# SAN FRANCISCO
# PLANNING DEPARTMENT

## Certificate of Determination
## EXEMPTION FROM ENVIRONMENTAL REVIEW

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| *Case No.:* | **2009.1095E** |
| *Project Title:* | **80 Julian Avenue** |
| *Zoning:* | Valencia Street Neighborhood Commercial Transit (NCT) District<br>45-X Height and Bulk District |
| *Block/Lot:* | 3547/027 |
| *Lot Size:* | 2,996 square feet |
| *Plan Area:* | Mission Subarea of the Eastern Neighborhoods |
| *Project Sponsor:* | Cort Gross, Wessington Ventures, (415) 398-3137 |
| *Staff Contact:* | Brett Bollinger – (415) 575-9024<br>brett.bollinger@sfgov.org |

### PROJECT DESCRIPTION:

The project site is located on Julian Avenue on a block bounded by 14th, 15th, Valencia, and Mission Streets in the Mission neighborhood. The proposed project would replace a vacant three-story residential building with a 45-foot-tall, four-story, 16,000-square-foot (sq.ft.), Native American Health Center (NAHC) building consisting of medical and dental clinics, office space, and Friendship House Association of American Indians (FHAAI) transitional housing for single mothers (8 units). The proposed project does not include any off-street parking.

### 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

June 23, 2010
Date

cc: Cort Gross, Project Contact
Edgar Oropeza, Neighborhood Planning Division
Virna Byrd, M.D.F.
Supervisor Chris Daly, District 6
Exemption/Exclusion File

## 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 80 Julian Avenue project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 80 Julian Avenue 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 noise.

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 EIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods. This determination also identifies mitigation measures contained in the Eastern Neighborhoods that would be applicable to the proposed project at 80 Julian Avenue. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods is included below, as well as an evaluation of potential environmental effects.

## Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Plan was adopted in December 2008. The Eastern Neighborhoods 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 also included changes to existing height and bulk districts in some areas, including the project site at 80 Julian Avenue.

During the Eastern Neighborhoods Plan 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 EIR by Motion 17659[1] and adopted the Preferred Project for final recommendation to the Board of Supervisors.[2]

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 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 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 expressed in the City's General Plan.

As a result of the Eastern Neighborhoods, the project site has been rezoned to Valencia Street NCT. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further on page 4, Land Use. The 80 Julian Avenue project site, which is located in the Mission Area of the Eastern Neighborhoods, was designated and envisioned as a site with a building up to 45 feet in height and containing a mix of uses.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans would 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 mixed-use project at 80 Julian Avenue 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 of the proposed 80 Julian Avenue project, and identified the mitigation measures applicable to the proposed project. The proposed

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[1] 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.

[2] 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

project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation for the 80 Julian Avenue project is necessary.

## 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 80 Julian Avenue project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods EIR considered the incremental impacts of the proposed 80 Julian Avenue 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 EIR. The following discussion demonstrates that the 80 Julian Avenue project would not result in significant impacts beyond those analyzed and disclose in the Eastern Neighborhoods, including project-specific impacts related to land use, aesthetics, air quality, archeological resources, historic architectural resources, shadow, transportation, and noise.

## Land Use

Planning Department staff has determined that the proposed project is consistent with the Eastern Neighborhoods Plan and satisfies the requirements of the General Plan and the Planning Code.[3,4] The proposed project would replace an existing vacant residential building with a 45-foot-tall, 16,000 sq.ft. health center and transitional housing building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted with the Valencia Street NCT zoning controls of the site, all of which were analyzed in the Eastern Neighborhoods EIR. Further, the project is proposed on an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods EIR identified an unavoidable significant land use impact due to the cumulative loss of PDR under Option C. Option C, which would result in less PDR-only land than Options A or B and would rezone more existing PDR land and displace more existing PDR uses than the other two options, would result in a clear mismatch between the supply of and demand for PDR land and building space, with neither adequate land nor adequate building space available with substantial changes in land use controls on Port land. The analysis also determined that a No-Project scenario would result in an unavoidable significant impact on the cumulative supply of land for PDR uses. Since there is no PDR at the project site, the 80 Julian Avenue project would not contribute to this impact because there would be no loss of PDR.

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3 David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 80 Julian Avnue. This document is on file and available for review as part of Case File No. 2009.1059E at the San Francisco Planning Department, 1650 Mission Street, Suite 400

4 Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 80 Julian Avenue. This document is on file and available for review as part of Case File No. 2009.1059E at the San Francisco Planning Department, 1650 Mission Street, Suite 400

## Aesthetics

The Eastern Neighborhoods EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. The Eastern Neighborhoods Plan would not be considered to result in a significant adverse impact with regard to views. New construction in the Eastern Neighborhoods Plan area would generate additional night lighting but not in amounts unusual in residential and commercial zones and within developed urban areas in general. Thus, the Eastern Neighborhoods EIR concluded that light and glare impacts would be less than significant.

The proposed project would replace an existing vacant three-story residential building with a 45-foot-tall health center and transitional housing building. The proposed building would not be substantially taller than the existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Eastern Neighborhoods Plan area and the City as a whole. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality because it would be consistent with the existing surrounding development.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change, since the proposed building envelope meets Planning Code requirements for the Valencia Street NCT zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity, and could create a shadow and increased shade on private property. Some reduced private views and increased shade on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

## 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 reduced 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 2.5[5] concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m3).[6] Sponsors of projects on sites where the PM 2.5 concentration exceeds the 0.2 ug/m3 threshold are required to install ventilation systems or otherwise redesign the project to reduce the PM 2.5 concentration for the habitable areas for the dwelling units to below the threshold. The project site is not located within the Potential Roadway Exposure Zone. Therefore, the project would have no significant air quality impacts on residents or patients due to roadway emissions.

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 45 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 45 refrigerator trucks per day, it would not be expected to expose sensitive receptors to DPM and Mitigation Measure G-3 is not applicable.

The Eastern Neighborhoods identified significant impacts related to siting uses that emit diesel particulate matter (DPM) and other toxic air contaminants (TACs) and determined that *Mitigation Measures G-3: Siting of Uses that Emit DPM* and *G-4: Siting of Uses that Emit Other TACs* would reduce these effects to a less-than-significant level. Since the proposed project would not be expected to expose sensitive receptors to DPM and would not be expected to generate TACs as part of everyday operations, the 80 Julian Ave. project would not contribute to this significant impact and Mitigation Measures G-3 and G-4 are not applicable.

## Archeological Resources

Based on the presence of archeological properties of a high level of historical, ethnic, and scientific significance within the Mission Dolores Archeological District, potential archeological impacts were identified in the Eastern Neighborhoods 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;

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5 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".

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

grading; soils remediation; installation of utilities; or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. The project site is located within the Mission Dolores Archeological District and the proposed 80 Julian Avenue project would require excavation of up to five (5) feet below grade for the underground parking garage level. Therefore, Eastern Neighborhoods *Mitigation Measure J-3* (see Project Mitigation Measure 1 on page 14 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact to a less than significant level from soils-disturbing activities on buried 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 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 properties constructed prior to 1963 that propose demolition or major alteration shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the project involves demolition of a residential building constructed prior to 1963, *Mitigation Measure K-1* applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on April 21, 2010. The HPC concluded that the proposed demolition of the existing building at 80 Julian Ave would not result in a significant impact on historic resources.

## Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. 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.[7] The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

The proposed building could cast shadow on private residences or property. 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.

## Transportation

[7] San Francisco Planning Department, letter dated December 30, 2009 (Case No. 2009.1059K), Shadow Analysis for 80 Julian Avenue. 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. 2009.1059E.

*NAHC and FHAAI Trip Generation.* The trip generation rates for the proposed NAHC building were estimated based on the transportation data for the South of Market Health Center (SMHC) project at 755 Seventh Street[8]. The *SMHC Transportation and Trend Data Survey* performed for the proposed 255 Seventh Street project found that of all the patients queried, 50 percent walked, 33 percent took transit, and 17 percent drove. *The SMHC Transportation and Trend Data Survey* found that of all the employees queried, 5 percent walked, 35 percent took transit and 60 percent drove to the SMHC. The following analysis is based on the above information analyzed for the project at 255 Seventh Street.

*FHAAI Residential Trip Generation.* Based on the trip generation rates for affordable residential uses from the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*[9], October 2002, the transitional housing residential component of the proposed project would be expected to generate approximately 60 daily person-trips (inbound and outbound) on a weekday daily basis spread among the various modes of transportation (private automobile, public transit, walking, or other modes such as bicycling) with 10 daily-person trips being generated during the PM peak hour. These 10 PM peak-hour daily person-trips would be distributed among various modes of transportation, including seven (7) automobile person-trips and three (3) transit trips.

*NAHC Patient Trip Generation.* The proposed 80 Julian Ave. project anticipates that the NAHC use would average 35 patient visits per day. Based on a six-day work week, the NAHC would be expected to have an average of 70 visits per day and therefore, generate 70 daily person-trips (35 inbound and 35 outbound) spread among the various modes of transportation. Applying the mode split identified in the *255 Seventh Street Transportation and Trend Data Survey*, of the 70 daily person-trips, about 35 would be automobile person-trips, 23 would be transit daily person-trips, and 12 would be walking daily person-trips. Assuming that 8.4 percent of the daily person-trips occur during the PM peak hour, the NAHC patients would generate about six (6) PM peak hour person trips. Applying the mode split identified above, the NAHC would generate three (3) automobile PM peak hour person-trip, two (2) transit PM peak hour trips, and one (1) walking PM peak hour daily trips. Assuming that all the vehicles are single occupancy, the NAHC would generate about seven (7) PM peak hour automobile trip.

*NAHC and FHAAI Employee Trip Generation.* As described in the Population Section, the proposed project is anticipated to provide 43 full-time employee (FTE) jobs upon completion of the project. Therefore, the NAHC and FHAAI housing uses would be expected to generate 172 daily person-trips spread among the various modes of transportation. Applying the mode split identified in the *SMHC Transportation and Trend Data Survey*, of the 172 daily person-trips, about 103 would be automobile person-trips, 60 would be transit daily person-trips and nine (9) would be walking daily trips. Assuming that 8.5 percent of the daily person-trips occur during the PM peak hour, the NAHC and FHAAI housing would generate about 15 PM peak hour employee-person trips. Applying the mode split for employees identified in the *SMHC Transportation and Trend Data Survey*, the SMHC would generate nine (9) automobile PM peak hour person-trips, five (5) transit PM peak hour trips, and one (1) walking PM peak hour daily trip. The U.S. Census Bureau reports that in Census Tract 202, where the proposed project would be located, there is an average of 1.09 workers per car, truck or van. Based on this average

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[8] South of Market Health Center (SMHC), *The SMHC Transportation and Trend Data, November 2005*. This document is on file and available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2009.1059E.

[9] Brett Bollinger, San Francisco Planning Department, *Transportation Calculations*, May 20, 2010. These calculations are available for review as part of Case File No. 2009.1095E at the San Francisco Planning Department, 1650 Mission Street, Suite 450.

automobile occupancy, the NAHC and FHAAI housing would generate 95 daily vehicular trips of which eight (8) would be during the PM peak hour.

***Total Trip Generation.*** Based on the transportation calculations, the proposed project would be expected to generate: 178 daily vehicle trips of which 19 would be during the PM peak hour; 99 daily transit tips of which 10 would be during the PM peak hour; 23 daily walking trips of which two (2) would be during the PM peak hour; and two (2) other daily trips of which zero (0) would be during the PM peak hour.

The estimated 19 new PM peak hour vehicle trips would travel through the intersections surrounding the project block. 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. Available intersection LOS data from nearby intersections indicates that South Van Ness Avenue/ 16th Street intersection currently operates at LOS B during the weekday PM peak hour; that Mission Street/16th Street intersection operates at LOS C; and Valencia Street/15th Street at LOS B during the weekday PM peak hour.[10] Given that the proposed project would add approximately 19 new PM peak hour vehicle trips to surrounding intersections, it is not anticipated to substantially increase traffic volumes at these or other nearby intersections, nor substantially increase average delay that would cause these intersections to deteriorate to unacceptable levels of service.

The Eastern Neighborhoods Final EIR evaluated three land use options. The proposed project is located in the Mission Subarea of the Eastern Neighborhoods, which included the analysis (existing and 2025 operating conditions) of the above and other intersections in the area based on proposed development plan options of the Eastern Neighborhoods. The South Van Ness/16th Street intersection is anticipated to continue to operate at LOS B under 2025 weekday PM peak hour conditions under all Plan options; the Mission Street/16th Street intersection is anticipated to change from LOS C to LOS D under all Plan options; and the Valencia Street/15th Street intersection would change from LOS B to LOS C under all Plan options.

The nearest Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday PM peak hour was at Guerrero St/Duboce Ave (approximately 3½ blocks to the northwest of the project site) which operated at LOS D under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday PM peak hour operating conditions under all Plan options. The other nearby Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday PM peak hour was at South Van Ness Avenue/Howard Street/13th Street (approximately 5 blocks to the north of the project site) which operated at LOS E under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday PM peak hour operating conditions under Plan Options B and C. It is likely these conditions would occur with or without the project, and the proposed project's contribution of 19 PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' projects, should they be approved. Under the Eastern Neighborhoods Final EIR, specific mitigation measures were not proposed for either the South Van Ness Avenue/Howard

[10] San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, certified January 19, 2009. File No. 2004.0160E.

Street/13th Street intersection or the Guerrero St/Duboce Ave intersection and a Statement of Overriding Considerations related to the significant and unavoidable cumulative (2025) traffic impacts was adopted as part of the EIR Certification and project approval on January 19, 2009. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

**Transit**

As indicated above, the proposed project is estimated to add 99 daily transit person trips, of which 10 are estimated to occur in the PM peak hour. The project site is served by several local and regional transit lines including Muni lines 12, 14, 14L, 22, 27, 33, and 49, and therefore, the additional PM 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 lines 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 lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines 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 10 PM 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 significant cumulative transit impacts.

**Parking**

The proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Sections 161(j) and 726.22, therefore, no parking spaces are proposed as part of the project. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the demand for parking would be 32 spaces. Thus, the project would have an unmet parking demand of 32 spaces. 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 § 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, 22, 27, 33, and 49) and bike lanes (45, 33, and 45), 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.

**Loading**

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.12 truck-trips per hour. *Planning Code* Section 152 does not require off-street loading for the proposed NAHC and FHAAI uses. Therefore, off-street loading spaces are not required for the proposed project, which would include 4,000 square feet of residential use and 12,000 square feet of medical use. 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 either Julian Avenue or 15th Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on either Julian Avenue or 15th Street.

**Pedestrian and Bicycle Conditions**

The proposed project would generate approximately two (2) PM 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, and no new curb cuts are proposed. In the vicinity of the project site, there are four major Citywide Bicycle Routes. 14th Street comprises a portion of bicycle route #30, Valencia Street a portion of bicycle route #45, Harrison Street a portion of route #33, and 17th Street a portion of route #45. 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.

In summary, the project would not 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 (transitional housing for single mothers) development in areas with noise levels above 60 dBA 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, noise levels on Julian Avenue are between 60.1 and 65.0 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. The Department of Building Inspections (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents. Since the proposed project is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods 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 3 on page 17 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, Environmental Science Associates (ESA) were hired by the project sponsor for the proposed project at 49 Julian Avenue 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.[11] The 49 Julian Ave. project site is located approximately 150

[11] Karl Heisler, Environmental Science Associates, Email, RE: Noise Study for 49 Julian Avenue, February 15th, 2010. This document is on file and is available for review as part of Case File No. 2009.1059E at the San Francisco Planning Department, 1650 Mission Street, Suite 450, San Francisco, CA.

Feet from the proposed 80 Julian Ave project site. Therefore, the noise analysis conducted for the 49 Julian Ave project would include the same two block area for analysis of noise generating uses in the immediate area that addresses *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* for the proposed project at 80 Julian Ave.

Given the noise environment at the project site, it would appear that conventional construction practices, which would likely 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 has demonstrated that acceptable interior noise levels consistent with those in the Title 24 standards can be attained by the proposed project and no further acoustical analysis or engineering is required.

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 does not propose 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 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 PM and 7:00 AM, 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 AM to 5:00 PM). 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 12 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 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 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 EIR 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.

## Mitigation Measures

The project sponsor has agreed to implement the following mitigation measures.

*Project Mitigation Measure 1 – Archeological Resources (Mitigation Measure J-3 of the Eastern Neighborhoods Rezoning and Area Plans Final EIR)*

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 a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. 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)(c).

*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. 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 project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.
- The 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 the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

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.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

***Project Mitigation Measure 2 – Historical Resources (Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Area Plans EIR)***

Projects involving demolition of buildings constructed prior to 1963 that propose demolition or major alteration shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the project involves demolition of a residential building constructed prior to 1963, *Mitigation Measure K-1* applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on April 21, 2010. The HPC concluded that the proposed demolition of the existing building at 80 Julian Ave would not result in a significant impact on historic resources. Therefore, Project Mitigation Measure 2 has already been implemented.

***Project Mitigation Measure 3 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Area Plans EIR)***

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.

The survey of the project vicinity did not identify any land uses that generate unusual noise within two blocks of the project site. Among the more prominent noise-generating uses in the vicinity are several auto repair shops. However, most nearby properties are composed of residential uses above ground-floor retail shops and restaurants. Although the project site is within about one-and-one-half blocks of the elevated U.S. 101 freeway, observation indicates that the freeway is not a major noise source at the project site.

Given the noise environment at the project site, it would appear that conventional construction practices, which would likely 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 has demonstrated that acceptable interior noise levels consistent with those in the Title 24 standards can be attained by the proposed project and no further acoustical analysis or engineering is required.

## Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on May 7, 2010 to adjacent occupants and owners of properties within 300 feet of the project site. Five members of the public expressed their concerns related to parking, contaminated soils, building mass, the loss of views and light, neighborhood character, and curb cuts. Parking is discussed on page 10, hazardous materials on page 13, the permitted mass of building on page 4, loss of views and light on page 5, neighborhood character on pages 4 and 5, and, as stated on page 11, no new curbs are proposed.

## Conclusion

The Eastern Neighborhoods EIR incorporated and adequately addressed all potential impacts of the proposed 80 Julian Avenue project. As described above, the 80 Julian Avenue project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods EIR. Thus, the proposed 80 Julian Avenue 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 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.