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Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	**2012.1198E**
Project Title:	**938 Howard Street**
Zoning:	Mixed Use - Residential (MUR) District 85-X Height and Bulk District
Block/Lot:	3725/015
Lot Size:	11,011 square feet
Staff Contact:	**Elizabeth Purl – (415) 575-9028** **Elizabeth.Purl@sfgov.org**

PROJECT DESCRIPTION:

The project site is located on Howard Street on the block bounded by Natoma, Mary, Howard, and 6th Streets. The project site is developed with a two-story, 25,430 square feet (sq. ft.) concrete building with a partial basement level. The building covers the entire project site, with rear frontage on Natoma Street. The building was constructed in 1924 and has been occupied by industrial and retail uses. The building is currently vacant; the last legal use of the building was an industrial use.

The proposed project is to convert the existing industrial (Production, Distribution, and Repair [PDR]) building to office use. The existing floor area is 25,430 sq. ft. The gross floor area with development of the proposed project would be 24,960 sq. ft., given exclusions from the Planning Code definition for gross floor area such as bicycle parking and electrical/mechanical areas. The ground and second floors would have independent office suites, and the basement level would have the building mechanical systems, bicycle parking and showers, and lockers. The project involves only the conversion of the land use from industrial to office; no physical change to the building or site is proposed. No exterior changes to the building would be made as a result of the conversion.

EXEMPT STATUS:

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

REMARKS:

Please see next page.

DETERMINATION:

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

Sarah B. Jones
Acting Environmental Review Officer

April 15, 2013
Date

cc: Will Mollard, Project Sponsor
Supervisor Jane Kim, District 6
Julian Bañales, Current Planning
Virna Byrd, MDF

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 938 Howard Street project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods FEIR)[1] (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific analysis summarized in this determination was prepared for the proposed project at 938 Howard Street to determine if there would be significant impacts attributable to the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods FEIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods FEIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods FEIR that would be applicable to the proposed project at 938 Howard Street. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods Plan is included below, as well as an evaluation of potential environmental effects.

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Plan was adopted in December 2008. The Eastern Neighborhood Plan was adopted in part to support office and housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses.

During the Eastern Neighborhoods Plan adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods FEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[1]

[1] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. The Eastern Neighborhoods project rezoned much of the city's industrially zoned land. Its goals were to reflect local values, increase housing, maintain some industrial land supply, and improve the quality of all existing areas with future development. New zoning districts include districts that would permit PDR uses in combination with commercial uses, districts mixing residential and commercial uses and residential and PDR uses, and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

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

The Eastern Neighborhoods FEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods FEIR evaluated three land use alternatives. Option A retained the largest amount of existing land that accommodated PDR uses and converted the least amount of industrially zoned land to residential use. Option C converted the most existing land accommodating PDR uses to residential and mixed uses. Option B fell between Options A and C. While all three options were determined to result in a decline in PDR employment, the loss of PDR jobs was determined to be greatest under Option C. The alternative ultimately selected – the 'Preferred Project' - represented a combination of Options B and C. Because the amount of PDR space to be lost could not be precisely gauged, the FEIR determined that the Preferred Project would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

Potential Environmental Effects

The Eastern Neighborhoods FEIR analyzed environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. The proposed 938 Howard Street project is in conformance with the height, use and density for the site as described in the Eastern Neighborhoods FEIR and would represent a small portion of the change in land uses forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods FEIR considered the incremental impacts of the proposed 938 Howard Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods FEIR.

Topics for which the FEIR identified a significant program-level impact are addressed in this Certification of Determination while project impacts for all other topics are discussed in the Community Plan

Exemption Checklist.[2] The following discussion demonstrates that the 938 Howard Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods FEIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gases, and hazardous materials.

Land Use and Land Use Planning

The proposed project at 938 Howard Street is zoned Mixed Use - Residential (MUR) District, which is intended to provide housing opportunities within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial (office) uses and cultural arts activities. The MUR District also serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street. Restrictions on the size of non-residential uses would prohibit the development of large-scale retail and office uses.

Allowed uses within the MUR District include residential and office uses as well as PDR uses such as light manufacturing, home and business services, arts activities, warehouses, and wholesaling. Additional permitted uses include retail, educational facilities, and recreational facilities. Therefore, the proposed change in use would be consistent with those uses permitted within the MUR District.

The site falls within the East SoMa Area Plan of the San Francisco General Plan. One of the objectives of the Area Plan is to support knowledge sector businesses in appropriate portions of the area (Objective 1.4). Although the specific office tenants are not yet known, the project would provide office space available for use by knowledge sector businesses wishing to locate in this area.

The project site consists of an existing building that is currently vacant and was formerly occupied by industrial uses, as well as more recently by office and retail uses. Industrial uses are PDR uses. While the proposed project would allow the conversion of 24,960 square feet of vacant industrial space to office use, rather than continue the on-site PDR use, office uses in the MUR District were anticipated and are consistent both with the policies of the Area Plan and specific zoning adopted pursuant to the Area Plan for this particular location. No changes would be made to the height or bulk of the building. The project would not substantially impact the existing character of the neighborhood and would not physically divide or disrupt an established community.

As discussed above, the Eastern Neighborhoods FEIR determined that adoption of the Area Plan would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The proposed project would contribute to this impact by converting an existing building that has been occupied by PDR (industrial) uses in the past to office use. Such conversion to office uses and the related contribution to cumulative impacts, including that of the proposed project, were anticipated in the Eastern Neighborhoods FEIR. The proposed project would therefore not result in a peculiar impact related to loss of PDR uses that was not identified in the Eastern Neighborhoods FEIR. Furthermore, the Citywide Planning and Neighborhood Planning Divisions of the Planning Department have determined that the

[2] San Francisco Planning Department, Community Plan Exemption Checklist, 938 Howard Street, March 18, 2013. This document is on file and is available for review as part of Case File No. 2012.1198E at 1650 Mission Street, Suite 400, San Francisco, CA.

proposed project is consistent with the MUR Zoning and satisfies the requirements of the General Plan and the Planning Code.[3],[4] For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to land use and planning.

Cultural Resources

Archeological Resources

The Eastern Neighborhoods FEIR identified potential archeological impacts and identified three archeological mitigation measures that would reduce impacts on archeological resources to less than significant levels. The three archeological mitigation measures do not apply to the proposed project at 938 Howard Street because the project involves no subsurface excavation and is not located in the Mission Dolores Archeological District.

Historic Architectural Resources

The Eastern Neighborhoods FEIR anticipated that program implementation may result in demolition of buildings identified as historical resources, and found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

Eastern Neighborhoods FEIR Mitigation Measure K-1, Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area, requires that certain projects involving new construction or alteration be presented to the Landmarks Preservation Advisory Board (now the Historic Preservation Commission (HPC)). As the building at 938 Howard Street is not a historic resource and no new construction is proposed, this mitigation measure would not apply. Mitigation Measures K-2 and K-3, which amended Article 10 of the Planning Code to reduce potential adverse effects to contributory structures within the South End Historic District (East SoMa) and the Dogpatch Historic District (Central Waterfront), do not apply to the proposed project, because it is not located within the South End or Dogpatch Historic Districts.

The 938 Howard Street building has been assigned a California Register of Historical Resources status code of "6L," and is determined ineligible for local listing or designation through local government review process. Therefore, for the purposes of CEQA, the building is not a historic resource and the project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to historic architectural resources.

The project involves the conversion of industrial space into office use. No exterior changes or modifications would be made to the building on site. Only routine interior tenant improvements for the proposed office uses are anticipated. The Planning Department's Historic Resources Technical Specialist has reviewed the proposal to convert the industrial use to office use and found that the project site is not

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3 Varat, Adam, San Francisco Planning Department. Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2012.1198E, 938 Howard Street. April 10, 2013. This document is on file and available for review as part of Case File No. 2012.1198E.

4 Joslin, Jeff, San Francisco Planning Department. Community Plan Exemption Eligibility Determination, Current Planning, Case No. 2012.1198E, 938 Howard Street. April 9, 2013. This document is on file and available for review as part of Case File No. 2012.1198E.

a historic resource. This project involving only change of use would therefore not have a significant adverse impact on historic resources.[5]

Transportation

The Eastern Neighborhoods FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the FEIR identified 11 transportation mitigation measures, including implementation of traffic management strategies, transit corridor improvements, enhancement of transit funding, promotion of alternative means of travel, and parking management to discourage driving – all measures to be implemented by the San Francisco Municipal Transportation Agency (SFMTA) or other City agencies. Even with mitigation, however, it was anticipated that the program's significant adverse impacts at certain local intersections and the cumulatively considerable impacts on certain transit lines and intersections could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable even with mitigation incorporated, and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods approval on January 19, 2009.

The proposed project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Initial Study checklist significance criterion 5c would not apply to the proposed project.

Trip Generation

Trip generation of the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco Planning Department. The project site is located in the City's Superdistrict 1 traffic analysis area. Although the project site was formerly occupied by an industrial use and more recently by office and retail uses, the following analysis assumes that the project site is vacant and the proposed project would result in an increase of 24,960 square feet of office use on the site. Therefore, the following analysis provides for a more conservative approach in evaluating potential project-generated transportation impacts, in that the analysis does not give credit for the previously existing industrial or office/retail uses.

Based on the SF Guidelines, an additional 24,960 square feet of office space on site would generate 452 daily person-trips, of which 167 would be automobile trips, 158 would be transit trips, 104 would be pedestrian, and 23 would be other modes (e.g., bicycle). Of the projected total daily person-trips, the proposed project would generate 38 PM peak hour person-trips, of which 15 would be automobile trips, 18 would be transit trips, 4 would be pedestrian, and 1 would be other modes.

Traffic

The proposed project's automobile person-trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions with extremely long delays. LOS D

5 Tam, Tina, "CPE Referral: 938 Howard." Message to Elizabeth Purl. December, 2012. Available for review as part of Case File No. 2012.1198E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

(moderately high delays) is considered the lowest acceptable level in San Francisco. According to available LOS intersection data, intersections within 2 blocks of the project site currently operate during the weekday PM peak hour at LOS B (5th Street/Market Street and 5th Street/Folsom Street intersections), LOS C (5th Street/Mission Street, 5th Street/Howard Street, 6th Street/Market Street, 6th Street/Howard Street, and 6th Street/Jessie Street intersections), and LOS D (6th Street/Mission Street intersection). The proposed project would add 15 new PM peak hour automobile person-trips to surrounding intersections. This amount of new PM peak hour automobile person-trips is not anticipated to substantially increase traffic volumes at these or other nearby intersections, substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or substantially increase average delay at intersections that currently operate at unacceptable LOS.

The nearest East SoMa intersection in which the Eastern Neighborhoods FEIR identified a significant impact under 2025 (cumulative) weekday PM peak hour conditions was at 6th Street/Brannan Street (five blocks southeast of the project site), which operated at LOS E under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday PM peak hour operating conditions under the program's Options A, B, and C. The other East SoMa intersections in which the Eastern Neighborhoods FEIR identified a significant impact under 2025 weekday PM peak hour conditions were 3rd Street/King Street (eight blocks east of the project site) and 7th Street/Harrison Street (six blocks south of the project site) under Options A, B, and C. It is anticipated that the proposed project would contribute automobile trips to these intersections during the PM peak hour. However, the proposed project's contribution of 15 PM peak hour automobile trips would not be a substantial proportion of the overall traffic volume generated by Eastern Neighborhoods projects, should the project be approved. It would be within the scope of the Eastern Neighborhood FEIR analysis, which assumed industrial use with similar trip generation rates for the project site. For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to traffic.

Transit

The project site is located within a quarter-mile of several local transit lines including Muni bus lines 8A, 8B, 8X, 10, 12, 14, 14X, 27, 30, 45, 47, and 76 and Golden Gate Transit and SamTrans bus lines along Mission Street, as well as the BART and Muni Metro Powell Street subway station and streetcar lines along Market Street. The proposed project would add 18 PM peak hour transit trips to the surrounding transit lines. Because of the wide availability of nearby transit, this amount of new PM peak hour transit trips are not anticipated to cause a substantial increase in transit demand that could not be accommodated by existing capacity on nearby transit lines, resulting in unacceptable levels of transit service; or cause a substantial increase in transit service delays or operating costs such that significant adverse impacts in transit service levels could result.

Significant and unavoidable cumulative impacts were identified for each of the rezoning options considered in the Eastern Neighborhoods FEIR. These impacts were related to increases in transit ridership on Muni lines, with 2025 No-Project Alternative significantly affecting 12 lines, Option A significantly affecting two lines, Option B significantly affecting three lines, and Option C significantly affecting seven lines. Of those Muni lines expected to be significantly affected, the project site is located within a quarter-mile of Muni lines 10, 12, and 47. It is anticipated that the proposed project would contribute transit trips to these transit lines during the PM peak hour. However, the proposed project's contribution of 18 PM peak hour transit person-trips would not be a substantial proportion of the overall

transit volume generated by Eastern Neighborhoods projects, should the projects be approved, and would be within the scope of the Eastern Neighborhood FEIR analysis. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods FEIR related to transit.

Pedestrian
The conversion of the vacant industrial use to office use would result in the generation of 104 daily pedestrian trips, of which 4 pedestrian trips would be anticipated to occur during the P.M. peak hour. There are adequate sidewalk and crosswalk widths along the project site and in the immediate area. Pedestrian activity would not increase substantially as a result of the project; it would continue to be accommodated on local sidewalks and would not pose any safety concerns.

Bicycle
There are bike lanes along Howard Street adjacent to the proposed project site and 5th Street is a designated bike route. The proposed project would not substantially interfere with bicycle accessibility to the project site or adjoining areas because it would not make any alterations to the bike lanes, roadways, or adjacent sidewalks. Implementation of the proposed project could encourage more existing users to bring their bicycle to the project site (approximately 23 daily and 1 PM peak hour bicycle person-trips) as the proposed project would provide new bicycle parking (e.g., bicycle racks). The fact that more persons would be bringing their bicycles to the project site would not create potentially hazardous conditions for bicyclists because bikeways and Muni bus stops exist adjacent to and within one block of the project site; therefore users could walk their bicycles safely along sidewalks from nearby bikeways or Muni bus stops to the project site. For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to land use and planning.

Loading
The proposed project would not generate the need for a loading space based on the building's size and use in the MUR zoning district pursuant to the Planning Code. Based on the SF Guidelines, the proposed project would generate an average loading demand of 0.30 truck-trips during the peak hour. As with existing conditions, the proposed project would not include off-street loading, but it would not alter the existing metered on-street loading-zone space at the building frontage on Howard Street. Existing on-street spaces, including loading-zone spaces on nearby streets, would be able to accommodate the project loading demand during the peak hour. For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to loading.

Emergency Access
The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would not result in a significant impact related to emergency access or peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to emergency access.

Construction
The proposed project does not involve construction activities. Therefore, the proposed project's construction would not result in a substantial impact to transportation or peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to transportation.

Parking

The project site's MUR zoning does not require that on-site parking be provided. San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The San Francisco Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision makers. Therefore, this section presents a parking analysis for information purposes.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines § 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As stated above, the project site is served by Muni (Metro and bus) and BART, and bicycle lanes and sidewalks are prevalent in the vicinity.

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

In summary, changes in parking conditions are considered to be social impacts rather than impacts on the physical environment. Accordingly, the following parking analysis is presented for informational purposes only.

Based on the SF Guidelines, the proposed project would generate the need for 27 parking spaces. No off-street parking exists on-site and the proposed project would not include off-street parking. Therefore, the proposed project would have an unmet parking demand of 27 parking spaces. However, on-street

parking is available on both Howard Street and 5th Street and off-street parking is available at several nearby lots. Furthermore, the unmet demand of parking spaces is considered a social effect, rather than a physical impact on the environment as defined by CEQA.

In conclusion, no peculiar transportation impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR are not applicable to the proposed project.

Noise

The Eastern Neighborhoods FEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods FEIR noted that the Area Plan would incrementally increase traffic-generated noise on some streets in the Area Plan and result in construction noise impacts from pile driving and other construction activities. The Eastern Neighborhoods FEIR identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels.

Eastern Neighborhoods FEIR Mitigation Measure F-1 requires individual projects that include pile-driving within the Eastern Neighborhoods Area Plan and within proximity to noise-sensitive uses to ensure that piles be pre-drilled, wherever feasible, to reduce construction-related noise and vibration. The proposed project would not include pile-driving; therefore this mitigation measures is not applicable.

Eastern Neighborhoods FEIR Mitigation Measure F-2 requires individual projects that include particularly noisy construction procedures (including pile-driving) in proximity to sensitive land uses to submit a site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. The project site is adjacent to noise sensitive land uses (residential) to the west. As stated above, the proposed project would not include pile-driving and would not involve construction activities; therefore, this mitigation measure is not applicable.

Eastern Neighborhoods FEIR Mitigation Measures F-3, F-4, and F-6 have additional requirements for individual projects that include new noise-sensitive uses. The proposed project's use as office space would not include a new noise-sensitive use; therefore this mitigation measure is not applicable.

Eastern Neighborhoods FEIR Mitigation Measure F-5 requires individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the project site vicinity to submit an acoustical analysis that demonstrates the proposed use would comply with the General Plan and Police Code Section 2909. Ambient noise levels in San Francisco are largely influenced by traffic-related noise. Figure V.G-2 and Figure V.G-3 in the San Francisco 2004 and 2009 Housing Element Draft EIR identifies roadways within San Francisco with traffic noise levels exceeding 60 Ldn and 75 Ldn, respectively. The proposed project would be located along Howard Street, which was identified in Housing Element EIR Figure V.G-2 with noise levels above 60 Ldn, but was not identified in Housing Element EIR Figure V.G-3 with noise levels above 75 Ldn. An approximate doubling in traffic

volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (3 decibel increase). The proposed project would not double traffic volumes because it would generate approximately 167 new daily automobile person-trips; this is well below the average daily traffic volume on Howard Street near the proposed project site. In addition, the proposed project would not include any other constant noise sources (e.g., diesel generator) that would be perceptible in the project vicinity. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity.

The proposed project at 938 Howard Street involves a change of use to an existing building. No exterior physical changes are planned as a result of this change in use. Mitigation Measures F-1 and F-2 of the FEIR involve noise controls on the use of pile driving equipment and other construction equipment. These two construction noise measures are not applicable to the proposed project because the project would not include any construction, pile driving or otherwise within the existing building, and thus would not create noise levels that could affect any nearby sensitive receptors.

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topic 6e and f Community Plan Exemption Checklist is not applicable.

For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to noise.

Air Quality

The Eastern Neighborhoods FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The Eastern Neighborhoods FEIR identified four mitigation measures that would reduce air quality impacts to less-than-significant levels.

Eastern Neighborhoods FEIR Mitigation Measure G-1 requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. This mitigation measure was identified in the Initial Study prepared for the Eastern Neighborhoods Area Plan. Subsequent to the Initial Study, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce 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, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection.

Also subsequent to the Eastern Neighborhoods Area Plan Initial Study, the Bay Area Air Quality Management District (BAAQMD) provided studies which provided new methodologies for analyzing air quality impacts, including construction activities. The BAAQMD studies provide screening criteria for lead agencies and project applicants with a conservative indication of whether a proposed project could

result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact.

No exterior construction activities are proposed as part of the proposed project that could result in generation of dust. Any construction activities associated with the proposed project would be subject to and would comply with the Construction Dust Control Ordinance; therefore, the portions of Mitigation Measure G-1 that deal with dust control are not applicable to the proposed project.

The proposed project would not include construction activities that would result in the emission of criteria air pollutants and DPM from equipment exhaust, construction-related vehicular activity, or construction worker automobile trips. Because the proposed project would not use diesel-generating equipment, it would not result in a significant impact related to construction health risk. Therefore, the remainder of Mitigation Measure G-1 that deals with maintenance and operation of construction equipment is not applicable to the proposed project.

Mitigation Measure G-2 requires new residential development near high-volume roadways and/or warehousing and distribution centers to include an analysis of diesel particulate matter (DPM) and/or toxic air contaminants (TAC), and, if warranted, to incorporate upgraded ventilation systems to minimize exposure of future residents to DPM and other pollutant emissions, as well as odors. The proposed project consists only of conversion of vacant industrial space to office use and would not include the addition of residential units. Therefore, Mitigation Measure G-2 is not applicable to the proposed project.

Mitigation Measure G-3 minimizes potential exposure of sensitive receptors to DPM by requiring that uses generating substantial DPM emissions, including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, be located no less than 1,000 feet from residential units and other sensitive receptors. The proposed project would convert the existing building from industrial use to office use; this use would not generate substantial DPM emissions or be served by 100 trucks per day or 40 refrigerator trucks per day. Therefore, Mitigation Measure G-3 is not applicable to the proposed project.

Measure G-4 involves the siting of commercial, industrial, or other uses that emit TACs as part of everyday operations. The proposed project would convert the existing building from industrial use to office use. The proposed use would not generate more than 10,000 vehicle trips per day or 1,000 truck trips per day or include a new stationary source, items that would emit TACs as part of everyday operations. Therefore, Mitigation Measure G-4 is not applicable to the proposed project.

The proposed project would result in an increase in operational-related criteria air pollutants including from the generation of daily vehicle trips and energy demand. The proposed project meets the screening criteria provided in the BAAQMD studies for operational-related criteria air pollutants.

For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to air quality.

Greenhouse Gas Emissions

Greenhouse Gases

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.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO2E).[4]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[6]

The California Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO2E (MMTCO2E), or about 535 million U.S. tons.[7] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[8] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 MMTCO2E emitted in 2007.[9] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.[10]

Senate Bill 97 (SB 97) requires 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. The Natural Resources Agency adopted OPR's CEQA guidelines on December 30, 2009, amending various sections of the guidelines to provide guidance for analyzing GHG emissions. Specifically, the amendments add a

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[6] 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.

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

[8] Ibid.

[9] Bay Area Air Quality Management District, 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 March 2, 2010.

[10] Ibid.

new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. OPR's amendments to the CEQA Guidelines have been incorporated into this analysis accordingly.

Project Greenhouse Gas Emissions

The most common GHGs resulting from human activity are CO2, CH4, and N2O.[11] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes and are therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during their construction and operational phases. Both direct and indirect GHG emissions are generated by project operations. 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.

Although the project site has been occupied by industrial uses in the past, for the purposes of this analysis, it was assumed that the proposed project would increase the activity on the project site by converting vacant space to office use. The proposed office use is below the BAAQMD screening threshold for GHG emissions, and thus is not anticipated to make a substantial contribution to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and building operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

San Francisco has been actively pursuing cleaner energy, alternative transportation, and solid waste policies, many of which have been codified into the regulations listed above. In an independent review of San Francisco's community-wide emissions it was reported that San Francisco has achieved a 5 percent reduction in community-wide GHG emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation and building energy sources.[12]

The proposed project site is located in an urban area with good transit access, reducing regional vehicle trips and vehicle miles traveled. Given that San Francisco has implemented binding and enforceable programs to reduce GHG emissions applicable to the proposed project and that San Francisco's sustainable policies have resulted in the measured success of reduced GHG emissions levels, the proposed project's GHG emissions would result in a less than significant impact.

Consistency with Applicable Plans

Both the State and the City of San Francisco have adopted programs for reducing greenhouse gas emissions, as discussed below.

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

[12]City and County of San Francisco: Community GHG Inventory Review. August 1, 2008. IFC International, 394 Pacific Avenue, 2nd Floor, San Francisco, CA 94111. Prepared for City and County of San Francisco, Department of the Environment.

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

Pursuant to AB 32, the ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[13] The Scoping Plan estimates a reduction of 174 million metric tons of CO2E (MMTCO2E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors (see table below). The ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[14] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

GHG Reductions from the AB 32 Scoping Plan	
Reduction Measures	GHG Reductions (MMT CO2E)
Reduction Measures By Sector	
Transportation	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
Agriculture - methane capture at large dairies	1
Methane capture at large dairies	1
Additional GHG Reduction Measures	
Water reduction measures	4.8
Green buildings measures	26
High recycling/zero waste measures: commercial recycling, composting, anaerobic digestion, extended producer responsibility, and environmentally preferable purchasing	9
Total	42.8-43.8

Source: ARB, California's Climate Plan: Fact Sheet, "Balanced and Comprehensive Mix of Measures."

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

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

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

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

City and County of San Francisco GHG Reduction Strategy. In addition to the State's GHG reduction strategy (AB 32), the City has developed its own strategy to address greenhouse gas emissions on a local level. The vision of the strategy is expressed in the City's Climate Action Plan; however, implementation of the strategy is appropriately articulated within other citywide plans (General Plan, Sustainability Plan, etc.), policies (Transit-First Policy, Precautionary Principle Policy, etc.), and regulations (Green Building Ordinance, etc.). The following plans, policies, and regulations highlight some of the main components of San Francisco's GHG reduction strategy.

Overall GHG Reduction Sector

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.[15] The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City GHG emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following GHG emission reduction limits for San Francisco and the target dates to achieve them:

Determine 1990 City GHG emissions by 2008, the baseline level with reference to which target reductions are set;

Reduce GHG emissions by 25 percent below 1990 levels by 2017;

[15]San Francisco Department of the Environment and San Francisco Public Utilities Commission, Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions, September 2004.

Reduce GHG emissions by 45 percent below 1990 levels by 2025; and

Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable General Plan elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Transportation Sector

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy (Article 8A, Section 8A.115. of the City Charter) with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particulate matter (PM, or soot) than the buses they replace, they produce 45 percent less oxides of nitrogen (NOx), and they reduce GHGs by 30 percent.

San Francisco Municipal Transportation Agency's Climate Action Plan. In November 2007 voters passed Proposition A, requiring the SFMTA to develop a plan to reach a 20 percent GHG reduction below 1990 levels by 2012 for the City's entire transportation sector, not merely in the SFMTA's internal operations. SFMTA has prepared a Draft Climate Action Plan outlining measures needed to achieve these targets.

Commuter Benefit Ordinance. The Commuter Benefit Ordinance (Environment Code, Section 421), effective January 19, 2009, requires all employers in San Francisco that have 20 or more employees to offer one of the following benefits: (1) A Pre-tax Transit Benefit, (2) Employer Paid Transit Benefits, or (3) Employer Provided Transit.

The City's Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve San Francisco's streetscape, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options.

Renewable Energy

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents. The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold

Certification.

Green Building

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO_2 emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and stormwater by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by $200 million, reducing automobile trips by 545,000, and increasing green power generation by 37,000 megawatt hours.[16]

Waste Reduction

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 72 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition, and remodeling projects within the City.

Universal Recycling and Composting Ordinance. Signed into law on June 23, 2009, this ordinance requires all residential and commercial building owners to sign up for recycling and composting services. Any property owner or manager who fails to maintain and pay for adequate trash, recycling, and composting service is subject to liens, fines, and other fees.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments, and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires many stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

AB 32 contains a comprehensive approach for developing regulations to reduce statewide GHG emissions. The ARB acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas sectors. Many of the measures in the Scoping Plan—such as implementation of increased fuel efficiency for vehicles (the "Pavley" standards), increased efficiency in utility operations, and development of more renewable energy sources—require statewide action by government, industry, or both.

Some of the Scoping Plan measures are at least partially applicable to development projects, such as increasing energy efficiency in new construction, installation of solar panels on individual building roofs, and a "green building" strategy. As evidenced above, the City has already implemented several of these measures that require local government action, such as the Green Building Ordinance, a zero waste

[16]These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

strategy, the Construction and Demolition Debris Recovery Ordinance, and a solar energy generation subsidy program, to realize meaningful reductions in GHG emissions. These programs (and others not listed) collectively comprise San Francisco's GHG reduction strategy and continue San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. The City's GHG reduction strategy also furthers the State's efforts to reduce statewide GHG emissions as mandated by AB 32.

The proposed project would be required to comply with GHG reduction regulations as discussed above, as well as applicable AB 32 Scoping Plan measures that are ultimately adopted and become effective during implementation of proposed project. Given that the City has adopted numerous GHG reduction strategies recommended in the AB 32 Scoping Plan; that the City's GHG reduction strategy includes binding, enforceable measures to be applied to development projects, such as the proposed project; and that the City's GHG reduction strategy has produced measurable reductions in GHG emissions, the proposed project would not conflict with either the state or local GHG reduction strategies. In addition, the proposed project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Therefore, the proposed project would have a less-than-significant impact with respect to GHG emissions.

In summary, the project proposes to convert existing vacant industrial space to office use. The proposed project would contribute to the cumulative effects of climate change by emitting greenhouse gases (GHGs) during operational phases. No construction is planned as part of the project. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations. The project site is located within the East SoMa Area Plan analyzed under the Eastern Neighborhoods FEIR. The Eastern Neighborhoods FEIR assessed the GHG emissions that could result from rezoning under the three rezoning options. The Eastern Neighborhoods Rezoning and Area Plans Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO_2E)[17] per service population[18], respectively.[19] The Eastern Neighborhoods FEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. The Eastern Neighborhoods FEIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions.

Hazards and Hazardous Materials

The Eastern Neighborhoods FEIR found that the rezoning of currently zoned industrial (PDR) land to residential, commercial, or open space uses in the Eastern Neighborhoods would result in the incremental

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

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

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

replacement of some of the existing non-conforming businesses with development of these other land uses. Development may involve demolition or renovation of existing structures that may contain hazardous building materials that were commonly used in older buildings, and which could present a public health risk if disturbed during an accident or during demolition or renovation. The Eastern Neighborhoods FEIR identified a mitigation measure to reduce this impact to a less than significant level.

No construction is planned as part of the proposed conversion of retail use to office use at 938 Howard Street. The original interior finishes have been largely been demolished and removed. Mitigation Measure L-1, Hazardous Building Materials, from the Eastern Neighborhoods FEIR, which regulates the proper disposal of hazardous building materials, would apply to the proposed project, which involves only routine interior tenant improvements. With implementation of this mitigation measure, impacts related to hazardous building materials would be less than significant.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on January 24, 2013 to owners of properties within 300 feet of the project site and adjacent occupants, as well as the San Francisco Planning Department's notification list for the SOMA neighborhood. One comment was received requesting a copy of this Community Plan Exemption document upon publication; no comments were received on the proposed project itself.[20]

Conclusion

The Eastern Neighborhoods FEIR incorporated and adequately addressed all potential impacts of the proposed project at 938 Howard Street. As described above, the 938 Howard Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods FEIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods FEIR. Thus, the proposed project at 938 Howard Street would not have any new significant or peculiar effects on the environment not previously identified in the Eastern Neighborhoods FEIR, nor would any environmental impacts be substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

[20] The communication request is on file and available for review as part of Case 2012.1198E at 1650 Mission Street, Suite 400, San Francisco, CA.

Community Plan Exemption Checklist

Case No.:	2012.1198E
Project Title:	938 Howard Street, Conversion of 24,960 Square Feet of PDR Space to Office Use
Zoning:	MUR (Mixed Use Residential) 85-X Height and Bulk District
Block/Lot:	3725/015
Lot Size:	11,011 square feet
Plan Area:	East SoMa Subarea of the Eastern Neighborhood Rezoning and Area Plan

A. PROJECT DESCRIPTION

The project site is located on Howard Street on the block bounded by Natoma, Mary, Howard, and 6th Streets. The project site is developed with a two-story, 25,430 square feet (sq. ft.) concrete building with a partial basement level. The building covers the entire project site, with rear frontage on Natoma Street. The building was constructed in 1924 and has been occupied by industrial and retail uses. The building is currently vacant; the last legal use of the building was an industrial use.

The proposed project is to convert the existing industrial building to office use. The existing floor area is 25,430 sq. ft. The gross floor area with development of the proposed project would be 24,960 sq. ft., given exclusions from the Planning Code definition for gross floor area such as bicycle parking and electrical/mechanical areas. The ground and second floors would have independent office suites, and the basement level would have the buildings mechanical systems, bicycle parking and showers, and lockers. The project involves only the conversion of the land use from industrial to office. No exterior changes to the building would be made as a result of the conversion.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

The following checklist identifies the potential environmental impacts of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (FEIR) for the plan area.

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (FEIR) for the plan area (i.e., the Eastern Neighborhoods Rezoning and Area Plans FEIR).' Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text for each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR would be addressed in a separate Focused Initial Study

or EIR. All items for which the FEIR identified as not a significant impact or the project would not have a significant peculiar impact are also checked "Addressed Below," and are discussed.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-level Impact	LTS/ No Impact
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?	☒	☐	☐	☒

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods FEIR determined that implementation of the design policies of the area plans would not substantially degrade the visual character or quality of the area, have a substantial adverse effect on a scenic vista, substantially damage scenic resources that contribute to a scenic public setting, or 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. No mitigation measures were identified in the FEIR.

No Project-level Significant Impacts

The proposed project involves changing the allowable uses within an existing building and would not result in any exterior changes. The proposed project would not have any impacts on scenic vistas or scenic resources, would not degrade the visual character of the neighborhood, and would not create a new source of light or glare. Thus, the project would have no peculiar impacts related to aesthetics.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods FEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the FEIR.

No Project-level Significant Impacts

The proposed project does not involve development of a residential use or displacement of people. As no housing would be removed, the construction of replacement housing would not be necessary. In addition, the project does not propose any new infrastructure that would indirectly induce population growth.

The FEIR concluded that an increase in population in the Plan Area was expected to occur as a secondary effect of the proposed rezoning that would not, in itself, result in adverse physical effects, but would serve to advance some key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City's Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Plan neighborhoods, including the East SoMa area. The FEIR estimated that over 3,000 new jobs would be added in the East SoMa Area between 2000 – 2025. Based on the City's standard employment densities of 1 employee per 276 sq. ft. of office space, the proposed project is projected to generate up to 90 new jobs, which would be within those anticipated to be added as a result of the Plan. The FEIR concluded that the additional housing demand generated by the Plan rezoning would be offset by the provision of additional housing development in the Plan Area.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project has Sig. Project-Level Impact*	*LTS/ No Impact*
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?	☐	☐	☐	☒

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
5. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	☒	☐	☐	☐
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) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	☒	☐	☐	☐

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☒	☐	☐	☐
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?	☒	☐	☐	☒

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
7. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **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?	☐	☐	☐	☒

Please see the Certificate of Determination for discussion of this topic.

Topics:	Significant Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☒	☐	☐	☐

Wind

No Significant Impacts Identified in FEIR

Wind impacts are judged to be less-than-significant at a plan level of analysis and for cumulative development. Specific projects within Eastern Neighborhoods will require analysis of wind impacts where deemed necessary. Thus, wind impacts were determined not to be significant in the Eastern Neighborhoods Initial Study and were not analyzed in the FEIR. No mitigation measures were identified in the FEIR.

No Project-level Significant Impacts

The proposed project would not alter the height of the existing building; thus, wind impacts are not applicable to the proposed project.

Shadow-

Significant Impacts Identified in FEIR

Under the Eastern Neighborhoods Area Plan, sites surrounding parks could be redeveloped with taller buildings without triggering with Section 295 of the Planning Code.[21] The potential for new shadow impacts and the feasibility of mitigation for potential new shadow impacts of unknown development proposals could not be determined in the FEIR; thus, the FEIR determined shadow impacts to be significant and unavoidable, and no mitigation measures were identified.

No Project-level Significant Impacts

The proposed project would not alter the height of the existing building; thus, no shadow impacts would result from the proposed project.

[21]Section 295 of the Planning Code provides that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of or designated to be acquired by the Recreation and Parks Department can only be approved by the Planning Commission.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

No Significant Impacts Identified in FEIR

The FEIR concluded that the Eastern Neighborhoods Rezoning and Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures were identified in the FEIR.

No Project-level Significant Impacts

The proposed project would allow vacant industrial space to be occupied by office tenants, resulting in an increase of approximately 90 employees. This would be within the expected daytime population increase and would not result in substantial deterioration of recreational resources beyond what was analyzed in the FEIR.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on the provision of water, wastewater collection and treatment, and solid waste collection and disposal would not be significant. No mitigation measures were identified in the FEIR.

No Project-level Significant Impacts

The project would convert vacant industrial space to office use. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR.

Topics:	Sig. Impact identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

The project site is an existing building located in a developed urban area which does not provide or support habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. The project does not involve any exterior changes or improvements. Accordingly, it would not result in any impact on sensitive species, special status species, native or migratory fish species, or wildlife species. The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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:				

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

No exterior improvements, including soil disturbing activities, would be completed as part of the proposed conversion of the vacant industrial use to office use. When reviewing building plans, the Department of Building Inspection (DBI) refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed would include maps of Special Geologic Study Areas and known landslide areas. Potential geologic hazards were anticipated to be mitigated during the permit review process through these measures. All office tenant improvement plans for tenants in the building would be required to adhere to all Building Code standards for improvements within any applicable special seismic or hazard area.

Topics:	Sig. Impact Identified In FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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 stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified In FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

The project does not involve any exterior improvements or changes to surface materials. Thus, the project would not change the amount of impervious surface on the site and runoff and drainage from the site would not increase nor change. The property is not within a special flood hazard or coastal zone flooding area. Effects related to water resources would not be significant, either individually or cumulatively.

Topics:	Sig. Impact identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Topics:	Sig. Impact identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
16. 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?	☐	☐	☐	☒

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
18. AGRICULTURE 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	☐	☐	☐	☒

The project site does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
18. 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?	☒	☐	☐	☐

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project has Sig. Project-Level Impact	LTS/ No Impact
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?	☒	☐	☐	☐

The proposed project would include the conversion of vacant industrial space to office use. As discussed in this document, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR.

C. DETERMINATION

On the basis of this review, it can be determined that:

☒ The proposed project is qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**

☒ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (FEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.

☐ The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION are required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.