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Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

Date:	**March 6, 2013**
Case No.:	**2010.0222E**
Project Title:	**248-252 9th Street Project**
Zoning:	SoMa Service/Light Industrial/Residential (SLR) Mixed Use District Western SoMa Special Use District (SUD) 50-X Height and Bulk District
Block/Lot:	3518/006 & 007
Project Sponsor:	Stanley Chia Project Contact: Dominic Maionchi, (415) 385-8278
Staff Contact:	Kei Zushi – (415) 575-9036 kei.zushi@sfgov.org

To Whom It May Concern:

This notice is to inform you of the availability of the environmental review document concerning the proposed project described below. The document is a preliminary mitigated negative declaration (PMND), containing information about the possible environmental effects of the proposed project. The PMND documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a mitigated negative declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

Project Description: The 5,000-square-foot (-sf) project site (Assessor's Block 3518, Lots 006 and 007) is located midblock on the west side of 9th Street between Howard and Folsom streets in the South of Market (SoMa) area of San Francisco. Two one-story, wood frame commercial buildings (248 9th Street and 252 9th Street), constructed in 1907, which are currently used for storage, occupy the site. The buildings are considered minor contributors to the Western SoMa Light Industrial and Residential Historic District.

The proposed project would include demolition of the existing buildings on the project site, merger of the two lots on the project site, and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use residential-commercial building. The new building would include a total of 15 dwelling units (8 one-bedroom units and 7 two-bedroom units), approximately 3,126 square feet (sf) of ground floor commercial/restaurant space, an approximately 1,190-sf roof-top deck (common open space), an approximately 750-sf private deck for the one-bedroom unit on the fifth floor, and two approximately 625-sf private decks for the two dwelling units on the second floor. The foundation would be an 18-inch-thick mat slab. The existing buildings have foundations that are approximately 18 inches thick. Approximately 370 cubic yards of soil would be removed for construction. Parking would not be provided on the site.

The PMND is available to view or download from the Planning Department's Negative Declarations and EIRs web page (http://tinyurl.com/sfceqadocs). Paper copies are also available at the Planning Information Center (PIC) counter on the first floor of 1660 Mission Street, San Francisco.

If you have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the PMND (i.e., by 5:00 p.m. on **April 3, 2013**, any person may:

1) Review the PMND as an informational item and take no action;
2) Make recommendations for amending the text of the document. The text of the PMND may be amended to clarify or correct statements and may be expanded to include additional relevant issues or to cover issues in greater depth. This may be done **without** the appeal described below; **OR**
3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a $521 check payable to the San Francisco Planning Department.[1] An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Sarah B. Jones, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **The letter must be accompanied by a check in the amount of $521.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on April 3, 2013.** The appeal letter and check may also be presented in person at the Planning Information Center (PIC) counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND.

[1] Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.

INITIAL STUDY
248-252 9TH STREET PROJECT
PLANNING DEPARTMENT CASE NUMBER 2010.0222E

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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ACBM	asbestos-containing building materials
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
bgs	below ground surface
BMP	best management practice
BR	bedroom
ca.	circa
CAA	Federal Clean Air Act
CAL OSHA	California Occupational Safety and Health Administration
CARB	California Air Resources Board
CCAA	California Clean Air Act
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CH_4	methane
CO	carbon monoxide
CO_2	carbon dioxide
CO_2E	carbon dioxide equivalents
CT	Census Tract
dBA	decibels, A-weighted scale
DBI	San Francisco Department of Building Inspection
DPH	San Francisco Department of Public Health
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
ERO	Environmental Review Officer
ESA	Environmental Site Assessment
FAR	floor area ratio
GHG	greenhouse gas
gsf	gross square feet
GWP	global warming potential
HEPA	High Efficiency Particulate Air Filter
hp	Horsepower
HRE	Historic Resource Evaluation
HRER	Historic Resource Evaluation Response
HUD	Housing and Urban Development
lbs.	pounds
L_{dn}	day-night level
$MMTCO_2E$	million gross metric tons of CO_2E
MPO	Metropolitan Planning Organization
Muni	San Francisco Municipal Railway
N_2O	nitrous oxide
NESHAP	National Emissions Standards for Hazardous Air Pollutants

NOx	nitrogen oxide
OITC	Outside-Inside Transmission Class
OPR	Office of Planning and Research
PCB	polychlorinated biphenyl
PDR	production, distribution, and repair
PM	particulate matter
PRC	Public Resources Code
NAHC	Native American Heritage Commission
NO_2	nitrogen dioxide
NSR	New Source Review
RCD	Regional Commercial District
ROG	reactive organic gas
RTP	regional transportation plan
SCAQMD	South Coast Air Quality Management District
sf	square feet
-sf	-square-foot
SFAAB	San Francisco Bay Area Air Basin
SLR	Service/Light Industrial/Residential
SO_2	sulfur dioxide
SoMa	South of Market
SRO	single-room occupancy hotel
SUD	Special Use District
TAC	toxic air contaminant
USEPA	United States Environmental Protection Agency
VDECS	Verified Diesel Emissions Control Strategies

PRELIMINARY MITIGATED NEGATIVE DECLARATION

248-252 9TH STREET
PLANNING DEPARTMENT CASE NO. 2010.0222E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The approximately 5,000-square-foot (-sf) project site (Assessor's Block 3518, Lots 006 and 007) is located midblock on the west side of 9th Street between Howard and Folsom streets in the South of Market (SoMa) area of San Francisco, approximately two- and one-half blocks south of Market Street, and approximately two blocks northeast of U.S. 101 (see Figures 1 through 3, pages 3 through 5).[2]

The project site is located within the South of Market (SoMa) Service/Light Industrial/Residential (SLR) Mixed Use District, the Western SoMa Special Use District (SUD), the Western SoMa Light Industrial and Residential Historic District, and a 50-X (no bulk controls) Height and Bulk District. The floor area ratio (FAR) limit in the SLR Mixed Use District is 2.5:1 for commercial uses. Because the project would consist primarily of residential uses over ground floor retail uses, the SLR Mixed Use District's density limit district would apply: one dwelling for every 200 square feet (sf) of lot area.

Two one-story, approximately 15-foot-tall, wood frame commercial buildings (248 9th Street and 252 9th Street), constructed in 1907, occupy the site. Both buildings are currently used for storage. The buildings were occupied with various theaters from around 1990 to 1995 and Shotwell Studio circa 2006.[3] The buildings occupy nearly the entire project site, and contain approximately 4,750 sf, an FAR of less than 1:1. One parking bay is visible in the façades of each building; however, the interior of the building at 252 9th Street, the south building, has been divided into several small spaces, and the parking bay is no longer functional. The parking bay at 248 9th Street is still functional. The buildings do not contain a loading space. Each building contains a pedestrian entrance. The buildings have approximately 18-inch-thick mat slab foundations. The buildings are considered minor contributors to the Western SoMa Light

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[2] For ease of reference throughout this document, the northwest/southeast alignment of 9th Street is assumed to run in a north/south direction, and all other compass reference points are adjusted accordingly. Thus, while the project is located on the southwest side of 9th Street, it is described as being on the west side of 9th Street. All other reference points have been similarly adjusted.

[3] AEI Consultants. *Phase I Environmental Site Assessment, 248-252 9th Street, San Francisco, California 94103, AEI Project No. 276802*, January 18, 2008. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

Industrial and Residential Historic District, playing a less-than-significant role conveying the importance of the district.

An approximately 250-sf open space occupies the rearmost portion of the southern lot (252 9th Street, Lot 007). The project site does not contain vegetation. One street tree is adjacent to the project site in front of the 248 9th Street building.

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Source: During Associates

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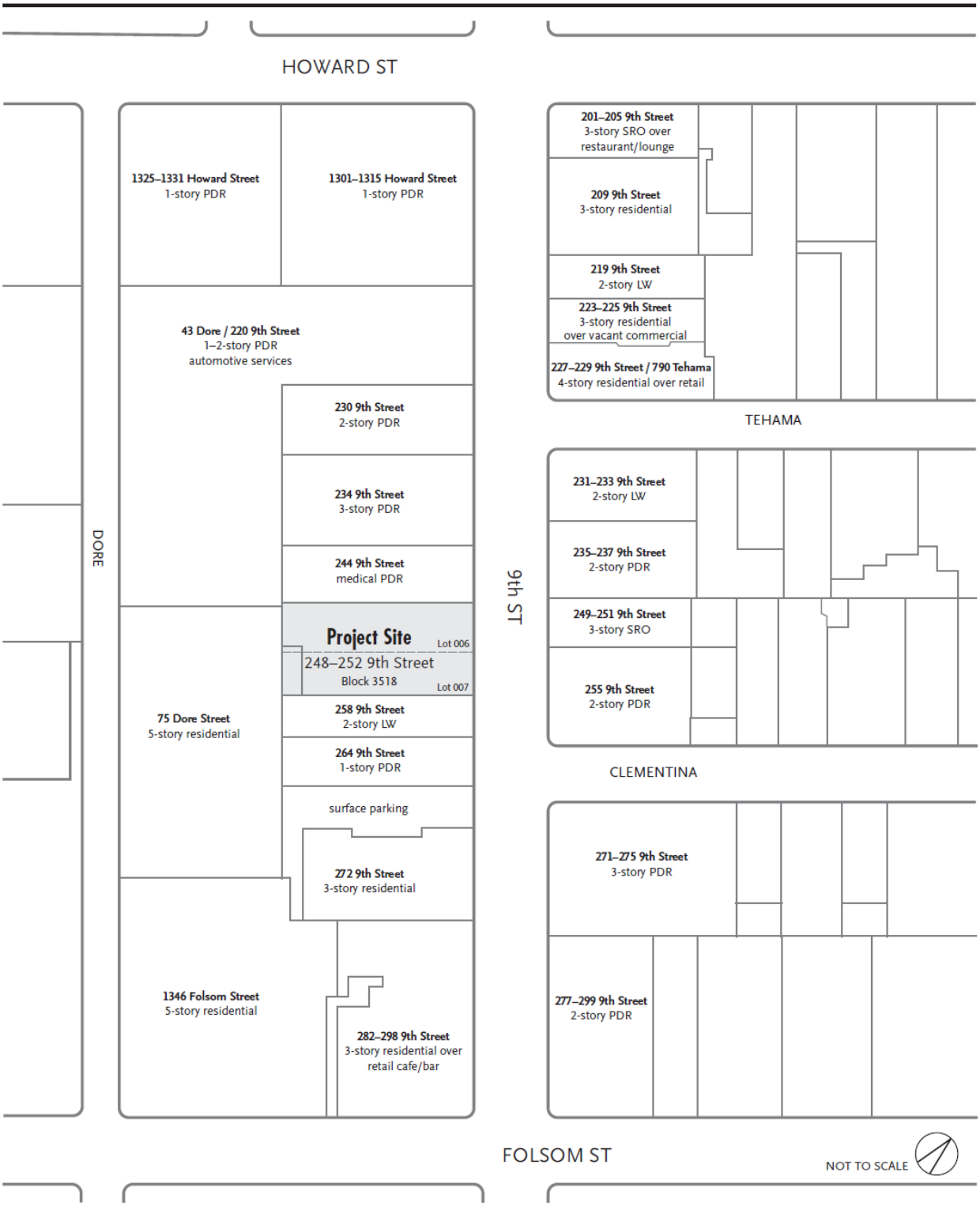
Project Site Location Figure 1

Source:

9-7-12

View of the Project Site Figure 2



Source: During Associates

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Existing Land Uses in the Project Vicinity Figure 3

Proposed Project

The proposed project would include demolition of the existing buildings, merger of the two lots on the project site, and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use residential-commercial building. The new building would include a total of 15 dwelling units (8 one-bedroom units and 7 two-bedroom units) comprising approximately 11,406 gross square feet (gsf) of residential space and 4,165 sf of circulation (lobby, elevator, stairways, bicycle parking, utility room, trash room and corridors), approximately 3,126 sf of ground floor commercial/restaurant space, an approximately 1,190-sf roof-top deck (common open space), an approximately 750-sf private deck for the one-bedroom unit on the fifth floor, and two 625-sf private decks for the two rear dwelling units on the second floor. The project would be built to the 9th Street lot line, and would not be set back at the upper levels. Table 1, page 7, summarizes project characteristics, and Figures 4 through 12, on pages 8-16, depict proposed project plans.

The project would include two affordable housing units among the 15 dwelling units, or the project sponsor would pay an in lieu fee in accordance with *San Francisco Planning Code (Planning Code)* Section 413.6. The project would include two doors for the commercial/restaurant space in the middle of the 9th Street frontage. Primary pedestrian access for the residential portion of the project would be on the south end of the proposed building's 9th Street façade, where the elevator lobby and main stairway would be located. There would be a second pedestrian access to the residential portion of the project on the north end of the 9th Street façade, with access to a secondary stairway, utilities, and 16 bicycle parking spaces. Neither parking nor loading would be provided on the site.

The foundation would be an 18-inch-thick mat slab. Construction of the foundation would not involve pile driving. Site excavation would be approximately three feet deep resulting in the removal of approximately 370 cubic yards of soil for foundation construction. The project would include either removal of an existing street tree and the planting of three new street trees as required by the *Planning Code* Section 138.1(c)(1), or retention of the existing street tree and the planting of two new street trees.

Project construction is anticipated to begin mid-2013 and would last 12 months.

Table 1[4,5] Project Characteristics	
Characteristic	**Measurement**
Commercial/Restaurant (1st floor)	3,126 sf
Residential (2nd through 5th floors)	11,406 sf
Service/Circulation[1]	4,165 sf
Total (excludes open space)[2]	**18,697 sf**
Common Open Space (Roof Deck)	1,190 sf
Private Open Space	2,000 sf
Two 2nd Floor Decks	1,250 sf
One 5th Floor Deck	750 sf
Dwelling Units	15 units
1-BR	8 units
2-BR	7 units
Height of Building	50 feet
Number of Stories	5
Bicycle Parking	16 spaces

Notes: sf = square feet; BR = bedroom

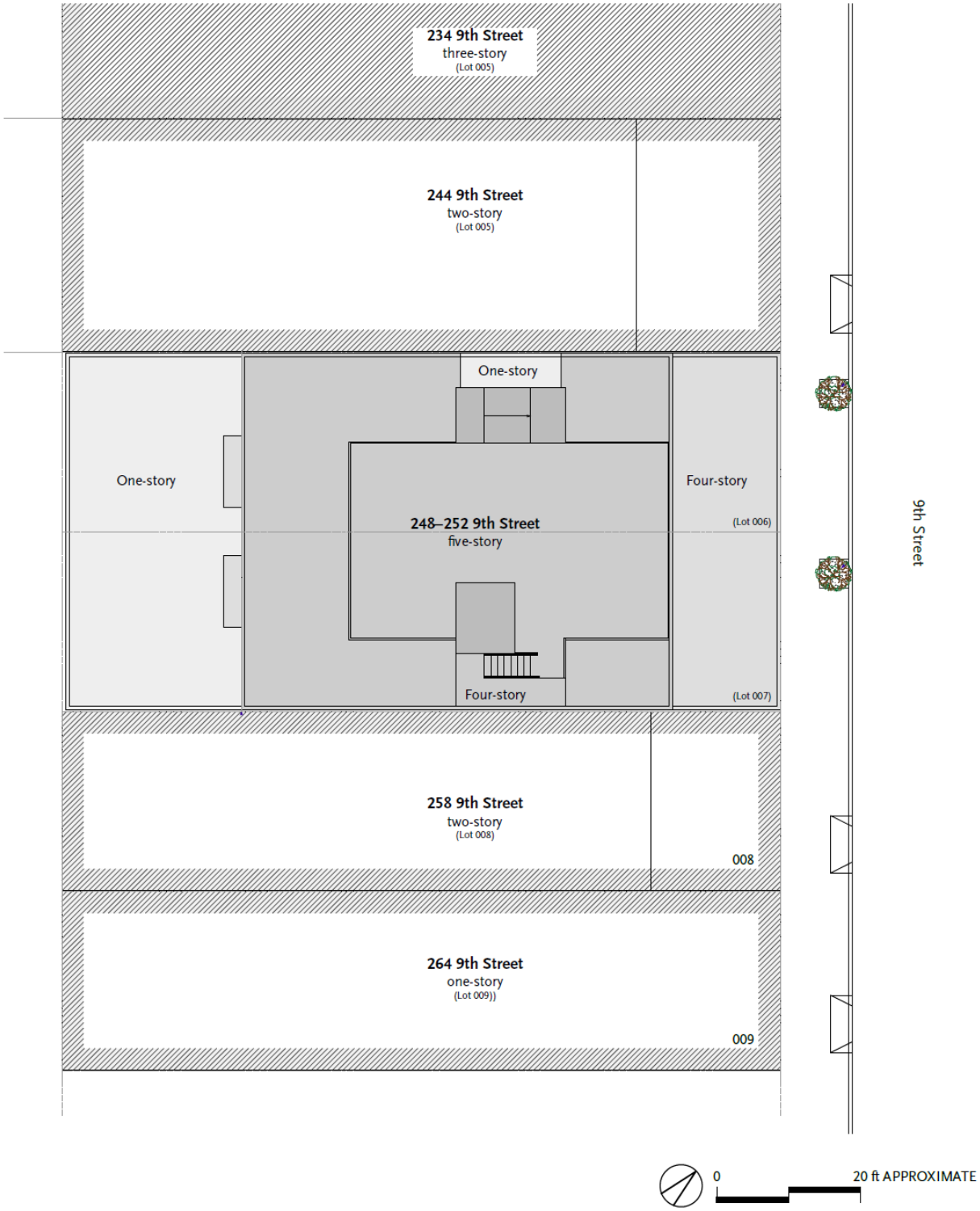
1 Includes lobby, elevator, stairways, bicycle parking, utility room, trash room, and corridors.

2 Per *Planning Code* 102.9 excludes mechanical penthouse, open spaces, and double-height areas at the commercial/restaurant and lobby level.

Text continues on page 17

4 SIA Consulting Corporation. *Cover Sheet A-0.1, 248-252 9th Street, San Francisco, CA*, February 11, 2013.

5 Reza Khoshnevisan, SIA Consulting Corporation. *Email to Kei Zushi, San Francisco Planning Department, Private Open Space: 248-252 9th Street*, February 12, 2013.



Source: SIA Consulting Corporation

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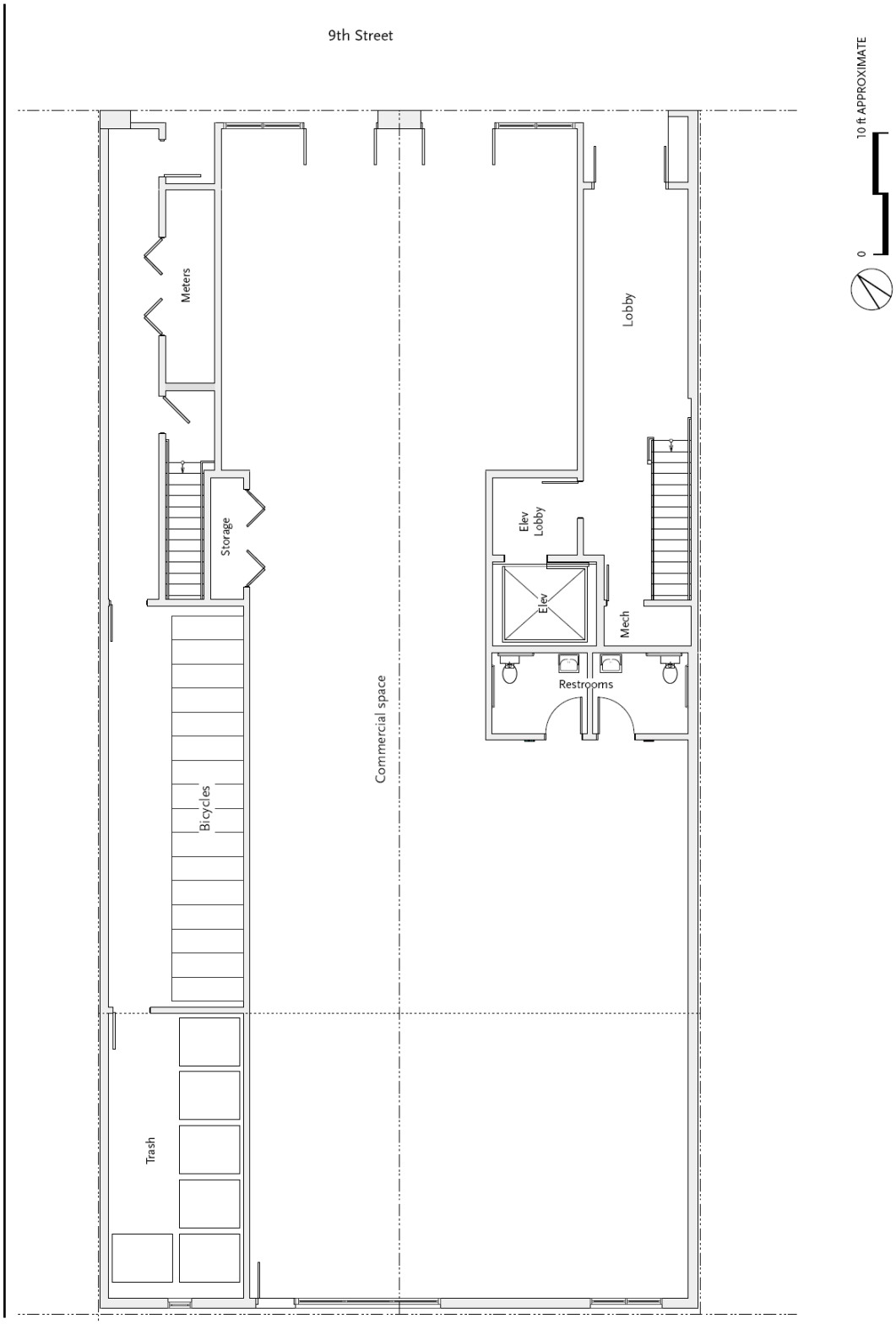
Proposed Site Plan Figure 4



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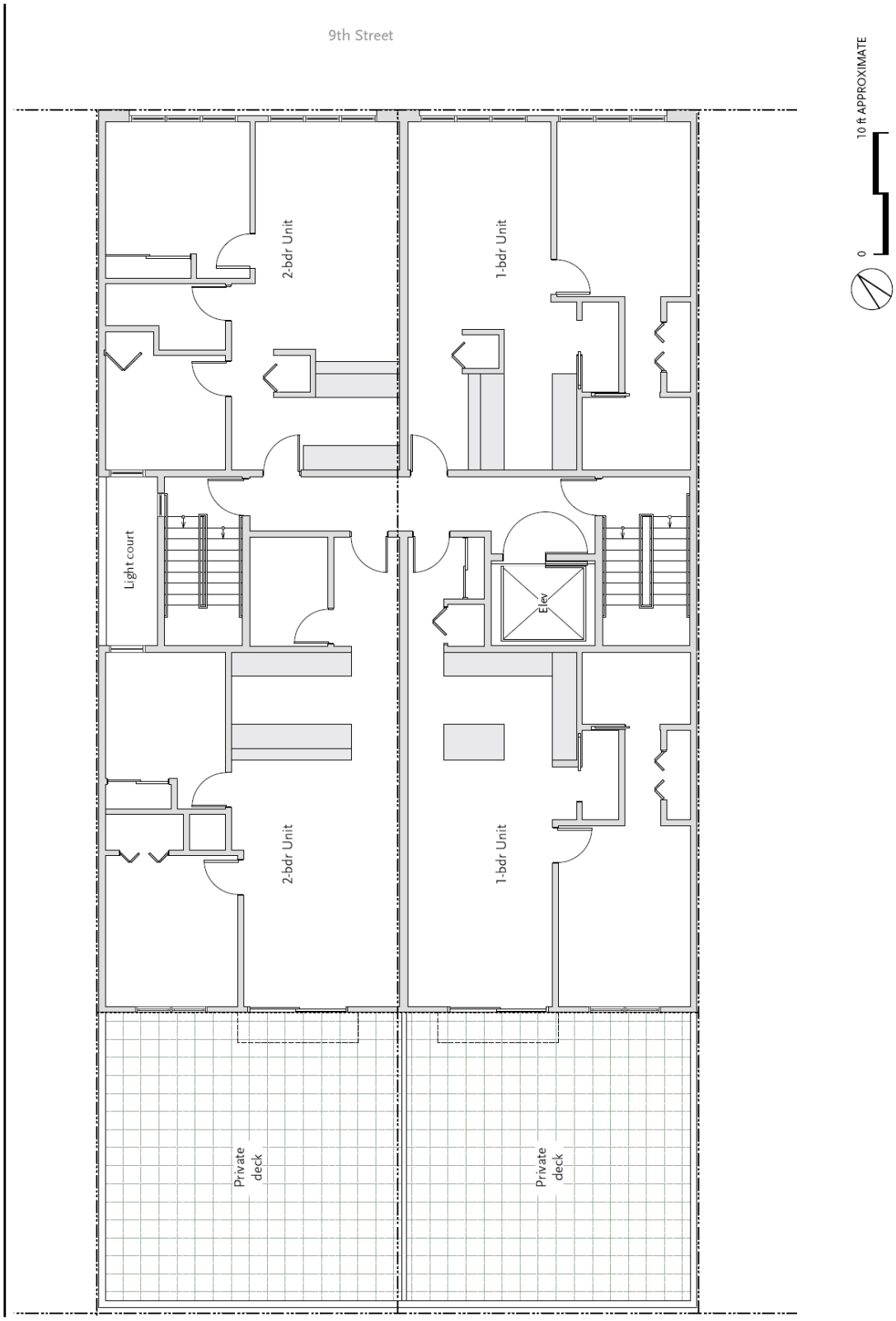
Proposed First Floor Plan Figure 5



Source: SIA Consulting Corporation
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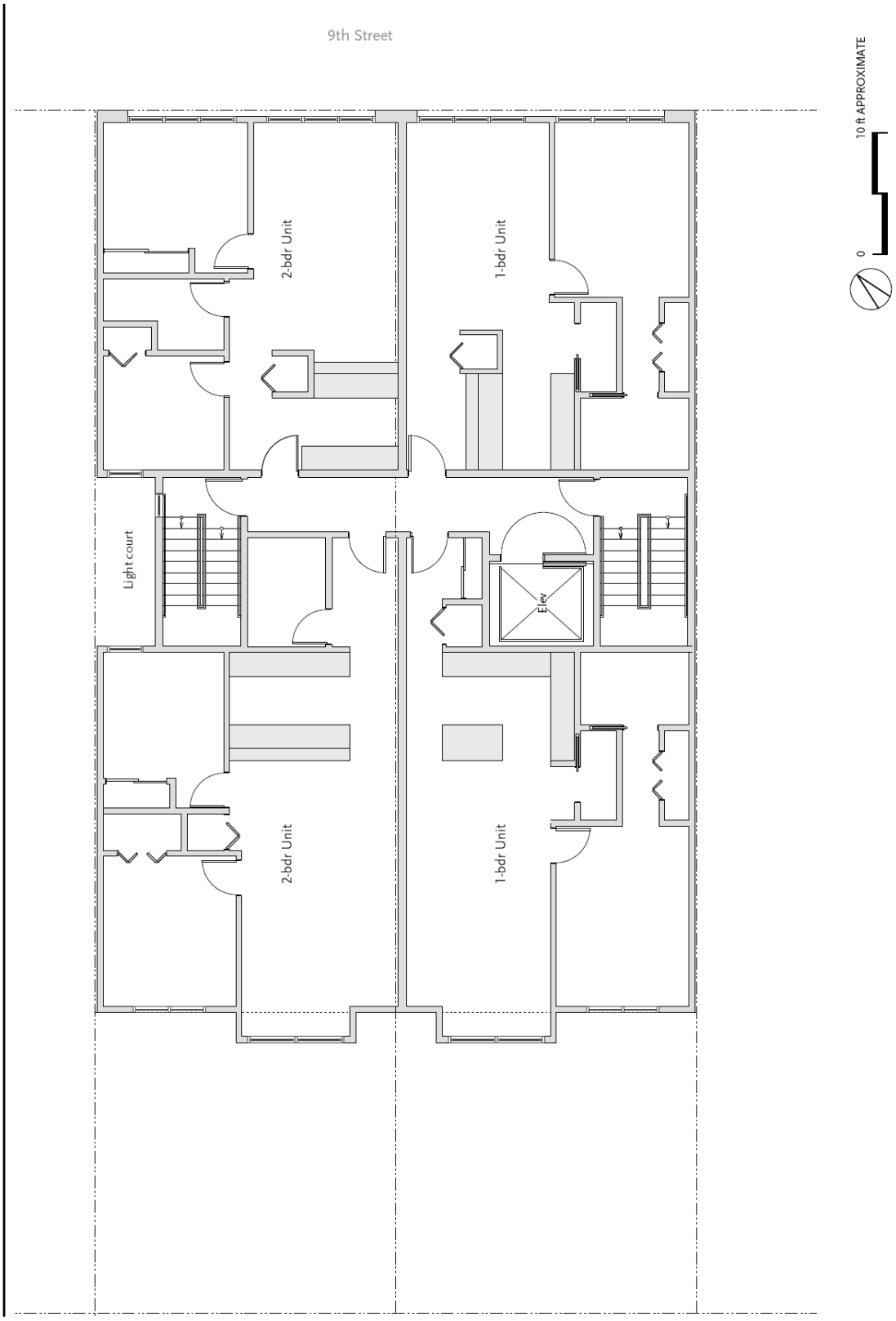
Proposed Second Floor Plan Figure 6



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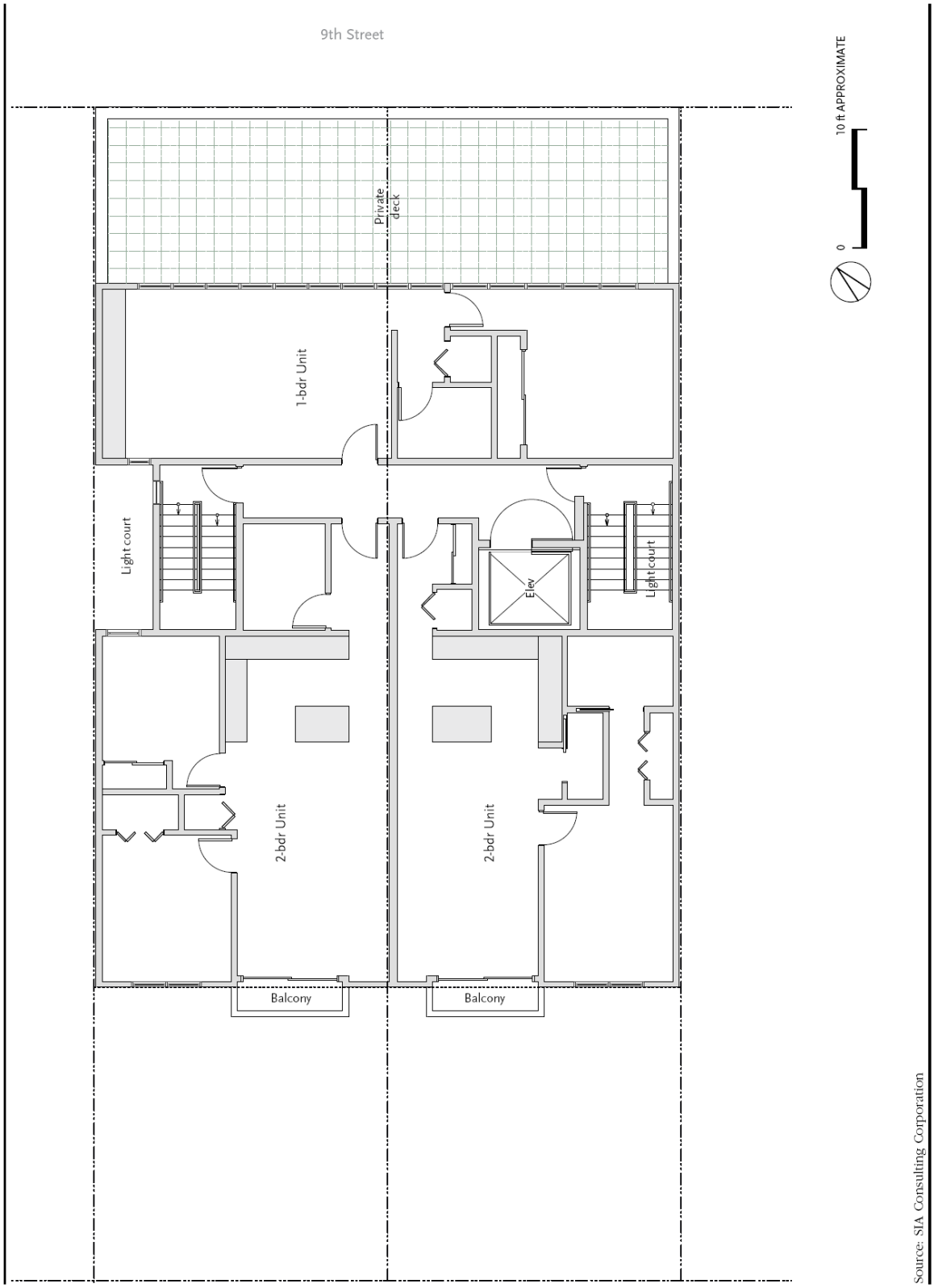
Proposed Third and Fourth Floor Plan Figure 7



Source: SIA Consulting Corporation
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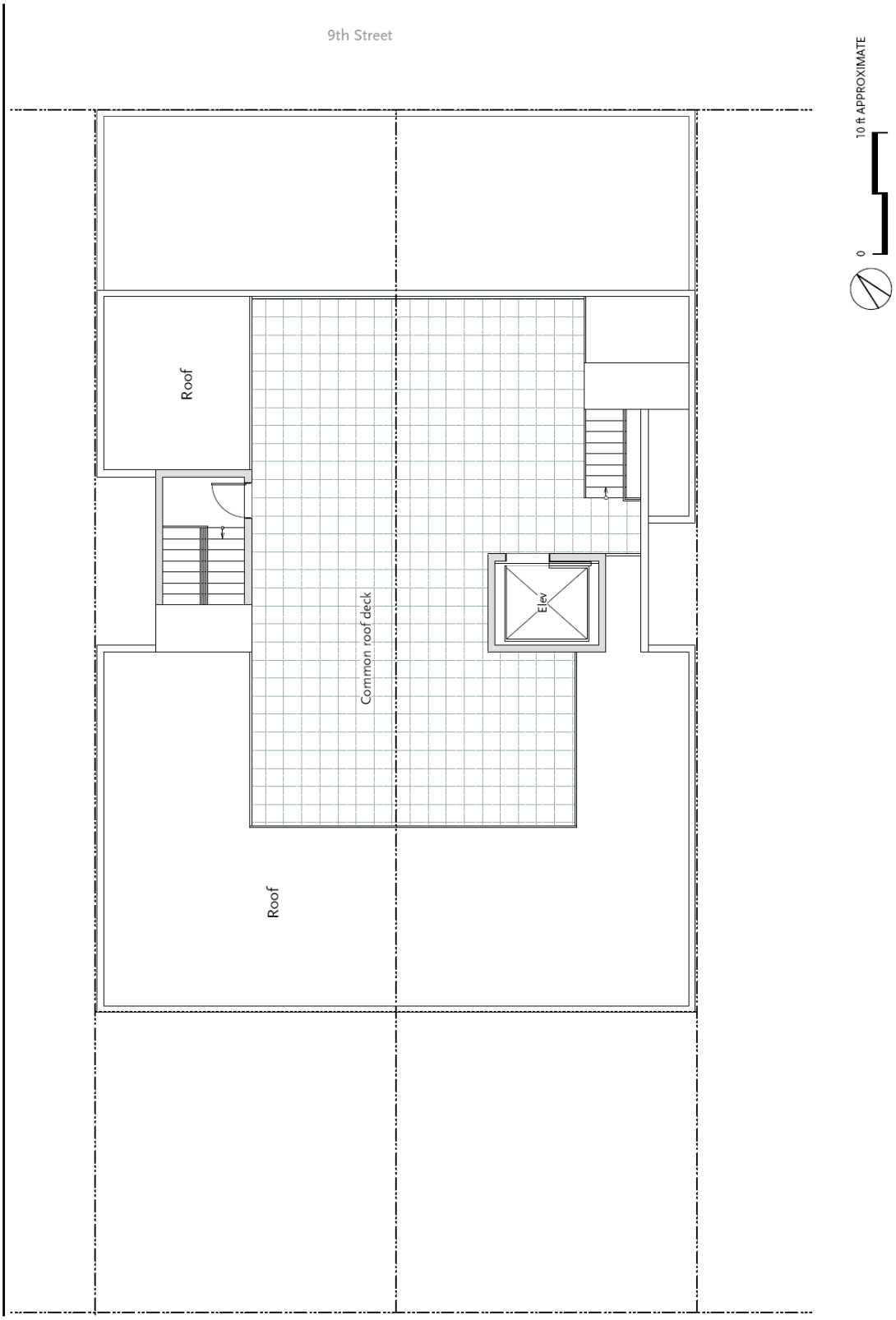
Proposed Fifth Floor Plan Figure 8



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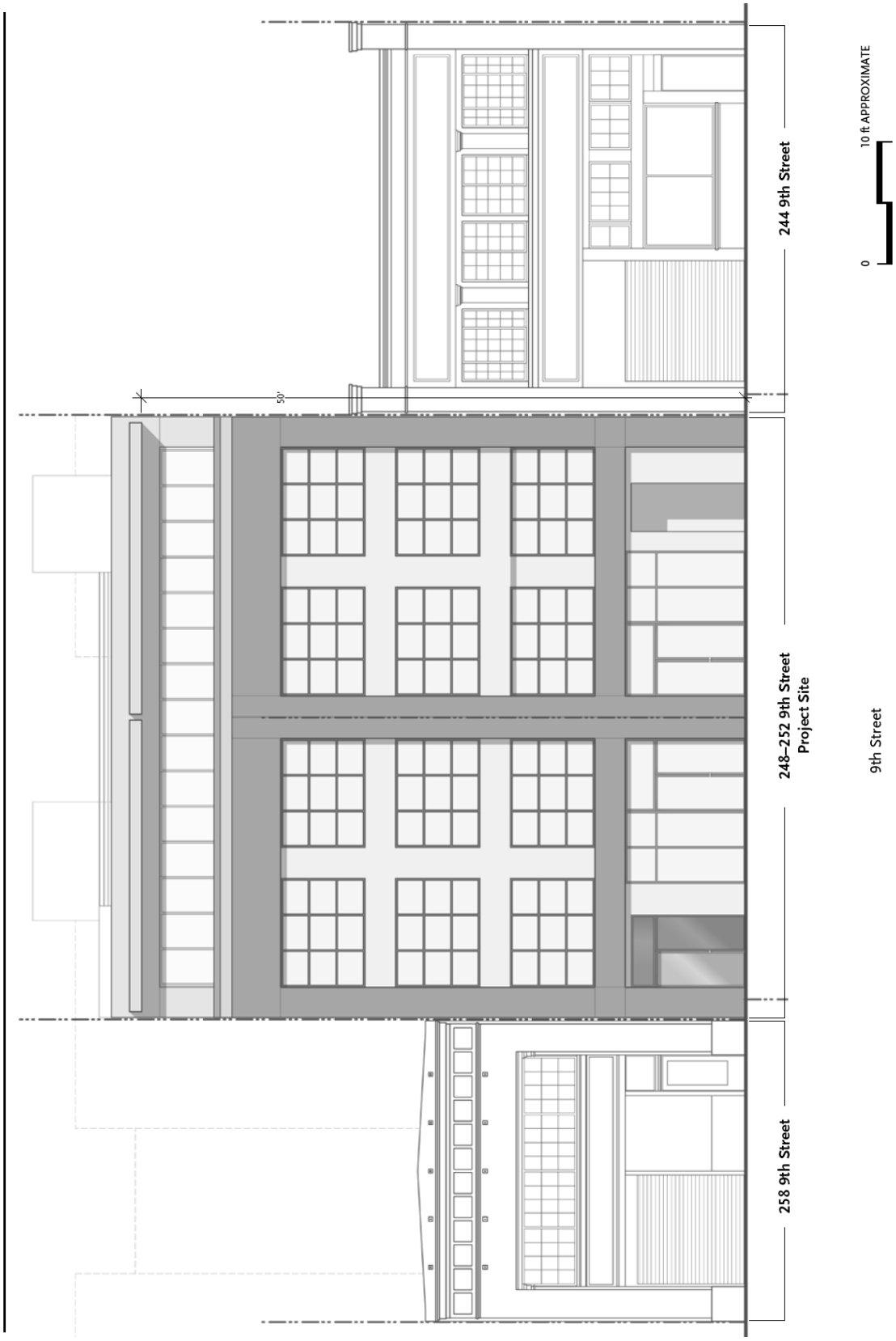
Proposed Roof Plan Figure 9



Source: SIA Consulting Corporation

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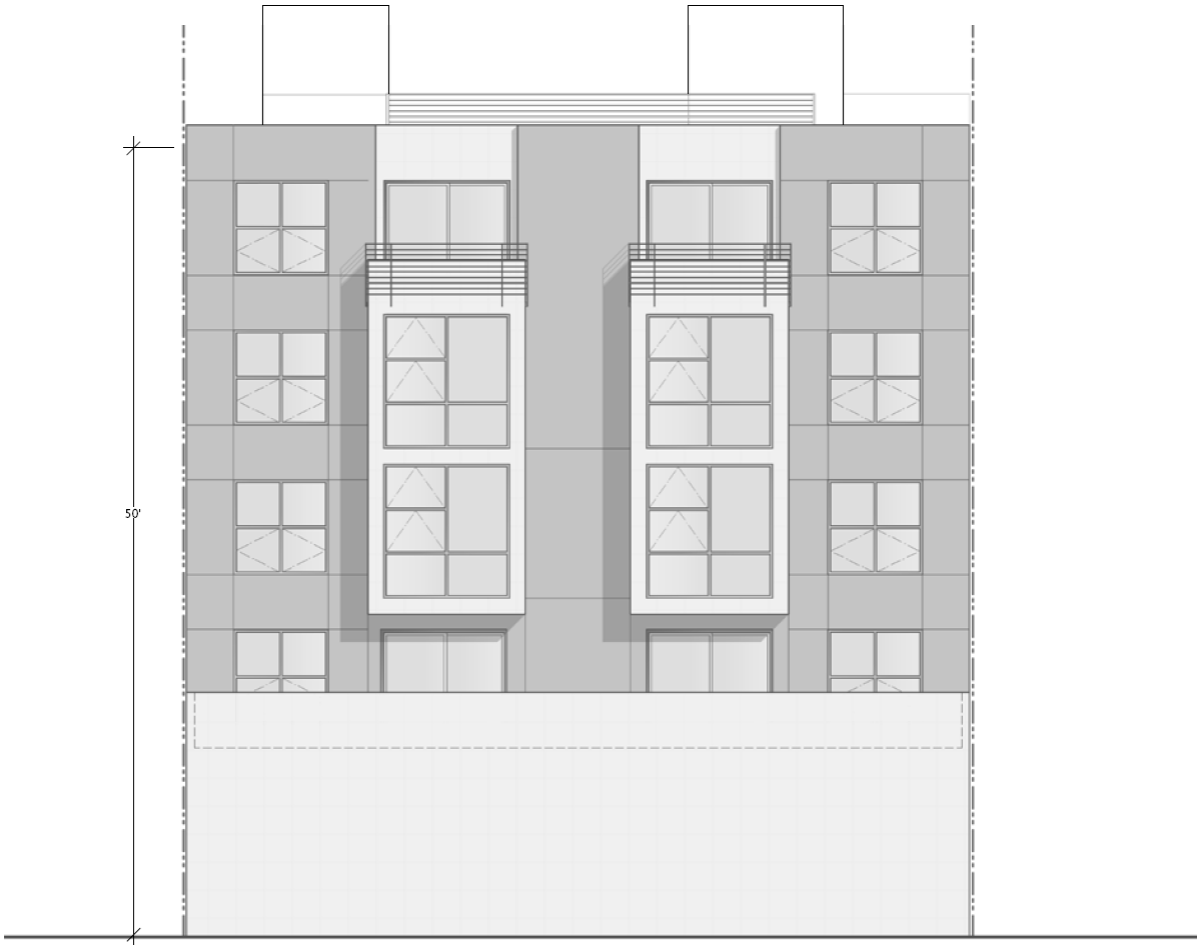
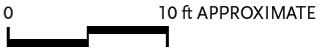
Proposed Ninth Street Elevation Figure 10





Source: SIA Consulting Corporation

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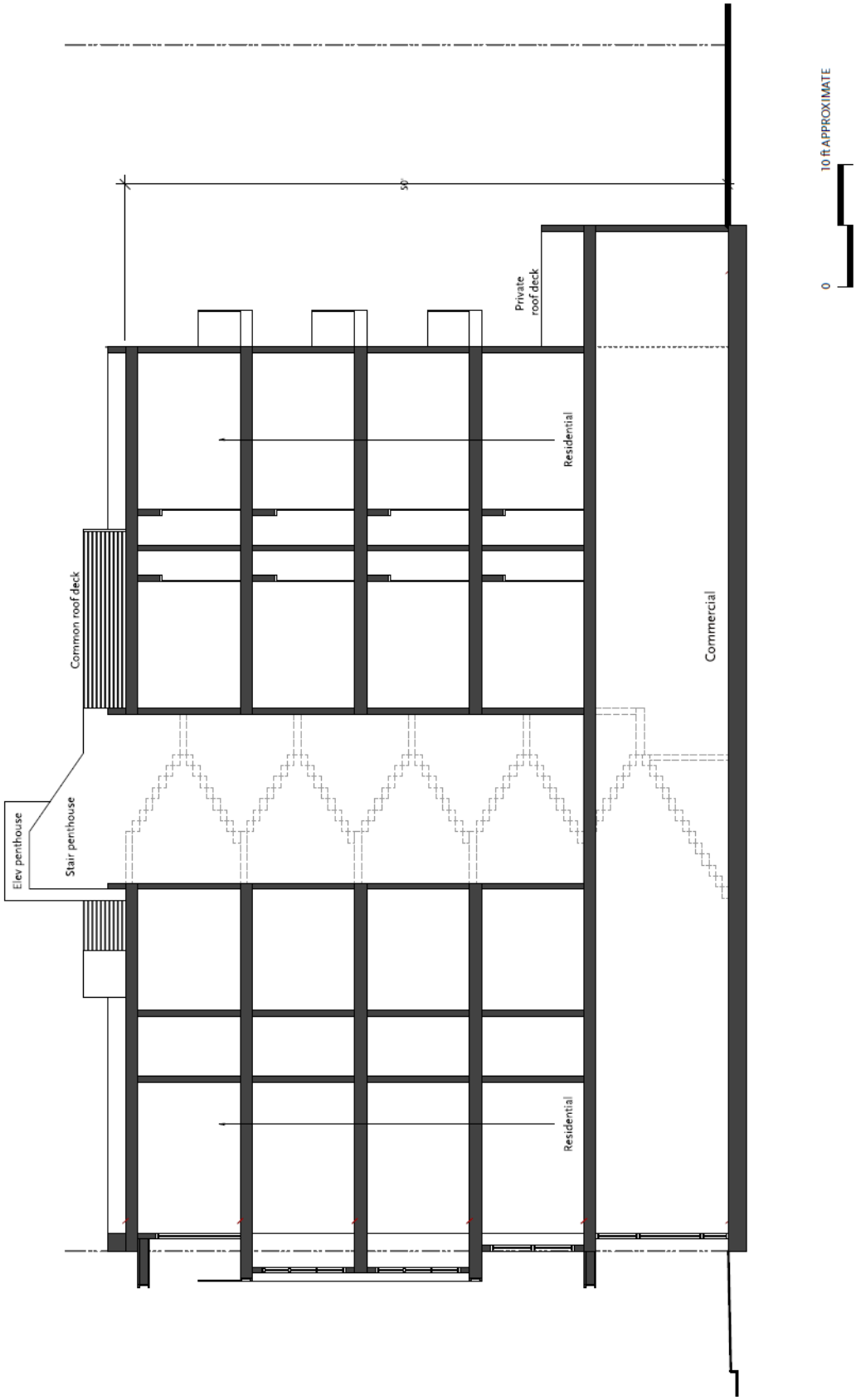
Proposed Rear Elevation Figure 11



Source: SIA Consulting Corporation
1 16 15

Proposed Project Section Figure 12

Project Approvals

The project would require the following project approvals:

- Lot merger approval from the Department of Public Works (DPW)
- Street Tree Permit, Grading Permit, and Right-of-Way Permit from DPW; and
- Prior to commencement of any excavation work, the Department of Public Health (DPH) would determine whether a Site Mitigation Plan (SMP) is required for this project based on the results of the soil investigation. If required, the SMP shall be submitted for review and approval by DPH prior to the commencement of any excavation work.

B. PROJECT SETTING

The project site is located approximately three blocks south of Civic Center Plaza in the SoMa area, on the block bounded by Howard Street to the north, 9th Street on the east, Folsom Street to the south, and Dore Street to the west. Howard Street is a three-lane, one-way westbound thoroughfare. Ninth Street is a four-lane, one-way northbound thoroughfare. Folsom Street is a four-lane, one-way eastbound thoroughfare. Dore Street is a one-way southbound, midblock alley street.

The project site measures approximately 100 feet long (on the east-west axis) by 50 feet wide (on the north-south axis). The existing buildings are built to the two lots' front property lines. The site is approximately 33 feet above mean sea level and the local topography is gently sloped to the southeast.

When discussing the immediately surrounding neighborhood, this document refers to parcels within the project block and parcels on the east side of 9th Street directly across from the project block. This document then further discusses parcels facing 9th, Howard, Tehama, Clementina, Folsom, and Dore streets on blocks directly adjacent to the project block.

As shown in Figure 3, page 5, the immediately surrounding neighborhood is characterized by dense mixed-use development. Adjacent to the project site to the north is a two-story Italianate stucco medical/production, distribution, and repair (PDR) building at 244 9th Street (built circa [ca.] 1924). North of that building are a three-story and a two-story warehouse design PDR buildings at 234 and 230 9th Street, respectively (built ca. 1925 and 1923, respectively); a one- to two-story automotive service

building that spans the east-west axis of the project block with a frontage on Dore Street, at 220 9th Street / 43 Dore Street (built ca. 1924); and a one-story automotive service building that has been converted to retail uses, at 1301-1315 Howard Street, at the corner of 9th and Howard streets (built ca. 1915).

Adjacent to the project site to the south, is a two-story, stucco Italianate live-work building at 258 9th Street (built ca. 1927). South of that building are a one-story, stucco PDR building at 264 9th Street (built ca. 1907); a surface parking lot; a three-story residential structure in Colonial Revival style at 272 9th Street (built ca. 1944); and at the southwest corner of Folsom and 9th streets, a three-story, brick residential building with a ground floor café/ bar, at 282-298 9th Street (built ca. 1916).

Within the project block on the northeast corner of Folsom and Dore streets is a five-story, modern, affordable housing building at 1346 Folsom Street (built ca. 2005). North of that corner property and adjacent to the project site to the west are a five-story, modern, affordable housing building at 75 Dore Street (built ca. 2005) and the one- to two-story automotive services building at 220 9th / 43 Dore streets mentioned above. North of that building, on the southeast corner of Howard and Dore streets, is a one-story, stucco, warehouse building at 1325-1331 Howard Street (built ca. 1919).

The block-face east of the project site, across 9th Street from the project block, has a more varied mix of building styles and uses. At the southeast corner of Howard and 9th streets, is a three-story, Victorian, single-room-occupancy hotel (SRO) with a ground floor restaurant/lounge at 201-205 9th Street (built ca. 1907). It is designated a Significant Building under Article 11 of the *Planning Code*. South of that building are a three-story, warehouse-style, loft building at 209 9th Street (built ca. 1925), which was converted from PDR and office uses to residential use in 2011; a two-story, live-work structure with a renovated Italianate façade at 219 9th Street (built ca. 1937); a three-story Victorian building with residential uses over a ground floor commercial space at 223-225 9th Street (built ca. 1910); and a four-story Victorian building with residential uses over ground floor retail at 227-229 9th Street / 790 Tehama Street (built ca. 1907).

At the southeast corner of Tehama and 9th streets is a two-story warehouse (built ca. 1924) converted to live-work uses at 231-233 9th Street. South of that building are a two-story automotive services structure with an Italianate stucco façade at 235-237 9th Street (built ca. 1911); a three-story Victorian SRO at 249-251 9th Street (built ca. 1913); and a three-story warehouse building at 255 9th Street (built ca. 1924), most recently used as a union hall.

At the southeast corner of Clementina and 9th streets is a three-story renovated warehouse at 271-275 9th Street (built ca. 1917). At the northeast corner of Folsom and 9th streets is a two-story commercial building with various ground floor uses (PDR, retail, and vacant restaurant) with differentiated façades, and residential units above, at 277-299 9th Street (built ca. 1906).

In the block north of the project block, 9th Street is characterized by one- to five-story mixed-use (residential, PDR, and retail) buildings, as well as a gas station and fast food center. Farther north, building heights are taller, up to 16 stories near Market Street, and existing land uses include office uses.

In the blocks east of the project block, land uses along Folsom, Tehama, Clementina, and Howard streets are characterized by two-story PDR and two- to four-story residential or residential over ground floor retail.

In the block south of the project block, 9th Street is characterized by two- to three-story PDR uses, with a hotel, bar, and retail uses. Farther south, 9th Street is characterized by similar uses and building heights.

West of the project block, Dore Street is characterized by five-story residential uses, and one- to two-story social services and PDR uses. Uses along Folsom Street west of the project block include one- to two-story PDR and automotive service uses and three- to five-story residential over retail uses. Uses and building heights along Howard Street west of the project block include one- to two-story PDR and retail uses, a four-story government office building, and St. Joseph's Church, designated Landmark #120 under Article 10 of the *Planning Code*, at the southwest corner of 10th and Howard streets.

Many of the structures noted above are considered historical resources, and have been rated as contributors to the Western SoMa Light Industrial and Residential Historic District. The project site is also within the Western SoMa SUD, which establishes design standards for new projects to complement the historic fabric of the neighborhood.

The project site is within the SoMa SLR Mixed Use District. Other nearby zoning districts include C-3-G, C-M, and C-3-S (Downtown General Commercial, Heavy Commercial, and Downtown Support, respectively), one-and-one-half blocks north of the project site, at Mission Street; RED and P Districts (Residential Enclave and Public Use, respectively), one-and-one-half blocks east of the project site; an SLI District (Service/Light Industrial) one-and-one-half blocks south of the project site; and M-1 and NCT-3 Districts (Light Industrial and Moderate-Scale Neighborhood Commercial Transit, respectively), three blocks west of the project site.

The project site is within a 50-X Height & Bulk District. Height limits generally increase one-and-one-half blocks north beginning at Mission and Market streets. They increase from 50-X to 85-X at Mission Street and to 120/400-R-2 at the southeast corner of Market Street and South Van Ness Avenue. Height and bulk limits in the blocks east of the project site range from 40- to 65-X until 6th Street, where height limits increase to 85 feet. Height and bulk limits are 40- to 50-X three blocks south of the site, and 50-X for the three blocks west of the project site.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	***Not Applicable***
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☒	☐
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

San Francisco Planning Code

The San Francisco *Planning Code*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project complies with the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*. Approval of the proposed project would result in the demolition of the existing structures on the project site, and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use residential-commercial building with 15 dwelling units in four floors above ground floor commercial/restaurant space.

Allowable Uses

Planning Code Section 207.5, Table 207.5(b), limits residential density in the SLR Mixed Use District to one unit for every 200 sf of lot area. The proposed project would include 15 dwelling units on the 5,000-sf site, which would be within the residential density limit.[6]

Planning Code Section 124, Table 124, limits the FAR in SLR Mixed Use districts to 2.5:1 for commercial uses in this district. The FAR limit would permit up to 12,500 sf of commercial use. The project would include approximately 3,126 sf of commercial/restaurant use, which is within the above FAR limit.

Open Space

Planning Code Section 135 requires 36 sf per unit of open space if it is provided as private open space, and 47.88 sf of open space per unit if it is provided as common open space.[7] For the three units on the 2nd and 5th floors with private decks, the project would be required to provide 36 sf each, or 108 sf of total private open space. The proposed project's 2,000 sf of private open space provided for those units would comply with the requirement. The project would be required to provide 47.88 sf of common open space for each of the remaining 12 units, or approximately 575 sf total common open space. The proposed project would provide 1,190 sf of common open space (roof-top deck), and therefore would comply with *Planning Code* Section 135.

Height and Bulk

The project building would be 50 feet high and would have linear dimensions at or less than the lot size, approximately 100 by 50 feet at the 1st through 5th floors. The project site is within a 50-X Height and Bulk District, which allows development to a height of 50 feet and contains no controls for bulk development (i.e., the linear dimensions of a project). Therefore, the proposed project would comply with the provisions of the 50-X Height and Bulk District.

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[6] 5,000 square feet ÷ 15 dwelling units = 333.3 square feet of lot area per dwelling unit, which is a lower density than the limit of 200 square feet of lot area per dwelling unit, which would permit a maximum density of 25 units on the project site.

[7] For many zoning districts in San Francisco, *Planning Code* Table 135A requires more open space if provided in common to residential uses than if provided as private open space. In the project site's SLR Mixed Use District, 1.33 times the amount of private space is required if provided as common open space.

Parking

Off-street parking is not proposed as part of the project. *Planning Code* Section 151.1(b) states that "Off-street accessory parking shall not be required for any use" for those districts governed by Section 151.1, such as the project site's SLR Mixed Use District. Therefore, the project would comply.

Loading

Loading space is not proposed for the project. *Planning Code* Section 152.1 details the off-street loading spaces by use. As indicated in Table 152.1, the proposed 3,126 sf of commercial/restaurant space would not require any off-street loading space, nor would there be a loading space requirement for the proposed 11,406 sf of residential use. Therefore, the project would comply with *Planning Code* Section 152.1.

Plans and Policies

Proposition M

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Initial Study addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a,b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 14a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow; and Questions 9a and c, Recreation). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in this Initial Study, in Section E., Evaluation of Environmental Effects, below. In addition to the *General Plan*, some

areas of the city are also addressed in specific area plans, included as elements of the *General Plan*, or included as part of a Redevelopment Plan. The project site is not located within an adopted area plan or a Redevelopment Plan area.

Western SoMa Districts and Plans

The project site is within the SoMa SLR Mixed Use District. According to *Planning Code* Section 816, "The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood." Residential and commercial uses are principal permitted uses in the SoMa SLR Mixed Use District. As discussed in detail under Section E.1, Land use and Land Use Planning, and E.2, Aesthetics, the scale and density of the proposed project would be compatible with the existing scale and density in the neighborhood, and therefore the proposed project would be compatible with the scale and density of the SLR Mixed-Use District. For these reasons, the proposed project would be compatible with this district.

The project site is within the Western SoMa SUD. Residential and commercial uses are principal permitted uses in the Western SoMa SUD. *Planning Code* Section 803.6 requires formula retail use in the Western SoMa SUD be approved through Conditional Use Authorization. The commercial/restaurant use to be included on the project site would not be formula retail. Therefore, the proposed project would be compatible with this district.

The existing buildings on the project site are considered minor contributors to the Western SoMa Light Industrial and Residential Historic District. As discussed in more detail under Topic E.4, Cultural and Paleontological Resources, page 36, the preliminary design of the proposed project would be compatible with the historic district.

The project site is within the Draft Western SoMa Community Plan area.[8] If the plan is adopted, the project site would be within the Western SoMa Regional Commercial District (RCD). The Western SoMa

[8] The Draft Western SoMa Community Plan is available online at http://commissions.sfplanning.org/soma/FinalPlan_optimized.pdf. Accessed September 28, 2012.

RCD would be located along 9th and 10th streets, and would allow for a variety of uses, including residential, retail, office, and industrial/PDR. Although the Draft Western SoMa Community Plan has not yet been adopted, and therefore its proposed policies are subject to change and not yet applicable to the project site, the proposed project's uses would be generally consistent with it.[9]

Required Project Approvals

The proposed project would require the following approvals:

- Lot merger approval from the Department of Public Works (DPW);
- Street Tree Permit, Grading Permit, and Right-of-Way Permit from DPW; and
- Prior to commencement of any excavation work, the Department of Public Health (DPH) would determine whether a Site Mitigation Plan (SMP) is required for this project based on the results of the soil investigation. If required, the SMP shall be submitted for review and approval by DPH prior to the commencement of any excavation work.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

☐ Land Use	☒ Air Quality	☐ Biological Resources
☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☐ Wind and Shadow	☐ Hydrology and Water Quality
☐ Cultural and Paleo. Resources	☐ Recreation	☒ Hazards/Hazardous Materials
☐ Transportation and Circulation	☐ Utilities and Service Systems	☐ Mineral/Energy Resources
☒ Noise	☐ Public Services	☐ Agricultural and Forest Resources
		☒ Mandatory Findings of Significance

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[9] The Planning Commission certified the Western SoMa Community Plan EIR on December 6, 2012, and the Western SoMa Community Plan is schedule for adoption in February 2013

E. EVALUATION OF ENVIRONMENTAL EFFECTS

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☒	☐	☐

Impact LU-1: The proposed project would not conflict with or physically divide an established community. (Less then Significant)

As discussed in detail above in Section B, Project Setting, land uses in the project area consist of a mix of uses: PDR uses; residential uses over ground floor commercial that provide a limited selection of convenience goods for residents of the area; and eating and drinking establishments. Buildings range from one story to five stories.

The proposed in-fill project would include demolition of two one-story buildings on two adjoining lots and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use residential-commercial building with ground floor commercial/restaurant, and would fit into the mixed-use character of the neighborhood. The surrounding uses and activities would remain and would interrelate with each other as they do at present. Thus, the proposed project would result in a less-than-significant impact because it would not physically divide an established community, would be incorporated within the established street plan, and would not create an impediment to the passage of persons or vehicles.

Impact LU-2: The proposed project would be consistent with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)

As discussed in Section C, Compatibility with Existing Zoning and Plans, page 20, the project would be consistent with all applicable policies, plans, and code requirements as they relate to environmental effects. Land use plans and policies are those which directly address physical environmental issues and/or contain targets or standards which must be met in order to preserve or improve characteristics of San Francisco's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy. Therefore, the proposed project's potential to conflict with a plan or policy adopted for the purpose of mitigating an environmental effect, would be less than significant.

Impact LU-3: The proposed project would not have a substantial impact upon the existing character of the project vicinity. (Less than Significant)

The proposed project would not have a significant adverse impact on the land use character of the area. It would introduce a new mixed-use building to the site with residential and commercial/restaurant uses, which are principal permitted uses in the SoMa SLR Mixed Use District and the Western SoMa SUD. There are numerous other mixed-use buildings in the project vicinity, although in a number of buildings the ground floor commercial space is currently unoccupied. The proposed mixed-use building would have more intensive uses than the existing use on the site, but would be consistent with other residential and commercial mixed-use buildings in the project area. The scale and massing of the five-story building would make it one of the larger buildings in the area, but buildings of comparable height are located within the project block and the site vicinity, so it would be compatible with the scale of neighboring buildings.

The proposed project would be consistent with a variety of land uses primarily oriented around neighborhood services, commercial and residential uses. The proposed project would therefore have a less-than-significant impact on land use character in the project vicinity.

Impact C-LU: The proposed project, in combination with past, present, or reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative land use impacts. (Less than Significant)

The proposed project would demolish two buildings currently used for storage and construct a new mixed-use building with 15 dwelling units and approximately 3,126 sf of commercial/restaurant space. The project would be compatible with existing land uses in the project vicinity, and would not cause a significant land use impact.

Below is a list of development projects that have been approved within the past ten years or are under review in the site vicinity.

In the blocks north of the project block (bounded by Mission, 8th, Howard, and 11th streets):

- Conversion of industrial space to an eight-bedroom group housing development at 140 9th Street, approved in 2011;
- 180 dwelling units over ground floor commercial at 1321 Mission / 104 9th Street, currently under review;
- Eighteen dwelling units at 1234 Howard Street, approved in 2006; and
- Demolition of an existing one-story over garage single-family residence and construction of a 5-story building with two residential units and two office spaces at 49 Grace Street, currently under review.

In the blocks east of the project block (bounded by Howard, 8th, Folsom, and 9th streets):

- Up to 19 dwelling units at 1277 Howard Street, approved in 2005;
- A single-family residence at 718 Tehama Street, currently under review; and
- Two three-dwelling-unit structures at 773 and 737 Tehama Street, approved in 2005 and 2006, respectively.

In the blocks south of the project block (bounded by Folsom, 8th, Harrison, and 11th streets):

- Four dwelling units at 56 Sheridan Street, approved in 2002; and

- Four dwelling units at 149 Dore Street, approved in 2010.

In the project block and the block west of the project block (bounded by Howard, 10th, Folsom, and 11th streets):

- A 98-unit residential development at 1346 Folsom / 75 Dore Street, approved in 2003;
- 135 supportive SRO units at 275 10th Street, approved in 2006;
- 42 dwelling units at 30 Dore Street, approved in 2006; and
- A change of use from a church to office and restaurant at 1401 Howard Street, approved in 2012.

The proposed project would contribute to the trend to residential/commercial mixed-use developments in the project area. With 15 residential units and 3,126 sf of commercial/restaurant space, the addition of the proposed project to the existing neighborhood would not be considerable and for these reasons, the proposed project would have a less-than-significant cumulative land use impact.

In summary, the proposed project would not conflict with or physically divide an established community; would not conflict with applicable land use plans, policies, or regulations; would not adversely affect the land use character of the area, and would not have significant cumulative land use impacts.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☒	☐	☐

Impact AE-1: The proposed project would not result in a substantial adverse impact on scenic views and vistas. (Less than Significant)

The two existing one-story buildings on the project site are located mid-block on 9th Street, (see existing site photos in Figure 13, page 30). The existing buildings are visible from the smaller side streets, Tehama and Clementina streets, from about half a block in each direction.

The project would replace the existing one-story buildings with a five-story building that would be more prominent. The new building would be visible from public vantage points in the immediate vicinity on 9th, Tehama, and Clementina streets, and the sidewalks along these streets.

A proposed project would have a significant effect on scenic vistas if it would substantially degrade public scenic views or vistas, or obstruct scenic views or vistas from public areas. While scenic views and vistas may be seen from private property in the project area, there is no public scenic vista in the project vicinity that could be affected by the project. Public views are limited to the urban development flanking the area's streets.

The proposed increase in height from the existing one-story, approximately 15-foot-tall buildings to a five-story, approximately 50-foot-tall building would be a change noticeable to the adjacent neighbors. However, the proposed building would be an infill development within the existing lot lines and would not substantially affect public views along 9th, Tehama, or Clementina streets. As a result, the proposed project would not substantially degrade or obstruct any scenic view or vista observed from public areas, and the proposed project would have less-than-significant impacts on scenic views and vistas.

View from 9th near Tehama looking south

View from 9th near Clementina looking north

Source: During Associates

9-10-12

Existing Views of the Project Site Figure 13

Impact AE-2: The proposed project would not substantially damage any scenic resources. (No Impact)

Scenic resources include trees, rock outcroppings, and other features of the built or natural environment that contribute to a scenic public setting. The project site is private property and the existing buildings cover nearly the entire site, except for a barren 250-sf open space behind the 252 9th Street building, which does not have any scenic resources. The proposed project would not damage any scenic resources because none exist on the project site. The project would involve removal of the existing street tree adjacent to the project site and planting of three new street trees, or retention of the existing street tree and planting of two new street trees, which would not constitute a scenic resource impact. Therefore, the project would have no impact on scenic resources.

Impact AE-3: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)

The area's existing visual character is urban low to moderate mixed-use development. Heights vary from one story to five stories on the project block and on adjacent blocks. The taller St. Joseph's Church, Landmark #120, is located at the southwest corner of 10th and Howard streets.

In general, the project vicinity is dominated by older buildings, however, there are many examples of more modern architecture, primarily among the taller buildings in the area. The older buildings typically include unreinforced masonry or brick façades with cornices, varied styles of replaced façades, and converted automotive storefronts. The five-story building southwest of the project site within the project block (1346 Folsom Street) is a contemporary structure with large rectangular panels of concrete stained in different natural hues with narrow vertical windows, and with visually distinct horizontal wood balconies and a red brick façade with cornice along Folsom Street.

The project site is within a 50-X Height and Bulk District. At 50 feet tall, the proposed building would comply with the 50-foot height limit. Projects within the "X" bulk designation are not subject to any bulk limitations in the *Planning Code*. With a length of 100 feet and width of 50 feet, the proposed building would be compatible in scale with the existing mixed development in the area.

The design of the proposed mixed-use building would be contemporary. The steel-frame building would be clad in smooth stucco in a varied gray patina with large aluminum double-glazed windows, ground-story floor-to-ceiling windows, and a 5th story balcony canopy.

The project vicinity has a variety of architectural styles and includes traditional early twentieth century stucco and brick buildings, Victorians, post-war industrial buildings, and modern mid-rise buildings of varied materials including stucco, glass, metal, and wood. The proposed project's modern design would be compatible with the variety of existing architectural styles present in the project site vicinity.

Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and the public. A proposed project would be considered to have a significant adverse effect on visual quality under CEQA if it would substantially degrade the existing visual character or quality of the project site and its surroundings. The proposed project would differ from the design and heights of some of the surrounding buildings in terms of scale, proportion, materials, and definition of vertical building elements, but would not be considered incompatible. The proposed building would fall within height and bulk requirements of the *Planning Code*, conforming with the allowable 50-foot height limit, and not subject to bulk controls. It would fit into the surrounding urbanized area and would not degrade the existing visual character of the site and its surroundings. For these reasons, the project would have a less-than-significant aesthetic impact.

Impact AE-4: The proposed project would result in a new source of light and potential glare, but not to an extent that would affect day or nighttime views in the area or that would substantially affect other people or properties. (Less than Significant)

The existing exterior lighting at the site is similar to other commercial uses in the vicinity. Commercial storefronts, signs, streetlights, and residences contribute to nighttime light in the area. In addition, lighting fixtures would point downward to minimize visible light on and off the project site. The proposed mixed-use building would introduce new outdoor lighting to the site typical of uses in the area. The proposed project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. For these reasons, the proposed project would not generate obtrusive light or glare that would substantially affect other properties and thus would have a less-than-significant light and glare impact.

Impact C-AE: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project vicinity, would result in less-than-significant impacts to aesthetic resources. (Less than Significant)

Similar to the proposed project, recent development in the project vicinity has been infill development that has involved demolition of older buildings and construction of new buildings on the sites. As discussed above under Impact AE-3, more recent construction in the project vicinity tends to be buildings of contemporary design using varied materials including stucco, glass, metal, and wood. The proposed project would replace the two existing buildings with a new contemporary building whose design is compatible with that of other existing buildings in the project vicinity. Therefore, the proposed project, in combination with past, present, and reasonably foreseeable future development in the project vicinity, would result in less-than-significant impacts to aesthetic resources.

In summary, the proposed project would not result in a substantial adverse impact on scenic views or vistas, would not substantially damage any scenic resources, would not create a new source of substantial light or glare, and would not result in significant cumulative impacts to aesthetic resources.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
3. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

Impact PH-1: The proposed project would not induce substantial population growth, either directly or indirectly. (Less than Significant)

In general, a project would be considered growth inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented. The proposed project, an infill development consisting of demolition of two buildings currently used for storage, and construction of a new mixed-use building providing 15 dwelling units and 3,126 sf of ground floor commercial/restaurant space, would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the Western SoMa neighborhood or in San Francisco as a whole. As infill development, the project would not necessitate or induce the extension of municipal infrastructure. Based on the 2010 Census for the proposed project's Census Tract (CT 178.02) the population per household is 1.93 persons per renter-occupied unit,[10] therefore, the addition of 15 new one- and two-bedroom residential rental units would increase the residential population on the site by an estimated 29 persons. In addition, the project would employ an estimated up to nine persons in the commercial/restaurant space.[11] The existing buildings on the site are currently used for personal storage and thus there are no persons nor businesses that employ any persons on site. Thus, the project would result in an increase in daily population of approximately 38 people on the project site. While potentially noticeable to immediately adjacent neighbors, this increase would not result in a substantial impact on the population of the City and County of San Francisco. The 2010 U.S. Census indicates that the residential population in the census tract is approximately 4,102 persons.[12] However, this number does not include the daytime population of employees who live outside of the census tract. Given the commercial and mixed-use character of the area, employees of local businesses likely add to the daytime population. For the purposes of comparison, the proposed project would increase the population within the census tract by approximately one percent, when compared to

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[10] United States Census Bureau. *QT-H3, Household Population and Household Type by Tenure: 2010, 2010 Census Summary File 2, Census Tract 178.02, San Francisco County, California.* 3,172 residents in renter-occupied housing units ÷ 1,647 rental dwelling units = 1.93 residents per rental unit. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E. This information is also available online at http://2010.census.gov/2010census/popmap/, accessed September 29, 2012.

[11] 350 square feet per employee is the employee density used for calculation of the number of persons employed by composite and sit-down restaurants, as well as general retail in the San Francisco Planning Department's *Transportation Impact Analysis Guidelines*. The proposed 3,126 sf of commercial/restaurant use would therefore employ approximately nine people.

[12] United States Census Bureau. *QT-H3, Household Population and Household Type by Tenure: 2010, 2010 Census Summary File 2, Census Tract 178.02, San Francisco County, California.* This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E. This information is also available online at http://2010.census.gov/2010census/popmap/, accessed September 29, 2012.

the residential-only population, and likely less than the conservative estimate when compared to the total daytime population. The residential population of the proposed project would increase the overall residential population of the City and County of San Francisco by less than .05 percent.[13] Therefore, the impact on population would not be considered a significant effect.

The growth associated with the proposed project is anticipated in the General Plan, thus the proposed project would not induce substantial growth or unsupported concentration of population in the project area.

Based on the above analysis, the proposed project's impact on population growth and housing demand would be less than significant.

Impact PH-2: The proposed project would not displace housing units, create a demand for additional housing, or displace a substantial number of people necessitating the construction of replacement housing elsewhere. (No Impact)

The buildings on the project site have been used for storage since 2006. Prior to that, the buildings were never in residential use. The project site contains no habitable dwelling units, and therefore no residents or dwelling units would be displaced. The project would have no impact related to displacement of people or housing units.

Impact C-PH: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project vicinity, would result in less-than-significant cumulative impacts on population and housing. (Less than Significant)

The proposed project would contribute population growth in combination with other residential and mixed-use projects that are currently proposed, planned, or anticipated in the project vicinity. The proposed project would continue the trend toward mixed-use residential infill development in the area discussed under Impact C-LU, above.

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[13] This calculation is based on the estimated Census 2010 population of 805,235 persons in the City and County of San Francisco.

Other development projects in the project vicinity have introduced or would introduce new residents and a relatively smaller number of employees to the project vicinity through the construction and occupancy of various mixed-use buildings. The increase in population at the site would not be substantial compared to existing population or planned growth in the project vicinity and San Francisco as a whole. The proposed project would not displace existing dwelling units. The project would include development at a site containing two buildings currently used for storage with infill development that would comply with the applicable zoning controls related to dwelling unit density and FAR for commercial uses. Therefore, the proposed project, in combination with past, present, and reasonably foreseeable future development in the project vicinity, would result in less-than-significant cumulative impacts on population and housing.

In summary, the proposed project would have a less-than-significant impact on population growth and housing demand, both individually and cumulatively, and would not displace people or dwelling units.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐

Impact CP-1: The proposed project would result in a less-than-significant impact to historic architectural resources. (Less than Significant)

This section includes information prepared by independent architectural historian consultant Tim Kelley Consulting and contained in a February 2011 Historic Resource Evaluation (HRE), updated in July 2011, and a supplemental cumulative impact analysis prepared in July 2011, and an HRE Response (HRER) prepared by the Planning Department.[14,15,16] The HRE states that "[t]he buildings have been rated as contributors to the South of Market Light Industrial and Residential [H]istoric [D]istrict, which has been identified by survey as eligible for listing in the National Register."[17] The HRE states that the buildings at 248 and 252 9th Street are not individually eligible for listing in the National Register or California Register. By virtue of being contributors to the South of Market Light Industrial and Residential District, they are identified as historical resources. The HRE states that the buildings are minor contributors due to their lack of conformity with the declared building typology, materials, architectural style, and general visual characteristics of the district, as well as significant losses of integrity.[18] The HRE also states that they are two of over two hundred light industrial buildings identified as contributors to the district.[19] Therefore, by virtue of being minor contributors to the district that do not display characteristics specified for their building type in the District Record, as well as having suffered losses of integrity, they play a less-than-significant role in conveying the importance of the district, and their loss would not constitute a substantial adverse change to the district itself.

The HRE states that "[t]he proposed demolishing of the buildings to construct a new five-story mixed residential and commercial building would constitute a significant adverse impact on the buildings themselves, which could be partially mitigated by written and photographic documentation prior to demolition." However, as noted above, the buildings themselves do not appear to be individually eligible

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14 Tim Kelley Consulting, *Historic Resource Evaluation (HRE), 248 & 252 Ninth Street*, February 2011, updated July 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

15 Tim Kelley Consulting, Cumulative Impact Analysis of the *248 & 252 Ninth Street Project on the Western SoMa Light Industrial and Residential District*, July 29, 2011. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

16 Tina Tam and Rich Sucre, San Francisco Planning Department. *Historic Resource Evaluation Response (HRER), 248 & 252 9th Street*, February 12, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

17 Tim Kelley Consulting, HRE, *op cit*, p. 3.

18 *Ibid*.

19 *Ibid*.

for listing in the National or California Registers; therefore, their demolition would not constitute a significant adverse impact. Their demolition would also cause a less-than-significant adverse impact on the Western SoMa Light Industrial and Residential District. Moreover, the HRE states that "the preliminary design of the replacement building appears to be suitable to the historic district."[20]

Based on the HRE, the HRER determined that the proposed project would not have a significant adverse impact upon any qualified historic resource, as defined by CEQA, on the project site or within the immediate vicinity, noting that the existing buildings at 248 and 252 9th Street are contributors to the eligible Western SoMa Light Industrial and Residential Historic District, which is a qualified historic resource for the purposes of CEQA. One of the primary reasons for this determination is because the Planning Department finds that the demolition of these buildings would not impact the integrity of the larger historic district due to the diminished integrity of the two buildings, size of the historic district (containing 478 contributing resources), and number of other resources that are similar in architectural character, history, and date of construction. The HRER also determined that the proposed construction would be consistent with the historic character of the surrounding eligible historic district, and appropriately fit within the historic character of the surrounding district.

Therefore, replacement of the existing buildings on the project site with the proposed building would constitute a less-than-significant historic architectural resource impact.

Impact CP-2: The proposed project would not result in damage to, or destruction of, archeological remains beneath the project site. (Less than Significant)

When determining the potential for encountering archeological resources, relevant factors include the location, depth, and the aerial extent of excavation proposed, as well as any recorded information on known resources in the area. The proposed project would be built on a raft footing foundation with excavation depths of approximately three feet below ground surface (bgs). Given the project location and proposed excavation depth, projects impacts to undocumented and unforeseeable archeological resources would be less than significant.

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[20] *Ibid*, page 23.

Impact CP-3: The proposed project would not result in damage to, or destruction of, paleontological resources beneath the project site. (Less than Significant)

Paleontological resources include fossilized remains or traces of animals, plants and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geologic formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable resource and once destroyed they could not be replaced.

Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithologic unit in which they occur. If the rock types representing a deposition environment conducive to deposition and preservation of fossils are not favorable, fossils will not be present. Lithological units which may be fossiliferous, include sedimentary and volcanic formations. Medium dense sand underlies the project site, which would be disturbed during grading and excavation. Medium dense sand is unlikely to support paleontological resources. Construction would involve minimal grading and excavations of approximately three feet. Due to the low likelihood of encountering fossil containing beds during construction, any impacts on paleontological resources would be less than significant.

Impact CP-4: The proposed project would not result in significant impacts to human remains. (Less than Significant)

Impacts on Native American burials are considered under Public Resources Code (PRC) Section 15064.5(d)(1). When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the project, the lead agency is required to work with the appropriate tribal entity, as identified by the California Native American Heritage Commission (NAHC). The CEQA lead agency may develop an agreement with the appropriate tribal entity for testing or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. In the event human remains are found during excavation, the project sponsor and construction contractor will follow local, state, and federal procedures; thus, impact to human remains would be less than significant.

Impact C-CP: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to cultural resources. (Less than Significant)

As discussed above, the proposed project would result in a less-than-significant historic architectural resource impact. While rated contributors to the Western SoMa Light Industrial and Residential Historic District, the existing buildings on the project site are minor contributors and therefore their demolition would not constitute a significant adverse impact on the district. Therefore, demolition of the site buildings could not contribute substantially to any potential cumulative impact that could result from any future cumulative development in the district.

The geographic context for cumulative cultural impacts is the SoMa neighborhood and its vicinity. Cumulative impacts occur when impacts that are significant or less than significant from a proposed project combined with similar impacts from other past, present, or reasonably foreseeable future projects in a similar geographic area.

Archeological resources are non-renewable members of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or requiring that the scientific data present within an archeological resource be archeologically recovered. Project construction would occur in terrain which is underlain by moderately dense sand, and would involve minimal grading and excavation of approximately three feet. Due to the low likelihood of encountering archeological or paleontological resources, or of encountering human remains resources during construction, the proposed project would not, individually or in combination with existing and future projects, result in a significant impact on cultural resources within the project site and in the site's vicinity.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
5. TRANSPORTATION AND CIRCULATION— Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	☐

The project site is not located within an airport land use plan area, or within the vicinity of a private airstrip. Therefore, Topic E.5.c is not applicable to the proposed project and will not be addressed further.

Impact TR-1: The proposed project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, nor would the proposed project conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures. (Less than Significant)

Policy 10.4 of the Transportation Element of the San Francisco General Plan states that the City will "Consider the transportation system performance measurements in all decisions for projects that affect the transportation system." To determine whether the proposed project would conflict with a transportation- or circulation-related plan, ordinance or policy, this section analyzes the proposed

project's effects on intersection operations, transit demand, impacts on pedestrian and bicycle circulation, parking and freight loading, as well as construction impacts.

Trip Generation

As set forth in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (*Transportation Guidelines*), the Planning Department evaluates traffic conditions for the weekday PM peak period to determine the significance of an adverse environmental impact. Weekday PM peak hour conditions (between the hours of 4 PM to 6 PM) typically represent the worst-case conditions for the local transportation network. Using the *Transportation Guidelines*, the proposed project is anticipated to generate approximately 755 daily person trips and a total of 133 daily vehicle trips.[21]

Total PM peak hour person trips are estimated to be approximately 107. Of these person trips, about 37 would be by auto, 21 trips by transit, and 48 pedestrian and by "other" modes (including bicycles, motorcycles, and taxis). The trip generation calculations estimate that the proposed project would generate 20 PM peak hour vehicle trips.

Parking

The proposed project is estimated to generate a short-term parking demand of 8 spaces and a long-term parking demand of 16 spaces. The proposed project would not include off-street parking spaces, thus falling short of demand.

San Francisco considers parking deficits to be social effects, rather than impacts on the physical environment as defined by CEQA. 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.

In the experience of San Francisco transportation planners, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service [discussed below under

[21] LCW Consulting, *248-252 Ninth Street Travel Demand,* , December 11, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E. Although the type of commercial space is unknown at this time, Restaurant trip generation rate was used, although the space may be retail, which has a lower trip generation rate.

Impact TR-4 – Transit Conditions], 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."

Loading

The project would generate a loading demand of less than one space. With 3,126 sf of proposed commercial/restaurant space, the proposed project would not be required to include any off-street loading spaces, nor would it provide any. The commercial/restaurant space would not be expected to generate a substantial loading demand. Waste and recycling pick-up would be at the northern edge of the property on 9th Street. Residential trash and recycling pick-up would typically be approximately 2 to 3 times a week. Commercial trash pick-up would depend on the use, and would typically be approximately 2 to 3 times a week.

Construction Impacts

During the projected 12-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Construction staging would occur in the parking lane on 9th Street. Truck movements during periods of peak traffic flow would have greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. Materials storage and/or project storage is likely to be required at some point on the sidewalk or adjacent parking spaces, and a revocable encroachment permit would be required. These effects, although a temporary inconvenience to those who live, visit, or work in the area, would not substantially change the capacity of the existing street system. No parking would be provided to construction workers. Construction activities associated with the proposed project are not anticipated to result in construction-related impacts on the City's transportation network. However, as required, the project sponsor and construction contractors would meet with the City's Transportation Advisory Staff Committee (TASC) to determine feasible measures to reduce traffic congestion, including effects on the transit system and pedestrian circulation impacts during construction of the proposed project. TASC consists of representatives from the Traffic Engineering Division of San Francisco Municipal Transportation Agency

(SFMTA), the Fire Department, and the Planning Department. The project sponsor would comply with any measures identified by the TASC. In addition, construction is a temporary activity and would not have a permanent impact; thus, construction impacts on the transportation network would be less than significant.

Impact TR-2: The proposed project would not substantially increase hazards due to a design feature or incompatible uses. (Less than Significant)

The proposed project would not include a new driveway or any other design features that would substantially increase traffic hazards (e.g., a new sharp curve or dangerous intersections); therefore, there would be no potential design hazards related to transportation. In addition, as discussed under Topic E.1.c (Land Use and Land Use Planning), the proposed project does not include incompatible uses. Therefore, the proposed project would have a less-than-significant impact from hazards related to a transportation design feature or resulting from incompatible uses.

Impact TR-3: The proposed project would not result in inadequate emergency access. (Less than Significant)

The proposed project would not be expected to affect emergency response times or access to other sites. Emergency vehicles would be able to reach the project site from 9th Street. Proposed buildings would be required to comply with the standards contained in the Building and Fire Codes, and the Department of Building Inspection (DBI) and Fire Department would review the final building plans to ensure sufficient access and safety. Therefore, the project would have a less-than-significant impact on emergency access to the project site or any surrounding sites.

Impact TR-4: The proposed project would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such features. (Less than Significant)

Transit Conditions

The project site is well served by transit. Within the immediate project vicinity, Muni's 14-Mission and 14L- bus lines run along Mission Street, and the 19-Polk line runs along 7th and 8th streets. The 12-Folsom line runs along Folsom and Harrison streets south of the project site. Other Muni lines run along Market Street, two- and one-half blocks north of the project site, where the Civic Center BART and underground Muni station is, and numerous other lines run within one-quarter mile of the project site. The proposed project would generate approximately 143 daily transit trips and 21 peak hour transit trips. It is anticipated that these trips could be accommodated by existing MUNI system capacity. Thus, impacts to the City's transit network would be considered less than significant.

Transit-related policies include, but are not limited to: (1) discouragement of commuter automobiles (*Planning Code* Section 101.1, established by Proposition M, the Accountable Planning Initiative); and (2) the City's "Transit First" policy, established in the City's Charter Section 16.102. The proposed project would not conflict with transit operations as discussed above and would not conflict with the transit-related policies established by Proposition M or the City's Transit First Policies. The project would have a less-than-significant impact on transit conditions.

Bicycle Conditions

Howard and Folsom streets are part of the citywide bicycle network; they are part of Route 50, which runs east-west with a dedicated bike lane between the Embarcadero and 14th Street, and continues along Market Street. Bicycle Route 23 runs north and south along 7th and 8th streets from Market Street to 16th Street (on 7th) and from Market Street to Townsend Street (on 8th). In addition, Route 30 runs along Howard and Folsom streets, and Route 25 runs along 10th and 11th streets. Fifth Street, from Market Street to Townsend Street, and Howard Street, from 8th Street to 9th Street, are designated for near-term bicycle improvement projects. These projects would establish an official bike route with space for the bicyclist, and possible bicycle lanes with signage, for motorists, bicyclists and pedestrians.[22] These bicycle routes

[22] City and County of San Francisco, Planning Department. *General Plan, Transportation Element, Map 13*. Available online at: http://www.sf-planning.org/ftp/General_Plan/images/I4.transportation/tra_map13.pdf. Accessed January 14, 2013.

and lanes provide access to and from the project vicinity to and from locations throughout the city. Although the proposed project would result in an increase in the number of vehicles near the project site, this increase would not be substantial enough to adversely affect bicycle travel in the area. In accordance with the bicycle parking requirements for residential uses established in *Planning Code* Section 155.4, the proposed project would provide 16 off-street bicycle parking spaces. Given the relatively small scope of the proposed project, the proposed project would not be expected to substantially increase bicycle hazards and would have a less-than-significant impact on bicycle hazard conditions.

Pedestrian Conditions

Pedestrian sidewalks are provided on all streets within the project vicinity, including 9th, Howard, Tehama, Clementina, and Folsom, and Dore streets. Sidewalks adjacent to the project site have sufficient capacity based on field observations in the project vicinity. The proposed project would generate approximately 48 PM peak-hour pedestrian and other (biking/taxi) trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict since there are currently limited pedestrian volumes and the project would not generate a substantial number of pedestrians. In addition, the project would not include a new driveway. Sidewalk widths are sufficient to allow for the free and safe flow of pedestrian traffic. Thus, impacts on pedestrian circulation and safety would be less than significant. As such, the proposed project would not conflict with any plan, policy or program related to pedestrian use in San Francisco.

Impact C-TR: The proposed project in combination of past, present, and reasonably foreseeable future projects, would have less-than-significant cumulative transportation impacts. (Less than Significant)

Cumulative Transportation Impacts. The proposed project would not cause a substantial increase in traffic, in relation to the existing traffic load and capacity of the street system, and projected cumulative growth in the area. As discussed above, the project would result in less than significant impacts related to increases in vehicle traffic in the project vicinity and at surrounding intersections. The proposed project, which would generate 20 PM peak hour vehicle trips, would not result in a deterioration of LOS at surrounding intersections. Based on this, the proposed project would have a less-than-significant cumulative traffic impact.

Cumulative Construction Impacts. Project construction activities, in combination with other major development in the vicinity of the project area, could temporarily result in cumulative construction-related transportation effects on local or regional roads, but would not result in permanent, cumulatively considerable transportation impacts. As discussed in Topic E.1, Land Use, Impact C-LU, there are a number of projects in the project area that are approved, planned, or reasonably foreseeable. However, most of the projects are either already developed or are pending for various reasons, and three projects are currently under review, 180 dwelling units over ground floor commercial at 1321 Mission Street / 104 9th Street, two residential units and two office spaces at 49 Grace Street, and a single-family residence at 718 Tehama Street. Given the relatively small amount of traffic generated by building construction projects, the proposed project and the aforementioned projects would not be expected to result in significant cumulative effects on the transportation network. Although the timing of the construction of these projects is not known, it is possible that the projects could simultaneously generate construction traffic trips and/or localized congestion around the sites. However, as discussed above, the project sponsor and construction contractors would meet with the City's Transportation Advisory Staff Committee (TASC) to determine feasible measures to reduce traffic congestion, effects on the transit system, and pedestrian circulation impacts during construction of the proposed project. The project sponsor would comply with any measures identified by the TASC and, therefore, cumulative construction impacts on the transportation network would be less than significant.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☐	☒	☐

The project site is not located within an airport land use plan area, or within the vicinity of a private airstrip. Therefore, Topics E.6e and E.6f are not applicable to the proposed project.

Impact NO-1: The proposed project would not result in the exposure of persons to or generation of noise levels in excess of established standards, nor would the proposed project result in a substantial permanent increase in ambient noise levels or otherwise be substantially affected by existing noise. (Less than Significant)

Proposed Community Plan

While not yet adopted, this section analyzes compliance of the proposed project with the Draft Western SoMa Community Plan's guidelines for noise levels. Policy 1.3.2 of the draft plan would be to "Reduce potential land use conflicts by carefully considering the location and design of both noise-generating uses and sensitive uses in the Western SoMa."[23] Policy 3.2.12 of the draft plan would be to "Discourage any and all proposed housing proposals on arterial streets and highways that do not provid[e] a physical buffer from existing traffic noise and pollution."[24] Policy 4.14.7 would be to "Ensure that noise mitigations are actively implemented."[25] This policy states that implementation of Title 24 of the *California Building Code* would ensure that noise levels along streets are kept at an acceptable level. These policies would establish the goals of the plan to inform decision-makers as they enact the codes that would govern development projects. As stated above, the draft plan has not yet been adopted. The Planning

[23] Draft Western SoMa Community Plan, *op cit*, p. 1:7.

[24] *Ibid*, p. 3:8.

[25] *Ibid*, p. 4:21.

Commission certified the Western SoMa Community Plan EIR on December 6, 2012, and the Western SoMa Community Plan is schedule for adoption in March or April 2013.

Existing Regulations

Until the Western SoMa Community Plan is adopted, existing laws and regulations govern the proposed project. No specific noise controls are identified for the SLR Mixed-Use District, within which the project site is located. Therefore, the project would be subject to city-wide controls discussed below. The proposed project must meet interior noise requirements established in Title 24 of the *California Building Code*. Noise levels discussed in this section are based on the noise descriptors L_{eq} and L_{dn}, which are reported in A-weighted decibels (dBA), units of sound energy intensity (decibels, or dB) corrected for frequency sensitivity of the human ear. Time variations in noise exposure are typically expressed in terms of a steady-state energy level (called "L_{eq}") that represents the acoustical energy of a given measurement. L_{eq} is used to describe noise over a specified period of time in terms of a single numerical value. The L_{eq} is the constant sound level that would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period). Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, for planning purposes, an increment of 10 decibels is added to nighttime (10:00 PM to 7:00 AM) noise levels to form a 24-hour noise descriptor called the day-night noise level (L_{dn}).

State Standards

Title 24 of the *California Code of Regulations* establishes uniform noise insulation standards for residential projects. State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. These requirements are collectively known as the California Noise Insulation Standards. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor-ceiling assemblies must block or absorb sound. For limiting noise from exterior sources, the noise insulation standards set forth an interior standard of 45 dBA (L_{dn}) in any habitable room and, where such units are proposed in areas subject to noise levels greater than 60 dBA (L_{dn}), a demonstration of how dwelling units have been designed to meet this interior standard is required. If the interior noise level depends upon windows being closed, the design for the structure must also include a heating, ventilation, and air conditioning (HVAC) system that will provide for adequate fresh air ventilation as specified by the *Building Code*.

For non-residential construction where noise levels regularly exceed 65 dBA at the property line, the most recently adopted edition of the *California Green Building Code* requires a minimum Sound Transmission Class (STC) of STC 50 for exterior walls and STC 30 for exterior windows.

Local Standards

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise.[26] 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 (L_{dn}), while the guidelines indicate that residential development should be discouraged at noise levels above 65 dBA (L_{dn}).[27,28] Where noise levels exceed 60 dBA, a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval, and new construction or development of residential uses will require that noise insulation features are included in the design.

The proposed project site is located midblock along 9th Street between Howard and Folsom streets, which is subject to 75 dBA (L_{dn}) traffic noise levels (see San Francisco 2004 and 2009 Housing Element EIR, Figure V.G-3[29]). The proposed project includes the construction of a mixed-use residential-commercial building and thus involves siting new noise-sensitive uses. Siting new sensitive receptors in an area subject to high ambient noise levels could result in a significant impact. Therefore, an independent

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[26] City and County of San Francisco, Planning Department. *San Francisco General Plan*, *Environmental Protection Element, Policy 11.1*. Available online at: http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm. Accessed January 18, 2013.

[27] 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).

[28] The guidelines are based on maintaining an interior noise level standard of 45 dBA, L_{dn} (day-night level), as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

[29] City and County of San Francisco Planning Department, *San Francisco 2004 and 2009 Housing Element Draft Environmental Impact Report*, March 9, 2011, Part 1. This document is available online at http://sfmea.sfplanning.org/2007.1275E_DEIR.pdf, accessed October 11, 2012.

acoustical expert conducted a noise survey to measure current baseline and future predicted outdoor noise conditions, and made recommendations for noise insulation, identified below.[30]

The noise study confirmed that project site is subject to incompatible levels of ambient noise, at L_{dn} = 73.8 dBA, primarily from vehicular traffic. The study also presented a worst-case scenario for future cumulative conditions in which traffic volumes around the project site would increase by 50 percent: the study predicted an increase of 2 dBA under this scenario.

The study made recommendations for Outside-Inside Transmission Rate (OITC) windows with glazing. With the windows closed, acceptable interior noise levels, 45 dBA (L_{dn}), would be achieved under existing or future cumulative conditions. In accordance with Title 24, if interior allowable noise levels are met by requiring the windows remain closed, the structure must also incorporate a ventilation system. The project would include mechanical ventilation equipment for each unit.

The project sponsor has agreed to implement all of the above measures recommended in the noise study. The Department of Building Inspections (DBI) would review the final building plans to ensure that the building complies with all applicable Title 24 standards and measures recommended in the noise study.

In light of the above, noise impacts related to siting sensitive uses would be less than significant.

Operational Noise

The proposed project would generate noise primarily from two sources: (1) increased vehicular traffic generated by project residents and employees and by service and delivery trucks servicing the building; and (2) mechanical building noise. With respect to project-generated traffic, generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the trip generation calculations prepared for the project (see Topic E.5, above), traffic volumes would not double on area streets as a result of the proposed project or expected cumulative traffic growth; therefore, traffic generated by the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

The project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. As

[30] ARC Management. 248-252 Ninth Street, San Francisco, California Environmental Noise Report, November 25, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the limit is 5 dBA in excess of ambient levels. In addition, no fixed noise source may cause the interior noise level in the bedroom or living room of a dwelling unit to exceed 45 dBA between the hours of 10:00 PM to 7:00 AM, or 55 dBA between the hours of 7:00 AM to 10:00 PM, with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed. Title 24 of the *California Code of Regulations* also establishes uniform noise insulation standards for residential projects. San Francisco Department of Building Inspection (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission. Compliance with Article 29, Section 2909, and Title 24 would minimize noise from building operations. Therefore, noise effects related to building operation would not be significant, nor would the building contribute a considerable increment to any cumulative noise impacts from mechanical equipment.

Impact NO-2: During construction, the proposed project would result in a temporary or periodic increase in ambient noise levels and vibration in the project vicinity above existing levels without the project. (Less than Significant with Mitigation)

Demolition, excavation, and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. Piles would not be required for the proposed mat slab foundation, so there would be minimal noise and vibration associated with foundation work. According to the project sponsor, the construction period would last approximately 12 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and façade elements are constructed. Interior construction noise would be substantially reduced by exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code)*, amended in November 2008. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, hoerammers, and impact wrenches) must have both intake and

exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW) or the Director of DBI. Section 2908 of the Ordinance prohibits construction work between 8:00 PM and 7:00 AM, if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of DPW or the Director of DBI. The project must comply with regulations set forth in the Noise Ordinance.

Construction activities for the proposed mixed-use building would include demolition of the existing building, excavation, grading, hauling, building erection, and finishing, and would result in temporary noise and vibration increases that could be considered an annoyance by occupants and users of nearby properties. The closest sensitive noise receptors to the project site that have the potential to be adversely affected by construction noise are occupants of the dwelling units located adjacent to the south and west sides of the project site. Other nearby residential receptors are located opposite the project site on the west side of 9th Street and farther south within the project block.

Typical construction equipment generates noise levels ranging from about 76 to 98 dBA at a distance of 50 feet from the source without noise controls or features such as improved mufflers, equipment redesign, and use of silencers, shields, shrouds, ducts, and engine enclosures. In addition, slightly higher levels can be generated by certain types of earthmoving and impact equipment.

The noisiest construction impacts would generally be limited to the period of demolition, excavation, and exterior construction, which would last approximately 12 months. Typically, the noise heard from interior construction is substantially reduced after exterior walls are constructed. As stated above, the sensitive noise receptors on and near the main project site are already in an area with higher than average (>75 dBA) ambient noise levels (primarily due to vehicle traffic along 9th Street, with vehicle traffic along Folsom and Howard streets contributing to ambient noise). The project-related construction activities would temporarily and intermittently contribute to the ambient noise level over the 12 months of construction, with more construction noise generated in the initial months of project construction and relatively lower levels of construction noise in the latter half of construction. Sensitive receptors in nearby residences can close exterior windows, which typically reduce daytime interior noise levels to acceptable levels. Groundborne vibration impacts would be limited to the demolition of the existing building and construction of the foundation slab.

Nevertheless, given the proximity of construction activities to sensitive receptors and the high ambient noise levels, implementation of **Mitigation Measure M-NO-2** (General Construction Noise Control

Measures) would be required to reduce construction noise impacts to less-than-significant levels. Although construction noise could be annoying at times, with implementation of **Mitigation Measure M-NO-2**, construction noise would not be expected to exceed noise levels commonly experienced in an urban environment. Therefore, construction noise impacts would be considered less than significant with mitigation. In addition, the proposed project would be required to comply with the Noise Ordinance, helping to minimize construction noise and limit the noise to daytime hours.

Mitigation Measure M-NO-2: General Construction Noise Control Measures

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor shall undertake the following:

- The project sponsor shall require the general contractor to use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible) in order to ensure that equipment and trucks used for project construction would have less-than-significant noise levels (≤80 dBA 100 feet from the noise source).

- The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5.0 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.

- The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.

- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but are not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.

- Prior to the issuance of building permits, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint

hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

Impact C-NO: The proposed project, in combination with past, present, and reasonably foreseeable future projects, could result in significant cumulative noise impacts. (Less than Significant with Mitigation)

There are three development projects under review in the project vicinity. These projects include: 180 dwelling units over ground floor commercial at 1321 Mission Street / 104 9th Street, two residential units and two office spaces at 49 Grace Street, and construction of a single-family residence at 718 Tehama Street. Although the timing of the construction of these projects is not known, it is possible that the projects could simultaneously generate construction traffic trips and/or localized congestion around the sites. However, the project that is closest from the project site, 718 Tehama Street, is approximately 400 feet from the project site. Even without intervening buildings, the natural attenuation at this distance would result in little perceptible increase in noise levels at the project site even if noisy construction equipment is operated simultaneously. Given the substantial additional noise attenuation from the existing intervening buildings, construction of this or other projects would not result in significant cumulative construction noise impacts. With implementation of **Mitigation Measure M-NO-2**, impacts related to construction noise would be reduced to a less-than-significant level and would not result in cumulatively considerable significant noise impacts.

The proposed project would contribute to an increase in localized traffic noise in conjunction with foreseeable future residential and commercial growth in the project vicinity. However, because neither the proposed project, nor other projects in the vicinity, are anticipated to result in a doubling of traffic volumes along nearby streets, the project would not contribute considerably to any cumulatively significant traffic-related increases in ambient noise. In addition, the proposed project's mechanical equipment would be required to comply with the Noise Ordinance. Therefore, the project building operation would not be expected to contribute to any cumulatively significant increases in ambient noise. For these reasons, with implementation of **Mitigation Measure M-NO-2**, the proposed project would not result in cumulatively considerable noise impacts, and cumulative noise impacts would be considered less than significant.

In summary, with implementation of **Mitigation Measure M-NO-2**, the proposed project would have less-than-significant operational and construction impacts, and less-than-significant cumulative noise and vibration impacts.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
7. AIR QUALITY—Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

Setting

The Bay Area Air Quality Management District (BAAQMD) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Napa counties and portions of Sonoma and Solano counties. BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2010 Clean Air Plan*, was adopted by the BAAQMD on September 15, 2010. The *2010 Clean Air Plan* updates the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse

gases (GHGs) in a single, integrated plan; and establish emission control measures to be adopted or implemented. The primary goals of the *2010 Clean Air Plan* are to:

- Attain air quality standards;
- Reduce population exposure and protect public health in the San Francisco Bay Area; and
- Reduce GHG emissions and protect the climate.

The *2010 Clean Air Plan* represents the most current applicable air quality plan for the SFBAAB. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan.

Criteria Air Pollutants

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO_2), sulfur dioxide (SO_2) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment[31] or unclassified for most criteria pollutants with the exception of ozone, $PM_{2.5}$, and PM_{10}, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.[32]

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 2, page 58, identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these

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[31] "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status.

[32] Bay Area Air Quality Management District (BAAQMD). *California Environmental Quality Act Air Quality Guidelines*. May 2011. Page 2-1.

significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

Table 2
Criteria Air Pollutant Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

Ozone Precursors. As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter (PM_{10} and $PM_{2.5}$[33]). Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_x). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Act's emissions limits for stationary sources. The federal New Source Review (NSR) program was created by the federal CAA to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of federal health based ambient air quality standards. Similarly, to ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors, ROG and NO_x, the offset emissions level is an annual average of 10 tons per year (or 54

[33] PM_{10} is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or larger. $PM_{2.5}$, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

pounds [lbs.] per day).[34] These levels represent emissions by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO_x emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds, would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO_x emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Particulate Matter (PM_{10} and $PM_{2.5}$). The BAAQMD has not established an offset limit for $PM_{2.5}$. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM_{10} and $PM_{2.5}$, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels at which a source is not expected to have an impact on air quality.[35] Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

Fugitive Dust. Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust.[36] Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to 90 percent.[37] The BAAQMD has identified a number of BMPs to control fugitive dust emissions

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[34] BAAQMD, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009. At page 17.

[35] Ibid, p. 16.

[36] Western Regional Air Partnership. 2006. *WRAP Fugitive Dust Handbook*. September 7, 2006. This document is available online at http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf, accessed December 18, 2012.

[37] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*. October 2009, p. 27.

from construction activities.[38] The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust to ensure that construction projects do not result in visible dust. The BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

Local Health Risks and Hazards

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. A TAC is defined in the California Health and Safety Code §39655 as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. Human health effects of TACs include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach. This approach uses a health risk assessment to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.[39]

Vehicle tailpipe emissions contain numerous TACs, including benzene, 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, naphthalene, and diesel exhaust.[40] Engine exhaust, from diesel, gasoline, and other combustion engines, is a complex mixture of particles and gases, with collective and individual

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[38] BAAQMD, *CEQA Air Quality Guidelines*, May 2011. This document is available online at http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA Guidelines.aspx, accessed December 18, 2012.

[39] In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

[40] DPH, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*. May 2008.

toxicological characteristics. While each constituent pollutant in engine exhaust may have a unique toxicological profile, health effects have been associated with proximity, or exposure, to vehicle-related pollutants *collectively* as a mixture.[41] Exposures to fine particulate matter ($PM_{2.5}$) are strongly associated with mortality, respiratory diseases and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.[42] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (CARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.[43] Mobile sources such as trucks and buses are among the primary sources of diesel emissions, and concentrations of DPM are higher near heavily traveled roadways. The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than for other land uses. Exposure assessment guidance typically assumes that residents would be exposed to air pollution 24 hours per day, 365 days per year, for 70 years. Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, the San Francisco Planning Department and the San Francisco Department of Public Health (DPH) has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "air pollution hot spots" were identified based on two health-protective criteria:

(1) Excess cancer risk from the contribution of emissions from all modeled sources > 100 per one million population; or

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41 Delfino RJ, 2002. Epidemiologic evidence for asthma and exposure to air toxics: linkages between occupational, indoor, and community air pollution research. Environmental Health Perspectives, 110(S4):573-589.

42 DPH, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*. May 2008.

43 CARB, Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines." October 1998. Available on the internet at: http://www.arb.ca.gov/toxics/dieseltac/factsht1.pdf, accessed December 18, 2012. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0093E.

(2) Cumulative $PM_{2.5}$ concentrations > 10 micrograms per cubic meter ($\mu g/m^3$).

Excess Cancer Risk. The above one-hundred per one million persons (100 excess cancer risk) criteria is based on the United States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.[44] As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the "acceptable" range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,[45] the USEPA states that it "…strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible at an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years." The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.[46]

Fine Particulate Matter. In April 2011, the USEPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, "Particulate Matter Policy Assessment." In this document, USEPA staff concludes that the current federal annual $PM_{2.5}$ standard of 15 micrograms per cubic meter ($\mu g/m^3$) should be revised to a level within the range of 13 to 11 $\mu g/m^3$, with evidence strongly supporting a standard within the range of 12 to 11 $\mu g/m^3$. Air pollution hot spots for San Francisco are based on the health protective $PM_{2.5}$ standard of 11 $\mu g/m^3$, as supported by the USEPA's Particulate Matter Policy Assessment, although lowered to 10 $\mu g/m^3$ to account for errors in emissions modeling programs.

Land use projects within these air pollution hot spots, require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

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44 BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

45 54 Federal Register 38044, September 14, 1989.

46 BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

Construction Air Quality Impacts

Project-related air quality impacts fall into two categories: short-term impacts due to construction and long-term impacts due to project operation. Construction activities (short-term) typically result in emissions of fugitive dust, criteria air pollutants, and DPM. Emissions of criteria pollutants and DPM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting or other types of architectural coatings or asphalt paving activities. The proposed project includes demolition of the existing buildings on the site and construction of a new five-story building with 15 dwelling units and 3,123 sf of commercial/restaurant space. During the project's approximately 12-month construction period, construction activities would have the potential to result in fugitive dust emissions, criteria air pollutants, and DPM, as discussed further below.

Impact AQ-1: The proposed project's construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California Air Resources Board, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Depending on exposure, adverse health effects can occur due to general particulate matter and specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building Code and Health Code 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 on-site workers, to minimize public nuisance complaints, and to avoid orders to stop work by the DBI.

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 sf of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 sf of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

These regulations and procedures set forth by the San Francisco Building Code would ensure that potential dust-related air quality impacts would be reduced to less than significant levels.

Criteria Air Pollutants

As discussed above, construction activities would also result in emissions of criteria air pollutants. To assist lead agencies in determining whether short-term construction-related air pollutant emissions

require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 2, above. BAAQMD, in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria. If all the screening criteria are met by a proposed project, then the lead agency or project sponsor does not need to perform a detailed air quality assessment of the project's air pollutant emissions, and construction of the proposed project would result in less-than-significant criteria air pollutant impacts. Projects that exceed the screening sizes may require further project-level quantification to determine whether criteria air pollutant emissions may exceed significance thresholds. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield[47] sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill and/or proximate to transit service and local services such as the proposed project, emissions would be expected to be less than the greenfield-type project that the screening criteria are based upon.

The proposed project would include 15 dwelling residential units and approximately 3,126 sf of ground floor commercial/restaurant space. The proposed project would be below the criteria air pollutant screening sizes for mid-rise residential (240 units) development projects identified in the BAAQMD's *CEQA Air Quality Guidelines*. The guidelines do not have screening criteria for generic commercial/restaurant uses; however, the screening criteria for various applicable retail or restaurant uses are at a minimum of 277,000 sf (24-hour convenience market) or 277,000 sf (fast food restaurant without drive-through).

For the above reasons, quantification of construction-related criteria air pollutant emissions is not required. In addition, the proposed project's construction activities would not exceed any of the significance thresholds for criteria air pollutants. Therefore, the proposed project would result in a less-than-significant construction criteria air pollutant impact.

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[47] Agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

Impact AQ-2: The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)

Off-road equipment (which includes construction-related equipment) was once estimated to be the second largest source of ambient DPM emissions in California. However, newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.[48] This reduction in emissions is due, in part, to effects of the economic recession and the decline in construction. Also, more refined emissions estimation methodologies are showing decreases in emissions. For example, revised PM emission estimates for the year 2010, for which DPM is a major component of total PM, have decreased by 83 percent from previous estimates for the SFBAAB.[49] Approximately half of the reduction can be attributed to the economic recession and approximately half can be attributed to updated assumptions independent of the economic recession (e.g., updated methodologies used to better assess construction emissions).[50]

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines would be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, NO_x and PM emissions will be reduced by more than 90 percent.[51] Furthermore, California regulations limit maximum idling times to five minutes, which further reduces public exposure to DPM emissions.[52]

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48 California Air Resources Board (CARB), *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

49 CARB, "In-Use Off-Road Equipment, 2011 Inventory Model," Query accessed online, April 2, 2012, http://www.arb.ca.gov/msei/categories.htm#inuse_or_category.

50 CARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

51 USEPA, "Clean Air Nonroad Diesel Rule: Fact Sheet," May 2004.

52 California Code of Regulations, Title 13, Division 3, § 2485.

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

> "Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk."[53]

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within air pollution hot spots, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

The proposed project would require construction activities for the approximate 12-month construction phase. Project construction activities would result in short-term emissions of diesel particulate matter and other toxic air contaminants that would add emissions to areas already adversely affected by poor air quality. As such, **Mitigation Measure M-AQ-2**, below, has been identified to reduce construction-related emissions.

While the emissions reductions from limiting idling, educating workers and the public, and properly maintaining equipment is difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emissions Control Strategies (VDECSs), can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS. Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines (highest rating, lowest emissions), which is not yet available for engine sizes subject to the mitigation. Therefore, compliance with **Mitigation Measure M-AQ-2**, below, would result in a less-than-significant construction emissions impact to nearby sensitive receptors.

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[53] BAAQMD, *CEQA Air Quality Guidelines*, May 2011, page 8-6.

Mitigation Measure M-AQ-2: Construction Emissions Minimization

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

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

    a) Where alternative sources of power are available, portable diesel engines shall be prohibited;

    b) All off-road equipment shall have:

        i. Engines that meet or exceed either USEPA or CARB Tier 2 off-road emission standards, *and*

        ii. Engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).[54]

    c) Exceptions:

        i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for on-site power generation.

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

        iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

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

Off-Road Equipment Compliance Step-down Schedule

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

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

* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.

3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.

4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.

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

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

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

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

Operational Air Quality Impacts

Impact AQ-3. The proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The proposed project includes landscaped areas, and commercial/restaurant areas, which would involve the use of consumer products. Construction of the proposed project would include the use of architectural coatings, and the operation of the proposed project would also result in an increase of 133 vehicle trips per day.[55]

As discussed above in Impact AQ-1, the BAAQMD in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or project sponsor does not need to perform a detailed air quality assessment.

The proposed project includes 15 dwelling units and approximately 3,126 sf of ground floor commercial/restaurant space. The proposed project would be below the criteria air pollutant screening sizes for mid-rise residential developments (494 units) and the lowest potential screening criteria for various commercial uses (5,000 sf for a 24-hour convenience market or 8,000 sf for a fast-food restaurant

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[55] LCW Consulting, *op cit*.

without drive-through) identified in the BAAQMD's *CEQA Air Quality Guidelines*. Thus, quantification of project-generated criteria air pollutant emissions is not required, proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in less-than-significant impacts with respect to criteria air pollutants.

Impact AQ-4: The proposed project would generate toxic air contaminants, including diesel particulate matter, and would expose sensitive receptors to substantial air pollutant concentrations. (Less than Significant with Mitigation)

As discussed above, the San Francisco Planning Department and DPH, in partnership with BAAQMD, have modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of air pollutant hot spots, or areas within the City that deserve special attention when siting uses that either emit toxic air contaminants or uses that are considered sensitive to air pollution. The project site is not within a hot spot.

Sources of Toxic Air Contaminants

Individual projects increase vehicle trips, which in turn is the primary source of increased emissions of toxic air contaminants. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's 133 daily vehicle trips would be well below this level, therefore an assessment of project-generated TACs resulting from vehicle trips is not required, and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

Health Risk for Project Residents

The proposed project would include development of 15 residential uses and is considered a sensitive land use for purposes of air quality evaluation. As discussed above, the project site is located in an area that experiences higher levels of air pollution, while not located within a hot spot. The proposed project would therefore have the potential to expose sensitive receptors to substantial concentrations of air pollutants. **Mitigation Measure M-AQ-4**, below, would require that the project sponsor install in the project building a filtered air supply system capable of removing 80 percent of outdoor particulates, indoors. **Mitigation Measure M-AQ-4** also requires that the project sponsor develop a maintenance plan

and disclose to buyers and renters that the project site is located in proximity to sources of air pollution, and thus the building includes a filtered ventilation system. With implementation of **Mitigation Measure M-AQ-4**, the proposed project would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Mitigation Measure M-AQ-4: Air Filtration Measures

Air Filtration and Ventilation Requirements for Sensitive Land Uses. Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor $PM_{2.5}$ concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.

Maintenance Plan. Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

Disclosure to buyers and renters. The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of the *2010 Clean Air Plan*. (Less than Significant)

The most recently adopted air quality plan for the SFBAAB is the *2010 Clean Air Plan*. The *2010 Clean Air Plan* is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the *2010 Clean Air Plan* (CAP), this analysis considers whether the project would: (1) support the primary goals of the CAP, (2) include applicable control measures from the CAP, and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

To meet the primary goals, the CAP recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode and that a

key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and GHGs from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the CAP includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project would be consistent with energy and climate control measures as discussed in Topic E.8, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project would be generally consistent with the *San Francisco General Plan* as discussed in Section C. Compatibility with Existing Zoning and Plans. Transportation control measures that are identified in the CAP are implemented by the *San Francisco General Plan* and the Planning Code, for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees applicable to the proposed project. By complying with these applicable requirements, the project would include appropriate transportation control measures specified by the CAP.

Examples of a project that could cause the disruption or delay of CAP control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would add 15 residential units and 3,126 sf of commercial/restaurant to a walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transportation improvement, and as such, the proposed project would avoid disrupting or hindering implementation of control measures identified in the CAP.

For the reasons described above, the proposed project would not interfere with implementation of the CAP. Since the proposed project would be consistent with the CAP and would not interfere with its implementation, the proposed project would have a less-than-significant effect on the CAP.

Impact AQ-6: The proposed project would not create objectionable odors that would affect a substantial number of people. (Less than Significant)

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist after construction completion. Observation indicates that the project site is not substantially affected by sources of odors.[56] Additionally, the proposed project includes 15 dwelling units and 3,126 sf of commercial/restaurant space, and would therefore not create a significant sources of new odors. Therefore, odor impacts would be less than significant.

Cumulative Air Quality Impacts

Impact C-AQ: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area would contribute to cumulative air quality impacts. (Less than Significant with Mitigation)

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts. The project-level thresholds for criteria air pollutants take into account cumulative development; that is, if developments assumed under anticipated growth are designed to meet project-level thresholds for criteria air pollutants, they would not contribute considerably to a cumulative impact. Therefore, because the proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new sensitive land uses and new vehicle trips within areas of the City that are already adversely affected by poor air quality, the proposed project would include **Mitigation**

[56] Site visit, September 4, 2012.

Measure M-AQ-2, which would reduce construction period emissions by as much as 94 percent, and **Mitigation Measure M-AQ-4**, which requires that the building be designed to reduce outdoor infiltration of fine particulate matter to the interior of the project building by 80 percent. Compliance with **Mitigation Measures M-AQ-2 and M-AQ-4** would ensure that cumulative air quality impacts would be less than significant.

In summary, with the implementation of **Mitigation Measures M-AQ-2 and M-AQ-4**, the proposed project would have less-than-significant operational, construction, and cumulative air quality impacts.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
8. GREENHOUSE GAS EMISSIONS— Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

Environmental Setting

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 GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere is 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. Black carbon has recently emerged as a major contributor to global climate change, possibly second only to CO_2.

Black carbon is produced naturally and by human activities as a result of the incomplete combustion of fossil fuels, biofuels and biomass.[57] N_2O is a byproduct of various industrial processes and has a number of uses, including use as an anesthetic and as an aerosol propellant. 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).[58]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, are occurring already and will only become more frequent and more costly.[59] Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.[60,61]

The California Air Resources Board (ARB) estimated that in 2009 California produced about 457 million gross metric tons of CO_2E ($MMTCO_2E$).[62] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state generation and imported electricity) at 23 percent and industrial sources at 18 percent. Commercial and residential fuel use (primarily for heating) accounted for nine percent of GHG emissions.[63] In the Bay Area, the transportation (on-road motor vehicles, off-highway mobile sources, and aircraft) and industrial/commercial sectors

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57 Center for Climate and Energy Solutions. *What is Black Carbon?*, April 2010. Available online at: *http://www.c2es.org/docUploads/what-is-black-carbon.pdf*. Accessed September 27, 2012.

58 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.

59 California Climate Change Portal. Available online at: http://www.climatechange.ca.gov. Accessed September 25, 2012.

60 California Climate Change Portal. Available online at: http://www.climatechange.ca.gov/. Accessed September 25, 2012.

61 California Energy Commission. California Climate Change Center. *Our Changing Climate 2012*. Available online at: http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf. Accessed August 21, 2012.

62 California Air Resources Board (ARB). *California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan*. Available online at: http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf. Accessed August 21, 2012.

63 ARB. *California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan*. Available online at: *http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf*. Accessed August 21, 2012.

were the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 $MMTCO_2E$ emitted in 2007.[64] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at seven percent, off-road equipment at three percent and agriculture at one percent.[65]

Regulatory Setting

In 2005, in recognition of California's vulnerability to the effects of climate change, then-Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 $MMTCO_2E$); by 2020, reduce emissions to 1990 levels (estimated at 427 $MMTCO_2E$); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 $MMTCO_2E$).

In response, the California legislature passed Assembly Bill No. 32 in 2006 (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 from forecast emission levels).[66]

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. The Scoping Plan is the State's overarching plan for addressing climate change. 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 2008 levels.[67] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E ($MMTCO_2E$) (about 191 million U.S. tons) from the

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64 Bay Area Air Quality Management District (BAAQMD). *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007*, February 2010. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed August 21, 2012.

65 BAAQMD. *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010*. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed August 21, 2012.

66 Governor's Office of Planning and Research (OPR). *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, June 19, 2008. Available online at: http://opr.ca.gov/docs/june08-ceqa.pdf. Accessed August 21, 2012.

67 ARB. *California's Climate Plan: Fact Sheet*. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed August 21, 2012.

transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 3, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[68]

Table 3. GHG Reductions from the AB 32 Scoping Plan Sectors[69,70]

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
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures:	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste • Commercial Recycling • Composting • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing	9
Total	**41.8-42.8**

The AB 32 Scoping Plan recommendations are intended to curb projected business-as-usual growth in GHG emissions and reduce those emissions to 1990 levels. Therefore, meeting AB 32 GHG reduction goals would result in an overall annual net decrease in GHGs as compared to current levels and accounts for projected increases in emissions resulting from anticipated growth.

The Scoping Plan also 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

68 ARB. *Assembly Bill 32: Global Warming Solutions Act*. Available online at: http://www.arb.ca.gov/cc/ab32/ab32.htm/. Accessed August 21, 2012.

69 ARB. *Climate Change Scoping Plan*, December 2008. Available online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed August 21, 2012.

70 ARB. *California's Climate Plan: Fact Sheet*. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed August 21, 2012.

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 Bay Area Metropolitan Transportation Commission's 2013 RTP, Plan Bay Area, would be its first plan subject to SB 375.

AB 32 further 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 noted that successful implementation of the Scoping Plan relies on local governments' land use planning and urban growth decisions because local governments have the primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.[71] The BAAQMD has conducted an analysis of the effectiveness of the region in meeting AB 32 goals from the actions outlined in the Scoping Plan and determined that in order for the Bay Area to meet AB 32 GHG reduction goals, the Bay Area would need to achieve an additional 2.3 percent reduction in GHG emissions from the land use driven sector.[72]

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 added 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). The BAAQMD recommends that local agencies adopt a Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on

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[71] ARB. *Climate Change Scoping Plan*. December 2008. Available online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed August 21, 2012.

[72] BAAQMD. *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance*, December 2009. Available online at: *http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Proposed%20Thresholds%20of%20Significance%20Dec%207%2009.ashx*. Accessed September 25, 2012.

the degree to which that project complies with a Greenhouse Gas Reduction Strategy.[73] As described below, this recommendation is consistent with the approach to analyzing GHG emissions outlined in the CEQA Guidelines.

At a local level, the City has developed a number of plans and programs to reduce the City's contribution to global climate change. San Francisco's GHG reduction goals, as outlined in the 2008 Greenhouse Gas Reduction ordinance are as follows: by 2008, determine the City's GHG emissions for the year 1990, the baseline level with reference to which target reductions are set; by 2017, reduce GHG emissions by 25 percent below 1990 levels; by 2025, reduce GHG emissions by 40 percent below 1990 levels; and finally by 2050, reduce GHG emissions by 80 percent below 1990 levels. San Francisco's Greenhouse Gas Reduction Strategy documents the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies. As identified in the Greenhouse Gas Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG 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 a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

The Greenhouse Gas Reduction Strategy concludes that San Francisco's policies and programs have resulted in a reduction in GHG emissions below 1990 levels, exceeding statewide AB 32 GHG reduction goals. As reported, San Francisco's communitywide 1990 GHG emissions were approximately 6.15 $MMTCO_2E$. A recent third-party verification of the City's 2010 communitywide and municipal emissions inventory has confirmed that San Francisco has reduced its GHG emissions to 5.26 $MMTCO_2E$, representing a 14.5 percent reduction in GHG emissions below 1990 levels.[74,75]

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[73] BAAQMD. *California Environmental Quality Act Air Quality Guidelines*, May 2012. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en. Accessed September 25, 2012.

[74] ICF International. *"Technical Review of the 2010 Community-wide GHG Inventory for City and County of San Francisco." Memorandum from ICF International to San Francisco Department of the Environment*, April 10, 2012. Available online at: http://www.sfenvironment.org/download/community-greenhouse-gas-inventory-3rd-party-verification-memo. Accessed September 27, 2012.

Approach to Analysis

In compliance with SB 97, OPR amended the CEQA Guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. Among other changes to the CEQA Guidelines, the amendments added a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. The potential for a project to result in significant GHG emissions which contribute to the cumulative effects global climate change is based on the CEQA Guidelines and CEQA Checklist, as amended by SB 97, and is determined by an assessment of the project's compliance with local and state plans, policies and regulations adopted for the purpose of reducing the cumulative effects of climate change. GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could not generate enough GHG emissions to noticeably change the global average temperature. CEQA Guidelines Sections 15064.4 and 15183.5 address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. As discussed above, San Francisco has prepared its own Greenhouse Gas Reduction Strategy, demonstrating that San Francisco's policies and programs have collectively reduced communitywide GHG emissions to below 1990 levels, meeting GHG reduction goals outlined in AB 32. The City is also well on its way to meeting the long-term GHG reduction goal of reducing emissions 80 percent below 1990 levels by 2050. Chapter 1 of the City's *Strategies to Address Greenhouse Gas Emission* (the Greenhouse Gas Reduction Strategy) describes how the strategy meets the requirements of CEQA Guidelines Section 15183.5. The BAAQMD has reviewed San Francisco's Greenhouse Gas Reduction Strategy, concluding that "Aggressive GHG reduction targets and comprehensive strategies like San Francisco's 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."[76]

With respect to CEQA Guidelines Section 15064.4(b), the factors to be considered in making a significance determination include: 1) the extent to which GHG emissions would increase or decrease as a result of the

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[75] ICF International. *"Technical Review of San Francisco's 2010 Municipal GHG Inventory." Memorandum from ICF International to San Francisco Department of the Environment* , May 8, 2012. Available online at: http://www.sfenvironment.org/download/third-party-verification-of-san-franciscos-2010-municipal-ghg-inventory. Accessed September 27, 2012.

[76] BAAQMD. *Letter from J. Roggenkamp, BAAQMD, to B. Wycko, San Francisco Planning Department*, October 28, 2010. Available online at: http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Letter.pdf. Accessed September 24, 2012.

proposed project; 2) whether or not a proposed project exceeds a threshold that the lead agency determines applies to the project; and finally 3) demonstrating compliance with plans and regulations adopted for the purpose of reducing or mitigating GHG emissions.

The GHG analysis provided below includes a qualitative assessment of GHG emissions that would result from a proposed project, including emissions from an increase in vehicle trips, natural gas combustion, and/or electricity use among other things. Consistent with the CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions, the significance standard applied to GHG emissions generated during project construction and operational phases is based on whether the project complies with a plan for the reduction of GHG emissions.

The City's Greenhouse Gas Reduction Strategy is the City's overarching plan documenting the policies, programs and regulations that the City implements towards reducing municipal and communitywide GHG emissions. In particular, San Francisco implements 42 specific regulations that reduce GHG emissions which are applied to projects within the City. Projects that comply with the Greenhouse Gas Reduction Strategy would not result in a substantial increase in GHGs, since the City has shown that overall communitywide GHGs have decreased and that the City has met AB 32 GHG reduction targets. Individual project compliance with the City's Greenhouse Gas Reduction Strategy is demonstrated by completion of the Compliance Checklist for Greenhouse Gas Analysis.

In summary, the two applicable greenhouse gas reduction plans, the AB 32 Scoping Plan and the City's Greenhouse Gas Reduction Strategy, are intended to reduce GHG emissions below current levels. Given that the City's local greenhouse gas reduction targets are more aggressive than the State's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of AB 32. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of AB 32, would not conflict with either plan, and would therefore not exceed San Francisco's applicable GHG threshold of significance. Furthermore, a locally compliant project would not result in a substantial increase in GHGs.

The following analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Given the analysis is in a cumulative context, this section does not include an individual project-specific impact statement.

Impact C-GG-1: The proposed project would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions. (Less than Significant)

The most common GHGs resulting from human activity associated with land use decisions are CO_2, black carbon, CH_4, and N_2O.[77] 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 on-site activity by demolishing the existing buildings and constructing a five-story, 50-foot tall, 18,697-sf mixed-use residential-commercial building. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

As discussed above and consistent with the state CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions under CEQA, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less-than-significant GHG impact. Based on an assessment of the proposed project's compliance with San Francisco's *Strategies to Address Greenhouse Gas Emissions*, the proposed project would be required to comply with the following ordinances that reduce greenhouse gas emissions, see Table 4.

[77] OPR. *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/ceqapdfs/june08-ceqa.pdf. Accessed March 3, 2010.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
Transportation Sector			
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project sponsor would comply with the Emergency Ride Home Program by enrolling in the program, and complying with its provisions, either by paying travel expenses for employee emergencies, which would be reimbursable by the City, or by notifying employees of the program.
Transit Impact Development Fee (San Francisco Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project sponsor would be required to pay $10 per sf of the project's commercial space toward the Transit Impact Development fee program as described in Section 411 of the *Planning Code*.
Bicycle parking in Residential Buildings (San Francisco Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project, with 15 dwelling units, would be required to provide 7 bicycle parking spaces. The project would include 16 bicycle parking space, satisfying this requirement.
Parking requirements for San Francisco's Mixed-Use zoning districts (San Francisco Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	SLR districts, within which the project site is located, are limited to one principal permitted parking space per two residential units. The proposed project would provide no parking spaces, satisfying this requirement.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C)	Under the GreenPoint Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the Green Building Requirements for Energy Efficiency, by being at least 15% more efficient than Title 24 standards.
Indoor Water Efficiency (San Francisco Building Code, Chapter 13C sections 13C.5.103.1.2, 13C.4.103.2.2,13 C.303.2.)	**If meeting a LEED Standard;** Reduce overall use of potable water within the building by a specified percentage – for showerheads, lavatories, kitchen faucets, wash fountains, water closets (toilets) and urinals. New large commercial and new high rise residential buildings must achieve a 30% reduction. Commercial interior, commercial alteration and residential alteration should achieve a 20% reduction below UPC/IPC 2006, et al. **If meeting a GreenPoint Rated Standard:** Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to document at least a 30 % reduction in the use of indoor potable water, as calculated to meet LEED credit WE3.2.
Residential Water Conservation	Requires all residential properties (existing and new), prior to sale, to upgrade to the	☒ Project Complies	The proposed project would comply with the residential

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
Ordinance (San Francisco Building Code, Housing Code, Chapter 12A)	following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All water closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☐ Not Applicable ☐ Project Does Not Comply	water conservation ordinance.
Residential Energy Conservation Ordinance (San Francisco Building Code, San Francisco Housing Code, Chapter 12)	Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior;	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the residential energy conservation ordinance.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
	insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.		
Waste Reduction Sector			
Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19) and San Francisco Green Building Requirements for solid waste (San Francisco Building Code, Chapter 13C)	All persons in San Francisco are required 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. Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply. Enforceable through the building permit process.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
San Francisco Green Building Requirements for construction and demolition debris recycling (San Francisco Building Code, Chapter 13C)	Projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply. Enforceable through the building permit process.
San Francisco Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for reuse or recycling.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply. Enforceable through the building permit process.
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (San Francisco Planning Code Section 138.1)	Planning Code Section 138.1 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts one 24-inch box tree planting for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would include street trees planted in accordance with *Planning Code* Section 428.
Light Pollution Reduction (San Francisco Building Code, Chapter 13C5.106.8)	For nonresidential projects, comply with lighting power requirements in CA Energy Code, CCR Part 6. Requires that lighting be contained within each source. No more than .01 horizontal lumen footcandles 15 feet beyond site, or meet	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project's commercial use would be required to comply. Enforceable through the building permit process.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
	LEED credit SSc8.		
Construction Site Runoff Pollution Prevention for New Construction (San Francisco Building Code, Chapter 13C)	Construction Site Runoff Pollution Prevention requirements depend upon project size, occupancy, and the location in areas served by combined or separate sewer systems. Projects meeting a LEED® standard must prepare an erosion and sediment control plan (LEED® prerequisite SSP1). Other local requirements may apply regardless of whether or not LEED® is applied such as a stormwater soil loss prevention plan or a Stormwater Pollution Prevention Plan (SWPPP). See the SFPUC Web site for more information: www.sfwater.org/CleanWater	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply. Enforceable through the building permit process.
Low-emitting Adhesives, Sealants, and Caulks (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.2.1)	**If meeting a LEED Standard:** Adhesives and sealants (VOCs) must meet South Coast Air Quality Management District (SCAQMD) Rule 1168 and aerosol adhesives must meet Green Seal standard GS-36. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:**	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply, either through meeting a LEED standard or a GreenPoint Rated standard. Enforceable through the building permit application process.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
	Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168.		
Low-emitting materials (San Francisco Building Code, Chapters 13C.4. 103.2.2,	For Small and Medium-sized Residential Buildings - Effective January 1, 2011 meet GreenPoint Rated designation with a minimum of 75 points. For New High-Rise Residential Buildings - Effective January 1, 2011 meet LEED Silver Rating or GreenPoint Rated designation with a minimum of 75 points. For Alterations to residential buildings submit documentation regarding the use of low-emitting materials. **If meeting a LEED Standard:** For adhesives and sealants (LEED credit EQ4.1), paints and coatings (LEED credit EQ4.2), and carpet systems (LEED credit EQ4.3), where applicable. **If meeting a GreenPoint Rated Standard:** Meet the GreenPoint Rated Multifamily New Home Measures for low-emitting adhesives and sealants, paints and coatings, and carpet systems,	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply, either through meeting a LEED standard or a GreenPoint Rated standard. Enforceable through the building permit application process.
Low-emitting	**If meeting a LEED Standard:**	☒ Project	The project would be required

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
Paints and Coatings (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 13C.504.2.2 through 2.4)	Architectural paints and coatings must meet Green Seal standard GS-11, anti-corrosive paints meet GC-03, and other coatings meet SCAQMD Rule 1113. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:** Interior wall and ceiling paints must meet <50 grams per liter VOCs regardless of sheen. VOC Coatings must meet SCAQMD Rule 1113.	Complies ☐ Not Applicable ☐ Project Does Not Comply	to comply, either through meeting a LEED standard or a GreenPoint Rated standard. Enforceable through the building permit application process.
Low-emitting Flooring, including carpet (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.3 and 13C.4.504.4)	**If meeting a LEED Standard:** Hard surface flooring (vinyl, linoleum, laminate, wood, ceramic, and/or rubber) must be Resilient Floor Covering Institute FloorScore certified; carpet must meet the Carpet and Rug Institute (CRI) Green Label Plus; Carpet cushion must meet CRI Green Label; carpet adhesive must meet LEED EQc4.1. (Not applicable for New High Rise residential) **If meeting a GreenPoint Rated Standard:** All carpet systems, carpet cushions, carpet adhesives, and	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply, either through meeting a LEED standard or a GreenPoint Rated standard. Enforceable through the building permit application process.

Table 4 GHG Regulations Applicable to the Proposed Project			
Regulation	**Requirements**	**Project Compliance**	**Discussion**
	at least 50% of resilient flooring must be low-emitting.		
Low-emitting Composite Wood (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 and 13C.4.504.5)	**If meeting a LEED Standard:** Composite wood and agrifiber must not contain added urea-formaldehyde resins and must meet applicable CARB Air Toxics Control Measure. **If meeting a GreenPoint Rated Standard:** Must meet applicable CARB Air Toxics Control Measure formaldehyde limits for composite wood.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply, either through meeting a LEED standard or a GreenPoint Rated standard. Enforceable through the building permit application process.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fireplaces 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 project would not include any banned wood burning fireplaces.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Plans for the proposed project include no diesel generators. Should any be required in the future, they would be subject to the provisions indicated in Article 30 of the Health Code.

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, or impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce GHG emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured reduction of annual GHG emissions; (3) San Francisco has met and exceeds AB 32 GHG reduction goals for the year 2020 and is on track towards meeting long-term GHG reduction goals; (4) current and probable future state and local GHG 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 the CEQA and BAAQMD requirements for a Greenhouse Gas 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 the requirements listed above, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions*.[78] As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
9. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☒	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☒	☐	☐

Impact WS-1: The proposed project would not result in a significant impact on wind patterns. (Less than Significant)

Wind Conditions in San Francisco

Prevalent winds in San Francisco are generally from the west, off the Pacific Ocean. Wind speeds, in general, are greatest in the spring and summer, and least in fall. Daily variation in wind speed is evident, with the strongest wind in the late afternoon and lightest winds in the morning.

[78] Morgan Gillespie, During Associates. *Compliance Checklist Table for Greenhouse Gas Analysis, 248-252 9th Street Project, Case No. 2010.0222E*, February 20, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

Building Aerodynamics

Ground-level wind accelerations near buildings are controlled by exposure, massing, and orientation. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed.

Massing is important in determining wind impact because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above-ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind problems. Buildings that have an unusual shape or set-backs have a lesser effect. A general rule is that the more complex the building is geometrically, the lesser the probable wind impact at ground level.

Orientation determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction will have a greater impact on ground-level winds than a building oriented with its long axis along the prevailing wind direction.

Analysis of Project Site

The proposed site is mid-block on the west side of 9th Street, in the block bounded by Howard, 9th, Folsom, and Dore streets. Building heights in the vicinity vary between one and five stories. The site currently is occupied by two one-story buildings.

The site is sheltered from westerly and west-southwesterly winds by five-story residential structures to the west and southwest. For northwesterly, west-northwesterly wind conditions, the site is somewhat sheltered by the one and two story buildings to the northwest. The terrain around the project site is generally flat.

Evaluation of Project Wind Effects

The project would replace the two existing one-story buildings with a five-story, 50-foot-tall, 18,697-sf mixed-use building. The ground floor would include a commercial/restaurant use, the other four floors would be residential. Outdoor space would include the second level decks, fifth level deck, and roof deck. The building façade would consist of a 5th story balcony and articulated architectural details.

The proposed building would be relatively sheltered from prevailing winds by the five-story buildings directly west and southwest of the site.

The proposed building would have an exposed, continuous building façade oriented obliquely toward any northwesterly winds. It would include a 15-foot-deep balcony at the 5th floor on the 9th Street side. As noted under E.3 Aesthetics, cornices adorn the roofs of most of the buildings in the area, which would intercept winds refracted downward from the exposed building façade. This suggests that any wind accelerations generated by the exposed façade would be elevated above the rooftop of the adjacent buildings and not significantly affect pedestrian spaces.

In summary, based on consideration of the exposure, massing, and orientation of the proposed five-story building the project would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the site, thus wind impacts of the proposed project would be less than significant.

Impact C-WS: The proposed project in combination with other past, present, or reasonably foreseeable future projects would not result in significant cumulative impacts on wind patterns. (Less than Significant)

Based on the information provided above, the proposed project would not result in a cumulatively considerable contribution to wind effects in the project vicinity. Architectural design of proposed structures in the project vicinity would be required to conform with its neighborhoods visual character including building mass and scale; comply with the applicable height and bulk requirements, the façades would be appropriately articulated. With such building scale and design conformity, the proposed project building together with existing development and future development, would not result in a significant cumulatively considerable contribution to wind impacts.

Impact WS-2: The proposed project would not result in new shadows in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) in order to protect public open spaces under the jurisdiction of the Recreation and Park Commission from

shadowing by new and altered structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shade and shadow upon public open spaces under the jurisdiction of the Recreation and Parks Department by any structure exceeding 40 feet in height unless the Planning Commission finds the shadow to be an insignificant effect. At 50 feet in height, the project would be subject to Section 295 of the *Planning Code*.

To determine whether the proposed project would conform to Section 295, a preliminary shadow fan analysis was prepared by Planning Department staff.[79] The analysis found that the proposed project would not have the potential to impact properties protected by the ordinance.

Section 295 of the *Planning Code* does not provide protection of sunlight for non-Recreation and Park properties. These properties are, however, evaluated under CEQA. Other public spaces that would be affected by the shadow caused by the proposed project include public sidewalks and streets in the project vicinity. The proposed project would be approximately 35 feet higher than the existing buildings on the project site and would entirely cover the project site, thereby increasing shadow on 9th Street and surrounding properties. However, because of the height of the proposed building and the configuration of existing buildings in the vicinity, the net new shading that would result from the proposed project construction would be limited in scope, and would not increase the total amount of shading above levels which are common and generally accepted in urban areas. Although neighborhood residents may regard the increase in shadow during any time of the year an inconvenience, the limited amount of increase in shading would not be considered a significant impact under CEQA.

Impact C-WS-2: The proposed project, in combination with other past, present or reasonably foreseeable future projects would not result in significant shadow impacts. (No Impact)

Based on the information provided above, the proposed project, along with other recent and potential development in the vicinity, discussed on page 27 of this Initial Study, would not result in significant shadow impacts in the project vicinity. Thus, the proposed project in combination with other past, present or reasonably foreseeable future projects would not be expected to contribute considerably to adverse shadow effects under cumulative conditions.

[79] Erika Jackson, San Francisco Planning Department. Shadow Fan Analysis, *248-252 9th Street, Case No. 2010.0222K*, August 22, 2012. This document is available for public review the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as a part of Case No. 2010.0222E.

In light of the above, the proposed project's potential to increase wind and shadow in the project vicinity would be, both individually and cumulatively, less than significant.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
10. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐
c) Physically degrade existing recreational resources?	☐	☐	☒	☐	☐

Impact RE-1: The proposed project would result in less-than-significant impacts related to an increase in the use of existing parks and recreational facilities, the physical deterioration of such facilities, or the requirement for expansion of existing recreational facilities. (Less than Significant)

The San Francisco Recreation and Park Department (RPD) maintains more than 220 properties (parks, playgrounds, and open spaces) throughout the City. Among its responsibilities are the management and maintenance of 55 multi-purpose recreation centers; nine swimming pools; six golf courses; and hundreds of tennis courts, baseball diamonds, athletic fields, and basketball courts.[80,81]

The nearest Recreation and Park Commission property is the Howard-Langton Mini Park and Community Garden located 0.25 miles east of the project site, occupying the northeastern corner of the block bounded by Howard, Langton, Folsom, and Rausch streets. The 2004 Recreation Assessment Report

[80] San Francisco Recreation and Park Department website, http://sfrecpark.org/, accessed on October 11, 2012.

[81] San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004, p. 21, http://sf-recpark.org/ftp/uploadedfiles/wcm_recpark/Notice/SFRP_Summary_Report.pdf, accessed October 11, 2012.

indicates that the project site is located within the service area for the Gene Friend Recreation Center, located 0.5 miles east of the project site.[82]

Other nearby open spaces are Civic Center Plaza, approximately 0.28 miles north of the project site, at Grove and Larkin streets; UN Plaza, 0.5 miles northeast of the project site, at Market and Leavenworth streets; and Victoria Manalo Draves Park, located about 0.38 miles east of the project site on the east side of Sherman Street and extending from Folsom to Harrison streets.

Residents and employees of the proposed mixed-use building may use the City's nearby recreational facilities, which would increase the population at these facilities. However, these additional users would not be expected to increase use to the extent that it would cause substantial additional physical deterioration of the facilities. The anticipated increase in population of 38 persons, including 29 residents and nine employees, that would result from the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities. The proposed project would therefore have a less-than-significant impact on parks and recreational facilities.

Impact C-RE: The proposed project, in combination with other past, present, or reasonably foreseeable future projects would result in less-than-significant impacts to recreational resources. (Less than Significant)

As discussed in Topic E.3, Population and Housing, the proposed project would contribute population growth in combination with existing and foreseeable future projects in the project vicinity. The nearby project identified on page 27 could incrementally increase the population of the City, and the proposed project could contribute up to 29 new residents to the project area. Although many of the new residential dwelling units that are planned would likely be occupied by existing San Francisco residents, there would be, at a minimum, an increase in the number of residents living in the project vicinity, which would increase local demand for recreational resources.

As described above under Impact RE-1, the use of neighborhood and/or regional parks or other recreational resources in the project area and/or citywide would not increase substantially as a result of the proposed project, and would not result in the need for new and/or expanded neighborhood parks,

[82] City and County of San Francisco Recreation and Park Department, 2004 Recreation Assessment, August 2004, Recreation Map. Available online at http://sf-recpark.org/index.aspx?page=93, accessed October 11, 2012.

which could result in physical effects on the environment. As with the proposed project, any residential projects are subject to *Planning Code* open space requirements. There would be an expected growth in the number of residential units, and residents in new projects would use existing recreational facilities, as would residents from the existing residential developments; however, the identified cumulative projects, as well as any other reasonably foreseeable future projects, in combination with the proposed project, would not increase use of existing neighborhood and/or regional parks or other recreational facilities such that substantial physical deterioration or physical degradation of existing recreational facilities would occur. Nor would they require the construction or expansion of recreational facilities that would, in turn, have an adverse physical effect on the environment. The project would therefore have a less-than-significant cumulative impact on recreational resources.

Overall, the proposed project, alone and in combination with existing and foreseeable future nearby residential, commercial, and mixed-use projects, would not contribute to, or result in, cumulatively considerable impacts on recreational resources.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
11. UTILITIES AND SERVICE SYSTEMS— Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☒	☐	☐
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐

The project site is within an urban area that is well served by utilities and service systems, including sewer treatment plants, water supply facilities, and solid waste disposal. The proposed project would incrementally increase demand for and use of these services, but not in excess of amounts expected and provided for in this area.

Impact UT-1: The proposed project would not exceed the wastewater treatment requirements of the Regional Water Quality Control Board. (Less than Significant)

The San Francisco Public Utilities Commission (SFPUC) provides both water and wastewater services in San Francisco. San Francisco's combined stormwater and wastewater treatment system serves the project site, which handles both sewage treatment and stormwater runoff. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the city, including the project site. The proposed project would need to meet the wastewater pre-treatment standards of the SFPUC that comply with the requirements of the San Francisco Industrial Waste Ordinance and the Regional Water Quality Control Board (RWQCB).[83] The proposed project would not result in a population increase beyond that assumed for planning purposes by the SFPUC; and would not exceed the wastewater treatment requirements of the ordinance and the RWQCB. The proposed project would result in less-than-significant effects to wastewater treatment.

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[83] City and County of San Francisco, Ordinance No. 19-92, San Francisco *Municipal Code* (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

Impact UT-2: The proposed project would increase the amount of water used on the site, but would not require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities. (Less than Significant)

The proposed project would result in an increase of 38 new residents and employees on the project site, which would not generate a need for water facilities or wastewater treatment facilities in excess of existing capacity. No new stormwater or wastewater collection or treatment facilities, or expansion of existing facilities, would be required to serve the proposed project. The proposed project would result in less-than-significant impacts on water or wastewater treatment facilities.

Impact UT-3: The proposed project would increase the amount of water used on the site, but would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities. (Less than Significant)

With a project site size of 5,000 sf, the proposed project would not be required to comply with the City's Stormwater Management Ordinance, which requires projects on sites larger than 5,000 sf to implement measures to reduce stormwater runoff. However, the project would not substantially increase stormwater runoff on the site because the project site is already covered almost completely by impermeable surfaces. Thus, the project would not require construction of new stormwater drainage facilities, or expansion of existing facilities and, therefore, the proposed project would have less-than-significant effects on the City's stormwater drainage facilities.

Impact UT-4: The proposed project would have sufficient water supply available to serve the project from existing entitlements and resources. (Less than Significant)

The proposed project's 29 new residents and nine new employees would consume an estimated 1,747 gallons of water per day.[84] Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase would be accommodated within anticipated water use and supply for San Francisco.[85] Additionally, the new project building would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the California State *Building Code* Section 402.0(c), and detailed above in Table 4, page 84. During project construction, the project sponsor and project building contractor must comply with Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, which requires that non-potable water be used for dust-control activities. Since project water demand could be accommodated by the existing and planned supply anticipated under the San Francisco Public Utility Commission's 2010 Urban Water Management Plan for the City and County of San Francisco and the project building would include best-practice water conservation devices, it would not result in a substantial increase in water use on the project site that could not be accommodated by existing water supply entitlements and resources. Therefore, the proposed project would result in less-than-significant water supply impacts.

Impact UT-5: The proposed project would not result in a determination by the wastewater treatment provider that serves the project area that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Less than Significant)

As discussed under Impact UT-2, the proposed project would not require new or expanded wastewater treatment facilities. Because the project could be accommodated by existing facilities, it would not result

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[84] SFPUC, 2010 Urban Water Management Plan (UWMP) for the City and County of San Francisco, June 2011, p. 33. This document is available online at http://sfwater.org/Modules/ShowDocument.aspx?documentID=1055, accessed October 12, 2012. The current consumption rate for residents in San Francisco is 50 gallons per day (gpd) per capita (*Ibid*, page 33). Commercial water use is estimated at 95 gpd per 1,000 square feet of commercial land use (San Francisco Planning Department, Mission Bay Final EIR, Table L.3: Mission Bay Project Total Daily Water Demand, p. L.9). The anticipated new residential population of 29 persons x 50 gpd yields 1,450 gpd; and the 3,126 [1,000 square feet] of commercial uses x 95 yields 297 gpd. The anticipated total gpd usage for the proposed project would therefore be 1,747 gpd.

[85] San Francisco Public Utility Commission, 2010 UWMP, *op cit*. The Plan uses the City's Retail Water Use Models, first developed in 2004 and updated in 2010—an estimate of total growth expected in the City and County of San Francisco from 2010–2035.

in a determination by the wastewater treatment provider that serves the project area that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. The proposed project would result in less-than-significant impacts on wastewater treatment capacity.

Impact UT-6: The proposed project would be adequately served by the City's landfill which has sufficient permitted capacity to accommodate the project's solid waste disposal. (Less than Significant)

Solid waste generated by the City and County of San Francisco is transported to the Altamont Landfill. This landfill has a permitted peak maximum disposal capacity of 11,150 tons per day and is operating well below that capacity, at approximately 4,000 to 5,000 tons per day. In addition, the landfill has an annual solid waste capacity of 2,226,500 tons for waste generated in the City and County of San Francisco. However, the landfill is well below its allowed capacity, receiving approximately 1.29 million tons of solid waste in 2007, the most recent data year available. The total permitted capacity for the landfill is 62 million cubic yards; the remaining capacity is approximately 45.7 million cubic yards.[86]

Recycling, composting, and waste reduction are expected to increasingly divert waste from the landfill, per California and local requirements. The City was required by the State's Integrated Waste Management Act (AB 939) to divert 50 percent of its waste stream from landfill disposal by 2000. The City met this threshold in 2003 and has since increased it to 69 percent in 2005 and 70 percent in 2006. In addition, the Board of Supervisors adopted a plan in 2002 to recycle 75 percent of annual wastes generated by 2010.

The proposed project would be in compliance with the San Francisco *Building Code* Chapter 13 C, which requires a minimum of 75 percent of all construction and demolition debris to be recycled and diverted from landfills. This requirement is enforced through the building permit process. In addition, the proposed project would be in compliance with City Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into

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[86] California Integrated Waste Management Board, Active Landfill Profiles, Altamont Landfill. Available online at http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/, accessed October 11, 2012.

recyclables, compostables, and trash. The project's residents and employees would participate in the City's recycling and composting programs and other efforts to reduce the solid waste disposal stream.

The Altamont Landfill is expected to remain operational until at least 2029 and has plans to increase capacity by 250 additional acres.[87] With the City's increase in recycling and the potential Altamont Landfill expansion, the City's solid waste disposal demand could be met through at least 2029. Given the existing and anticipated increase in solid waste recycling and the proposed landfill expansion, the project would have a less-than-significant impact on solid waste facilities.

Impact C-UT: The proposed project in combination with other past, present, or reasonably foreseeable future projects would result in less-than-significant impacts to utilities and service systems. (Less than Significant)

The proposed project would result in less-than-significant effects on water supply, wastewater facilities, or solid waste services. Existing water, wastewater, and solid waste service provision plans address anticipated growth in the region. The proposed project and other projects, identified on page 27, would not exceed growth projections for the area, and therefore would not result in cumulatively considerable effects on utilities and service systems.

In summary, the proposed project would not exceed wastewater treatment requirements, require or result in the construction of new or expanded water or wastewater treatment facilities or stormwater drainage facilities; would not require new or expanded water supply resources or entitlements; would not require construction or expansion of solid waste facilities; would comply with solid waste statues and regulations; and would result in less-than-significant cumulative impacts to utilities and service systems.

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[87] *Ibid*.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
12. PUBLIC SERVICES— Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☒	☐	☐

Impact PS-1: The proposed project would result in less-than-significant impacts to public services including police and fire protection and schools and parks. (Less than Significant)

Police and Fire Protection

The project site currently receives police and fire protection services from the San Francisco Police Department (SFPD) and the San Francisco Fire Department (SFFD), respectively. The proposed project would construct a mixed-use building with 15 dwelling units and approximately 3,126 sf of commercial/restaurant space. Although the proposed project would add new residential units and a limited amount of commercial/restaurant space, overall demand for fire suppression and police service in the area is not expected to increase substantially because of the proposed project.

The police station that serves the project site is the Southern Station, located at 850 Bryant Street, approximately 0.37 miles southeast of the project site. Other police stations that may serve the area are the Tenderloin Task Force Police Station, at 301 Eddy Street, approximately 3,500 feet (0.66 miles) northeast of the project site, and the Mission Police Station, at 630 Valencia Street, approximately 5,000 feet (0.95 miles) west of the project site).

The fire station that serves the project site is Station No. 36, at 109 Oak Street, approximately 2,500 feet (0.47 miles) northwest of the project site. Other fire stations that would serve the project area in the case of a major fire include Station No. 29, at 299 Vermont Street, approximately 4,000 feet (or 0.76 miles) south of the site; Station No. 8, at 37 Bluxome Street, approximately 5,000 feet (or 0.95 miles) southeast of the project site; Station No. 3, at 1067 Post Street, about 5,000 feet (0.95 miles) north of the project site; and Station No. 7, at 2300 Folsom Street, approximately 5,280 feet (1 mile) west of the project site. The

proposed project would be equipped with fire prevention systems, such as fire sprinklers, smoke alarms, and fire alarms.

As stated above, the project site is already served by public services, including police and fire protection services. Under CEQA, a project would have a significant impact on public services if it were to affect substantially the service ratios or response times of any public service, which would necessitate the need for new or expanded governmental facilities.

The additional police and fire calls that the proposed project may generate are expected to be similar to the number of calls generated by the surrounding residential uses. Therefore, the number of calls that may result from the proposed project would be small compared with the existing total number of calls handled by the nearest police and fire stations, and would not necessitate the need for new or expanded police or fire facilities. As such, the proposed project would have less-than-significant impacts on police and fire protection services.

Schools and Parks

The closest public schools to the project site are Bessie Carmichael Pre-Kindergarten (Pre-K) and Elementary schools, at 55 Sherman Street and 375 7th Street, respectively, both approximately 2,000 feet (0.38 miles) east of the project site; the Tenderloin Pre-K and Elementary schools, both at 627 Turk Street, approximately 3,500 feet (0.67 miles) north of the project site; Gateway Middle School, a charter school, at 2,340 Jackson Street, approximately 5,000 feet (0.95 miles) northwest of the project site; Marshall Elementary School, at 1575 15th Street, approximately 3,300 feet (0.62 miles) west of the project site; and O'Connell High School, at 2355 Folsom Street, approximately 5,280 feet (one mile) west of the project site.

The proposed project would create new dwelling units and new jobs that, at a maximum, would increase San Francisco's population by 0.005 percent. The project could generate an incremental increase in the demand for school services and parks. The San Francisco Unified School District (SFUSD) is currently not a growing district, most facilities throughout the City are generally underutilized, and the SFUSD has more classrooms district-wide than are needed.[88] Thus, the proposed project would not result in a substantial unmet demand for school facilities and would not necessitate new or physically altered school facilities. Therefore, the proposed project would result in a less-than-significant impact on schools. Project-related impacts on recreation are discussed under Topic E.10 Recreation, on page 97.

[88] San Francisco Unified School District, Facilities Master Plan, http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/strategic-plan-beyond-the-talk.pdf, accessed October 11, 2012.

Impact C-PS: The proposed project in combination with other past, present or reasonably foreseeable future projects would result in less-than-significant public services impacts. (Less than Significant)

Cumulative development in the project area, would incrementally increase demand for public services, but not beyond levels anticipated and planned for by public service providers. Thus, project-related impacts to public services would not be cumulatively considerable.

In summary, the proposed project would result in less-than-significant individual and cumulative impacts to public services, including police and fire protection, schools, and parks.

The proposed project's indirect and incremental effect on household growth in the context of City infrastructure update and development planning efforts, i.e., libraries, water supply, and wastewater services, would not be substantial and would not create demand beyond the City's overall growth projections for service provision. Therefore, the proposed project would generate less-than-significant impacts on school services, parks, libraries, community centers, and other public facilities. Project-related impacts on recreation are discussed under Topic E.10 Recreation, on page 97.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
13. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐

Impact BI-1: The proposed project would not result in significant impacts on special status species, avian species, riparian, wetland, or sensitive natural communities, and would not conflict with an approved local, regional, or state habitat construction plan. (Less than Significant)

The project site is not located near any riparian habitat, sensitive natural community, federally protected wetlands or adopted conservation plan. There is no potential for the proposed project to affect adversely special-status species or sensitive natural communities, including wetlands. Migrating birds do pass through San Francisco, but the project site does not contain habitat to support migrating birds. Nesting birds, their nests, and eggs are fully protected by *Fish and Game Code* (Sections 3503, 3503.5) and the federal Migratory Bird Treaty Act (MBTA). The proposed project would be subject to the MBTA, and would therefore have a less-than-significant impact to nesting birds.

Most of the project site is developed with two buildings. A small, approximately 250-sf back yard on the southwest side of the site is barren and partially covered with impervious surfaces. The project site is located in a highly urbanized environment with street trees and urban parks providing the only habitat in the greater project area. Other than the limited back yard, there is no vegetation on the project site. Therefore, the project would result in less-than-significant impacts on biological resources.

Impact BI-2: The proposed project would not conflict with the City's tree ordinance. (Less than Significant)

The San Francisco Board of Supervisors recently adopted legislation that amended the City's Urban Forestry Ordinance, *Public Works Code* Article, Sections 801 et seq., to require a permit from the Department of Public Works (DPW) for removal of any protected trees.[89] Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. The designations are defined as follows.

- ***Landmark trees*** are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designation by using established criteria (Section 810). Special permits are required to remove a landmark tree on private property or on City-owned property.

- ***Significant trees*** are those trees within the jurisdiction of the DPW, or trees on private property within 10 feet of the public right-of-way, that meet certain size criteria. To be considered significant, a tree must have a diameter at breast height of more than 12 inches, a height of more than 20 feet, or a canopy of more than 15 feet (Section 810(A)(a)). The removal of significant trees on privately owned property is subject to the requirements for the removal of street trees. As part of the determination to authorize removal of a significant tree, the Director of DPW is required to consider certain factors related to the tree, including (among others) its size, age, species, and visual, cultural, and ecological characteristics (Section 810A(c)).

- ***Street trees*** are trees within the public right-of-way or on land within the jurisdiction of the DPW. Their removal by abutting property owners requires a permit.

No trees exist on the project site. There is one street tree in the sidewalk along the project site's frontage on 9th Street. If this street tree is to be removed, the project sponsor would obtain a tree removal permit in accordance with *Public Works Code* Section 806 and would plant appropriate replacement street trees in compliance with *Planning Code* Section 138.1, the *Better Streets Plan*, and in accordance with the MBTA. *Planning Code* Section 138.1 requires new construction, significant alterations, or relocation of building projects within any zoning district to include the planting of one 24-inch box tree for every 20 feet along the project site's street or alley frontage, with any remaining fraction of 10 feet or more requiring an additional tree. The trees must be planted in conformance with the City's recently adopted *Better Streets Plan*, including conformance with the street tree goals for a particular street type.

[89] Board of Supervisors, Ordinance No. 17-06, amending Public Works Code Sections 801, et seq.

The project site does not have any tree that would be disturbed by construction of the proposed project. As discussed above, there is a street tree adjacent to the project site, which, if it would be disturbed or removed, would be replaced in accordance with local regulations. Additionally, the proposed project would include the planting of additional street trees in accordance with local regulations. For these reasons, the project would therefore not conflict with the City's Urban Forestry Ordinance, and would have less-than-significant impacts related to tree protection.

Impact C-BI: The proposed project in combination with other past, present or reasonably foreseeable future projects would not result in impacts to biological resources. (No Impact)

As discussed above, the project site does not contain biological resources, and the project vicinity has limited biological resources limited to street trees, which do not provide a habitat for endangered or threatened plant or animal species. Therefore, the project could not impact such species. Therefore the proposed project does not have the potential to contribute to cumulative impacts on biological resources.

In summary, as noted above, the proposed project would have no impact on special-status species, avian species, riparian, wetland, or sensitive natural communities; would not conflict with an approved local, regional, or state habitat conservation plan or tree protection ordinance; and would have no cumulative impact on biological resources.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
14. GEOLOGY AND SOILS— Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☒	☐	☐

There would be no use of septic tanks, or alternative wastewater disposal systems for the proposed project. Therefore, Topic E.14.e is not applicable to the proposed project and will not be addressed further.

Impact GE-1: The proposed project would result in less-than-significant impacts related to exposure of persons or structures to seismic and geologic hazards. (Less than Significant)

The analysis in this section is based on a Geotechnical Report prepared for the proposed project.[90] The scope of the investigation consisted of reviewing test boring logs previously carried out at the site and a review of nearby foundation special inspection report; evaluation of soil classification, subsurface conditions, seismicity, slide potential; and design recommendations.

The Geotechnical Report notes that the soil underneath the project site is characterized by medium dense to dense sand up to depths of 15 feet bgs, with denser sand at lower depths. No groundwater was encountered during borings extending to a depth of 15 feet bgs.

[90] P. Whitehead and Associates, *Geotechnical Report, 248-252 9th Street, Block 3518 Lot 006, San Francisco, California* November 28, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

The project site is located approximately 6 miles northeast of the San Andreas Fault, the closest mapped active fault in the project vicinity, and approximately 12 miles southwest of the Hayward Fault. The Working Group for California Earthquake Probabilities estimates a 70 percent chance of having one or more magnitude 6.7 or larger earthquakes in the San Francisco Bay Area over the next 30 years (2007–2036).[91]

The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known fault or potentially active fault exists within the project site. In a seismically active area, such as the San Francisco Bay Area, the remote possibility exists for future faulting in areas where no faults previously existed.

The site is within an area designated as potentially liquefiable in San Francisco by the California Division of Mines and Geology (CDMG 2000).[92] The project site is not located in an area subject to landslides, and would not be located on a geologic unit or soil that is unstable or would become unstable as a result of the project. The project site is not located on expansive soil.

The project would include an 18-inch mat slab foundation to replace the existing 18-inch mat slab foundations. There would be minor excavation of approximately 370 cubic yards, and excavation to a depth of approximately three feet. The geotechnical report indicated that the foundation should consist of a raft footing founded on the underlying sand material. The footings should penetrate the material to a depth of 24 inches. The raft area should be scarified, wetted, and re-compacted. The geotechnical report recommends shoring and underpinning adjacent properties if any excavation for the project would occur below footings of adjacent buildings or city sidewalks.

The proposed project would comply with the latest California Building Code (CBC) requirements for construction and rehabilitation, which would reduce the associated risk of property loss and hazards to occupants to a less than significant level. The project site is not located within a general area susceptible

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91 Field, Edward H., Milner, Kevin R., and the 2007 Working Group on California Earthquake Probabilities, 2008, *Forecasting California's earthquakes; What can we expect in the next 30 years?*: U.S. Geological Survey, Fact Sheet 2008-3027,p.4, Version 1.0, April 14, 2008, 10:00 AM. Initial release online at http://pubs.usgs.gov/fs/2008/3027/, accessed October 21, 2012.

92 California Division of Mines and Geology (CDMG), Seismic Hazard Zone Report for the City and County of San Francisco, California, 2000. Available online at http://gmw.consrv.ca.gov/shmp/download/evalrpt/sf_eval.pdf, accessed October 21, 2012.

to potential landslides.[93] The project area is essentially level, and there is no significant sloping on or immediately upslope of the project site. Therefore, slope stability would not be a factor in the proposed construction.

Potential seismic and geologic hazards would be addressed through compliance with the CBC, as implemented through DBI. The final building plans and the structural report would be reviewed by DBI prior to issuance of a building permit. To ensure compliance with all San Francisco *Building Code* provisions regarding structural safety, DBI would determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking, liquefaction, and compressibility. These potential hazards would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application; thus, the project would result in less-than-significant impacts related to seismic and geologic hazards.

Impact GE-2: The proposed project would result in less-than-significant impacts related to soil erosion or substantial changes in the project site's topography or any unique geologic or physical features of the site. (Less than Significant)

The ground surface elevation of the project site is approximately 33 feet above mean sea level. The general topography of the project area slopes gently down to the southeast. Two existing buildings occupy the site and the 18-inch mat slab foundations extend to the property lines. The project would require DPW approval of any grading permit and analysis for efficient stormwater management during project construction.

Construction of the foundation would require excavation for site preparation for the replacement 18-inch-thick mat slab. Up to 370 cubic yards of soil and debris would be excavated from the site. Any soil removed from the project site would be trucked to an appropriate landfill following testing pursuant to City and State requirements for hazardous materials. During demolition and construction, there would be a potential for erosion of a less-than-significant amount of soil during demolition construction of the proposed building foundation.

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[93] San Francisco Planning Department. *San Francisco General Plan, Community Safety Element*. Map 5. August 1997. This document is available online at the Planning Department's website at: www.sfplanning.org, accessed February 10, 2012.

Therefore, the project would not result in substantial project-level or cumulative soil erosion. The project's impacts related to soil erosion or changes in topography or geologic features would be less than significant.

Impact C-GE: The proposed project in combination with other past, present or reasonably foreseeable future projects would result in less-than-significant impacts to geology and soils. (Less than Significant)

Geology impacts are generally site-specific and in this setting would not have cumulative effects with other projects. Thus, the project would not contribute to any significant cumulative effects on geology or soils.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
15. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐	☐

Impact HY-1: The proposed project would have no impact on water quality standards or waste discharge requirements. (Less than Significant)

The proposed project would not substantially degrade water quality or contaminate a public water supply. The proposed project's wastewater and stormwater would continue to flow into the City's combined stormwater and sewer system and would be treated to the standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, prior to discharge into the Pacific Ocean. Treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. During construction, there could be a slight potential for erosion and the transport of soil particles during building foundation work. Once in surface water runoff, sediment and other pollutants could leave the construction site and ultimately be released into the San Francisco Bay.

Regulations incorporated into the San Francisco Green Building Ordinance address stormwater management by reducing impervious surfaces, promoting infiltration, and capturing and treating 90 percent of the runoff from an average annual rainfall event using acceptable Best Management Practices. These regulations ensure that projects would reduce runoff from project sites.

Pursuant to the San Francisco Building Code and the City's NPDES permit, the project sponsor would be required to implement measures to reduce potential erosion impacts. During operation and construction, the proposed project would be required to comply with all local wastewater discharge and water quality

requirements. Therefore, the proposed project would not substantially degrade water quality, and impacts on water quality would be less than significant.

Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (Less than Significant)

The City overlies all or part of seven groundwater basins. These groundwater basins include the Westside, Lobos, Marina, Downtown, Islais Valley, South San Francisco, and Visitacion Valley basins. The Lobos, Marina, Downtown, and South basins are located wholly within the City limits, while the remaining three extend south into San Mateo County. With the exception of the Westside and Lobos basins, all of the basins are generally inadequate to supply a significant amount of groundwater for municipal supply due to low yield.[94]

Local groundwater use has occurred in small quantities in the City. For several decades groundwater has been pumped from wells located in Golden Gate Park and the San Francisco Zoo. Based on well operator estimates, about 1.5 million gallons a day is produced by these wells. The groundwater is mostly used in the Westside Groundwater Basin by the Recreation and Park Department for irrigation in Golden Gate Park and at the Zoo. These wells are located in the North Westside Groundwater Basin. The California Department of Water Resources has not identified this basin as over-drafted, nor as projected to be over-drafted in the future. Based on semi-annual monitoring, the groundwater currently used for irrigation and other non-potable uses in San Francisco meets, or exceeds, the water quality needs for these end uses.

Currently, there is negligible recharge of groundwater at the project site because the two existing buildings cover the entire project site except for a small, approximately 250-sf rear yard that includes limited impervious surfaces. The proposed project would decrease slightly impermeable surfaces on the project site, and therefore would not substantially increase the amount of surface runoff that drains into the City's combined sewer and stormwater drainage system.

As noted above, construction activities would be required to comply with all provisions of the NPDES program, as enforced by the RWQCB. The groundwater level is at least 15 bgs, below the level of the existing and the proposed mat slab foundation. However, if any groundwater is encountered during

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[94] 2010 Urban Water Management Plan for the City and County of San Francisco, p. 25, SFPUC, June, 2011.

construction, the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the combined stormwater and wastewater system. Project sponsors must notify the SFPUC's Bureau of Environmental Regulation and Management when projects would require dewatering and water analysis before discharge. If the DBI requires a geotechnical report and a final soils report, they would address associated potential settlement and subsidence impacts. Based upon this discussion, the report would determine if the project sponsor must conduct a lateral movement and settlement survey to monitor movement or settlement of surrounding buildings and adjacent streets. If this survey were recommended, DPW would require that the project sponsor retain a Special Inspector (as defined in Article 3 of the *Building Code*) to conduct the survey.

Compliance with established requirements of the *Building Code* and the City's Industrial Waste Ordinance would ensure that impacts on groundwater would be less than significant.

Impact HY-3: The proposed project would not substantially alter the existing drainage pattern of the site or area. (Less than Significant)

The project site is almost entirely covered by impervious surfaces, except for a few small portions of an approximately 250-sf rear yard. The proposed project would replace this rear yard with entirely pervious surface on the site; however, the slight improved drainage pattern change on the site would not result in a significant impact. Therefore, the proposed project would have a less-than-significant impact on drainage patterns on the site or the area.

Impact HY-4: The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant)

As discussed under Impact HY-3, the proposed project would not substantially alter drainage patterns in the area. With residential and commercial/restaurant uses, the proposed project would not be expected to generate substantial amounts of polluted runoff.

Because soil would be exposed during site preparation, requirements of the *Building Code* Chapter 33, Excavation and Grading, would be implemented to ensure that no siltation of the combined stormwater/wastewater system would occur. Chapter 33 includes safeguards for safety of pedestrians during construction, structural stability, and protection of adjacent properties from damage during demolition and construction activities.

Compliance with established requirements of the *Building Code* and the City's Industrial Waste Ordinance would ensure that impacts on groundwater and impacts related to drainage would be less than significant.

Impact HY-5: The proposed project would not otherwise substantially degrade water quality. (Less than Significant)

The proposed project would not include uses that would be anticipated to degrade water quality substantially. As discussed above, construction of the proposed project is not anticipated to degrade water quality substantially.

Impact HY-6: The proposed project would not place housing within a 100-year flood hazard area (No Impact)

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a 1-percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area ("SFHA").

In 2007, FEMA issued preliminary FIRMs for review and comment by the City, after completing a more detailed analysis of flood hazards associated with San Francisco Bay as requested by the Port and City

staff. As proposed, the FIRMs would designate portions of waterfront piers, Mission Bay, Bayview Hunters Point, Hunters Point Shipyard, Candlestick Point, and Treasure Island as Zone A (areas of coastal flooding with no wave hazard; or waves less than three feet in height) or Zone V (areas of coastal flooding subject to the additional hazards associated with wave action).[95] The project site is not located within Zone A, Zone V, or a SFHA on San Francisco's Interim Floodplain Map.[96,97]

The project site is located within an area identified by the SFPUC as prone to flooding due to combined sewer backups or flooding, which can affect locations, such as parts of the South of Market, developed at elevations below the water level in the combined sewer lines.[98] Through the building permit review process for this project, the SFPUC would require that the ground level of the proposed building be located at or above the official grade of the street to minimize the potential of a sewer backup during storm events as well as to minimize the potential of street storm flow from entering the property. In addition, if plumbing fixtures that are below the elevation of the side sewer vent cover are to be utilized for this project, a backflow device would be required to be installed on those plumbing fixtures in accordance with the San Francisco Plumbing Code.[99]

In light of the above, the project would result in less-than-significant impacts related to placement of mixed-use building within a 100-year flood zone.

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95 City and County of San Francisco, Office of the City Administrator. *National Flood Insurance Program Flood Sheet*, January 25, 2012. Available online at: http://sfgsa.org/Modules/ShowDocument.aspx?documentid=7520. Accessed September, 27 2012.

96 Federal Emergency Management Agency (FEMA). *Preliminary Flood Insurance Rate Map (FIRM), City and County of San Francisco, California, Panel 120 of 260, Map Number 06075C0120A*, September 21, 2007. Available online at: http://sfgsa.org/Modules/ShowImage.aspx?imageid=2672. Accessed February 14, 2013.

97 City and County of San Francisco, Office of the City Administrator. *Final Draft San Francisco Interim Floodplain Map, Northeast, July, 2008*. Available online at: http://sfgsa.org/Modules/ShowDocument.aspx?documentid=1785. Accessed February 14, 2013.

98 San Francisco Planning Department, *Review of Projects in Identified Areas Prone to Flooding*, April 1, 2007. Available online at: http://ec2-50-17-237-182.compute-1.amazonaws.com/docs/PlanningProvisions/info%20sheet%20v1.3.pdf. Accessed September 27, 2012.

99 Cliff Wong, San Francisco Department of Public Works. *Email to Kei Zushi, San Francisco Planning Department, 248-252 9th Street*, February 25, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

Impact HY-7: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow (Less than Significant)

As noted above, development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. Portions of the City prone to flooding during storms, especially where a structure's ground floors are located below an elevation of 0.0 City Datum or, more important, below the hydraulic grade line or water level of the sewer main. The SFPUC has identified "blocks of interest" given their potential for flooding, and the proposed project site is located within one of these blocks.

The City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Potential flooding impacts would be less than significant due to the SFPUC review process. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (DBI), or for major alterations or enlargements are referred to the SFPUC for a determination of whether the project would result in ground-level flooding during storms. The side sewer connection permits for these projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department or the DBI. The SFPUC and/or its delegate (DPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt. The permit applicant shall refer to SFPUC requirements for information required for the review of projects in flood-prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

In addition, the project site is not located within an area that would be flooded as the result of levee or dam failure.[100] It is not located in an area identified for potential inundation in the event of a tsunami along the San Francisco coast, based on a 20-foot water level rise at the Golden Gate.[101] Nor is it within an

[100] Association of Bay Area Governments (ABAG), http://www.abag.ca.gov/cgi-bin/pickdamx.pl, accessed October 21, 2012.

[101] San Francisco Planning Department, *Community Safety Element of the General Plan*, Map 6.

area subject to landslides and/or mudflow.[102] The project would have less-than-significant impacts related to risks from flood, tsunami, seiche, or mudflow.

Impact C-HY: The proposed project in combination with other past, present, or reasonably foreseeable future projects would result in less-than-significant hydrology and water quality impacts. (Less than Significant)

The proposed project would have a less-than-significant impact or no impact on water quality standards, stormwater, groundwater, drainage, flood, inundation, or runoff, and thus would not contribute considerably to cumulative impacts of these environmental resource issues. Cumulative development in the project area could result in intensified uses and a cumulative increase in wastewater generation. The SFPUC, which provides wastewater treatment for the City, has accounted for such growth in its service projections. Thus, the project would not contribute to any cumulatively considerable impacts on hydrology or water quality; this impact would be less than significant.

The proposed project would not violate any water quality standards or waste discharge requirements and would result in less-than-significant impacts to water quality; would not substantially deplete groundwater supplies or interfere with groundwater recharge, or otherwise substantially alter the existing drainage pattern of the site resulting in erosion or flooding on- or off-site; would not result in a significant increase in risks from 100-year floods or storm flooding resulting from the elevation of the project site relative to the hydraulic grade line or water level of the sewer. The proposed project would not result in a significant increase in risks from tsunami, seiche, or mudflow; and would have would result in less-than-significant cumulative hydrology and water quality impacts.

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[102] San Francisco Planning Department, *Community Safety Element of the General Plan*, Map 5.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
16. HAZARDS AND HAZARDOUS MATERIALS— Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☒	☐	☐

The project site is not located within two miles of a public or private airport or airport land use plan; therefore Topics E.16.e and E.16.f are not applicable to the proposed project and will not be addressed further.

Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, disposal, handling or emission of hazardous materials. (Less than Significant)

The proposed project would likely result in the use of common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All of these products have labels that inform users of risks and that instruct them in proper disposal methods. Most of these materials are consumed through use, resulting in little hazardous waste. Businesses are required by law to ensure employee safety by

identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous material use by the proposed project's residents and employees would not pose a substantial public health or safety hazard. The project would have a less-than-significant impact related to routine use of hazardous materials.

Impact HZ-2: The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment. (Less than Significant with Mitigation)

Prior Uses of the Site

A Phase I Environmental Site Assessment (ESA) was prepared for the project by AEI Consultants in January 2008.[103] The results of that study are discussed below.

According to historical sources, the two existing buildings were constructed in 1907. Prior to the construction of the buildings, the property was vacant before 1889 and developed with a small structure on the 248 9th Street lot in 1899. The 1906 Earthquake and Fire likely destroyed the subject block and a large portion of the SoMa. Since construction of the subject buildings, the buildings have been occupied by numerous businesses. The building at 248 9th Street has housed the following businesses: a machine shop (ca. 1913), a stove distributor (ca. 1935), a heating contractor (ca. 1948-1949), a steel and machinery company (ca. 1955-1958), a building maintenance company (ca. 1959-1970), manufacturer's representation (ca. 1976), and janitorial service (ca. 1978-1982). The building at 252 9th Street has housed the following businesses: a butcher shop (ca. 1909), enameling (ca. 1927-1933), coffee and tea wholesale (ca. 1939-1946), and Anker Sewing Machine Distribution (ca. 1953), Buckley and Curtain Printing (ca. 1954-1978), a warehouse (ca. 1988), various theaters (from approximately 1990-1995), and Shotwell Studio (ca. 2006).[104]

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[103] AEI Consultants, *Phase I Environmental Site Assessment, 248-252 9th Street, San Francisco, California 94103*, January 18, 2008. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

[104] Tim Kelley Consulting. *Historical Resource Evaluation, 248 & 252 Ninth Street, San Francisco, California*, February 2011, updated July 2011. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case No. 2010.0222E.

The Phase I ESA noted that no evidence of recognized environmental conditions[105] were revealed in connection with the project site, and recommended no further investigations for the project site. San Francisco Department of Public Health Site Assessment and Mitigation Program (DPH SAM) reviewed the Phase I ESA, and concluded that a Phase II Subsurface Investigation would be required for the project site based on the prior uses of the project site outlined in the Phase I ESA, which include metals and printing shops.

The Phase II Subsurface Investigation would be performed under the supervision of DPH SAM. Depending on the results of the Phase II Subsurface Investigation, a Site Mitigation Plan (SMP) may be required by the DPH SAM. The SMP shall be prepared to describe mitigation measures and controls to be used during construction. The mitigation measures and controls would address handling contaminated soil and groundwater in accordance with local and state regulations and guidelines. To mitigate the potential soils contamination, the following mitigation measures have been included. With the implementation of these mitigation measures, the project would not result in a significant impact with respect to hazardous materials. The project sponsor has agreed to implement these mitigation measures.

Mitigation Measure M-HZ-2A: Health Risks and Nuisance Odors related to Groundwater

The groundwater presents possible health risks and nuisance odors should the building basement or elevator pits extend to or near the depth of groundwater. The building design shall include petroleum hydrocarbon resistant vapor control barriers beneath the building if the depth of any structural component approaches the depth of groundwater. The vapor barrier design shall be stamped by an appropriately licensed engineer. This mitigating measure shall be implemented unless the SPH SAM issues a letter stating that, based on available data, the vapor barrier is not needed.

Any groundwater pumped for dewatering, or any other groundwater discharge anticipated during construction, must comply with applicable permits. Discharges to the sewer require permits from the San Francisco Department of Public Works (DPW) and the San Francisco Power and Sewer (of the San Francisco Public Utilities Commission). Discharges to the surface would require a National Pollution Discharge Elimination System (NPDES) permit from RWQCB. Copies of any groundwater discharge related permits and pretreatment system design shall be submitted to DPH SAM at least 14 days prior to beginning construction activities, including grading and earthwork.

Mitigation Measure M-HZ-2B: Voluntary Remedial Action Program Activities

[105] Recognized environmental conditions (RECs) are defined by the ASTM Standard Practice E1527-05 as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

The project sponsor shall prepare a Work Plan for the Phase II Subsurface Investigation and submit it to DPH SAM for review and approval. Prior to the preparation of the Work Plan, the project sponsor shall set up a meeting with DPH SAM to discuss the scope and procedure of the work to be included in the Work Plan. The Work Plan shall be approved by DPH SAM prior to commencement of any on-site work related to the proposed project including the work for Phase II Subsurface Investigation. After DPH SAM approves the Work Plan, the Work Plan shall be implemented by the project sponsor and an investigation report submitted to DPH SAM for its review and records.

Depending on the results of the Phase II Subsurface Investigation, a SMP may be required to address the testing and management of contaminated soils, groundwater controls, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. If a SMP is required, the SMP shall be implemented by the project sponsor and monitored under the supervision of DPH SAM, and shall address:

- Figures showing the proposed vertical and lateral extent of excavation including foundation footings and elevator shafts;
- Figures showing the proposed building locations and configurations;
- Identification of the proposed soil transporter and disposal locations;
- Collection of confirmation samples in the excavation area following excavation. Provide the approximate number and proposed locations for sampling;
- If confirmation samples exceed State ESL or other criteria established with DPH SAM, additional excavation may be needed and additional confirmation samples shall be collected and analyzed;
- Soil samples shall be analyzed for the appropriate TPH ranges, volatile organic compounds, and metals;
- Permits applied for, or obtained for groundwater discharges;
- Dust control plan and measures per SF Health Code Article 22B;
- Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site Specific Environmental Health and Safety Plan;
- Stormwater control and noise control protocols as applicable;
- Preparation and submittal to DPH SAM of a final report documenting implementation of the SMP.

The SMP, vapor control design and Contingency Plan shall be submitted to DPH SAM at least four weeks prior to beginning construction excavation work. The Health and Safety Plan and Dust Control Plan may be submitted two weeks prior to beginning construction field work.

Submit a final project report to DPH SAM following completion of excavation and earthwork performed. The final report shall include site map showing areas of excavation and fill, sample locations and depth, tables summarizing analytical data. Report appendices shall include: copies of permits (including dewatering permit), manifests or bills of landing for removed soil and/or water, laboratory reports for soil disposal profiling and water samples.

Should an underground storage tank (UST) be encountered, on-site work shall be suspended and the owner notified. The site owner or their representative shall notify the DPH SAM of the situation and of the proposed response actions. The UST shall be removed under permit with the DPH Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. DPH SAM shall be sent a copy of permits and tank closure reports prepared for HMWP or the Fire Department.

In addition, the project shall comply with San Francisco Health Code Article 22, which provides for safe handling of hazardous wastes in the City. It authorizes DPH to implement the state hazardous waste regulations, including authority to conduct inspections and document compliance.

Compliance with hazardous materials regulations and **Mitigation Measures M-HZ-2A and M-HZ-2B**, potential impacts of the proposed project related to exposure of hazardous materials would be less-than-significant.

Hazardous Building Materials

Given of the age of the existing buildings (constructed prior to 1980), asbestos-containing building materials (ACBM) are likely to be present in the existing buildings. In addition, since the building was constructed prior to 1979, both interior and exterior paints could contain lead. Surveys for these materials were conducted for the building at the 252 9th Street building by ProTech Consulting & Engineering.[106] The asbestos survey identified 13 locations where asbestos-containing material was suspected. Samples were collected and two of the 13 samples contained asbestos. The lead survey included x-ray fluorescent detecting of suspected lead-based paint and found three samples of lead-based paint and one sample of lead-containing paint. For both the asbestos and lead surveys in the 252 9th Street building, further abatement was recommended. It is likely that the 248 9th Street building contains similar asbestos and lead conditions

[106] ProTech Consulting & Engineering. *Asbestos Survey and Evaluation, Conducted at 252 9th Street, San Francisco, California*, January 21, 2009, and *Lead Survey and Evaluation, Conducted at 252 9th Street, San Francisco, California*, January 21, 2009. These documents are on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2010.0222E.

Asbestos

In general, asbestos can be present in building and heating system installation, vinyl sheet flooring and tile, exterior stucco, paint, window putty, roofing material and other building materials. The California Department of Toxic Substances Control (DTSC) considers these materials hazardous and their removal is required. Certain ACBMs can remain in place unless directly affected by the proposed construction project, such as roofing paint and coating material, mirror and ceiling tile coating material, and some vinyl floor tile. However, prior to demolition, building renovation, or construction activity, all potentially friable (subject to crumbling) ACBMs must be removed in accordance with local and state regulations, BAAQMD, California Occupational Safety and Health Administration (CAL OSHA), and California Department of Health Services (DHS) requirements. This may include non-friable ACBMs that could be disturbed by the proposed demolition and construction activities.

Section 19827.5 of the *California Health and Safety Code*, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The California legislature vests the BAAQMD with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and the BAAQMD is to be notified ten days in advance of any proposed demolition or abatement work. The notification must include the names and addresses of the operations and the names and addresses of persons responsible; location and description of the structure to be demolished/altered, including size, age, and prior use of the structure, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or asbestos abatement work; nature of the planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received. Any ACBM disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing.

The local office of CAL OSHA must also be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos related work involving 100 gsf or more of asbestos-containing material. Asbestos removal contractors must be certified by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste

Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures already established as part of the building permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Lead-Based Paint

Work that could result in disturbance of lead paint must comply with Section 3425 of the *Building Code*, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building, or the interior of occupied buildings built prior to or on December 31, 1978, Section 3425 requires specific notification and work standards and identifies prohibited work methods and penalties.

Section 3425 applies to buildings or steel structures on which original construction was completed prior to 1979, which are assumed to have lead-based paint on their surfaces unless a certified lead inspector/assessor tests those surfaces for lead and determines it is not present according to the definitions of Section 3425. As noted above, surveys conducted for the project identified that the existing structure contains lead. The Ordinance also applies to residential buildings, hotels, and childcare centers. The ordinance contains performance standards at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines,[107] and identifies prohibited practices that may not be used in disturbance or removal of lead paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work, protect floors and other horizontal surfaces from work debris during interior work, and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

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[107] Department of Housing and Urban Development, June 1995, *Guidelines for Evaluation and Control of Lead-Based Paint Hazards*, available online at http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines. Accessed October 12, 2012.

The Ordinance also includes notification requirements, contents of notice, and requirements for project site signs. Prior to commencement of exterior work that disturbs or removes 100 or more gsf or 100 or more linear feet of lead-based paint in total, the responsible party must provide the Director of the DBI with a written notice that describes the following aspects of the work to be performed: (1) address and location of the proposed project; (2) the scope and specific location of the work; (3) whether the responsible party has reason to know or presume that lead-based paint is present; (4) the methods and tools for paint disturbance and/or removal; (5) the approximate age of the structure; (6) anticipated job start and completion dates for the work; (7) whether the building is residential or nonresidential; (8) whether it is owner-occupied or rental property; (9) the approximate number of dwelling units, if any; (10) the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and (11) the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include the following: (1) a Post Sign notifying the public of restricted access to work area, (2) a Notice to Residential Occupants, (3) availability of pamphlet related to protection from lead in the home, and Early Commencement of Work [by Owner, Requested by Tenant], and (4) Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures, already established as part of the review process for building permits, would ensure that potential impacts of the proposed project due to the presence of lead-based paint would be reduced to a less-than-significant level.

Polychlorinated Biphenyls

In addition to asbestos containing building materials and lead-based paint, buildings can contain other potentially hazardous building materials, including the potential presence of polychlorinated biphenyl (PCBs) in fluorescent light fixtures. Newer light fixtures would not contain PCB ballasts; however, confirmation would require individual inspection of each fixture, or accurate replacement records to determine their age. Fluorescent light bulbs are also regulated (for their disposal) because of their mercury content. Surveys for PCB-containing light fixtures have not been conducted.

Inadvertent release of such materials during renovation could expose construction workers, occupants, or visitors to these substances and could result in various adverse health effects if exposure were of sufficient quantity. Abatement or notification programs described above for asbestos and lead-based

paint have not been adopted for PCB and mercury testing and cleanup; however, items containing other lead-containing or otherwise hazardous building materials or other toxic substances that are intended for disposal must be managed as hazardous waste and handled in accordance with CAL OSHA worker protection requirements. Nonetheless, potential impacts associated with encountering PCBs, mercury, lead, or other hazardous substances in building materials would be considered significant environmental impacts. Hazardous building materials sampling and abatement pursuant to existing federal, state, and local laws and regulations prior to renovation work, as described in **Mitigation Measure M-HZ-2C**, would reduce potential impacts associated with PCBs, mercury, lead, and other toxic building substances in structures to less-than-significant levels.

Mitigation Measure M-HZ-2C: Other Hazardous Building Materials (PCBs, Mercury, Lead, and Others)

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. A survey for lead has been conducted and identified the presence of lead in the existing building. Any hazardous building materials discovered during surveys shall be abated according to federal, state, and local laws and regulations.

Maher Layer

There are certain areas of the city that consist of fill and are subject to Article 22A of the San Francisco Health Code, formerly known as the Maher Ordinance, which applies to construction projects that are bayward of the historic high tide line and involve excavation of greater than 50 cubic yards of soil. These areas, which were once highly industrialized and contaminated, or consist of imported fill composed of soil and debris from the 1906 earthquake, often contain lead and other pollutants.

The proposed project is not located bayward of the original high tide line, and therefore is not subject to the Maher Ordinance. The project site is not located within what is referred to as a "Maher Layer," an area generally south of Market Street with known fill. Therefore, the proposed project would result in less-than-significant impacts related to soil hazards associated with debris fill.

Impact HZ-3: The proposed project would not handle hazardous materials within a quarter-mile of a school. (No Impact)

No schools are located within one-quarter mile of the site, and the proposed project would not involve the handling of hazardous materials. Any hazardous materials currently on the site, such as asbestos or lead-based paint, would be removed during demolition prior to project construction, and would be handled in compliance with applicable laws and regulations. There would be no potential for such materials to affect the nearest school. Thus, the proposed project would have no impact with respect to the handling of hazardous materials within one-quarter mile of a school.

Impact HZ-4: The proposed project is not included on a State hazardous materials list. (No Impact)

The project site is not located on a State hazardous materials database. In addition, the project site is not on the Cortese List, compiled under *Government Code* Section 65962.5.

Other hazardous materials databases include the Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's EnviroStor database, which identifies sites that have known contamination or hazardous sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to CalSites, and provides additional site information, including, but not limited to, identification of formerly contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites. The project site is not listed within the EnviroStor database and would not, as a result, create a significant hazard to the public or the environment. Therefore, the proposed project would have no impact with respect to being located on a hazardous materials site.

Impact HZ-5: The proposed project would not impair or interfere with an adopted emergency response or evacuation plan or expose people to a significant risk involving fires. (Less than Significant)

The proposed project would not interfere with emergency response or evacuation plans. Occupants of the proposed building would contribute to congestion if an emergency evacuation of the SoMa Area were required. The proposed project sponsor would develop an evacuation and emergency response plan as required by the local Office of Emergency Services. The Office of Emergency Services would review the emergency response plan to ensure coordination between citywide and site-specific emergency planning.

The proposed project does not contain any features that would result in additional exposure of people or structures to a significant risk of loss, injury, or death involving fires. San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its *Building Code* and *Fire Code*. The project would conform to these standards, and potential fire hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the building permit review process. Conformance with these standards would ensure appropriate life safety protections for the residential and retail (likely restaurant) uses. Consequently, the project would have a less-than-significant impact on fire safety and emergency access.

Impact C-HZ: The proposed project in combination with other past, present or reasonably foreseeable future projects would result significant cumulative hazards and hazardous materials impacts. (Less than Significant with Mitigation)

Impacts from hazardous materials are generally site-specific and typically do not result in cumulative impacts. Any hazards at existing and foreseeable future nearby sites would be subject to the same life-safety requirements discussed for the proposed project above, which would reduce any hazard effects to less-than-significant levels. Overall, with implementation of **Mitigation Measures M-HZ-2A, M-HZ-2B, and M-HZ-2C**, the project would not contribute to cumulatively considerable significant effects related to hazards and hazardous materials. This impact would be less than significant.

In summary, the proposed project would have a less-than-significant impact related to transport, use, disposal, handling, or emission of hazardous materials. With implementation of **Mitigation Measures M-**

HZ-2A, **M-HZ-2B**, and **M-HZ-2C**, it would have a less-than-significant impact related to release of hazardous materials into the environment. The project would not handle hazardous materials within a quarter-mile of a school, interfere with an adopted emergency response or evacuation plan, or expose people to a significant risk involving fires. In addition, the project site is not listed in a State hazardous materials database. The project would not have any significant cumulative hazards or hazardous materials impacts.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
17. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☒	☐	☐

Impact ME-1: The proposed project would have no impact on mineral resources. (No Impact)

No mineral resource is located on or near the project site. All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ, and thus the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. There is no operational mineral resource recovery site in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project. Therefore, the project would have no impact on mineral resources.

Impact ME-2: The proposed project would consume additional energy, but not in large amounts or in a wasteful manner. (Less than Significant)

The proposed project's mixed uses would not consume large amounts of fuel, water, or energy. Electricity generation would consume additional natural gas and coal fuel. New buildings in San Francisco are required to conform to current state and local energy conservation standards, including Title 24 of the *California Code of Regulations*. DBI enforces Title 24 compliance, and documentation demonstrating compliance with these standards is submitted with the application for the building permit. As a result, the proposed project would not cause a wasteful use of energy or other non-renewable natural resources, and would have a less-than-significant impact on energy resources.

Impact C-ME: The proposed project in combination with other past, present or reasonably foreseeable future projects would result in less-than-significant impacts to mineral and energy resources. (Less than Significant)

The proposed project would have no effect on mineral resources, and would therefore have no potential to cause a significant impact to mineral resources in combination with other past, present, or reasonably foreseeable future projects. The project would be required by DBI to conform to current state and local energy conservation standards, including Title 24 of the *California Code of Regulations*. As a result, the proposed project in combination with other past, present or reasonably foreseeable future projects would not cause a wasteful use of energy or other non-renewable natural resources. The proposed project would have a less-than-significant cumulative impact on energy resources.

In summary, the proposed project would have no impact on mineral resources and less-than-significant project-level and cumulative impacts on energy resources.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. — **Would the project**					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☒	☐

Impact AF-1: The proposed project would not convert farmland, conflict with existing zoning for agricultural uses or forest land, and would not result in the loss or conversion of forest land. (No Impact)

The project site is fully developed and is in an urban area that does not include any agricultural uses or agricultural zoning. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as "Urban and Built-up Land."[108] Because the site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland. There is no forest land on or near the

[108] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Important Farmland in California, 2008" (map), December 2010.

project site, nor is any land in the greater project area zoned for forest land. The project would have no impact on agricultural or forest land.

Impact C-AF: The proposed project in combination with other past, present or reasonably foreseeable future projects would not result in impacts to agricultural and forest resources. (No Impact)

As described above, the project would have no impact with respect to agriculture or forestry resources; therefore, the project would not contribute to any cumulatively considerable impact to agricultural and forest resources. There would be no cumulative impact to agricultural and forest resources.

In summary, the project would have no individual or cumulative impacts on agricultural or forest resources.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
19. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒

Construction noise impacts would be reduced to less-than-significant levels with implementation of **Mitigation Measure M-NO-2**, in Section F. Mitigation Measures. Construction air quality impacts would

be reduced to less-than-significant levels with implementation of **Mitigation Measure M-AQ-2**, in Section F. Because of the high traffic volumes along the 9th Street frontage of the proposed project, its residents would be significantly impacted by vehicular emissions. Implementation of **Mitigation Measure M-AQ-4**, in Section F, would reduce this impact to a less-than-significant level. Asbestos, lead-based paint, or other hazardous materials could be present within the project site and in the building materials of the existing buildings at 248-252 9th Street, and such materials could be released to the environment during proposed demolition activities, posing a potential health hazard to construction workers and members of the public. Any potential adverse effect to human health or the environment resulting from disturbance of hazardous materials within the project site and building materials during proposed construction activities would be reduced to a less-than-significant level by implementation of **Mitigation Measures M-HZ-1A**, **M-HZ-1B**, and **M-HZ-1C**, in Section F. Accordingly, the proposed project would not result in a significant impact from the release of hazardous materials to the environment.

Both long-term and short-term environmental effects associated with the proposed project would be less than significant or less than significant with mitigation, as discussed under each environmental topic. Each environmental topic area includes an analysis of cumulative impacts. No significant cumulative impacts from the proposed project have been identified.

The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) and Topic E.1 (Land Use and Land Use Planning) would be generally consistent with local land use and zoning requirements. **Mitigation Measures M-NO-2, M-AQ-1, M-AQ-4, M-HZ-1A, M-HZ-1B, and M-HZ-1C**, in Section F, have been incorporated into the proposed project to address construction noise, air quality, and hazardous materials. Implementation of **Mitigation Measures M-NO-2**, **M-AQ-1**, **M-AQ-4**, **M-HZ-1A, M-HZ-1B, and M-HZ-1C** would reduce any direct and indirect impact to humans from construction noise, to humans from construction air quality, to humans from siting sensitive receptors in an area with high traffic emissions, and to humans from the release of hazardous materials, respectively, to less-than-significant levels.

F. MITIGATION MEASURES

Mitigation Measure M-NO-2: General Construction Noise Control Measures

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor shall undertake the following:

- The project sponsor shall require the general contractor to use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible) in order to ensure that equipment and trucks used for project construction would have less-than-significant noise levels (≤80 dBA 100 feet from the noise source).
- The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5.0 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but are not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of building permits, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

Mitigation Measure M-AQ-2: Construction Emissions Minimization

A. ***Construction Emissions Minimization Plan.*** Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air

Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
   a) Where alternative sources of power are available, portable diesel engines shall be prohibited;
   b) All off-road equipment shall have:
      i. Engines that meet or exceed either USEPA or CARB Tier 2 off-road emission standards, *and*
      ii. Engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).[109]
   c) Exceptions:
      i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for on-site power generation.
      ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an CARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with a CARB Level 3 VDECS and the project sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to (A)(1)(b)(ii), the project sponsor must comply with the requirements of (A)(1)(c)(iii).
      iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

Off-Road Equipment Compliance Step-down Schedule

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

How to use the schedule: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be

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

	able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met. * Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of the Plan to members of the public as requested.

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

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

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

Mitigation Measure M-AQ-4: Air Filtration Measures

Air Filtration and Ventilation Requirements for Sensitive Land Uses. Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor $PM_{2.5}$

concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.

Maintenance Plan. Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

Disclosure to buyers and renters. The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

Mitigation Measure M-HZ-2A: Health Risks and Nuisance Odors related to Groundwater

The groundwater presents possible health risks and nuisance odors should the building basement or elevator pits extend to or near the depth of groundwater. The building design shall include petroleum hydrocarbon resistant vapor control barriers beneath the building if the depth of any structural component approaches the depth of groundwater. The vapor barrier design shall be stamped by an appropriately licensed engineer. This mitigating measure shall be implemented unless the SPH SAM issues a letter stating that, based on available data, the vapor barrier is not needed.

Any groundwater pumped for dewatering, or any other groundwater discharge anticipated during construction, must comply with applicable permits. Discharges to the sewer require permits from the San Francisco Department of Public Works (DPW) and the San Francisco Power and Sewer (of the San Francisco Public Utilities Commission). Discharges to the surface would require a National Pollution Discharge Elimination System (NPDES) permit from RWQCB. Copies of any groundwater discharge related permits and pretreatment system design shall be submitted to DPH SAM at least 14 days prior to beginning construction activities, including grading and earthwork.

Mitigation Measure M-HZ-2B: Voluntary Remedial Action Program Activities

The project sponsor shall prepare a Work Plan for the Phase II Subsurface Investigation and submit it to DPH SAM for review and approval. Prior to the preparation of the Work Plan, the project sponsor shall set up a meeting with DPH SAM to discuss the scope and procedure of the work to be included in the Work Plan. The Work Plan shall be approved by DPH SAM prior to commencement of any on-site work related to the proposed project including the work for Phase II Subsurface Investigation. After DPH SAM approves the Work Plan, the Work Plan shall be implemented by the project sponsor and an investigation report submitted to DPH SAM for its review and records.

Depending on the results of the Phase II Subsurface Investigation, a SMP may be required to address the testing and management of contaminated soils, groundwater controls, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. If a SMP is required, the SMP shall be implemented by the project sponsor and monitored under the supervision of DPH SAM, and shall address:

- Figures showing the proposed vertical and lateral extent of excavation including foundation footings and elevator shafts;
- Figures showing the proposed building locations and configurations;
- Identification of the proposed soil transporter and disposal locations;

- Collection of confirmation samples in the excavation area following excavation. Provide the approximate number and proposed locations for sampling;
- If confirmation samples exceed State ESL or other criteria established with DPH SAM, additional excavation may be needed and additional confirmation samples shall be collected and analyzed;
- Soil samples shall be analyzed for the appropriate TPH ranges, volatile organic compounds, and metals;
- Permits applied for, or obtained for groundwater discharges;
- Dust control plan and measures per SF Health Code Article 22B;
- Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site Specific Environmental Health and Safety Plan;
- Stormwater control and noise control protocols as applicable;
- Preparation and submittal to DPH SAM of a final report documenting implementation of the SMP.

The SMP, vapor control design and Contingency Plan shall be submitted to DPH SAM at least four weeks prior to beginning construction excavation work. The Health and Safety Plan and Dust Control Plan may be submitted two weeks prior to beginning construction field work.

Submit a final project report to DPH SAM following completion of excavation and earthwork performed. The final report shall include site map showing areas of excavation and fill, sample locations and depth, tables summarizing analytical data. Report appendices shall include: copies of permits (including dewatering permit), manifests or bills of landing for removed soil and/or water, laboratory reports for soil disposal profiling and water samples.

Should an underground storage tank (UST) be encountered, on-site work shall be suspended and the owner notified. The site owner or their representative shall notify the DPH SAM of the situation and of the proposed response actions. The UST shall be removed under permit with the DPH Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. DPH SAM shall be sent a copy of permits and tank closure reports prepared for HMWP or the Fire Department.

In addition, the project shall comply with San Francisco Health Code Article 22, which provides for safe handling of hazardous wastes in the City. It authorizes DPH to implement the state hazardous waste regulations, including authority to conduct inspections and document compliance.

Mitigation Measure M-HZ-2C: Other Hazardous Building Materials (PCBs, Mercury, Lead, and Others)

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. Any hazardous building materials discovered during surveys shall be abated according to federal, state, and local laws and regulations.

G. PUBLIC NOTICE AND COMMENT

On October 24, 2012, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. The Planning Department received several emails, letters, and telephone calls in response to the notice. Respondents asked to receive further environmental review documents and/or expressed concerns regarding the proposed project. Concerns regarding the proposed project included: 1) the proposed project's effects on parking availability in the project site vicinity; 2) the height of the proposed building; 3) lack of public improvements in the project vicinity; and 4) the proposed project's effects on safety of the project site vicinity. Concerns 1) and 2) above are addressed in the discussion in Section E, Evaluation of Environmental Effects.

Concerns 3) and 4) above are considered non-CEQA-related comments because Concern 3) is related to existing conditions in the project site vicinity which may exist regardless of whether the proposed project is implemented, and Concern 4) is concerning social effects, which are not required to be evaluated under CEQA. Therefore, Concerns 3) and 4) are not considered physical environment impacts resulting from the proposed project under CEQA. Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project could have a significant effect on the environment beyond the impacts identified, and mitigated as feasible, in this Mitigated Negative Declaration. No significant, adverse environmental impacts from issues of concern have been identified.

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H. DETERMINATION

On the basis of this Initial Study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an environmental impact report is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

DATE March 6, 2013

Sarah B. Jones
Acting Environmental Review Officer
for
John Rahaim
Director of Planning

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