside the ground-floor parking garage. In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards, nor would the proposed project result in a significant effect with regard to transportation.

Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA⁷ should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on 26th Street are in the range of 65.0 and 69.0 dBA. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall

⁷ The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 3418 26th Street project, a multi-family residential project, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 2 on page 13 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, Environmental Science Associates (ESA) were retained by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within two blocks of the project site.⁸

The 24-hour noise measurement recorded a day-night noise average of 66.2 dBA (Ldn). This measurement is consistent with noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 65 dBA and 69 dBA (Ldn) for the project block of 26th Street. ESA's site survey did not identify any land uses that generate unusual noise within two blocks of the project site.

Given the noise environment at the project site, ESA concluded that conventional residential construction, which would include double-paned windows (which typically offer 25 to 30 dBA noise reduction), would be sufficient to ensure an interior noise environment in habitable rooms of 45 dBA (Ldn) as required by the San Francisco Building Code. Therefore, ESA's noise study demonstrates that acceptable interior noise levels consistent with those in the 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required. The project would not have a significant impact with regard to noise because the project will be built to include double-paned windows.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed development would not introduce residential uses that would be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have

⁸ Karl Heisler, Environmental Science Associates, Email, RE: Noise Study for 3418 26th Street, March 4, 2010. This document is on file and available for public review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

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. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities within residences near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

The Eastern Neighborhoods identified a significant impact related to construction noise that would include pile driving and determined that *Mitigation Measure F-1: Construction Noise* would reduce effects to a less-than-significant level. Since construction of the proposed project does not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

Air Quality

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Eastern Neighborhoods Final EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure G-1: Construction Air Quality* 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 hereto 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 less than significant. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and *Mitigation Measure G-1* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to air quality for sensitive land uses and determined that *Mitigation Measure G-2: Air Quality for Sensitive Land Uses* would reduce effects to a less-than-significant level. In response to this concern, Article 38 of the San Francisco Health Code was amended to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM

2.5⁹ concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m³).¹⁰ The project site is not located within the Potential Roadway Exposure Zone, and therefore, *Mitigation Measure G-2* does not apply to the proposed project.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit diesel particulate matter (DPM) and determined that *Mitigation Measure G-3: Siting of Uses that Emit DPM* would reduce these effects to a less-than-significant level. As stated in the Eastern Neighborhoods Final EIR, to minimize potential exposure of sensitive receptors to DPM, for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, the Planning Department shall require that such uses be located no less than 1,000 feet from residential units and other sensitive receptors. Since the proposed project would not be expected to be served by at least 100 trucks per day or 40 refrigerator trucks per day, the 3418 26th Street project would not be expected to expose sensitive receptors to DPM and *Mitigation Measure G-3* would not be applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit toxic air contaminants (TACs) as part of everyday operations and determined that *Mitigation Measure G-4: Siting of Uses that Emit Other TACs* would reduce these effects to a less-than-significant level. Because the proposed project, a residential building with 13 dwelling units, would not be expected to generate TACs as part of everyday operations, *Mitigation Measure G-4* would not be applicable and the proposed project would not contribute to the significant impact of TACs.

Greenhouse Gas Emissions

The proposed project would replace a vacant parcel with a five-story building with 13-unit residential building. The proposed project would contribute to the cumulative effects of climate change by emitting greenhouse gases (GHGs) during construction and operational phases. Construction of the proposed project is estimated at approximately 14 months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations. The project site is located within Mission plan area analyzed under the Eastern Neighborhoods Area Plan EIR. The Eastern Neighborhoods Area Plan EIR assessed the GHG emissions that could result from rezoning of the Mission plan area under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO₂E)¹¹ per service population,¹² respectively.¹³ The Eastern Neighborhoods EIR

⁹ PM 2.5 is a measure of smaller particles in the air. PM 10 has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

¹⁰ See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

¹¹ Greenhouse gas emissions are typically measured in CO₂E, or carbon dioxide equivalents. This common metric allows for the inclusion of the global warming potential of other greenhouse gases. Land use project's, such as this, may also include emissions from methane (CH₄) and nitrous oxide (N₂O), therefore greenhouse gas emissions are typically reported at CO₂E.

¹² SP= Service Population. Service population is the equivalent of total number of residents + employees.

concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plan would be less than significant. The Eastern Neighborhoods EIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions, individually or cumulatively.

Shadow

Planning Code Section 295 generally prohibits new buildings greater than 40 feet in height that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The proposed building would be 55 feet in height and thus is subject to Section 295. To determine whether the proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff. This analysis concluded that the proposed project would not have the potential to cast new shadow on any property under the jurisdiction of the Recreation and Park Department.¹⁴ The proposed project would shade portions of nearby streets and sidewalks at times within the project site block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

The proposed building could cast shadow on a small number of private residences. The loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. Although residents may regard the increase in shadow as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

Project Mitigation Measure 1 – Historic Resources (Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

Projects involving new construction or alteration over 55 feet, or 10 feet higher than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. As previously mentioned, the Department presented the proposed project to the HPC on February 17, 2010, and the HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resources. Therefore, Project Mitigation Measure 1 has already been implemented.

Project Mitigation Measure 2 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

¹³ *Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods*. April 20, 2010. Memorandum from Jessica Range, MEA to MEA staff. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods Rezoning EIR and provides an analysis of the emissions using a service population metric.

¹⁴ San Francisco Planning Department, letter dated September 18, 2009, Shadow Analysis for 3418 26th Street, Case File No. 2006.1349K. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2009.0610E.

New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. ESA conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 2 has already been implemented.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on September 25, 2009, to addresses within 300-foot radius of the project site and to potentially interested parties. One response was received from a neighbor requesting to be included in the distribution list.

Conclusion

The Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 3418 26th Street project. As described above, the 3418 26th Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, the proposed 3418 26th Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.