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Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	**2009.1163E**
Project Title:	**17th Street and Folsom Street Park**
Zoning:	P, 50-X Height and Bulk District
Block/Lot:	3571/018
Lot Size:	60,925 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Dawn Kamalanathan, San Francisco Recreation and Park Department
Staff Contact:	Don Lewis – (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the north side of 17th Street between Folsom Street and Shotwell Street in the Mission neighborhood. The proposed project would subdivide the 60,925-square-foot parcel, which is currently a 219-space surface parking lot, and construct a 34,300-square-foot neighborhood park that would front on 17th Street, Folsom Street, and Shotwell Street. No structures, including restrooms, are proposed. Specific design features of the park would be defined through a community planning effort. The existing parking lot is currently owned by the San Francisco Public Utilities Commission (PUC) and is leased out to the University of California, San Francisco. Ownership would transfer from the PUC and the park would be owned and operated by the San Francisco Recreation and Park Department (RPD). The remaining 26,625 square feet of the lot would remain in its current use. The project site is located in the Eastern Neighborhoods Plan Area.

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: Karin Edwards, Recreation and Park
Exemption/Exclusion File
Supervisor David Campos, District 9
Virna Byrd, M.D.F.

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 17th and Folsom Park 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 17th and Folsom Park to determine if there would be significant impacts attributable to the proposed project. These studies examined that project's potential environmental effects on noise and hazardous materials.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project, with the exception of hazards and hazardous materials, 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.[1] With the exception of hazards and hazardous materials, 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 17th and Folsom Park. 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 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)

[1] A Focused Initial Study has been prepared for the hazards and hazardous materials topic only. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2009.1163E.

employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas.

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 expressed in the City's General Plan.

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. With the exception of hazards and hazardous materials, this determination concludes that the proposed project is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. This determination also finds, with the exception of hazards and hazardous materials, that the Eastern Neighborhoods Final EIR

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[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

adequately anticipated and described the impacts of the proposed 17th and Folsom Park project, and identified the mitigation measures applicable to the proposed project. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, no further CEQA evaluation for the 17th and Folsom Park 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 project is in conformance with use 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 project. As a result, the proposed project, with the exception of hazards and hazardous materials, 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 Certification of Determination, with the exception of hazards and hazardous materials, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[4] With the exception of hazards and hazardous materials, the following discussion demonstrates that the 17th and Folsom Park 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

The Eastern Neighborhoods (FEIR) evaluated three land use options "alternatives" and under each of these options the subject property was to remain Public land, which includes parks, open space, and street rights-of-way. The proposed project would subdivide the 60,925-square-foot parcel, which is currently a 219-space surface parking lot, and construct a 34,300-square-foot neighborhood park that would front on 17th Street, Folsom Street, and Shotwell Street. The new land use would not have an effect on the character of the vicinity beyond what was identified in the FEIR and would not result in a physical division of an established community.

The Eastern Neighborhoods 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

[4] San Francisco Planning Department, Community Plan Exemption Checklist, 17th and Folsom Park, January 18, 2011. This document is on file and is available for review as part of Case File No. 2009.1163E at 1650 Mission Street, Suite 400, San Francisco, CA.

the project site, the proposed project would not contribute to this impact because there would be no loss of PDR.

The proposed project would create new and/or improved public amenities for the neighborhoods in which each are located, and the project would not cause a significant land use impact. The project would not physically divide an established community, as it is expected to provide a foundation of stability in the form of open space use that could serve as an enhancement to the existing communities. Therefore, land use impacts on the existing community would be less than significant.

In addition, Citywide Planning and Neighborhood Planning have determined that the proposed project is consistent with the FEIR and satisfies the requirements of the General Plan and the Planning Code. Therefore, the project is eligible for a Community Plan exemption.[5,6]

Archeological Resources

The Eastern Neighborhoods FEIR identified a significant impact related to archeological resources and determined that *Mitigation Measures J-1: Properties with Previous Studies, J-2: Properties With No Previous Studies*, and *J-3: Mission Dolores Archeological District* would reduce effects to a less-than-significant level. Since the proposed site is located outside Archeological Mitigation Zone A and B and since no previous studies have been conducted on the project site, *Mitigation Measure J-2* applies to the proposed project. Pursuant to Mitigation Measure J-2, a Preliminary Archeological Sensitivity Study memorandum was prepared for the proposed project.[7] The memorandum states that with implementation of the Department's measures for accidental discovery, there is low potential to adversely affect archeological resources. In the event such resources are encountered during ground-disturbing activities, implementation of *Mitigation Measure J-2* would reduce potential effects to a less-than-significant level. Therefore, Eastern Neighborhoods *Mitigation Measure J-2* (see Project Mitigation Measure 1 on page 25 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 subject property is not located within a known or potential historic district, and the proposed project is not anticipated to have an adverse effect on off-site historical 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 taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation

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[5] David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 17th and Folsom Park. This document is on file and available for review as part of Case File No. 2009.1163E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[6] Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 17th and Folsom Park. This document is on file and available for review as part of Case File No. 2009.1163E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[7] Randall Dean, MEA archeologist, memorandum to Don Lewis, MEA planner, January 20, 2010. This memorandum is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2009.1163E.

Commission (HPC) for review and comment during a regularly scheduled hearing. Since the project does no involve new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings before 1963, *Mitigation Measure K-1* does not apply to the proposed project.

In summary, the project would not result in a significant effect with regard to historic architectural resources.

Transportation

The project proposes to replace a portion of a surface parking lot with a neighborhood park. Due to the nature of the project, it is not anticipated that the proposed park would generate a noticeable number of p.m. peak hour vehicle trips. Any new p.m. 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 p.m. peak hour and that Mission Street/16th Street intersection operates at LOS C during the weekday p.m. peak hour.[8] Given that the proposed project would not add a noticeable number of new p.m. 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 evaluated three land use options "alternatives". 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 including the proposed park. The South Van Ness/16th Street intersection (two blocks away) is anticipated to continue to operate at LOS B under 2025 weekday p.m. peak hour conditions under all Plan options while the Mission Street/16th Street intersection (four blocks away) is anticipated to change from LOS C to LOS D under all Plan options.

The nearest Mission Subarea intersection in which the Eastern Neighborhoods identified a significant impact under 2025 weekday p.m. peak hour was at Folsom Street/13th Street (four blocks to the north of the project site) which operated at LOS C under existing (baseline) conditions and would deteriorate to LOS E under 2025 weekday p.m. peak hour operating conditions under Plan Option B. The other nearby Mission Subarea intersection in which the Eastern Neighborhoods identified a significant impact under 2025 weekday p.m. peak hour was at South Van Ness Avenue/Howard Street/13th Street (five 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 p.m. peak hour operating conditions under Plan Options B and C. These conditions are attributable to the regional freeway access in proximity to these intersections and

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

would occur with or without the project. The proposed project's contribution of new p.m. 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, specific mitigation measures were not proposed for either the Folsom Street/13th Street intersection or the South Van Ness Avenue/Howard Street/13th Street 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

The project site is served by several local and regional transit lines including Muni lines 12, 14, 14L, 22, 27, 33, 49, and 53. Due to the location and nature of the project, it is not anticipated that the proposed park would generate a noticeable number of p.m. peak hour transit trips, and any new p.m. peak hour transit trips would likely be accommodated on existing routes.

The Eastern Neighborhoods 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 the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. Any new p.m. peak hour transit trips generated by the proposed park would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project was envisioned in the cumulative scenario, the project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have new significant cumulative transit impact beyond that identified in the Eastern Neighborhoods FEIR.

Parking

The proposed project would replace a portion of an existing surface parking lot with a new neighborhood park. While approximately 124 of the 221 existing off-street parking spaces would be removed and not replaced, 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, 49, and 53) and bike lanes (L-23, 25, 30, and 40) 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.

Pedestrian and Bicycle Conditions

The proposed project would not generate a noticeable number of new 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. No new curb cuts are proposed.

In the vicinity of the project site, there are four major Citywide Bicycle Routes. Bicycle route #40 is on 17th Street, and under the San Francisco Bicycle Plan, a new bicycle route (L-23) would be on Shotwell Street. Bicycle route #25 and #30 are located on Harrison Street. Although the proposed project may 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 proposed project would not substantially increase pedestrian and bicycle hazards.

In summary, the project would not result in a significant effect with regard to transportation beyond those identified in the Eastern Neighborhoods FEIR.

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 future park users are common and within the range of that which is generally accepted in urban areas and thus 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 Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.[9] These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For residential uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 60 dBA (Ldn), while the guidelines indicate that playgrounds and parks should be discouraged at noise level ranges from 68 to 77 dBA (Ldn).[10,11]

Ambient traffic noise levels on Shotwell Street, Folsom Street, and 17th Street are between 60 and 70 dBA, and were determined to be between 55 to 65 dBA inside the boundary of the proposed park. Despite having ambient traffic noise levels on adjacent streets within the range to discourage such uses, this impact would not have a significant impact as the open space would not attract visitors for extended periods of time or have overnight accommodations and it would be reasonable from a health perspective to allow short term park usage. The park design would be determined by a community-involved planning process, taking the location of ambient noise into account. Because the project would not be substantially affected by existing noise levels, the effect of this land use inconsistency with the *General Plan* would be considered less-than-significant.

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

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9 City and County of San Francisco, Planning Department, San Francisco General Plan, Environmental Protection Element, Policy 11.1.

10 Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

11 The guidelines are based on maintaining an interior noise level of interior noise standard of 45 dBA, Ldn, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

(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 proposed project does not involve residential uses, *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 residential development including noise-sensitive uses. Since the proposed project does not include residential uses, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* does not apply to the proposed project.

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 park would not 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 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 3 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 Final 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 would not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

In summary, the project would not result in a significant effect with regard to noise.

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 2.5[13] concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m3).[14] Since the project site is not located within the Potential Roadway Exposure Zone and the project does not propose residential use, *Mitigation Measure G-2* is not applicable.

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, proposed project would not be expected to expose sensitive receptors to DPM and *Mitigation Measure G-3* is not 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. Since the

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[13] 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".

[14] See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

proposed 17th and Folsom Park would not be expected to generate TACs as part of everyday operations, the proposed project would not contribute to this significant impact and *Mitigation Measure G-4* is not applicable.

Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO_2E).[15]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[16]

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO_2E ($MMTCO_2E$), or about 535 million U.S. tons.[17] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[18] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36% of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[19] Electricity

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[15] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[16] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: http://www.climatechange.ca.gov/publications/faqs.html. Accessed November 8, 2010.

[17] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

[18] Ibid.

[19] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at:

generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[20]

REGULATORY SETTING

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[21] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E ($MMTCO_2E$) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 4, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[22] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors[23]

GHG Reduction Measures By Sector	GHG Reductions (MMT CO_2E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	**174**
Other Recommended Measures	
Government Operations	1-2

http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

[20] Ibid.

[21] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

[22] California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

[23] Ibid.

Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	9
• Anaerobic Digestion	
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
Total	**42.8-43.8**

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process

consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The *2010 CEQA Air Quality Guidelines* provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[24] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by subdividing the 60,925 square-foot parcel, which is currently a 219-space surface parking lot, and constructing a 34,300-square-foot neighborhood park. The proposed project would not result in additional vehicle trips but may result in a slight increase in energy use. The proposed project could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the *2010 CEQA Air Quality Guidelines*. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* to the BAAQMD.[25] This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance.

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[24] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf. Accessed March 3, 2010.

[25] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's *Strategies to Address Greenhouse Gas Emissions* identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO_2E and 2005 GHG emissions are estimated at 7.82 $MMTCO_2E$, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[26]

Based on the BAAQMD's 2010 *CEQA Air Quality Guidelines*, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32

[26] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: http://www.sfplanning.org/index.aspx?page=1570. Accessed November 12, 2010.

goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 5.

Table 2. Regulations Applicable to the Proposed Project

Regulation	Requirement	Project Compliance	Discussion
Transportation Sector			
Commuter Benefits Ordinance (Environment Code, Section 421)	All City employees are offered commuter benefits for transit and vanpool expenses. The City Hall bike room provides secure bicycle parking, showers and lockers for bicycle commuters. City employees are also eligible for telecommuting and alternative work schedules.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Emergency Ride Home Program	All City employees are automatically eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Healthy Air and Smog Ordinance (Environment Code, Chapter 4)	Requires all new purchases or leases of passenger vehicles and light-duty trucks to be the cleanest and most efficient vehicles available on the market. There are also requirements for medium and heavy duty vehicles and for phasing out highly polluting vehicles (diesel MUNI buses).	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Biodeisel for Municipal Fleets (Executive Directive 06-02)	Requires all diesel using City Departments to begin using biodiesel (B20). Sets goals for all diesel equipment to be run on biodiesel by 2007 and goals for increasing biodiesel blends to B100.	☒ Project Complies ☐ Not Applicable ☐ Project Does	The proposed project is a municipal project that would be required to comply with all City ordinances.

Regulation	Requirement	Project Compliance	Discussion
		Not Comply	
Clean Construction Ordinance (Administrative Code, Section 6.25)	Effective March 2009, all contracts for large (20+ day) City projects are required to: • Fuel diesel vehicles with B20 biodiesel, and • Use construction equipment that meet USEPA Tier 2 standards or best available control technologies for equipment over 25 hp.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Bicycle Parking in City-Owned and Leased Buildings (Planning Code, Section 155.1)	Class 1 and 2 Bicycle Parking Spaces Class 1 Requirements: (A) Provide two spaces in buildings with 1-20 employees. (B) Provide four spaces in buildings with 21 to 50 employees. (C) In buildings with 51 to 300 employees, provide bicycle parking equal to at least five percent of the number of employees at that building, but no fewer than five bicycle spaces. (D) In buildings with more than 300 employees, provide bicycle parking equal to at least three percent of the number of employees at that building, but no fewer than 16 bicycle spaces. In addition to the Class 1 bicycle parking spaces provide Class 2 bicycle parking. Class 2 Requirements: (A) In buildings with one to 40 employees, at least two bicycle parking spaces shall be provided.	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building.

Regulation	Requirement	Project Compliance	Discussion
	(B) In buildings with 41 to 50 employees, at least four bicycle parking spaces shall be provided. (C) In buildings with 51 to 100 employees, at least six bicycle parking spaces shall be provided. (D) In buildings with more than 100 employees, at least eight bicycle parking spaces shall be provided. Wherever a responsible City official is required to provide eight or more Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be covered.		
Bicycle parking in parking garages (Planning Code, Section 155.2)	(A) Every garage will supply a minimum of six bicycle parking spaces. (B) Garages with between 120 and 500 automobile spaces shall provide one bicycle space for every 20 automobile spaces. (C) Garages with more than 500 automobile spaces shall provide 25 spaces plus one additional space for every 40 automobile spaces over 500 spaces, up to a maximum of 50 bicycle parking spaces.	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building or garage.
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building or addition.

Regulation	Requirement	Project Compliance	Discussion
	transportation management brokerage services for the life of the building.		
Energy Efficiency Sector			
Resource Efficiency and Green Building Ordinance (Environment Code, Chapter 7)	The ordinance specifies requires for all city buildings as well as requirements for construction and demolition debris recycling, and requirement for new construction. All new construction must comply achieve at a minimum the LEED® Silver standard. These buildings are required to perform commissions to ensure achievement of design standards. All other buildings are required to meet the following minimum specifications related to energy efficiency: 1. Toilets must use no more than 1.6 gal/flush 2. Showerheads must use no more than 1.5 gal/ min. 3. All lighting and electrical fixtures must meet specified requirements. 4. All fluorescent lamps must be replaced	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building.
Waste Reduction Sector			
Resource Efficiency and Green Building Ordinance (Environment Code, Chapter 7)	The ordinance requires all demolition (& new construction) projects to prepare a Construction and Demolition Debris Management Plan designed to recycle construction and demolition materials to the maximum extent feasible, with a goal of 75% diversion.	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the demolition of an existing building or the construction of a new building.

Regulation	Requirement	Project Compliance	Discussion
	The ordinance specifies requires for all city buildings to provide adequate recycling space		
Resource Conservation Ordinance (Environment Code, Chapter 5)	This ordinance establishes a goal for each City department to (i) maximize purchases of recycled products and (ii) divert from disposal as much solid waste as possible so that the City can meet the state-mandated 50% division requirement. Each City department shall prepare a Waste Assessment. The ordinance also requires the Department of the Environment to prepare a Resource Conservation Plan that facilitates waste reduction and recycling. The ordinance requires janitorial contracts to consolidate recyclable materials for pick up. Lastly, the ordinance specifies purchasing requirements for paper products.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Construction Recycled Content Ordinance (Administrative Code, Section 6.4)	Ordinance requires the use of recycled content material in public works projects to the maximum extent feasible and gives preference to local manufacturers and industry.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.

Regulation	Requirement	Project Compliance	Discussion
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (Planning Code Section 143)	Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building.
Environmentally Preferable Purchasing Ordinance (Formerly Precautionary Purchasing Ordinance)	Requires City Departments to purchase products on the Approved Green Products List, maintained by the Department of the Environment. The items in the Approved Green Products List has been tested by San Francisco City Depts. and meet standards that are more rigorous than ecolabels in protecting our health and environment.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Tropical Hardwood and Virgin Redwood Ban (Environment Code, Chapter 8)	The ordinance prohibits City departments from procuring, or engaging in contracts that would use the ordinance-listed tropical hardwoods and virgin redwood.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project is a municipal project that would be required to comply with all City ordinances.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☐ Project Complies ☒ Not Applicable ☐ Project Does Not Comply	The proposed project does not involve the construction of a new building.
Regulation of Diesel Backup Generators (San	Requires: All diesel generators to be registered with the Department of	☐ Project Complies ☒ Not	The proposed project would not require a diesel backup generator.

Regulation	Requirement	Project Compliance	Discussion
Francisco Health Code, Article 30)	Public Health All new diesel generators must be equipped with the best available air emissions control technology.	Applicable ☐ Project Does Not Comply	

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address Greenhouse Gas Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions.[27]

The San Francisco Recreation and Parks Department (RPD) actions to reduce operational greenhouse gas emissions toward the City's goal of an 80 percent reduction by 2050 include the following: (1) Energy Efficiency and Conservation: The RPD is working with the Energy Efficiency Services of the San Francisco Public Utilities Commission (PUC) to reduce energy use through the selection of operational equipment such as electrical fixtures and sprinkler heads, design standards enforcement, and use of the San Francisco Greening Checklist for exterior spaces; (2) Renewable Energy Generation: The RPD is working with the PUC to assess its facilities' solar potential and identify potential co-generation sites; (3) Information Technology (IT): IT energy conservation measures include power management tools for all personal computers and monitors. The RPD plan includes full compliance by the third quarter of fiscal year 2010 with the City's adopted policy of the Committee on Information Technology (COIT); (4) Green Building: The RPD plan includes compliance with the City's Environmental Code to achieve Leadership in Energy and Environmental Design (LEED) certification; (5) Fleets and Fuel: The RPD has identified specific plans to retire older vehicles to achieve fuel savings, maintenance cost savings, and lower residual costs for older vehicles. Further, the RPD only purchases clean light-duty passenger cars and trucks; (6) Employee Commute: The RPD plan includes measures to reduce vehicle trips traveled by promoting alternative transportation incentives to its employees; (7) Zero Waste: The RPD is close to realizing its goal of 100 percent compliance with the City's recycling initiative; (8) Green Product Purchasing: The RPD uses the City's Approved Catalog to purchase environmentally conscious products;

[27] Greenhouse Gas Analysis: Compliance Checklist. November 18, 2010. This document is on file and available for public review in Case File No. 2009.1163 at the Planning Department, 1650 Mission Street, Suite 400.

(9) Carbon Sequestration: The RPD promotes the City's urban forestry program through tree planting campaigns and supports other City departments in their participation in the urban forest program; and (10) Community Wide Emissions: The RPD actions include providing community support to reduce greenhouse gas emissions through programs related to recycling, biodiversity, bicycling, and community education.

In addition, the project site is located within the Mission area plan analyzed under the Eastern Neighborhoods Rezoning EIR. The Eastern Neighborhoods Rezoning EIR assessed the GHG emissions that could result from rezoning of the Mission area plan 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)[28] per service population[29], respectively.[30] The Eastern Neighborhoods EIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans 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.

As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Shadow

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. The proposed park would not include buildings or other structures that would cast shadows on the newly created open space, nor on surrounding development. Therefore, no shadow effects would ensue as a result of the proposed park.

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[28] Greenhouse gas emissions are typically measured in CO_2E, 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 (CH_4) and nitrous oxide (N_2O), therefore greenhouse gas emissions are typically reported at CO_2E.

[29] SP= Service Population. Service population is the equivalent of total number of residents + employees.

[30] *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.

Mitigation Measure

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

Project Mitigation Measure 1 – Archeological Resources (J-2: Properties With No Previous Studies in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest

Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on January 21, 2010 to adjacent occupants and owners of properties within 300 feet of the project site. One member of the public expressed their concern relating to the loss of parking. Parking is discussed under "Transportation" on page 7.

Conclusion

With the exception of hazards and hazardous materials, the Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 17th and Folsom Park project. As described above, and except for hazards and hazardous materials, the 17th and Folsom Park 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, with the exception of hazards and hazardous materials, the proposed 17th and Folsom Park 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. Due to the peculiar impact found concerning hazards and hazardous materials, a Focused Mitigated Negative Declaration has been prepared for that topic area only.[31]

[31] Preliminary Mitigated Negative Declaration, 17th and Folsom Park, January 26, 2011. This document is on file and available for review as part of Case File No. 2009.1163E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.